



CITY OF SOUTH MIAMI

CITY COMMISSION MEETING AGENDA

TUESDAY, NOVEMBER 18, 2025, 7:00 PM
CITY HALL/COMMISSION CHAMBERS
6130 SUNSET DRIVE
SOUTH MIAMI, FL 33143

THE CITY OF SOUTH MIAMI HAS A SIGNIFICANT GOVERNMENTAL INTEREST IN CONDUCTING EFFICIENT AND ORDERLY COMMISSION MEETINGS. SPEAKERS PLEASE TAKE NOTICE THAT SECTION 2-2.1(K)(2) OF THE CODE OF ORDINANCES PROVIDES THAT "ANY PERSON WHO MAKES SLANDEROUS OR INTENTIONALLY RUDE, UNCIVIL OR OTHERWISE IMPERTINENT REMARKS, AND WHO REFUSES OR FAILS TO DESIST FROM MAKING SUCH REMARKS AFTER BEING INSTRUCTED TO DO SO, OR WHO SHALL BECOME BOISTEROUS IN THE COMMISSION CHAMBER AND WHO REFUSES OR FAILS TO DESIST FROM SUCH CONDUCT AFTER BEING INSTRUCTED TO DO SO MAY BE FORTHWITH REMOVED FROM THE PODIUM AND FROM CITY HALL FOR THE DURATION OF THAT MEETING AT THE DIRECTION OF THE PRESIDING OFFICER, UNLESS OVERRULED BY A MAJORITY VOTE OF THE COMMISSION. NO CLAPPING, APPLAUDING, HECKLING, OR VERBAL OUTBURSTS SHALL BE PERMITTED FOR ANY REASON, INCLUDING FOR THE PURPOSE OF SUPPORTING OR OPPOSING ANY MATTER, ANY SPEAKER OR A SPEAKER'S REMARKS. NO SIGNS OR PLACARDS SHALL BE ALLOWED TO BE DISPLAYED IN ANY MANNER OTHER THAN WHEN USED FROM THE PODIUM TO EXPRESS AN OPINION OR DISPLAY FACTS. SIGNS TO BE USED AT THE PODIUM MUST BE BROUGHT INTO THE COMMISSION CHAMBERS IN A MANNER SO AS NOT TO UNNECESSARILY DISPLAY THEIR CONTENT UNTIL THE SIGN IS BROUGHT TO THE PODIUM IMMEDIATELY BEFORE THE SIGN IS DISPLAYED FROM THE PODIUM IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY. THE USE OF ACOUSTIC MOBILE COMMUNICATION DEVICE, SUCH AS PHONES, IN THE COMMISSION CHAMBER IS NOT PERMITTED WHILE THE COMMISSION IS IN SESSION. PHONE RINGERS AND OTHER DEVICES THAT EMIT SOUND MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS MUST EXIT THE CHAMBER TO ANSWER INCOMING CALLS. NO CAMERA FLASH OPTIONS SHALL BE USED BY THE PUBLIC DURING ANY PORTION OF THE MEETING EXCEPT DURING RECOGNITION AND AWARD CEREMONIES."

VIRTUAL PARTICIPATION

Members of the public may also join the meeting via Zoom at (<https://zoom.us/j/3056636338>) and participate. In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom, may listen to and participate in the meeting by dialing +1-786-635-1003 Meeting ID: 3056636338. The public may merely view the meeting live on the City's website: (<https://www.southmiamifl.gov/102/Agendas-Minutes>) ("Granicus") as well as Channel 667.

A. SILENCE OR TURN OFF ALL CELL PHONES

B. ROLL CALL

C. PRAYER/MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PRESENTATIONS

- E1. Update: Parks & Recreation Master Plan Study - Kimley-Horn & Associates, Inc.
[P&R Master Plan Presentation \(11.10.25\).pdf](#)

F. ADD-ON ITEM(S)

- F1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A REVISED TASK 5 SCOPE OF SERVICES AND FEES, IN AN AMOUNT NOT TO EXCEED \$1,151,544.90, FOR THE PROJECT SCOPE FROM PLUS URBIA LLC D/B/A PLUSURBIA DESIGN FOR PLACEMAKING, BRANDING, AND URBAN DESIGN SERVICES FOR THE HOMETOWN DISTRICT LOCATED ON SUNSET DRIVE AND ADJACENT STREETS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS DEPT.)

