MIAMIBEACH

City Commission Meeting
ADDENDUM MATERIAL
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
March 8, 2006

Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jerry Libbin
Commissioner Richard L. Steinberg

City Manager Jorge Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R5 - Ordinances

R5K An Ordinance Amending Chapter 70 Of The City Code; Adding A New Section 70-404 Entitled "Additional Restrictions," Making It Unlawful For Persons Convicted Of Violation Of Sections 794.01, 800.04, 827.011, Or 847.0145, Florida Statutes, To Be Present In A Park Or Child Care Facility Under Specified Circumstances With Exceptions; Setting A Penalty; Providing For Codification, Repealer, Severability And An Effective Date.
(Requested by Commissioner Richard L. Steinberg)

R9 - New Business and Commission Requests

R9H Discussion Regarding A Resolution Urging The Florida Legislature To Enact Legislation, Including A Joint Resolution Proposing A Constitutional Amendment If Necessary, To Provide Property Appraisers Statewide An Alternative Assessment Approach For Multifamily Affordable Housing Properties.

(Requested by Commissioner Richard L. Steinberg)

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: MARCH 8, 2006

TO: MAYOR DAVID DERMER
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JORGE M. GONZALEZ

FROM: MURRAY H. DUBBIN
CITY ATTORNEY

SUBJECT: AMENDMENT TO ORDINANCE NO. 2005-3685

Pursuant to a request of Commission Steinberg, I am transmitting herewith a proposed Ordinance providing additional restrictions for the activity of persons convicted of certain sex crimes.

This proposed Ordinance supplements Ordinance No. 2005-3685 which was effective June 18, 2005 and prohibits persons convicted of violations of Sections 794.011, 800.04, 827.011 or 847.0145 to knowingly be present in a park where a child under the age of 16 is also present, with some exceptions. It also prohibits such convicted person from entering or remaining in a childcare facility, also with some exceptions. The Ordinance also contains penalties.

Also enclosed is Commissioner Steinberg's request. He plans to offer this as an Emergency Ordinance which will require a 5/7 vote for consideration.

MHD:lm

Encl.

c: MHD
LC
DD

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

FROM: Richard L. Steinberg, Commissioner RLS/mt

DATE: March 6, 2006

SUBJECT: Agenda Item – Amend Sexual Predator Ordinance to Incorporate Miami-Dade County's Ban on Sexual Predators in Parks

Please place an ordinance for action on the March 8, 2006 Commission agenda to amend the sexual predator ordinance to incorporate Miami-Dade County's ban on sexual predators in public parks.

If you have any questions, please feel free to contact my Aide, Ms. Marlene Taylor, at extension 6087.

RLS/mt

Cc: Murray Dubbin, City Attorney

RECEIVED
2006 MAR -6 AM 11:21
CITY MANAGER'S OFFICE
BY

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CITY CODE; ADDING A NEW SECTION 70-404 ENTITLED "ADDITIONAL RESTRICTIONS", MAKING IT UNLAWFUL FOR PERSONS CONVICTED OF VIOLATION OF SECTIONS 794.01, 800.04, 827.011, OR 847.0145, FLORIDA STATUTES, TO BE PRESENT IN A PARK OR CHILD CARE FACILITY UNDER SPECIFIED CIRCUMSTANCES WITH EXCEPTIONS; SETTING A PENALTY; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission adopted Ordinance #2005-3685 effective June 18, 2005, establishing distance separation between the residences of persons convicted of specific sexual offenses and a school, public school bus stop, day care center park, playground or other places where children regularly congregate; and; and

WHEREAS, in the interests of protection of children who attend parks or child care facilities, it is necessary to adopt additional regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 70 of the City Code is amended by adding a new Section 70-404 to read:

Sec. 70-404. Additional Restrictions.

(a) It is unlawful for persons who have been convicted of a violation of Sections 794.011, 800.04, 827.011 or 847.0145 to knowingly be present in a County or municipal park, when a child under the age of sixteen (16) years is present, unless the sexual offender or sexual predator is the parent or legal guardian of a child present in the park.

