



CITY OF SOUTH MIAMI

CITY COMMISSION MEETING AGENDA

TUESDAY, AUGUST 18, 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. PRESENTATIONS

E1. Certificate of Appreciation - Christopher Cooke-Yarborough

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

I. CITY MANAGER'S REPORT

- I1. City Manager's Report
[8-18_CM Report_Aug 18_2026.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)

N. BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

- N1. Manuel Chica has been appointed by Mayor Fernandez, to the Planning Board, as per City Charter Art. II, Sec. 8 A, for a two-year term ending August 18, 2028.
[Manny Chica - Board Application.pdf](#)
- N2. Joseph R. Corvison has been reappointed by Commissioner Calle, to the Planning Board, as per City Charter Art. II, Sec. 8 A, for a two-year term ending August 18, 2028.
[Joseph Corvison..pdf](#)

O. CONSENT AGENDA

1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER, OR IN THE CITY MANAGER'S ABSENCE OR DISABILITY, THE ACTING CITY MANAGER APPOINTED PURSUANT TO THE CITY CHARTER, TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY FOR, RECEIVE, ADMINISTER, AMEND, AND CLOSE OUT GRANTS, COOPERATIVE AGREEMENTS, DONATIONS TO THE CITY, AND OTHER EXTERNAL FUNDING OPPORTUNITIES; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[Memo_-_CM_Signing_Authority_2026.docx](#)
[Resolution-City_Manager_Signing_Authority.docx](#)
2. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO RENEW HEALTH INSURANCE COVERAGE WITH CURATIVE INSURANCE COMPANY FOR ELIGIBLE EMPLOYEES AND PARTICIPATING RETIREES FOR FISCAL YEAR 2026-27 IN THE APPROXIMATE PREMIUM AMOUNT OF

\$1,409,507; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE.
3/5 (CITY MANAGER)

[Manager_Memo_-_2026-27_Health_Insurance_for_FTEs_and_Participating_Retirees.docx](#)
[Reso_Health_Insurance_FY_2026-27_CLEAN_v2.docx](#)

[F - Curative Proposal.2026-2027.pdf](#)

[D - FL Blue Proposal.2026-2027.pdf](#)

[C - Cigna Proposal.2026-2027.pdf](#)

[B - Decline to Quote Letters.pdf](#)

[City of South Miami 2026 Renewal Presentation Final.v2.pdf](#)

3. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO RENEW LONG-TERM DISABILITY INSURANCE WITH MUTUAL OF OMAHA FOR ELIGIBLE EMPLOYEES FOR FISCAL YEAR 2026-27 IN THE APPROXIMATE PREMIUM AMOUNT OF \$34,299; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

[Memo_-_LTD_Insurance_for_FY_2026-27.docx](#)

[Reso_LTD_Insurance_FY_2026-27_CLEAN_v2.docx](#)

[A - LTD Benefit Outline and Proposal Summary.pdf](#)

[B - Decline to Quote Letters \(Lincoln and Guardian\).pdf](#)

[C - SunLife Proposal with Stand Alone EAP.pdf](#)

[D - MetLife Proposal.pdf](#)

[E - Mutual of Omaha Proposal.pdf](#)

4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A DEPARTMENT FUNDED AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RELATING TO TURF AND LANDSCAPE MAINTENANCE SERVICES ON STATE ROAD 5 (US1) FROM SW 80TH STREET TO SW 57TH AVENUE; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS DEPT.)

[Memo-Turf_and_Landscape_FY26 .docx](#)

[4E42398-Reso Approving FDOT Turf and Landscape Maintenance.DOCX](#)

[City of South Miami - Department Funded Agreement FY 26.pdf](#)

5. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A LETTER OF AGREEMENT AND CONTRACT WITH UNIVERSITY OF NORTH FLORIDA TRAINING AND SERVICES INSTITUTE, INC., D/B/A INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT (IPTM), IN AN AMOUNT NOT TO EXCEED \$5,000.00, RELATING TO THE PEDESTRIAN AND BICYCLE SAFETY HIGH VISIBILITY EDUCATION AND ENFORCEMENT CAMPAIGN; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-POLICE DEPT.)

