CITY OF SOUTH MIAMI

CITY COMMISSION MEETING AGENDA

TUESDAY, SEPTEMBER 22, 2026, 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. PUBLIC REMARKS

F. PRESENTATIONS

F1. SoMi Comedy Fest, KC Korge & Raul Hernandez

F2. Transportation and Parking Concept, Rebecca Wakefield, Mango Street Advisors - Commissioner Calle
CSUgo SM Presentation_9.26.pdf

F3. Red Light Enforcement Report with public comments, Chief Hatfield

F4. School Zone Speed Report with public comments, Chief Hatfield

G. ADD-ON ITEM(S)

G1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING EXTENDED HOURS AND SUNDAY WORK PURSUANT TO CITY CODE SECTION 7-16(G) FOR CRANE DISMANTLING OPERATIONS AT THE EDGE AT SUNSET (6075 SUNSET DR) FROM OCTOBER 2, 2026, THROUGH OCTOBER 4, 2026; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS & ENGINEERING DEPT.)
Resolution-_Edge_at_Sunset_Extended_Hours TAv2.docx

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

I. APPROVAL OF MINUTES

I1. 09.08.26 - to be deferred

J. CITY MANAGER'S REPORT

J1. City Manager's Report
9-22_CM Report_Sept 22_2026.docx

K. 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.]

L. COMMISSION REPORTS, DISCUSSION & REMARKS

(25 minutes)

M. DISCUSSION ITEM(S)

N. BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

N1. Jose Hernandez has been appointed by Commissioner Bonich, to the Planning Board, as per City Charter Art. II, Sec. 8 A, for a two-year term ending September 11, 2028.
Joe Hernandez.pdf

N2. Anna Maria Patino-Fernandez has been appointed by Vice Mayor Corey, to the Unique Abilities Board, as per City Charter Art. II, Sec. 8 A, for a two-year term ending September 22, 2028.

Anna Maria Patino-Fernandez.pdf

N3. Extending the term limits and acknowledging Commissioner Brian Corey's reappointment of Helene Valentine to serve on the Green Task Force, as per City Charter Art. II, Sec. 8 A, for an additional two-year term ending September 22, 2028. (needs a Commission vote)
Helene Valentine..pdf

O. CONSENT AGENDA

1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE USE OF CITY OF MIAMI INVITATION FOR BID NO. 1338386, FURNISH AND INSTALL FENCES, AWARDED PURSUANT TO CITY OF MIAMI RESOLUTION NO. 22-0253; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LOUMINEL GENERAL CONTRACTOR, LLC FOR PERIMETER AND INTERIOR FENCE UPGRADES AT THE GIRL SCOUT LITTLE HOUSE PROPERTY IN AN AMOUNT NOT TO EXCEED $138,100, PLUS A TEN PERCENT CONTINGENCY OF $13,810, FOR A TOTAL PROJECT AUTHORIZATION OF $151,910; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS, RECREATION & CULTURE DEPT.)
Memo-Little_House_Perimeter___Interior_Fence.docx
Reso-Little House Perimeter & Interior Fence.docx
Exhibit A - Quote Proposal.pdf
Exhibit A - City of Miami Contract Renewal.pdf
Exhibit B to Reso which is Exhibit C to City of Miami Reso No 22-0253.pdf

2. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING THE WAIVER OF EVENT-RELATED FEES AND COSTS IN AN AMOUNT NOT TO EXCEED $2,719.50 PURSUANT TO SECTION 15B-6 OF THE CITY CODE FOR A SPECIAL EVENT KNOWN AS THE "SOMI SLINGSHOT MARKETPLACE" PRESENTED BY THE KEY BISCAYNE COMMUNITY FOUNDATION, INC. TO BE HELD ON OCTOBER 10, 2026, AT SW 58TH AVENUE BETWEEN SW 73RD STREET AND 74TH STREET; PROVIDING FOR APPLICABILITY OF OTHER CODE REQUIREMENTS; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS, RECREATION & CULTURE DEPT.)
Memo_-_SoMi_Slingshot_Marketplace (6).docx
Resolution_-_SoMi_Slingshot_Marketplace (1).docx
Application - SoMi Slingshot Marketplace.pdf
Event Estimates.pdf
Resolution #002-25-16294 - Special Event Fee Waiver Policy.pdf

P. RESOLUTION(S)

3. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, DESIGNATING A LIVE OAK TREE LOCATED AT 7310 SW 64TH COURT AS A HERITAGE TREE PURSUANT TO SECTION 20-4.5 OF THE LAND DEVELOPMENT CODE AT THE REQUEST OF PROPERTY OWNER DR. SALLY B. PHILIPS; PROVIDING FOR CORRECTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)
CM Memo Heritage Tree Designation Live Oak 7310 SW 64 Ct.docx

Resolution Heritage Tree_Designation Live Oak 7310 SW 64 Ct.docx
Heritage Tree Application.docx
7310 64CT Arborist Report.pdf