(b) Signage at the entrance of a County and municipal parks shall include notification that a person convicted of a violation of Sections 794.01, 800.04, 827.011 or 847.0145, Florida Statutes shall not be present in a park when a child under the age of sixteen (16) years is present, unless said convicted person is the parent or legal guardian of a child present in the park.

(c) It is unlawful for such convicted person to knowingly enter or remain in a child care facility ("facility") or on its premises unless said person:

(1) Is dropping off or picking up a child registered at the facility and is the parent or legal guardian of said child and

(2) Remains under the supervision of a facility supervisor or his or her designee while on the facility premises.

(d) Penalties. A person who violates Section 70-404 (a) or (c) herein shall be punished by a fine not to exceed $500.00 or imprisonment in the County jail for not more than 60 days, or by both such fine and imprisonment. A person who is convicted of a second or subsequent violation of Section 70-404 (a) or)c) herein shall be punished by a fine not to exceed $1,000.00 or imprisonment in the County jail for not more than 364 days, or by both such fine and imprisonment.

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

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

SECTION 4. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect on the _____ day of _____, 2006.

PASSED AND ADOPTED this _____ day of _____, 2006.

_____
MAYOR

_____
CITY CLERK

MHD:lm

F:\atto\DUBM\ORDINANC\sexualoffender.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 3.6.05
Date

c: Hilda
Kathie
Lilia

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

FROM: Richard Steinberg, Commissioner RLS/mt

DATE: March 7, 2006

SUBJECT: Agenda Item- Resolution for Affordable Housing Tax Assessments

Please draft a resolution for the March 8th Commission Meeting encouraging the State Legislature to take action regarding affordable housing tax assessments. I would like our resolution to be consistent with those passed by Miami-Dade County and the City of Miami. Please find attached the resolutions for Miami-Dade County and the City of Miami.

If you have any questions, please feel free to contact my Aide, Ms. Marlene Taylor, at extension 6087.

RLS/mt

Cc: Murray Dubbin, City Attorney

RECEIVED
2006 MAR -7 AM 11:33
CITY MANAGER'S OFFICE
BY

Agenda Item R9H
Date 3-8-06

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION, INCLUDING A JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT IF NESCESSARY, TO PROVIDE PROPERTY APPRAISERS STATEWIDE AN ALTERNATIVE ASSESSMENT APPROACH FOR MULTI-FAMILY AFFORDABLE HOUSING PROPERTIES.

WHEREAS, property values for all types of real property have appreciated at unprecedented levels in Miami Beach and throughout Miami–Dade County over the past few years; and

WHEREAS, the value of multi-family affordable housing properties have also risen at correspondingly high rates; and

WHEREAS, these increases in the value of multi-family affordable housing properties have lead to significantly higher property tax bills and, in turn, higher rents; and

WHEREAS, this phenomenon has contributed to the affordable housing issues that face our community; and

WHEREAS, State law does not currently allow all multi-family affordable housing properties to be appraised at less than market value; and

WHEREAS, a change to State law allowing multi-family affordable housing properties to be assessed at less than market value could help to address the City of Miami Beach's affordable housing issues.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as follows:

Section 1. The Mayor and City Commission hereby urge the Florida Legislature to enact legislation, either through a bill or a joint resolution proposing a constitutional amendment, to provide Florida property appraisers an alternative assessment approach to multi-family affordable housing properties.

Section 2. The City Clerk is directed to transmit copies of this Resolution to the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. The City's state lobbying team is directed to advocate for the passage of the legislation set forth in Section 1 above and the Administration is directed to include this item in the 2006 State Legislative Package.