[Memo-Placemaking_Draft \(2\).docx](#)

[4CB3527-](#)

[Reso_Approving_Revised_Task_5_Scope_of_Services_with_Plursurbia__CAv1.DOCX](#)

[20251112-SOMI Task 5 Sunset Drive Roadway Beautification Proposal.pdf](#)

[Second Amendment to Plusurbia PSA - Revised Task 5 Scope of Services CAv1.DOCX](#)

G. LOBBYIST(S) ADDRESSING THE CITY COMMISSION TONIGHT MUST HAVE BEEN REGISTERED WITH THE CITY CLERK

H. APPROVAL OF MINUTES

- H1. 10.21.25

[10.21.25.docx](#)

I. CITY MANAGER'S REPORT

- I1. City Manager's Report

[11-18 CM's Report_November_18_2025.docx](#)

J. CITY ATTORNEY'S REPORT

[City Attorney reminder: Remarks are limited to those matters that are not quasi-judicial. Any comment on a quasi-judicial matter may be made when the item is called and the speaker is under oath.]

K. PUBLIC REMARKS

L. COMMISSION REPORTS, DISCUSSION & REMARKS

(25 minutes)

M. DISCUSSION ITEM(S)

- M1. Legacy Sewer Connections - Mayor Fernandez

[Memo-Legacy Sewer Connections.docx](#)

N. BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

- N1. Monica Skoko Rodriguez has been appointed by Mayor Fernandez to the Green Task Force, as per City Charter Art. II, Sec. 8 A, for a two-year term ending November 18, 2027.

[Monica Skoko Rodriguez board application.pdf](#)

- N2. Erika R. Hubbs has been appointed by Mayor Fernandez to the Historic Preservation Board, as per City Charter Art. II, Sec. 8 A, for a two-year term ending November 18, 2027.
[Erika Ronquillo Hubbs board application.pdf](#)

O. CONSENT AGENDA

1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING AND AWARING A CONTRACT TO V ENGINEERING CORP FOR NEW TREE PLANTING IN THE AMOUNT OF \$84,050, TOGETHER WITH A \$10,000 CONTINGENCY, FOR A TOTAL PROJECT COST IN AN AMOUNT NOT TO EXCEED \$94,050 PURSUANT TO INVITATION TO BID NO. PR2026-01; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS, RECREATION & CULTURE DEPT.)
[Memo-SMP_Tree_Planting__Phase_I_.docx](#)
[Resolution-SMP Tree Planting \(Phase I\).DOC](#)
[Exhibit A-Construction Contract - SMP Tree Planting Phase I.DOCX](#)
[Demand Star ITB PR2026-01 10.15.25.pdf](#)
[FINAL ITB South Miami Park New Tree Planting Services 9.16.25.pdf](#)
[V Engineering Bidding Document \(3\).PDF](#)
[Bid Tabulation PR2026-01 10.15.25.pdf](#)
[Proposal Summary ITB PR2025-12 9.3.25.pdf](#)
2. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A CHANGE ORDER PURSUANT TO THE CONTRACT FOR CONSTRUCTION WITH MARIO'S PAINTING AND CONSTRUCTION INC. FOR THE GIBSON-BETHEL COMMUNITY CENTER FLOOR REPLACEMENT & MISCELLANEOUS MAINTENANCE PROJECT IN THE AMOUNT OF \$18,733.44; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS, RECREATION & CULTURAL DEPT.)
[Memo-GBCC Flooring Replacement Change Order.docx](#)
[4CB8437-Reso Approving Change Order Mario' s Painting - Gibson Bethel Floor Replacement Project CAv2.DOC](#)
[RFI 010 " Condition of Exst Slab & MT.pdf](#)
[Mario's Paint Service Bidding Document.PDF](#)
[Resolution #063-25-16355.pdf](#)

P. RESOLUTION(S)

3. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING AND AWARING A CONSTRUCTION CONTRACT TO SOUTHERN ROAD & BRIDGE, LLC FOR THE SW 63RD COURT BRIDGE REPAIRS PROJECT IN THE AMOUNT OF \$3,399,862.00, PURSUANT TO SECTION 255.20(C)1. AND 255.20(C)5. FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS DEPT.)
[Memo-Award Construction Contract to Southern Road Bridge LLC for the SW 63rd Ct.docx](#)
[4C4571302-Reso_Select_and_Award_Contract_to_Southern_Road__Bridge_-_SW_63_Court_Bridge_Repairs_CAv1.DOCX](#)
[63rd Ct New Bridge Pay Items Rev. 1.pdf](#)

