



## CITY OF SOUTH MIAMI

### CITY COMMISSION MEETING AGENDA

TUESDAY, OCTOBER 21, 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. Commissioner Rodriguez - Certificate of Recognition: Brandy and Randy Leslie

E2. Permit Fee Study, Jorge Duyos

**F. ADD-ON ITEM(S)**

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

**H. APPROVAL OF MINUTES**

- H1. 10.07.25  
[10.07.25.docx](#)

**I. CITY MANAGER'S REPORT**

- I1. City Manager's Report  
[CM's Report\\_October 21\\_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. Single Family Regulations  
[Memo re Single Family Regulations.docx](#)  
[Exhibit A to Memo re Singel Family Regulations - SOUTH MIAMI LDC PROPOSED CHANGES\[1\].pdf](#)
- M2. Transit Supportive Development District ("TSDD") Clean-up  
[Memo re TSDD Cleanup.docx](#)  
[BT - Letter to City of South Miami\(526535195.1\)\(526549711.2\).pdf](#)  
[AJ 6444-TODA SPECIFIC PURPOSE SURVEY \(8.5X11\) \(09-04-2025\)-DS.pdf](#)
- M3. Medical Office in General Retail "GR" Zoning District  
[Memo re Medical Office in GR.docx](#)
- M4. Eminent Domain for Fire Access for Dante Fascell Park Building  
[Memo\\_re\\_Eminent\\_Domain\\_for\\_Fire\\_Access\\_for\\_Dante\\_Fascell\\_Park\\_building.docx](#)  
[Exhibit B to Easement - Legal description and sketch.pdf](#)  
[South Miami Dante Fascell 5 factors report scope.docx](#)
- M5. Holiday City Commission Meeting Schedule - November, December, and January 2026

M6. Mayor Fernandez & City Attorney - Addressing the split jurisdiction of 4240 SW 60 Place and 4301 SW 61 Ave

## N. BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

## O. CONSENT AGENDA

1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND ADOPTING THE 2025 MIAMI-DADE COUNTY LOCAL MITIGATION STRATEGY PLAN (LMS) AS THE CITY'S HAZARD MITIGATION PLAN AND AUTHORIZING THE CITY MANAGER TO APPLY FOR FUNDS FOR PROJECTS THAT ARE SPECIFICALLY AIMED TO MITIGATE AND STRENGTHEN THE CITY'S INFRASTRUCTURE AS APPROVED BY THE MIAMI-DADE COUNTY'S OFFICE OF EMERGENCY MANAGEMENT AND THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT THROUGH AN APPLICATION PROCESS THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA); PROVIDING FOR IMPLEMENTATION, CORRECTIONS; PROVIDING FOR AN EFFECTIVE DATE. 3/5 (CITY MANAGER - POLICE DEPARTMENT)

**Suggested action: Staff recommends that the City Commission adopt the attached resolution authorizing the City Manager to formally adopt the 2025 Miami-Dade County Local Mitigation Strategy (LMS) as the City of South Miami's hazard mitigation plan.**

[Miami-Dade\\_County\\_LMS\\_Agreement\\_Memo.docx](#)

[Resolution Approving and Adopting MDC Local Mitigation Strategy\\_Clean v1.docx](#)

[2025 miami-dade-county-lms.pdf](#)

2. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF WATER AND WASTEWATER SERVICES FOR THE CITY'S FACILITIES FROM THE MIAMI-DADE WATER & SEWER DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$60,000 FOR FISCAL YEAR 2025-2026; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - PUBLIC WORKS)

[Memo-\\_Water\\_\\_\\_Sewer\\_FY25-26.1.docx](#)

[Reso Approve Purchase Water & Wastewater Services from WASD FY 25 26 CAv2.DOCX](#)

3. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF ELECTRICAL UTILITY SERVICES FOR THE CITY'S FACILITIES FROM FLORIDA POWER & LIGHT COMPANY IN AN AMOUNT NOT TO EXCEED \$105,000 FOR FISCAL YEAR 2025-2026; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - PUBLIC WORKS)

[Memo-FPL\\_Facilities\\_FY\\_25-26 \(1\).docx](#)

[Reso Approving Purchase Electrical Utility Services from FPL FY25 26 CAv2.DOCX](#)

4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF ELECTRICAL UTILITY SERVICES FOR STREET LIGHTING FROM FLORIDA POWER & LIGHT COMPANY IN AN AMOUNT NOT TO EXCEED \$150,000 FOR FISCAL YEAR 2025-2026; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - PUBLIC WORKS)

[Memo-\\_Street\\_Lights\\_FY25-26.docx](#)

