



MIAMI BEACH

City Commission Meeting SUPPLEMENTAL MATERIAL (1)

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 13, 2011

Mayor Matti Herrera Bower
Vice-Mayor Edward L. Tobin
Commissioner Jorge Exposito
Commissioner Michael Góngora
Commissioner Jerry Libbin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
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.

SUPPLEMENTAL AGENDA

R7 - Resolutions

R7G Resolutions Calling For A Special Election

1. A Resolution Calling For A November 1, 2011 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Miami Beach City Charter Section 1.03 Should Be Amended To Require That, After November 2, 2011, Any Change To The City's Land Development Regulations, Before Becoming Effective, Which Allows An Increase To Maximum Building Heights Shall First Be Approved By A Majority Of Voters In A Citywide Election, Except For City-Owned Property, Variances And Height Regulation Exceptions In City Code Section 142-1161, As Same May Be Amended?
2. A Resolution Calling For A November 1, 2011 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The Miami Beach City Charter Should Be Amended To Require That, After November 2, 2011, And Before Becoming Effective, Any Change To Chapter 118, Article II, Division 4 Of The City Code (Entitled, "Historic Preservation Board"), Or To Chapter 118, Article X, Of The Code ("Historic Preservation"), Which Either Reduces The Powers And Duties Of The Board, Or Creates Less Stringent Historic Preservation Standards Or Regulations, First Be Approved By A Majority Of Voters In A Citywide Election?

(City Attorney's Office)

Condensed Title:

A Resolution calling for a November 1, 2011 special election, for the purpose of submitting to the electorate of the city of Miami beach a question asking whether Miami beach city charter section 1.03 should be amended to require that, after November 2, 2011, any change to the city's land development regulations, which allows an increase to maximum building heights shall first be approved by a majority of voters in a citywide election, except for city-owned property, variances and height regulation exceptions in city code section 142-1161, as same may be amended?

A Resolution calling for a November 1, 2011 special election, for the purpose of submitting to the electorate of the city of Miami beach a question asking whether the Miami beach city charter should be amended to require that, after November 2, 2011, and before becoming effective, any change to chapter 118, article ii, division 4 of the city code (entitled, "historic preservation board"), or to chapter 118, article x , of the code ("historic preservation"), which either reduces the powers and duties of the board, or creates less stringent historic preservation standards or regulations, first be approved by a majority of voters in a citywide election?

Key Intended Outcome Supported:

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Issue:

Whether to Adopt the Resolution?

Item Summary/Recommendation:

At the June 1, 2011 City Commission meeting, the Commission approved a referral of the above referenced Resolutions to a joint meeting of the Neighborhoods / Community Affairs & Land Use and Development Committees, which was held on July 7, 2011. Following extensive public comment and discussion by the Committee members, a motion was made to forward the Resolutions (without a recommendation by the Joint Committees) for consideration by the full City Commission at its July 13, 2011 meeting.

ADOPT THE RESOLUTION.

Advisory Board Recommendation:

Joint Neighborhoods / Community Affairs & Land Use and Development Committees

Financial Information:

Source of Funds:		Amount	Account
OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Jorge Gomez, ext. 6150

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	JGG	JMG <i>[Signature]</i>

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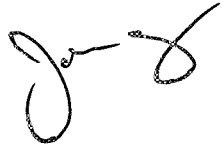


MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: July 13, 2011

SUBJECT: **A RESOLUTION CALLING FOR A NOVEMBER 1, 2011 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER MIAMI BEACH CITY CHARTER SECTION 1.03 SHOULD BE AMENDED TO REQUIRE THAT, AFTER NOVEMBER 2, 2011, ANY CHANGE TO THE CITY'S LAND DEVELOPMENT REGULATIONS, BEFORE BECOMING EFFECTIVE, WHICH ALLOWS AN INCREASE TO MAXIMUM BUILDING HEIGHTS SHALL FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION, EXCEPT FOR CITY-OWNED PROPERTY, VARIANCES AND HEIGHT REGULATION EXCEPTIONS IN CITY CODE SECTION 142-1161, AS SAME MAY BE AMENDED?**