[63rd Court New Bridge Proposal rev. 1.pdf](#)
[4C4481802.DOCX](#)

4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE PROPOSAL AND PROJECT AGREEMENT WITH SRS ENGINEERING, INC. FOR ADDITIONAL DESIGN AND POST-DESIGN SERVICES RELATED TO THE MODIFIED REPAIRS OF THE SW 63RD COURT BRIDGE OVER TWIN LAKE CANAL, FOR A LUMP SUM FEE NOT TO EXCEED \$217,159.87; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS)
[Memo-_SRS_Design_and_Post_Design_SW_63_CT_Bridge_1.docx](#)
[Resolution Approving SRS - Additional Design Services for Bridge Repairs CAV2.DOCX](#)
[South Miami SW 63rd Court Bridge Design 10-17-25.con.pdf](#)
[Res No 011-24-16116 - SRS.pdf](#)

Q. RESOLUTION(S) PUBLIC HEARING(S)

5. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING A RENEWAL AGREEMENT WITH CENTRALSQUARE TECHNOLOGIES FOR THE SOUTH MIAMI POLICE DEPARTMENT'S COMPUTER-AIDED DISPATCH, RECORDS MANAGEMENT SYSTEM, AND MOBILE FIELD REPORTING SOFTWARE FOR A ONE-YEAR TERM IN THE AMOUNT OF \$129,113.37, WITH THE OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR TERMS; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-POLICE DEPT.)
Suggested action: Authorize the City Manager to enter into a one-year renewal agreement with CentralSquare Technologies in the amount of \$129,113.37, with the option to renew for two additional one-year terms.
[CentralSquare_Renewal_Memo.docx](#)
[Resolution Approving CentralSquare Renewal Agreement.DOCX](#)
[CentralSquare Solutions and Support Agreement \(Exhibit A\).pdf](#)
[CentralSquare Quote \(Exhibit B\).pdf](#)
[CentralSquare Maintenance & Support Description \(Exhibit C\).pdf](#)
[CentralSquare Access Management Policy \(Exhibit D\).pdf](#)
[CentralSquare Certificate of Liability Insurance \(Exhibit E\).pdf](#)
[CentralSquare Service Level Commitments \(Exhibit F\).pdf](#)
[Ad.pdf](#)

6. QUASI-JUDICIAL WARNING:
THE FOLLOWING MATTER IS CONSIDERED TO BE QUASI-JUDICIAL. PLEASE REVIEW THE RESTRICTIONS THAT ARE MORE FULLY SET FORTH AT THE END OF THIS AGENDA.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA [APPROVING/DENYING] AN APPLICATION FOR VARIANCE PURSUANT TO SECTION 20-5.9 OF THE LAND DEVELOPMENT CODE SEEKING A REDUCTION OF LOT SIZE (FRONTAGE) ON LOTS 1 AND 2 OF A PROPOSED PLAT FOR THE PROPERTY LOCATED AT 6240 SW 65 AVENUE WITHIN THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT; PROVIDING FOR CONDITIONS; CORRECTIONS; IMPLEMENTATION; SEVERABILITY; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)

[Memo TPlat and Variance.docx](#)
[PB-2025-009___PB-2025-010_CM_Memo_11-10-2025.docx](#)
[Resolution-Variance Lot Size Frontage 11-18-25.DOCX](#)
[Exhibit A.docx](#)
[PB-2025-009 & PB-2025-010 Application Documents.pdf](#)
[Ad.pdf](#)

7. QUASI-JUDICIAL WARNING:
THE FOLLOWING MATTER IS CONSIDERED TO BE QUASI-JUDICIAL. PLEASE REVIEW THE RESTRICTIONS THAT ARE MORE FULLY SET FORTH AT THE END OF THIS AGENDA.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA [APPROVING/DENYING] AN APPLICATION FOR TENTATIVE PLAT PURSUANT TO SECTION 20-4.2 OF THE LAND DEVELOPMENT CODE SEEKING TO SUBDIVIDE A PROPERTY LOCATED AT 6240 SW 65 AVENUE WITHIN THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT; PROVIDING FOR CONDITIONS; CORRECTIONS; IMPLEMENTATION; SEVERABILITY; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)