[Reso Approve Purchase Electrical Utility Services Street Lighting from FPL FY25 26](#)

**P. RESOLUTION(S)**

5. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A PROPOSAL AND PROJECT AGREEMENT WITH STANTEC CONSULTING SERVICES INC., FOR A SECOND EXTENSION TO PROVIDE OWNER'S REPRESENTATIVE PROJECT MANAGEMENT SERVICES FOR THE SEPTIC-TO-SEWER CONVERSION, SUBAREA K, PHASE 1 PROJECT, IN AMOUNT NOT TO EXCEED \$16,899; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - PUBLIC WORKS)  
[Memo-Second\\_Extension\\_\\_Stantec10.25.docx](#)  
[4C47369-Reso Approving Stantec Second Extension Owners Rep Services Sewer Project CAv2.DOCX](#)  
[Exhibit A - Stantec Proposal - Owners Representative Extension - thru 12-31-25- for Septic-to-Sewer Conversion - South Miami Subarea K - Phase 1.pdf](#)  
[Exhibit B - Project Agreement w Stantec - Second Extension Owners Rep Services - Sewer Project CAv1.DOCX](#)
  
6. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING AND APPROVING KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DEVELOPMENT OF A COMPREHENSIVE STORMWATER MASTER PLAN AND STORMWATER UTILITY RATE STUDY, FOR A TOTAL LUMP SUM FEE NOT TO EXCEED \$313,000; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THE SERVICES; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - PUBLIC WORKS)  
[Memo-Kimley-horn\\_Stormwater\\_Master\\_Plan\\_\\_0.4.docx](#)  
[4C47532-Reso\\_Approving\\_Kimley\\_Horn\\_Stormwater\\_Master\\_Plan\\_and\\_Rate\\_Study\\_CAv2.01.docx](#)  
[251008 KHA - South Miami\\_SWMP & Rate Study Proposal.pdf](#)  
[4C47585-PSA Kimley Horn - Stormwater Master Plan and Rate Study CAv1.DOCX](#)
  
7. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, DESIGNATING THE SEAGRAPE ON 7310 SW 64TH COURT AS A HERITAGE TREE PURSUANT TO SECTION 20-4.5 OF THE LAND DEVELOPMENT CODE AT THE REQUEST OF OWNER DR. SALLY PHILIPS; PROVIDING FOR CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - DEVELOPMENT SERVICES)  
[Heritage\\_Tree\\_Philip.docx](#)  
[4C49580-Reso Heritage Tree Designation Philips 7310 SW 64 Ct CAv2.DOCX](#)  
[Exhibit A - Arborist Report - Heritage Tree - Sally Philips - 7310 SW 64th Court v2.PDF](#)
  
8. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA APPROVING AND AUTHORIZING THE PURCHASE OF VACANT REAL PROPERTY FROM SOMI UNDERLINE, LLC LOCATED AT 6540 MANOR LANE; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO (I) NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE PROPERTY, (II) PERFORM DUE DILIGENCE ON THE PROPERTY, INCLUDING THE ATTAINMENT OF AN APPRAISAL(S) FOR THE PROPERTY; AND (III) TO EXECUTE, DELIVER, AND IMPLEMENT THE TERMS AND CONDITIONS OF THE PURCHASE AND SALE AGREEMENT, AND

TAKE ALL ACTION NECESSARY AND EXECUTE ALL DOCUMENTS TO EFFECTUATE AND CLOSE ON THE PROPERTY; PROVIDING FOR FUNDING; PROVIDING FOR IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

[Memo\\_Manor\\_Lane\\_Purchase.docx](#)

[4C49163-Reso\\_Authorizing\\_Purchase\\_of\\_Manor\\_Lane\\_Property\\_CAv1 \(2\).docx](#)

[Exhibit A- Final LOI\\_Manor Lane.pdf](#)