[Pedestrian_and_Bicycle_Safety_High_Visibility_Enforcement_and_Support_Program_Agreer](#)

[4E44153-Resolution-IPTM_Pedestrian_Bike_Safety_Enforcement_Support_Program.docx](#)

[IPTM Ped - Bike Safety 2026 Agreement \(Exhibit A\).pdf](#)

P. RESOLUTION(S)

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

FLORIDA, APPROVING THE CITY'S ELECTION TO PARTICIPATE AND THE EXECUTION OF THE FIRST AMENDMENT TO THE URBAN QUALIFICATION COOPERATION AGREEMENT FOR THE MIAMI-DADE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEARS 2027, 2028, AND 2029; AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

[Memo_CDBG__County_Program_3-Years \(1\).docx](#)

[Resolution_CDBG_2026.docx](#)

[Exhibit A - City of South Miami Urban County Agreement 2024-2026.pdf](#)

[Exhibit B - 1st Amendment Urban County - South Miami.docx](#)

[City Of South Miami CDBG Letter.pdf](#)

[Aerial map - South Miami area as Urban County CDBG grantee.JPG](#)

[CPD-26-08.pdf](#)

[SoMi Targeted Urban Areas Map 2026.pdf](#)

[FY 2026 Action Plan.pdf](#)

Q. RESOLUTION(S) PUBLIC HEARING(S)

7. 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 REPLAT THE ENTIRE CITY BLOCK LOCATED ON THE WEST SIDE OF SW 62ND AVENUE BETWEEN SW 68TH STREET AND SW 69TH STREET; PROVIDING FOR CONDITIONS, ENFORCEMENT OF CONDITIONS, CORRECTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)

[CM Memo - Medsquare T-Plat 08-10-2026.docx](#)

[4E06448-Resolution_for_Application_for_Tentative_Plat-3.docx](#)

[Medsquare Public Hearing Application.pdf](#)

[LETTER OF INTENT-TPLAT.pdf](#)

[DEED.pdf](#)

[EXECUTED AFFIDAVIT.pdf](#)

[OPINION OF TITLE .pdf](#)

[Curtis Rogers Landscape Review - Medsquare.pdf](#)

[MEDSQUARE - Surveyor Approval Letter.pdf](#)

[Mailing Label Affidavit 1.pdf](#)

[Mailing Label Radius Map 1.pdf](#)

[Mailing Label Affidavit & Map 2.pdf](#)

[South Miami Real Estate Partners - Neighborhood Awareness Notice Package.pdf](#)

[PB-2026-016 - CMT Mtg Newsp.Notice 08-11-2026.pdf](#)

[Medsquare T-Plat Analysis \(TSDA\).pdf](#)

[Medsquare T-Plat Analysis \(TSNA\).pdf](#)

[75641 - S MIAMI PROF ARTS COMMUNITY REV T-PLAT_2026-07-06_NEW.pdf](#)

[24064-A101 Level 1 Site Plan.pdf](#)

[MedSquare South Miami - Landscape \(combined\).pdf](#)

[PB Legal Ad 8-11-2026.pdf](#)

[Ad.pdf](#)

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

8. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, ESTABLISHING GENERAL OBLIGATION BOND DEBT SERVICE FUND 202 AND GENERAL OBLIGATION BOND CAPITAL PROJECTS FUND 302; AMENDING THE CITY'S FISCAL YEAR 2025-2026 BUDGET TO PROVIDE FOR THE APPROPRIATION AND REAPPROPRIATION OF FUNDS ASSOCIATED WITH THE CITY'S GENERAL OBLIGATION BOND PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. 3/5 (CITY MANAGER-FINANCE DEPT.)

