



CITY OF SOUTH MIAMI

CITY COMMISSION MEETING AGENDA

Tuesday, April 16, 2024, 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 on Atlantic Broadband or by AT&T U-Verse.*

- A. SILENCE OR TURN OFF ALL CELL PHONES**
- B. ROLL CALL**
- C. PRAYER/MOMENT OF SILENCE**
- D. PLEDGE OF ALLEGIANCE**
- E. PRESENTATIONS**

- E1. Miami-Dade County Commissioner Raquel A. Regalado
- E2. Annual Comprehensive Financial Report (ACFR) - Andrew S. Fierman, CPA, Caballero Fierman Llerena & Garcia, LLP
[2023 south miami.pdf](#)
- E3. Employee of the Quarter (Q1 - 2024): Craig Martin & Sheldon Boothe

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

- Ha. 04.02.24
[04.02.24.docx](#)

I. CITY MANAGER'S REPORT

- la. City Manager's Report
[CM's Report to Commission April 16 2024 \(002\).pdf](#)

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. BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

- M1. Green Task Force - Gray Read has been recommended by Commissioner Calle to be re-appointed to serve at-large on the Green Task Force, as per City Charter Art. II, Sec. 8 A, for a two-year term ending April 16, 2026, or until a successor is appointed, whichever occurs first. (Needs a majority Commission vote)
[Gray Read..pdf](#)

N. CONSENT AGENDA

- 1. A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE PROPOSAL AND PROJECT WORK ORDER WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR ENGINEERING AND DESIGN SERVICES RELATING TO

INFIELD, NATURAL TURF FIELD, AND OTHER RELATED IMPROVEMENTS AT MURRAY PARK AND PALMER PARK IN AN AMOUNT NOT TO EXCEED \$90,745.44; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS, RECREATION & CULTURAL DEPT.)

[Memo-Murray___Palmer_Field_Design \(1\).docx](#)

[Resolution Field Design Improvements-Murray-Palmer Park](#)

[Exhibit A-CGA Proposal.pdf](#)

2. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE MULTI-YEAR AGREEMENTS WITH PARKMOBILE, LLC AND PAYBYPHONE US, INC. FOR MOBILE PARKING PAYMENT SYSTEMS UTILIZING THE TERMS AND CONDITIONS OF THE CITY OF MIAMI BEACH CONTRACT COMPETITIVELY AWARDED PURSUANT TO RFQ NO. 2023-051-WG; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

[AR_v4CM_Memo_Mobile_Parking_Payment_Sytems.docx](#)

[Resolution Multi-Year Agreement PayByPhone-Park Mobile.DOCX](#)

[Exhibit A - City of Miami Beach_PayByPhone Fully Executed Agreement 030724.pdf](#)

[Exhibit B-Mobile Parking Payment System-Parkmobile LLC-fully executed 3.6.2.pdf](#)

[Exhibit C - PayByPhone Proposal.pdf](#)

[ParkMobile Pricing Proposal- City of South Miami.pdf](#)

3. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXPEND \$45,000 AS PART OF AN AGREEMENT WITH MCCI, LLC FOR LASERFICHE, DIGITIZING SERVICES AND RECORDS MANAGEMENT UTILIZING THE TERMS AND CONDITIONS OF THE NATIONAL COOPERATIVE PURCHASING ALLIANCE; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY CLERK)

[CM_Memo_Laserfiche_Digitizing_Support_4.10.24.docx](#)

[Resolution Approving_MCCi_Laserfiche_Documents_and_Records_Management_4.10.24.docx](#)

[Res No 159-23-16092.pdf](#)

[Summary Documents & Records Mangement .pdf](#)

[MCCi_Award_Letter.pdf](#)

[MCCi_Contract & Response.pdf](#)

[Sun Biz MCCI LLC.pdf](#)

O. RESOLUTION(S)

4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, ESTABLISHING THE CITY'S FLORIDA INTERNATIONAL UNIVERSITY (FIU) SCHOLARSHIP PROGRAM; AUTHORIZING THE CITY MANAGER TO ESTABLISH A SCHOLARSHIP FUND FOR SUCH PURPOSE AND AN EXPENDITURE OF \$7,500; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

[Memo-FIU Scholarship Program.docx](#)

[Resolution FIU Scholarship Program-Miami Foundation Fund](#)

[FIU Municipality 1st generation Campaign Deck General \(2\).pdf](#)

5. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI,

FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR THE DEVELOPMENT OF HOMETOWN DISTRICT LOT B; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (COMMISSIONER LIEBMAN)

[Memo Lot B RFP.docx](#)

[Resolution Authorizing Issuance of RFP for Development of Hometown District Lot B.DOCX](#)
[Exhibit A - RFP - Development of Town Center Lot B](#)

6. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SUPPORTING MIAMI-DADE COUNTY'S "OCCUPANT WITH AUTISM" DECAL PROGRAM; PROVIDING FOR AUTHORIZATION; PROVIDING FOR CORRECTIONS; AND AN EFFECTIVE DATE. 3/5 (COMMISSIONER COREY)

[Memo-MDC Decal Program](#)

[48K9732-Resolution Supporting MDPD Occupant with Autism Decal Program.DOCX](#)

7. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING RESPONDENTS PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. CSM2024-01 FOR THE SOUTH MIAMI CITY HALL REDEVELOPMENT PROJECT; PROVIDING FOR AUTHORIZATION; CORRECTIONS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

[CM Memo City Hall Site Redevelopment Project 4.8.26.docx](#)

[48L209302-Resolution Selecting Qualified Proposers Under RFQ.DOCX](#)

[FINAL City Hall Site Redevelopment 2.9.2024.pdf](#)

[Proposal Received Report City Hall Redevelopment Project 3.25.24.pdf](#)

[Final Score Sheets RFQ CSM2024-01 3.29.24.pdf](#)

[Sun Biz Registrations RFQ CSM2024-01 3.28.24.pdf](#)

[13th Floor Bidding Document.PDF](#)

[Adler Development Bidding Document.PDF](#)

[Integra Bidding Document.PDF](#)

[RUDG LLC Bidding Document.PDF](#)

[Saltz Michelson Arch. Bidding Document.PDF](#)

P. RESOLUTION(S) PUBLIC HEARING(S)

8. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A DEVELOPMENT AGREEMENT WITH ANCHOR MIAMI IRF OWNER, LLC, AND SOUTH MIAMI HOSPITAL, INC., FOR THE PROPERTY LOCATED AT 6233 SUNSET DRIVE, 6201 SUNSET DRIVE, AND 7150 SW 62 AVENUE, SOUTH MIAMI, FLORIDA, PURSUANT TO SECTION 20-8.9 OF THE LAND DEVELOPMENT CODE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT; PROVIDING FOR CORRECTIONS, IMPLEMENTATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PLANNING DEPT.)

[Memo_Hosp._Dev._Agmt. \(2\).docx](#)

[Resolution Approving New Development Agreement for South Miami Hospital Rehabilitation.docx](#)

[10.16.2023 - Development Agreement - Baptist Health Rehabilitation Hospital - Folio Nos.](#)

[09-4025-000-0610-0680-0650 - SW 72 ST and SW 62 AVE - Rev 4-10-24.docx](#)

[MDBR Ad.pdf](#)

[MH Ad.pdf](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)
[MH Ad.pdf](#)
[MH Ad.pdf](#)

9. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD ON AUGUST 20, 2024, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A PROPOSED AMENDMENT TO SUBSECTION D.1. "REQUIREMENTS FOR ADOPTION" OF SECTION 6 "ORDINANCES" OF ARTICLE II "CITY COMMISSION" OF THE CITY CHARTER, AS PRESENTED IN A BALLOT QUESTION, TO REQUIRE THREE AFFIRMATIVE VOTES OF THE CITY COMMISSION TO APPROVE THE ISSUANCE OF BONDS OR BORROWING MONEY WHEN SUCH DEBT IS AUTHORIZED BY REFERENDUM OF THE RESIDENTS OF THE CITY, AND TO REQUIRE FOUR AFFIRMATIVE VOTES FOR APPROVAL OF THE ISSUANCE OF BONDS OR BORROWING MONEY WHEN SUCH DEBT IS NOT AUTHORIZED BY REFERENDUM OF THE RESIDENTS OF THE CITY; PROVIDING FOR REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE CITY CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

[Memo-Special Election Bond Issuance Borrowing Voter Referendum](#)
[Resolution Calling Special Election - Charter Amendment - Bond Issuance Borrowing Voter Referendum](#)
[MH Ad.pdf](#)

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

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

S. ORDINANCE(S) FIRST READING(S)

10. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CREATING THE UNIQUE ABILITIES BOARD UNDER SECTION 2-26.7 OF THE CITY CODE OF ORDINANCES AND PROVIDING FOR PURPOSE, COMPOSITION, AND DUTIES OF THE BOARD AND OTHER RELATED MATTERS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (COMMISSIONER CALLE)

[Memo-Unique Abilities Board](#)
[Ordinance Creating Unique Abilities Board](#)

11. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, COMPREHENSIVELY AMENDING THE CITY CODE AND LAND DEVELOPMENT CODE TO RESTRUCTURE THE DEVELOPMENT APPROVAL PROCESS AND THE ROLE OF THE ENVIRONMENTAL REVIEW AND PRESERVATION BOARD, INCLUDING RENAMING THE BOARD, AND AMENDING ITS COMPOSITION, POWERS AND DUTIES, AND PROCEDURES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (VICE MAYOR BONICH)

[Commission Memo Re ERPB Restructuring.docx](#)
[Ordinance_Restructure Development Approval Process and ERPB_FR 4-10-24.docx](#)
[48H6101-Exhibit A-Code Amendments-ERPB Ordinance.DOCX](#)
[48F3230-Exhibit B-LDC Amendments-ERPB Ordinance.DOCX](#)
[ERPB Restructuring Charts.pdf](#)

12. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 4-6, "DEFINITIONS; HOURS OF OPERATION," OF CHAPTER 4, "ALCOHOLIC BEVERAGES," OF THE CITY CODE OF ORDINANCES TO ALLOW ISSUANCE OF REVOCABLE PERMIT FOR EXTENDED SERVICE HOUR FOR ALCOHOLIC BEVERAGES CONSUMED ON-PREMISES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

[Memo-Extended Alcohol Servcie Hours](#)

[Ordinance Providing for Extended Alcohol Service Hours](#)

T. 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. A LOCAL 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.