[Memo TPlat and Variance.docx](#)
[PB-2025-009___PB-2025-010_CM_Memo_11-10-2025.docx](#)
[Resolution-T Plat Application-11-18-25.DOCX](#)
[Exhibit A.docx](#)
[PB-2025-009 & PB-2025-010 Application Documents.pdf](#)
[Ad.pdf](#)

8. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, HOLDING THE SECOND PUBLIC MEETING REQUIRED UNDER SECTION 255.065(3) (C), FLORIDA STATUTES, AND MAKING THE PUBLIC INTEREST DETERMINATION TO PROCEED WITH THE UNSOLICITED PROPOSAL FROM SOMI PADEL CENTER, LLC FOR A PADEL CENTER ON THE ROOFTOP OF THE CITY OF SOUTH MIAMI MUNICIPAL PARKING GARAGE; AUTHORIZING AND DIRECTING THE CITY MANAGER TO PROCEED WITH NEGOTIATION OF A COMPREHENSIVE AGREEMENT FOR THE PROJECT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

[Memo-Padel Analysis_Report__2_\(1\).docx](#)
[4CB231202-Resolution-Second Public Meeting Unsolicited Proposal-Public Interest Determination CAv2.DOCX](#)
[Ad.pdf](#)

R. ORDINANCE(S) SECOND READING(S) PUBLIC HEARING(S)

S. ORDINANCE(S) FIRST READING(S) PUBLIC HEARING(S)

9. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTIONS 20-8.2, 20-8.3, 20-8.4, AND 20-8.8 OF ARTICLE VIII "TRANSIT SUPPORTIVE DEVELOPMENT DISTRICT" OF THE LAND DEVELOPMENT CODE TO REVISE REGULATIONS RELATING TO STUDENT HOUSING; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)

[Student_Housing_CM_Memo_Revised__11-10-2025.docx](#)
[Ordinance Amending TSDD-Student Housing_CC FR CAV2.docx](#)
[Exhibit A - Student Housing Text Revisions - CAV3.docx](#)
[TSDD Student Housing Business Impact Estimate Form.docx](#)
[Ad-TSDD.pdf](#)

10. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING AND AWARDED A FRANCHISE AGREEMENT TO MAYA CATERING & EVENTS INC. FOR CONCESSIONAIRE OPERATION AND MANAGEMENT SERVICES AT PALMER PARK AND SOUTH MIAMI PARK FOR A FIVE-YEAR TERM, PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. PR2025-14; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND TO ENTER INTO THE FRANCHISE AGREEMENT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, SEVERABILITY AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS, RECREATION & CULTURAL DEPT.)
[Memo-F&B Concessionaire.docx](#)
[Ordinance Awarding Franchise Agreement to Maya Catering and Events at Palmer Park and South Miami Park.DOCX](#)
[Exhibit A - Franchise Agreement to Maya Catering and Events at South Miami Park and Palmer Park.DOCX](#)
[FINAL RFP Concession Management Services 9.8.25.pdf](#)
[Mayas Catering Bidding Document.PDF](#)
[INTERV~1.PDF](#)
[Bid Tabulation RFP PR2025-14 10.2.25.pdf](#)
[Demand Star RFP PR2025-14.pdf](#)
[Ad.pdf](#)

11. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING A FRANCHISE AND COMPREHENSIVE AGREEMENT WITH SOMI PADEL CENTER, LLC PURSUANT TO SECTION 255.065, FLORIDA STATUTES, FOR A PADEL CENTER ON THE ROOFTOP OF THE CITY OF SOUTH MIAMI MUNICIPAL PARKING GARAGE; PROVIDING FOR THE REQUIRED STATUTORY FINDINGS AND AUTHORIZATIONS PRIOR TO EXECUTION OF THE COMPREHENSIVE AGREEMENT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[Memo-Analysis_Report \(2\).docx](#)
[4CB2310-Ordinance-Comprehensive Agreement Unsolicited Proposal-Public Interest - CAV2.DOCX](#)
[Proposal-Rooftop Padel.docx.pdf](#)
[4CB5341-Comprehensive Agreement - Draft Placeholder.DOCX](#)
[Ad.pdf](#)