[Memo-Funds_202_and_302_Establishment \(1\).docx](#)

[Ord_Establish_GO_Bond_Funds_and_Budget_Amendments_CAv3.docx](#)

[GOB DEBT SERVICE FUND 202 - FY 2026.doc](#)

[GOB CIP FUND 302 - FY 2026.docx](#)

[201 Debt Fund Loans FY 26_rv.pdf](#)

[Ordinance No. 22-25-2535 - Appropriation.pdf](#)

[BUSINESS IMPACT ESTIMATE 8-18-26.docx](#)

[Ad.pdf](#)

[Ad.pdf](#)

9. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 11 "GARBAGE AND TRASH" OF THE CODE OF ORDINANCES, INCLUDING MODIFYING SERVICE PARAMETERS FOR MUNICIPAL GARBAGE COLLECTION SERVICES AND PRIVATE FRANCHISEE HAULER GARBAGE SERVICES FOR MULTI-FAMILY RESIDENTIAL PROPERTIES; PROVIDING AN EXCEPTION TO GRANDFATHER HISTORIC CITY SERVICE FOR CERTAIN MULTI-FAMILY PROPERTIES BETWEEN 21 AND 50 UNITS HAVING RECEIVED EXCLUSIVE CITY SERVICE SINCE CERTIFICATE OF OCCUPANCY; REFERENCING THE PUBLIC WORKS DEPARTMENT SOLID WASTE EXPANSION ANALYSIS REPORT; PROVIDING FOR A ONE (1) YEAR TRANSITION PERIOD FOR MULTIFAMILY RESIDENTIAL PROPERTIES AFFECTED BY THE MODIFICATION TO ALTER THEIR GARBAGE COLLECTION SERVICE; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS DEPT.)

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

[Ordinance Amending Sec. 11-18 Eligible Large Multi-family Residential Properties V2.docx](#)

[Garbage_Ordinance_Change_Report__1__1_ \(1\).docx](#)

[BIES-Garbage___Trash_Ordinance_Change_08-18-2026 \(1\).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 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. 3/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)

[CM_Memo_-_LDC_-_Special_Use_Physical_Fitness_Personal_Skills_-_08-10-2026.docx](#)

[Ordinance_Re_Gyms_in_GR.docx](#)

[EXHIBIT A.docx](#)

T. ORDINANCE(S) FIRST READING(S)

11. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE IV "OTHER REGULATIONS," ARTICLE V "PROCEDURES AND APPLICATIONS," AND ARTICLE XII "DOWNTOWN SOMI DISTRICT REGULATIONS" OF THE LAND DEVELOPMENT CODE TO REORGANIZE AND AMEND NOTICE REQUIREMENTS FOR PUBLIC HEARINGS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)
[CM_Memo_-_Public_Noticing_Ordinance_08-10-2026 V2.docx](#)
[Ordinance_Re_Notice_Provision_8-10-26](#)
[Exhibits A, B, and C - Exhibits_to_Notice_Ordinance.docx](#)
[Public Noticing Ordinance Business Impact Estimate Form.docx](#)
12. 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](#)
[4E48544-Ordinance 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](#)
13. 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 ATTORNEY)
[Memo ROW Maintenance.docx](#)
[4E45236-Ordinance_-_Maintenance_of_Swale_or_Public_R_W_CAv2 \(1\).docx](#)
[Exhibit A - Ordinance - Maintenance of Abutting Swale or Public R W - CAv2.docx](#)
14. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE LEASE AGREEMENT WITH THE GIRL SCOUT COUNCIL OF TROPICAL FLORIDA, INC. IN CONNECTION WITH AN EXISTING FRANCHISE PROVIDING FOR THE CONTINUED USE OF THE PROPERTY LOCATED AT 6609 SW 60 STREET AND KNOWN AS THE LITTLE HOUSE RESERVE PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD AMENDMENT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, SEVERABILITY AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS, RECREATION & CULTURAL DEPT.)
[Memo_-_Little_House_Lease_Amendment.docx](#)

[4E49809-Ordinance Third Amendment to Girl Scout Lease CAV2.DOCX](#)
[4E49748-Third Amendment to Girl Scout Lease CAV2.DOCX](#)
[Ord No 23-25-2536.pdf](#)
[Exhibit B - Revised Survey, Sketch, and Legal.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.