PASSED and ADOPTED this 8th day of March, 2006.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 3-7-07
Date

F:\atto\TURN\RESOS\Affordable Housing Tax 3-06.doc

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(18)
12-6-05

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION, INCLUDING A JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT IF NECESSARY, TO PROVIDE PROPERTY APPRAISERS STATEWIDE AN ALTERNATIVE ASSESSMENT APPROACH FOR MULTIFAMILY AFFORDABLE WORKFORCE HOUSING PROPERTIES

WHEREAS, property values for all types of real property have appreciated at unprecedented levels in Miami-Dade County over the past few years; and

WHEREAS, the values of multi-family affordable housing properties have also risen at correspondingly high rates; and

WHEREAS, these increases in the value of multi-family affordable housing properties have lead to significantly higher property tax bills, and in turn, higher rents; and

WHEREAS, this phenomenon has contributed to the affordable housing issues that face our community; and

WHEREAS, state law does not currently allow all multi-family affordable housing properties to be appraised at less than market value; and

WHEREAS, a change to state law allowing multi-family affordable housing properties to be assessed at less than market value could help to address Miami-Dade County's affordable housing issues,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation, either through a bill or a joint resolution proposing a constitutional amendment, to provide Florida property appraisers an alternative assessment approach for multi-family affordable housing properties.

Section 2. Directs the Clerk of the Board to transmit copies of this resolution to the Chair and members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbying team to advocate for the passage of the legislation set forth in section 1 above. The Office of Intergovernmental Affairs is directed to include this item in the 2006 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Bruno A. Barreiro and offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 6th day of December, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Jess M. McCarty

JMM

City of Miami

Legislation

Resolution: R-05-0538

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.ci.miami.fl.us

File Number: 05-01020 **Final Action Date:** 9/8/2005

A RESOLUTION OF THE MIAMI CITY COMMISSION: 1) URGING THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY TO BASE VALUATION OF MULTI-FAMILY RENTAL PROPERTY AFFORDABLE TO PERSONS OF LOW OR MODERATE INCOME, PRIMARILY ON THE INCOME FROM SAID PROPERTY AS CONTEMPLATED IN SECTION 193.011 (7) OF THE FLORIDA STATUTES; 2) URGING THE LEGISLATURE OF THE STATE OF FLORIDA TO AMEND SECTION 193.011 TO REQUIRE THAT MULTI-FAMILY RENTAL PROPERTIES AFFORDABLE TO PERSONS OF LOW OR MODERATE INCOME, BE VALUED USING ONLY THE INCOME METHOD; AND 3) REQUESTING THAT THE CITY ATTORNEY DETERMINE THE FEASIBILITY OF INITIATING LEGAL ACTION WITH THE INTENT OF OBTAINING JUDICIAL REDRESS IN ORDER TO PROTECT LESSEES IN THE CITY OF MIAMI FROM INFLATED AND UNFAIR VALUATION OF THEIR LEASEHOLD.

WHEREAS, the Property Appraiser in Miami-Dade County is given authority under the provisions of Section 193.011(7) of the Florida Statutes to consider the income derived from the property to value multi-family rental properties that are affordable to individuals and families of low or moderate income; and

WHEREAS, lessees of multi-family rental properties that are affordable to individuals and families of low or moderate income in the City of Miami ("City") are being unfairly affected by the Property Appraiser's current valuation method in the assessment of multi-family rental properties which does not give sufficient weight to income as a valuation factor; and

WHEREAS, given the additional economic hardships derived from high energy prices, rising interest rates and other potential economic hardships caused by Hurricane Katrina, low or moderate income families leasing multi-family properties in the City should not be unfairly impacted by unreasonable valuation of multi-family rental properties; and

WHEREAS, failure to give proper weight to income in the valuation of affordable multi-family rental properties in the City will cause irreparable harm to low or moderate income families;

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings set forth in the Preamble of this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The City Commission urges the Property Appraiser of Miami-Dade County to value multi-family rental properties that provide housing to person of low or moderate income so as to give greater weight to the income derived from said properties as provided for in Section 193.011 (7) of the

Florida Statutes.

Section 3. The City Commission requests that the Florida Legislature amend Section 193.011 of the Florida Statutes to provide that multi-family rental properties that provide housing to persons of low or moderate income be valued solely pursuant to the income method and remove the discretion of County Property Appraisers in selecting a valuation method as to said rental property.

Section 4. The City Attorney is requested to determine the feasibility of commencing legal action to ensure that the lessees of multi-family rental properties of low or moderate income of the City are adequately protected from steep increases in the rent due to unfair valuation of their rental properties.

Section 5. This Resolution shall become effective immediately upon its adoption and signature of the Mayor. {1}

Footnotes:

{1} If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

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