T. ORDINANCE(S) FIRST READING(S)

12. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION NOTE OF THE CITY OF SOUTH MIAMI, FLORIDA NOT TO EXCEED \$6,700,000 FOR THE PURPOSE OF FINANCING THE COSTS OF CULVERT IMPROVEMENTS, BRIDGE REPAIRS OVER THE TWIN LAKE CANAL, AND THE ACQUISITION OF LAND FOR PARK DEVELOPMENT, AND PAYING COSTS OF ISSUANCE OF THE NOTE; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS

OF SAID NOTE; APPROVING THE SELECTION OF TRUIST BANK TO PURCHASE THE NOTE AND PROVIDE A LINE OF CREDIT IN CONNECTION THEREWITH; AUTHORIZING THE CITY MANAGER AND CITY OFFICIALS TO NEGOTIATE WITH TRUIST FOR PURCHASE OF THE NOTE AND THE TERMS OF THE LINE OF CREDIT; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-FINANCE DEPT.)

[Memo_LOC_2025.docx](#)

[Ordinance Approving G.O Line of Credit for Various Projects v3.DOC](#)

[South Miami - Series 2025 General Obligation Line of Credit RFP.pdf](#)

[South Miami LOC RFP Response Summary.pdf](#)

[Regions.pdf](#)

[Seacoast National Bank - Term sheet.pdf](#)

[Truist.pdf](#)

[United Community Bank - Term Sheet - 11-4-2025.pdf](#)

U. ADJOURNMENT

PURSUANT TO FLORIDA STATUTE 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OR OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

PURSUANT TO RESOLUTION No. 246-10-13280, "ANY INVOCATION THAT MAY BE OFFERED BEFORE THE START OF REGULAR COMMISSION BUSINESS SHALL BE THE VOLUNTARY OFFERING OF A PRIVATE CITIZEN, FOR THE BENEFIT OF THE COMMISSION AND THE CITIZENS PRESENT. THE VIEWS OR BELIEFS EXPRESSED BY THE INVOCATION SPEAKER HAVE NOT BEEN PREVIOUSLY REVIEWED OR APPROVED BY THE COMMISSION, AND THE COMMISSION DOES NOT ENDORSE THE RELIGIOUS BELIEFS OR VIEWS OF THIS, OR ANY OTHER SPEAKER."

QUASI-JUDICIAL WARNING FOR CITY COMMISSION MEMBERS:

ANY AGENDA ITEM THAT HAS A QUASI-JUDICIAL WARNING IS CONSIDERED TO BE A QUASI-JUDICIAL MATTER. MEMBERS OF THE CITY COMMISSION MAY NOT HAVE ANY VERBAL COMMUNICATION WITH ANYONE, OTHER THAN AT THE MEETING SCHEDULED TO RESOLVE THE MATTER, UNTIL THE MATTER IS RESOLVED AT A PUBLIC MEETING AND THE MEETING IS ADJOURNED. YOU ARE PROHIBITED FROM MAKING ANY INDEPENDENT INVESTIGATION OF THIS MATTER OTHER THAN A SITE VISIT OR MAKING WRITTEN REQUESTS FOR INFORMATION FROM CITY EMPLOYEES AND RECEIVING WRITTEN RESPONSES FROM THEM IN THEIR OFFICIAL CAPACITY. ALL WRITTEN REQUESTS FOR INFORMATION AND RESPONSES THERETO MUST BE FILED WITH THE CLERK AND A COPY MUST ALSO BE SENT TO THE PLANNING AND ZONING DIRECTOR IF THE MATTER INVOLVES A LAND RELATED ISSUE. YOU MAY NOT HAVE ANY VERBAL COMMUNICATION WITH CITY EMPLOYEES REGARDING THIS MATTER. YOU MAY NOT ENTER ONTO SOMEONE'S PROPERTY WITHOUT THEIR PERMISSION. FURTHERMORE, YOU MAY NOT DISCUSS THE MATTER WITH THE PROPERTY OWNER OR ANYONE ELSE, INCLUDING NEIGHBORS. YOU MUST, IN WRITING, ADVISE THE CLERK OF THE DATE AND TIME OF YOUR SITE VISIT AND, IF THIS MATTER INVOLVES LAND USE, YOU MUST ALSO SEND A COPY TO THE PLANNING AND ZONING DIRECTOR. ALL INFORMATION THAT YOU OBTAIN ON THIS MATTER, OTHER THAN YOUR PERSONAL OBSERVATIONS AT A SITE VISIT AND WRITTEN INFORMATION PROVIDED BY STAFF, MUST BE PRESENTED TO YOU AT THE DULY NOTICED PUBLIC MEETING DURING WHICH THE APPLICANT SHALL BE GIVEN AN OPPORTUNITY TO PRESENT THE APPLICATION AND ANY EVIDENCE IN SUPPORT OF THE APPLICATION. IF THERE IS A BREAK IN THE MEETING, YOU MAY NOT ALLOW OTHERS TO SPEAK TO YOU ABOUT THE MATTER OR ALLOW THEM TO PROVIDE YOU WITH ANY INFORMATION ABOUT THE MATTER. IF THE MATTER REQUIRES MORE THAN ONE HEARING, YOU MAY NOT DISCUSS THE MATTER WITH ANYONE, UNTIL THE MATTER IS RESOLVED BY A FINAL WRITTEN RESOLUTION OR, IF APPLICABLE, ORDINANCE, AND, EVEN THEN, NOT UNTIL THE MEETING IS ADJOURNED. IF YOU RECEIVE AN EMAIL OR ANY WRITTEN OR PRINTED INFORMATION ABOUT THE MATTER BEFORE THE ADJOURNMENT OF THE HEARING AT WHICH A FINAL DECISION IS MADE FROM ANYONE OTHER THAN CITY EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITY, YOU MAY READ IT BUT YOU ARE NOT ALLOWED TO RESPOND TO IT AND YOU ARE REQUIRED TO IMMEDIATELY PROVIDE A COPY OF ANY WRITTEN COMMUNICATION OR DOCUMENT YOU RECEIVE CONCERNING THIS MATTER TO THE CITY CLERK, AND A COPY MUST ALSO BE SENT TO THE PLANNING AND ZONING DIRECTOR IF THE MATTER INVOLVES A LAND RELATED ISSUE. IN ADDITION, IF YOU RECEIVE ANY VERBAL, OR WRITTEN COMMUNICATION (OTHER THAN WHAT HAS ALREADY BEEN DELIVERED TO THE CLERK AND THE PLANNING AND ZONING DIRECTOR) YOU ARE REQUIRED TO DISCLOSE IT AT THE PUBLIC MEETING AND, IF IT WAS VERBAL, YOU ARE REQUIRED TO WRITE A MEMORANDUM THAT INCLUDES THE INFORMATION RECEIVED AND THE NAME AND ADDRESS OF THE PERSON PROVIDING THE INFORMATION, AS WELL AS THE DATE, TIME AND PLACE WHERE THE COMMUNICATION TOOK PLACE. THIS DOCUMENT MUST BE DELIVERED AS SOON THEREAFTER AS POSSIBLE TO THE CITY CLERK, AND IF APPLICABLE TO A LAND RELATED ISSUE, A COPY

MUST ALSO BE DELIVERED TO THE PLANNING AND ZONING DIRECTOR.

WARNING REGARDING EX PARTE COMMUNICATIONS:

“EX PARTE COMMUNICATIONS” ARE WRITTEN OR VERBAL EXCHANGES BETWEEN AN ELECTED OR APPOINTED PUBLIC OFFICIAL, AND AN APPLICANT, HIS OR HER REPRESENTATIVES, OR A CITIZEN OR OTHER THIRD-PARTY OUTSIDE OF THE PUBLIC QUASI-JUDICIAL HEARING WHICH IS THE SUBJECT OF THE EXCHANGE. THE FLORIDA LEGISLATURE BY THE ADOPTION OF SECTION 286.0115(1), FLORIDA STATUTES, HAS AUTHORIZED THE ADOPTION OF LOCAL ORDINANCES ALLOWING EX PARTE COMMUNICATIONS IF CERTAIN PROCEDURES ARE FOLLOWED TO ENSURE THAT THE WRITTEN OR VERBAL EXCHANGE IS MADE PUBLIC, WHICH IS DESIGNED TO REMOVE ANY PRESUMPTION OF PREJUDICE THAT WOULD OTHERWISE RESULT IF THE EXCHANGE WERE KEPT PRIVATE AND NOT DISCLOSED. EX PARTE COMMUNICATIONS MUST BE PUBLICLY DISCLOSED PRIOR TO OR AT THE QUASI-JUDICIAL HEARING AT WHICH THE DECISION IS TO BE MADE. ALL DECISIONS MADE AT A QUASI-JUDICIAL HEARING MUST BE BASED ON COMPETENT SUBSTANTIAL EVIDENCE. VERBAL EX PARTE COMMUNICATIONS ARE HEARSAY, ARE NOT COMPETENT EVIDENCE, AND MAY NOT FORM THE SOLE BASIS FOR MAKING ANY QUASI-JUDICIAL DECISIONS, BUT THEY MAY BE USED TO SUPPORT OR EXPLAIN OTHER COMPETENT EVIDENCE.

