

CITY OF WEST MIAMI
901 S.W. 62ND AVENUE
WEST MIAMI, FL 33144
WWW.CITYOFWESTMIAMIFL.COM



AGENDA
SPECIAL CITY COMMISSION
VIRTUAL MEETING

FRIDAY, OCTOBER 30TH, 2020
10:00 AM

JOIN THE MEETING WITH ZOOM VIDEO CONFERENCING:
<https://zoom.us/j/3255236059>

CITY COMMISSION
MAYOR RHONDA A. RODRIGUEZ
VICE-MAYOR ERIC DIAZ-PADRON
COMMISSIONER CANDIDA BLANCA
COMMISSIONER JUAN M. BLANES
COMMISSIONER LUCIANO L. SUAREZ

CITY MANAGER YOLANDA AGUILAR
CITY ATTORNEY JOSE A. VILLALOBOS
CITY CLERK ANNERY GONZALEZ

INSTRUCTIONS TO PARTICIPATE IN THE VIRTUAL COMMISSION MEETING:

The City Commission Meeting will be held as a VIRTUAL MEETING with elected officials and City staff participating through video conferencing. This virtual meeting will be held on the Zoom platform. Members of the public may join the meeting via Zoom at <https://zoom.us/j/3255236059>

LIVE REMOTE PUBLIC COMMENTS

The City of West Miami is providing Live Remote Public Comments.

The person wishing to submit the live remote public comment will appear live on the TV screens in Council Chambers during the meeting and will be afforded three (3) minutes to speak.

You can test your connection to Zoom by clicking on the following link: <http://zoom.us/test>

Please submit your first and last name and make sure that you have a working microphone and a working web camera so that you can participate in the live streaming of the meeting. We thank you for participating in this service and ask you to please wait patiently for your turn to speak.

INSTRUCTIONS TO ACCESS THE VIRTUAL COMMISSION MEETING BY PHONE:

1- First dial any of these phone numbers within the United States.

1 646 558 8656 US (New York)
1 312 626 6799 US (Chicago)
1 301 715 8592 US
1 346 248 7799 US (Houston)
1 669 900 9128 US (San Jose)
1 253 215 8782 US

2- When you connect a machine will ask for the meeting ID, then dial:
325 523 6059 followed by a # sign.

3- Wait a few minutes until the Host (Administrator) accepts it and gives you access to the meeting.

Please note that Governor DeSantis' Executive Order Number 20-69 suspended the requirements of Section 112.286, Florida Statutes, the Florida Sunshine Law, that a quorum to be present in person, and that a local government body meet at a specific public place. The Executive Order also allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings.

SPECIAL AGENDA

1. ROLL CALL:

2. PLEDGE OF ALLEGIANCE:

3. PUBLIC COMMENTS:

4. SPECIAL AGENDA ITEMS:

A) Updated report by the Office of the City Attorney Re: Banyan Healthcare vs. City of West Miami litigation.

B) Report by the Legal Department of Akerman in reference to former member of Banyan Healthcare Board of Directors.

C) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF CITY OF WEST MIAMI MAKING PROVISIONS FOR HYBRID PUBLIC MEETINGS OF THE CITY COMMISSION, PLANNING AND ZONING BOARD, CODE ENFORCEMENT AND GENERAL PUBLIC, FOR PERSONAL APPEARANCE AND FOR THE USE OF COMMUNICATION MEDIA TECHNOLOGY FOR ATTENDANCE BY USING SUCH TECHNOLOGY BY ELECTED AND APPOINTED PUBLIC OFFICIALS AND THE GENERAL PUBLIC; REQUIRING A QUORUM OF THE COMMISSION TO BE PRESENT AT THE COMMISSION MEETING; EXEMPTING CITY COMMISSIONERS, BOARD MEMBERS AND STAFF THAT FOR REASONS OF HEALTH AND/OR MEDICAL NECESSITIES CANNOT ATTEND THE SCHEDULED MEETINGS, HOWEVER CAN PARTICIPATE AND VOTE VIA ELECTRONIC MEANS; IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF ELECTED AND APPOINTED OFFICIALS, CITY STAFF AND GENERAL PUBLIC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (MAYOR AND CITY COMMISSION)

Motion: _____ Second: _____ Vote: _____

5. GOOD OF THE ORDER:

ADJOURNMENT:

MOTION TO ADJOURN BY:

MEETING ADJOURNS:

SECOND BY:

NOTE

* Any person, or persons, wishing to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, will require a verbatim record of the proceeding upon which the appeal is based. Interested persons should, therefore, take the necessary steps to ensure that a verbatim record of the proceedings is made which contains the testimony and evidence upon which the appeal is based. (F.S.286.0105)

* Any person wishing to address the City Commission on any item on the agenda shall register with the City Clerk prior to the item being heard. Prior to making a statement, please state your name and address for the record.