A RESOLUTION CALLING FOR A NOVEMBER 1, 2011 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE MIAMI BEACH CITY CHARTER SHOULD BE AMENDED TO REQUIRE THAT, AFTER NOVEMBER 2, 2011, AND BEFORE BECOMING EFFECTIVE, ANY CHANGE TO CHAPTER 118, ARTICLE II, DIVISION 4 OF THE CITY CODE (ENTITLED, "HISTORIC PRESERVATION BOARD"), OR TO CHAPTER 118, ARTICLE X, OF THE CODE ("HISTORIC PRESERVATION"), WHICH EITHER REDUCES THE POWERS AND DUTIES OF THE BOARD, OR CREATES LESS STRINGENT HISTORIC PRESERVATION STANDARDS OR REGULATIONS, FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

At the June 1, 2011 City Commission meeting, the Commission approved a referral of the above referenced Resolutions to a joint meeting of the Neighborhoods / Community Affairs & Land Use and Development Committees, which was held on July 7, 2011. Following extensive public comment and discussion by the Committee members, a motion was made to forward the Resolutions (without a recommendation by the Joint Committees) for consideration by the full City Commission at its July 13, 2011 meeting.


JMG/CG/RJA



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
FROM: Matti Herrera Bower, Mayor *RW for MHB*
DATE: June 1, 2011
SUBJECT: Consent Agenda Item: Referral to Neighborhoods Committee

Please place on the June 1, 2011 Commission meeting agenda a referral to the Neighborhoods Committee of a discussion regarding a possible charter amendment restricting the manner in which changes to current land use regulations can be made.

I thank you in advance for your cooperation in this matter. If you have any questions, please do not hesitate to contact Rebecca Wakefield at extension 6157.

Thank you.

MHB/rw

RECEIVED
2011 JUN - 1 AM 9:34
CITY CLERK'S OFFICE

ADDENDUM

Note: Addendum item C4F was delivered after the Addendum Agenda was printed.

C4F Referral To The Neighborhoods/Community Affairs Committee – A Discussion Regarding A Possible Charter Amendment Restricting The Manner In Which Changes To Current Land Use Regulations Can Be Made.

(Requested by Mayor Bower)

ACTION: Referred. Items referred jointly with item R9G to a joint meeting of the Land Use and Development Committee and the Neighborhood/Community Affairs Committee scheduled for Thursday, July 7th. Randi MacBride and Richard Lorber to place on the committees agendas. **Legal Department and Jorge Gomez to handle.**

See discussion with item R9G.

RESOLUTION NO. _____

A RESOLUTION CALLING FOR A NOVEMBER 1, 2011 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER MIAMI BEACH CITY CHARTER SECTION 1.03 SHOULD BE AMENDED TO REQUIRE THAT, AFTER NOVEMBER 2, 2011, ANY CHANGE TO THE CITY'S LAND DEVELOPMENT REGULATIONS, BEFORE BECOMING EFFECTIVE, WHICH ALLOWS AN INCREASE TO MAXIMUM BUILDING HEIGHTS SHALL FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION, EXCEPT FOR CITY-OWNED PROPERTY, VARIANCES AND HEIGHT REGULATION EXCEPTIONS IN CITY CODE SECTION 142-1161, AS SAME MAY BE AMENDED?

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

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 1, 2011, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the official registration books show that the said electors reside.

SECTION 4.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of

Miami-Dade County. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Doral, Florida 33172; Telephone: (305)499-VOTE (8683).

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of §150.031 and §100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 6.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 1ST DAY OF NOVEMBER, 2011, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

CHARTER AMENDMENT REQUIRING VOTER APPROVAL BEFORE ALLOWING AN INCREASE TO THE MAXIMUM BUILDING HEIGHTS

SHALL THE CHARTER BE AMENDED SO THAT, AFTER NOVEMBER 2, 2011, ANY CHANGE TO THE CITY'S LAND DEVELOPMENT REGULATIONS, BEFORE BECOMING EFFECTIVE, WHICH ALLOWS AN INCREASE TO MAXIMUM BUILDING HEIGHTS SHALL FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION, EXCEPT FOR CITY-OWNED PROPERTY, VARIANCES AND HEIGHT REGULATION EXCEPTIONS IN CITY CODE SECTION 142-1161, AS SAME MAY BE AMENDED?