PURSUANT TO ORDINANCE §2-2.1, CITY CODE, THE SOUTH MIAMI CITY COMMISSION HAS ADOPTED THESE PROCEDURES TO ALLOW THE USE OF EX-PARTE COMMUNICATIONS AS FOLLOWS:

1. THE ELECTED OR APPOINTED PUBLIC OFFICIAL SHALL DISCLOSE IN WRITING THE SUBJECT OF THE COMMUNICATION AND THE IDENTITY OF THE PERSON, GROUP, OR ENTITY WITH WHOM THE COMMUNICATION TOOK PLACE, AS SOON AS PRACTICABLE AFTER THE COMMUNICATION TAKES PLACE, WITH THE CITY CLERK AND MADE A PART OF THE RECORD AT THE HEARING BEFORE FINAL ACTION ON THE MATTER.
2. A LOCAL PUBLIC OFFICIAL MAY READ A WRITTEN COMMUNICATION FROM ANY PERSON. ANY WRITTEN COMMUNICATION THAT RELATES TO QUASI-JUDICIAL ACTION PENDING BEFORE A LOCAL PUBLIC OFFICIAL, SHALL NOT BE PRESUMED PREJUDICIAL TO THE ACTION, PROVIDED SUCH WRITTEN COMMUNICATION IS DISCLOSED AND MADE A PART OF THE RECORD BEFORE FINAL ACTION ON THE MATTER.
3. PUBLIC OFFICIAL MAY CONDUCT INVESTIGATIONS, MAKE SITE VISITS AND RECEIVE EXPERT OPINIONS REGARDING QUASI-JUDICIAL ACTION PENDING OR IMPENDING BEFORE HIM OR HER PROVIDED THAT SUCH ACTIVITIES AND THE EXISTENCE OF SUCH INVESTIGATIONS, SITE VISITS OR EXPERT OPINIONS IS MADE A PART OF THE RECORD BEFORE FINAL ACTION IS TAKEN ON THE MATTER.
4. DISCLOSURE MADE PURSUANT TO PARAGRAPHS 1, 2 AND 3 ABOVE MUST BE MADE BEFORE OR DURING THE PUBLIC MEETING AT WHICH A VOTE IS TAKEN ON SUCH MATTERS SO THAT PERSONS WHO HAVE OPINIONS CONTRARY TO THOSE EXPRESSED IN THE EX PARTE COMMUNICATION ARE GIVEN A REASONABLE OPPORTUNITY TO REFUTE OR RESPOND TO THE COMMUNICATION.

IT IS POSSIBLE THAT IF THE STATUTE OR ORDINANCE DISCUSSED ABOVE, OR A QUASI-JUDICIAL ACTION PENDING BEFORE THE COMMISSION OR BOARD ARE CHALLENGED, THAT A COURT MIGHT FIND THAT NEITHER THE LEGISLATURE NOR THE CITY COMMISSION HAD AUTHORITY TO ENACT THESE PROCEDURES CONCERNING EX PARTE COMMUNICATIONS, WHICH COULD RESULT IN THE ACTION TAKEN BEING REVERSED. YOU THUS PROCEED AT YOUR OWN RISK IN ENGAGING IN SUCH COMMUNICATIONS, AND THEY ARE NOT ENCOURAGED. THEY ARE, HOWEVER, THE POLICY OF THE LEGISLATURE AND CITY COMMISSION, AND UNTIL DETERMINED OTHERWISE BY THE LEGISLATURE OR THE COURTS, ARE LEGALLY PERMITTED BUT NOT WITHOUT POSSIBLE ADVERSE LEGAL CONSEQUENCES TO THE DETRIMENT OF THE CITY AND OTHER PARTIES.