4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CONSENTING TO THE APPOINTMENT BY THE CITY MANAGER OF RYAN L. RECKLEY AS THE DIRECTOR OF PARKS, RECREATION AND CULTURE FOR THE CITY OF SOUTH MIAMI; PROVIDING FOR IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
Memo_Appointment_Parks_Rec_and_Culture_Director (1).docx
Resolution Hiring Parks Rec and Culture Director_Ryan_Reckley.docx
Ryan Reckley_Resume.pdf

Q. RESOLUTION(S) PUBLIC HEARING(S)

5. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A MULTI-YEAR AGREEMENT WITH GRANICUS, INC., FOR WEBCASTING THE CITY'S PUBLIC MEETINGS AND SOFTWARE UPGRADES FOR PEAK AGENDA AND PUBLIC RECORDS MANAGEMENT IN AN AMOUNT NOT TO EXCEED $328,746.68; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY CLERK)
Resolution_Granicus_5-year_agreement__1_.docx
Memo_-_Granicus_5-year_Agreement.docx
Exhibit A- 5-year Granicus Proposal
Exhibit B - US and Canada Subscription and Services Agreement 9-8-26 (1).docx
Res No 145-22-15898.pdf
Ad.pdf
Res No 189-17-14990.pdf

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

6. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, ACCEPTING THE EVALUATION AND APPRAISAL REPORT OF THE CITY'S ADOPTED COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3191, FLORIDA STATUTES; AMENDING THE GOALS, OBJECTIVES, AND POLICIES OF THE CITY'S COMPREHENSIVE PLAN IN ACCORDANCE WITH THE EVALUATION AND APPRAISAL REPORT; PROVIDING FOR TRANSMITTAL; CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)
memo_for_Comp_Plan_-_Commission_-_Sep_22_2026_MWLRev.docx
Ordinance_Adopting_Comprehensive_Plan_Evaluation_and_Appraisal_Report-2nd_reading.docx
Exhibit A - Evaluation and Appraisal Report.docx
Exhibit B - South Miami 2025 EAR Based Comprehensive Plan Amendment 914.docx
Exhibit C - SOUTH MIAMI 25-01ER (P).pdf
Ad.pdf

7. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, REPEALING SECTIONS 15-24, 15-25, 15-26, 15-27, AND 15-27.1 TO COMPLY WITH SECTION 790.33, FLORIDA STATUTES WHICH PREEMPTS LOCAL REGULATION OF FIREARMS

AND AMMUNITION, INCLUDING THE PURCHASE, SALE, TRANSFER, TAXATION, MANUFACTURE, OWNERSHIP, POSSESSION, STORAGE, AND TRANSPORTATION THEREOF; AMENDING SECTIONS 2-44, 14-5, 14-9, 15-15, AND 15-18 TO DELETE REFERENCES TO FIREARMS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY ATTORNEY)
Memo_Repealing_Firearms_Code_Provisions__1_.docx
Ordinance_SR_Repealing_Open_Carry_Laws.docx
4E48526-Exhibit A-Gun Preemption Ordinance.DOCX
Florida Carry Notice of Violations - South Miami - 10 violations - FLC-CASE-2026-019.pdf
Ad.pdf
Ad.pdf

8. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE III "ZONING REGULATIONS", SECTION 20-3.3 "PERMITTED USE SCHEDULE" AND 20-3.4 "SPECIAL USE CONDITIONS", OF THE LAND DEVELOPMENT CODE TO PROVIDE FOR PHYSICAL FITNESS FACILITY AS A SPECIAL USE IN THE GENERAL RETAIL DISTRICT, AND TO AMEND HOURS OF OPERATION CONDITIONS BASED ON AN APPLICATION SUBMITTED BY KIMCO SOUTH MIAMI 634, INC.; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)
CM_Memo_-_LDC_-_Special_Use_Physical_Fitness_Personal_Skills_-_08-27-2026.docx
Ordinance SR_Re_Gyms_in_GR.docx
EXHIBIT A.docx
Physical Fitness Ordinance Business Impact Estimate Form.docx
PB-2026-017 Application Documents.pdf
Ad.pdf
Ad.pdf
Ad.pdf

9. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTIONS 2-14 AND 15-102.13 OF THE CITY CODE TO PROVIDE FOR MAINTENANCE OF TREES IN THE RIGHT-OF-WAY; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS & ENGINEERING DEPT.)

Memo_ROW_Maintenance.docx
Ordinance_-_Maintenance_of_Swale_or_Public_R_W_CAv2_SR.docx
4E45419-Ordinance_-_Maintenance_of_Abutting_Swale_or_Public_R_W_-_Exhibit_A_-_CAv2 (2).docx
Supplemental_Report.docx
Ad.pdf

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

10. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING POLICY 1.1.4. OF THE FUTURE LAND USE ELEMENT OF THE CITY OF SOUTH MIAMI COMPREHENSIVE PLAN, TO MODIFY THE DESCRIPTION APPLICABLE TO THE "MIXED-USE COMMERCIAL RESIDENTIAL" FUTURE LAND USE CATEGORY TO ADDRESS THE