_____ YES

_____ NO

SECTION 7.

That the official ballot to be used in the Special Election to be held on November 1, 2011, hereby called, shall be in substantially the following form, to-wit:

"OFFICIAL BALLOT"

CHARTER AMENDMENT REQUIRING VOTER APPROVAL BEFORE ALLOWING AN INCREASE TO THE MAXIMUM BUILDING HEIGHTS

SHALL THE CHARTER BE AMENDED SO THAT, AFTER NOVEMBER 2, 2011, ANY CHANGE TO THE CITY'S LAND DEVELOPMENT REGULATIONS, BEFORE BECOMING EFFECTIVE, WHICH ALLOWS AN INCREASE TO MAXIMUM BUILDING HEIGHTS SHALL FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION, EXCEPT FOR CITY-OWNED PROPERTY, VARIANCES AND HEIGHT REGULATION EXCEPTIONS IN CITY CODE SECTION 142-1161, AS SAME MAY BE AMENDED?

_____ YES
_____ NO

SECTION 8.

That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

SECTION 9.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 10.

If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2011.

ATTEST:

MATTI HERRERA BOWER, MAYOR

ROBERT PARCHER, CITY CLERK
(Requested by Mayor Matti Herrera Bower)

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Zed Citil 7/8/11

City Attorney
for *Date*

**PROPOSED BALLOT TITLE AND BALLOT SUMMARY
NOVEMBER 1, 2011 SPECIAL ELECTION**

I. PROPOSED BALLOT TITLE AND BALLOT SUMMARY:

**CHARTER AMENDMENT REQUIRING VOTER APPROVAL BEFORE
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_____ YES
_____ NO

II. PROPOSED CHARTER TEXT:

Sec. 1.03. Powers of City.

* * * *

(f) Any change to the Land Development Regulations (LDR's) in the City Code which, whether through amendment, exemption, repeal, or otherwise, allows for increased building heights beyond the maximum building heights permitted by, and existing in, the LDR's as of the effective date of this Charter section (November 2, 2011) shall, before becoming effective, first be approved by a majority vote in a Citywide referendum. The requirements of this Charter section shall not apply to (i) City-owned property (ii) variances and (iii) any height regulation exceptions as may now or hereinafter be set forth in Section 142-1161 of the LDR's, as such section may also be amended from time to time. This Charter section shall become effective on the day after its approval by the voters of the City of Miami Beach.

RESOLUTION NO. _____

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CHARTER AMENDMENT REQUIRING VOTER APPROVAL BEFORE ENACTING LESS STRINGENT STANDARDS FOR HISTORIC PRESERVATION.

SHALL THE CHARTER BE AMENDED TO REQUIRE THAT, AFTER NOVEMBER 2, 2011, AND BEFORE BECOMING EFFECTIVE, ANY CHANGE TO CHAPTER 118, ARTICLE II, DIVISION 4 OF THE CITY CODE (ENTITLED, "HISTORIC PRESERVATION BOARD"), OR TO CHAPTER 118, ARTICLE X, OF THE CODE ("HISTORIC PRESERVATION"), WHICH EITHER REDUCES THE POWERS AND DUTIES OF THE BOARD, OR CREATES LESS STRINGENT HISTORIC PRESERVATION STANDARDS OR REGULATIONS, FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

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SECTION 8.

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SECTION 9.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 10.

If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2011.

ATTEST:

MATTI HERRERA BOWER, MAYOR

ROBERT PARCHER, CITY CLERK
(Requested by Mayor Matti Herrera Bower)

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

[Signature]

for City Attorney
[Signature]
7/8/11

Date

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