## **Q. RESOLUTION(S) PUBLIC HEARING(S)**

9. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, ACCEPTING THE "FINDING OF NECESSITY FOR PROPOSED SOUTH MIAMI COMMUNITY REDEVELOPMENT AREA" REPORT ATTACHED AS EXHIBIT "A," FOR THE CRA AREA GENERALLY BOUND BY SW 57TH AVENUE TO THE EAST, SW 76TH STREET TO THE SOUTH, SW 62ND AVENUE TO THE WEST, AND SW 62ND STREET TO THE NORTH, AS MORE PARTICULARLY DEPICTED IN THE REPORT; REQUESTING MIAMI-DADE COUNTY TO FIND AND DECLARE THAT THE CONDITIONS IN SAID AREA MEET THE CRITERIA DESCRIBED IN SECTIONS 163.340(7) AND/OR (8), AS SET FORTH IN SECTION 163.355, FLORIDA STATUTES, AND TO DELEGATE REDEVELOPMENT POWERS TO THE CITY OF SOUTH MIAMI IN ACCORDANCE WITH PART III OF CHAPTER 163, FLORIDA STATUTES, SO AS TO PERMIT THE CITY OF SOUTH MIAMI TO ESTABLISH A CRA FOR THE AFORESAID AREA; PRELIMINARILY APPROVING THE COMMUNITY REDEVELOPMENT PLAN FOR THE CRA, ATTACHED HERETO AS EXHIBIT "B"; AND APPROVING THE INTERLOCAL AGREEMENT RELATING TO THE ESTABLISHMENT AND OPERATION OF THE CRA, ATTACHED HERETO AS EXHIBIT "C"; PROVIDING FOR TRANSMITTAL, AUTHORIZATION, IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNANDEZ)

[4C51694-Memo FONCRA Plan Interlocal 10.15.25.docx](#)

[Resolution for CRA FON, Plan, and Interlocal Agreement CAV4.DOCX](#)

[Exhibit A - Finding of Necessity Report.pdf](#)

[Exhibit B - FINAL\\_SMCRA\\_Plan\\_2025\\_BusinessFlare 251017 - FINAL for 10-21-25 Agenda.pdf](#)

[Exhibit C-South Miami CRA - Interlocal Cooperation Agreement - 10-13-25 v2.DOCX Ad.pdf](#)

10. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A PROPOSAL AND MULTI-YEAR AGREEMENT WITH THE CHRISTMAS PALACE, LLC FOR HOLIDAY DECORATIONS THROUGHOUT THE TOWN CENTER IN THE AMOUNT OF \$49,925; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - PUBLIC WORKS)

[Memo-Holiday\\_Decorations.docx](#)

[Resolution Approving Christmas Palace Multi-Year Agreement.DOCX](#)

[Exhibit A-Holiday Decorations Proposal.pdf](#)

[Ad.pdf](#)

11. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A FIVE (5) YEAR AGREEMENT AND ANCILLARY SOFTWARE DOCUMENTS WITH SMARTCOP, INC. FOR THE SOUTH MIAMI POLICE DEPARTMENT'S COMPUTER-AIDED DISPATCH, RECORDS MANAGEMENT SYSTEM, MOBILE FIELD REPORTING SOFTWARE, AND RELATED MODULES, AT A TOTAL COST OF \$1,014,063, INCLUDING PROFESSIONAL IMPLEMENTATION SERVICES, SOFTWARE LICENSES AND

SUBSCRIPTIONS, HOSTING, AND MAINTENANCE AND SUPPORT SERVICES; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - POLICE DEPARTMENT)

**Suggested action: Authorize the City Manager to enter into a five (5) year agreement with SmartCOP, Inc. at a total cost of \$1,014,063 to replace the South Miami Police Department's current CentralSquare ONESolution suite.**

[SmartCOP\\_Supporting\\_Memo.docx](#)

[4C52920-Reso Purchase and Authorization SmartCOP Solution CAV3.DOCX](#)

[SmartCOP Scope of Work Agreement \(Exhibit A\).pdf](#)

[SmartCOP Software License and Service Agreement " \(Exhibit B\).pdf](#)

[SmartCOP Product Scheduling and Pricing Summary Page - Appendix 1 \(Exhibit C\).pdf](#)

[SmartCOP Software Maintenance and Support Agreement - Appendix 2 \(Exhibit D\).pdf](#)

[SourceWell Contract Information \(Exhibit E\).pdf](#)

[SourceWell Cooperative Purchasing Reference Guide \(Exhibit F\).pdf](#)

[SmartCOP Contract 030425.pdf](#)

[Ad.pdf](#)

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

12. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 15A-17 "RESERVED" OF CHAPTER 15A "PARKING" OF THE CODE OF ORDINANCES TO PROVIDE PROCEDURES FOR REQUESTS FOR PERMANENT REMOVAL OF ON-STREET PARKING; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

[Memo\\_2nd\\_Hearing\\_-\\_Procedures\\_for\\_Removal\\_of\\_On-street\\_Spaces\\_\(2\).docx](#)

[Ord\\_-\\_Procedures\\_for\\_Removal\\_of\\_On-Street\\_Parking\\_Space\\_CAV7.DOCX](#)

[BUSINESS IMPACT ESTIMATE.docx](#)

[Ad.pdf](#)

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

## **T. ORDINANCE(S) FIRST READING(S)**

## **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.