* Any person requiring special accommodations for participation in the meeting should contact the City Clerk at 305 266-1122, with requests for auxiliary aids or services at least two business days before the meeting.

City of West Miami
Vice Mayor Eric Diaz-Padron
- MEMORANDUM -



To: Mayor and City Commission
From: Eric Diaz-Padron, Vice Mayor
Date: 10/29/2020
Re: Regular Commission Meeting Times

My esteemed colleagues,

Due to the pandemic, and the technical challenges that arose, our commission began holding regular meetings at 10 AM. However, this commission has a long tradition of holding its commission meetings at 7:30 PM. Evening meetings are not only the long-standing tradition of our city commission, but the standard across nearly every municipality in Miami-Dade County. Our city is largely comprised of working families who are unable to take off work to attend commission meetings – and this is the purpose of local governments almost universally holding evening meetings. Out of the 33 other municipalities, 28 hold evening commission meetings. Only 5 hold day-time meetings – Miami, Miami Beach, Coral Gables, Doral (zoning items are scheduled in the evening), and Indian Creek (population of 86 people, including 4 of the Forbes 500 richest people in America). Below are the regular commission meeting times for the remaining 28 cities. I believe it is important that as we move back towards in-person meetings, we also move back to normal regular meeting times.

Homestead – 6 PM
Florida City - 7:30 PM
Hialeah - 7 PM
Doral (Zoning) - 6 PM
North Miami- 7 PM
Opa-Locka – 7 PM
Miami Springs – 7 PM
South Miami – 7 PM
Golden Beach – 7 PM
North Miami Beach - 6 PM

Miami Shores - 6:30 PM
Biscayne Park – 7 PM
Surfside – 7 PM
El Portal – 7 PM
Sweetwater - 8 PM
North Bay Village - 6:30 PM
Bay Harbor Islands – 7 PM
Bal Harbor - 6:30 PM
Virginia Gardens - 6:30 PM

Hialeah Gardens - 7:30 PM
Medley - 7 PM
Key Biscayne – 6 PM
Aventura – 6 PM
Pinecrest – 6 PM
Sunny Isles Beach - 6:30 PM
Miami Lakes - 6:30 PM
Palmetto Bay – 7 PM
Miami Gardens – 7 PM
Cutler Bay – 7 PM

Respectfully,

A handwritten signature in black ink, appearing to read "Eric Diaz-Padron", is written over a light gray rectangular background.

Eric Diaz-Padron
Vice Mayor, City of West Miami



10/29/20 @ 10:38 A.M.

RESOLUTION # 2020-

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF CITY OF WEST MIAMI MAKING PROVISIONS FOR HYBRID PUBLIC MEETINGS OF THE CITY COMMISSION, PLANNING AND ZONING BOARD, CODE ENFORCEMENT AND GENERAL PUBLIC, FOR PERSONAL APPEARANCE AND FOR THE USE OF COMMUNICATION MEDIA TECHNOLOGY FOR ATTENDANCE BY USING SUCH TECHNOLOGY BY ELECTED AND APPOINTED PUBLIC OFFICIALS AND THE GENERAL PUBLIC; REQUIRING A QUORUM OF THE COMMISSION TO BE PRESENT AT THE COMMISSION MEETING; EXEMPTING CITY COMMISSIONERS, BOARD MEMBERS AND STAFF THAT FOR REASONS OF HEALTH AND/OR MEDICAL NECESSITIES CANNOT ATTEND THE SCHEDULED MEETINGS, HOWEVER CAN PARTICIPATE AND VOTE VIA ELECTRONIC MEANS; IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF ELECTED AND APPOINTED OFFICIALS, CITY STAFF AND GENERAL PUBLIC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission deems it to be in the best interest of citizens and residents of the City of West Miami to make hybrid provisions for the attendance at public meetings by means of personal attendance and by use of electronic communication media technology; and