TRANSITION FROM COMMERCIAL AND MIXED-USE DEVELOPMENT TO SINGLE-FAMILY RESIDENTIAL; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)
5800_SW_41_St_FLUMFLUEZONE_CM_Memo_-_Sept_10 (2).docx
Ordinance-Text_Amendment.docx
Exhibit A for First Reading - Policy 1.1.4 .docx
PB-2026-012 Application Documents.pdf
Ad.pdf

11. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF SOUTH MIAMI COMPREHENSIVE PLAN, TO CHANGE THE DESIGNATIONS OF THE PROPERTIES LOCATED AT 5800 BIRD ROAD AND 5801 SW 41 STREET, FROM "COMMERCIAL RETAIL AND OFFICE" AND "SINGLE-FAMILY RESIDENTIAL" TO "MIXED-USE COMMERCIAL RESIDENTIAL" FUTURE LAND USE CATEGORY BASED ON AN APPLICATION SUBMITTED BY BIRD 58, LLC; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)
5800_SW_41_St_FLUMFLUEZONE_CM_Memo_-_Sept_10 (1).docx
Ordinance-FLUM_Amendment.docx
PB-2026-013 Application Documents.pdf
Ad.pdf

12. 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.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF SOUTH MIAMI, TO CHANGE THE ZONING DISTRICT APPLICABLE TO THE PROPERTY LOCATED AT 5801 SW 41 STREET FROM "RS-4" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO "GR" GENERAL RETAIL ZONING DISTRICT, BASED ON AN APPLICATION SUBMITTED BY BIRD 58, LLC; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)
Ordinance_Rezoning_-_Bird_Rd_Application__GR_Zoning_.docx
PB-2026-014 - Application Documents.pdf
5800_SW_41_St_FLUMFLUEZONE_CM_Memo_-_Sept_10.docx
Ad.pdf

13. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A FRANCHISE, PURSUANT TO ARTICLE VI, SECTION 4(C) OF THE CHARTER, AND TWO GROUND LEASE AGREEMENTS WITH 13TH FLOOR LINK AT SOMI, LLC OR ITS AFFILIATE, FOR THE CITY OF SOUTH MIAMI CITY HALL REDEVELOPMENT PROJECT LOCATED AT 6130 SUNSET DRIVE AND 7220 SW 61ST COURT, TOGETHER WITH A PORTION OF 61ST COURT THAT MAY BE VACATED, AND WHICH MAY POTENTIALLY INCLUDE THE COUNTY-OWNED PROPERTY LOCATED AT 6000 SUNSET DRIVE, PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. CSM2024-08; AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS AND EXECUTE THE TWO GROUND LEASE AGREEMENTS; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. 3/5 (CITY

COMMISSION)
Memo_re_Ground_Lease_v2.docx
Ordinance_Ground_Lease_for_City_Hall-Updated_9.15.2026.docx
Exhibit A - Term Sheet.pdf
Exhibit B - South Miami City Hall Lease Agreement (Phase 1)(13669729.7) - FIRST READING v2.docx
Ad.pdf
South Miami City Hall Lease Agreement (Landlord's September 21st Draft)-62979735-First Reading Updated Version v2.docx
Change-Pro Redline - South Miami City Hall Lease Agreement (Lessee's 9.1.26 Revised Draft) and South Miami City Hall Lease Agreement (Landlord's September 21.pdf
Exhibit B - SOMI - 13FI_SD_16-STORY OPT-7A..pdf

T. ORDINANCE(S) FIRST READING(S)

14. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 17-72 OF THE CITY CODE OF ORDINANCES RELATING TO THE PLACEMENT AND INSTALLATION OF TRAFFIC INFRACTION DETECTORS AT ELIGIBLE INTERSECTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
Supporting_Memo_Red_Light_Camera_Expansion_.docx
Ordinance Amending Section 17-72 - Red Light Camera Locations.docx
Exhibit A- City of South Miami - SW 62nd Ave S Dixie Hwy.pdf

15. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE VI, "ADMINISTRATION AND ENFORCEMENT," SECTION 20-6.1, "ADMINISTRATIVE ENTITIES" OF THE LAND DEVELOPMENT CODE TO MODIFY THE COMPOSITION AND PROCEDURES OF THE HISTORIC PRESERVATION BOARD; AMENDING ARTICLE XI, "HISTORIC PRESERVATION REGULATIONS," SECTION 20-11.4 "DEMOLITION OF DESIGNATED SITES; DEMOLITION BY NEGLECT; CERTIFICATES OF APPROPRIATENESS AND UNDUE ECONOMIC HARDSHIP," OF THE LAND DEVELOPMENT CODE TO MODIFY THE PROCESS FOR DETERMINING WHEN CERTIFICATES OF APPROPRIATENESS ARE REQUIRED; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)
CM_Memo_-_HPB_Regulations_Ordinance_09-10-2026.docx
Ordinance_Amending_HPB_Regulations_05-07-2026_-_Final.docx
Proof of PB Legal Ad.pdf
HPB Ordinance Business Impact Estimate Form.docx

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 O1R 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.