WHEREAS, the current outbreak of Coronavirus (COVID-19) has made the City Commission acutely aware that provisions must be made to ensure that the business of municipal governance can occur without unnecessarily exposing either City personnel or members of the public to a risk of infection while ensuring public access and open government; and

WHEREAS, Florida law, including Florida Statutes Sections 286.011 and 166.041, requires that meetings of elected and appointed officials ("Bodies"), for the conduct of public business, must be held following procedures (notice, access to meetings, opportunity to be heard, the taking of minutes, etc.) that ensure that the public is able to participate in and be aware of the decision making process; and

WHEREAS, the Florida Attorney General ("AG") has opined that a quorum of the Body must be physically present in order to allow a member, who due to "extraordinary circumstances" is unable to physically attend the meeting, to appear and participate electronically; and

WHEREAS, the Attorney General has further opined: "this office has consistently suggested a conservative interpretation" as the Sunshine Law does not expressly prohibit remote electronic participation nor suggest that a member of a Body is not "present" when they access the meeting electronically; and

WHEREAS,
NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of West Miami as follows:

Section 1. The foregoing "whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption thereof.

Section 2. The City Manager is hereby authorized, until further notice, to:

- a) arrange for the City Commission and the Boards of the City to afford electronic zoom communication by the public at commission or board meetings;
- b) promulgate rules of procedure that will ensure compliance with the intent of this resolution (see attached Exhibit A);
- c) provide technology and administrative support as necessary to fulfill these objectives.

Section 3. A hybrid electronic participation is hereby authorized provided the City complies with uniform rules of procedures regarding notice requirements and providing means and points of access for the public.

Section 4. The entire decision making by the City Commission and Boards is subject to the Sunshine Act.

Section 5. When one or more members of the City Commission or any Board or official of the City is unable to physically participate due to extraordinary circumstances, said member(s) may appear, participate and vote electronically via Zoom or other similar method, only if there is quorum of the City Commission or Board physically present.

Section 6. If any section, subsection, clause or provision of this resolution is held invalid, the remainder shall not be affected by such invalidity.

Section 7. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 8. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this ____ day of October, 2020.

RHONDA A. RODRIGUEZ, MAYOR

ATTEST:

ANNERY GONZALEZ, CITY CLERK

APPROVED AS TO FORM AND SUFFICIENCY:

JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

**MAYOR RHONDA A. RODRIGUEZ
VICE-MAYOR ERIC DIAZ-PADRON
COMMISSIONER CANDIDA BLANCA
COMMISSIONER JUAN M. BLANES
COMMISSIONER LUCIANO SUAREZ**

Protocol to be followed in Hybrid Commission Meetings, Code Enforcement Hearings, Planning and Zoning Board hearings previously noticed.

As society returns to a "new-normal" the City of West Miami will host hybrid Commission meetings. The Mayor and City Commissioners, the City Manager, City Attorney, City Clerk and staff, unless for reasons of health or medical necessity are unable to attend, will be physically present in a socially distanced manner at the Commission Chambers located at City Hall, 901 SW 62 Avenue, West Miami, Florida 33144. This approach is in effect for any Commission or Board meetings until further notice. Members of the public may continue to comment on any item on the agenda using the Zoom platform.

Beginning in November, the public may continue to comment on any item on the agenda using the Zoom platform. However, if a member of the public wishes to address the City Commission or Board in-person, he/she may do so. Those persons wishing to address the City Commission in-person should pre-register at the City's website at least one hour prior to the beginning of the City Commission or Board meeting, indicating the item(s) they wish to address. Upon arrival at City Hall registered participants must check-in with a City representative and undergo health screening which includes a temperature and symptom check. They will then wait outside City Hall until the item they are registered to speak is called on. All in-person participants will be required to wear a facial covering and maintain social distance of at least 6-feet. When the item the person wishes to speak on is called, the individual will be notified via text message, and be escorted to City Commission chambers.

In accordance with applicable orders, once the individual has addressed the City Commission, they will exit the building. Individuals wishing to speak on more than one item, must wait outside the building until the next item is called. The same procedures remain in effect for the additional item(s).

In addition, the public may comment on an item on the agenda, prior to the beginning of the meeting, using the City's already established e-comment function which may be found on the City's website.