

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

First Reading Date: September 2, 2020

Second Reading Date: September 16, 2020

Presenter's Name and Title: Michael Alpert, Principal Planner, on behalf of the Community Development Department

Prepared By: Michael Alpert, Principal Planner, Community Development

Temp. Ord. Number: 1755

Item Description: **SECOND READING** of Temp. Ord. No. 1755, AMENDING THE CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 166.041(3)(A), FLORIDA STATUTES; MORE SPECIFICALLY CHAPTER 2, ENTITLED "ADMINISTRATION," ARTICLE III, ENTITLED "BOARDS, COMMITTEES, AND COMMISSIONS" BY AMENDING DIVISION 4.5 ENTITLED "AFFORDABLE HOUSING ADVISORY COMMITTEE"; PROVIDING FOR AMENDMENTS TO THE MEMBERSHIP REQUIREMENTS; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Community Development Principal Planner Michael Alpert)*

Consent ☐ Resolution ☐ Ordinance ☒ Quasi-Judicial ☐ Public Hearing ☐

Instructions for the Office of the City Clerk:

Public Notice – As required by the Sec. _____ of the City Code and/or Sec. _____, Florida Statutes, public notice for this item was provided as follows: on 8/19/2020 in a legal display ad in the Sun-Sentinel; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____ (fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____, Florida Statutes, approval of this item requires a _____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes ☐ No ☒

REMARKS:


Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO 1755**
 - **Exhibit A: Amendments to Division 4.5**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Vernon E. Hargray, City Manager 

BY: Eric Silva, Community Development Director

DATE: September 10, 2020

RE: **SECOND READING** of Temp. Ord. No. 1755, amending Chapter 2, Article III of the City Code to modify membership requirements for the Local Affordable Housing Advisory Committee ("AHAC")

RECOMMENDATION: That the City Commission hold two (2) public hearings (a first reading and a second reading), following the notification procedures of s. 166.041(3)(a), Florida Statutes ("F.S."), to consider an ordinance amending the Code of the City of Miramar (the "City"), Chapter 2, Article III, specifically by amending Division 4.5 to modify membership requirements for the City's Affordable Housing Advisory Committee ("AHAC"). Subsequent to the adoption of this ordinance, the City Commission will be asked to immediately appoint one of the Commission members to this committee for service during the 2021 calendar year. For this reason, the Second Reading will be held on September 16, 2020.

ISSUE: City Commission approval is required to amend the City Code.

BACKGROUND: Pursuant to recent State legislation, the AHAC is now required to have as one of its eleven (11) appointed members, a member of the City Commission. This member is required to be appointed by the City Commission no later than October 1 of this year. Furthermore, the AHAC will now be required to meet annually as opposed to triennially. Therefore, this amendment provides for this new required member to be included in the City Code provisions.

The ordinance was last amended on May 7, 2008 by the adoption of Ord. 08-18.

DISCUSSION: Since the City is mandated by the State to add a sitting City Commissioner to the AHAC by October 1, it is necessary to amend the City Code to include this member as well as update the list of members in accordance with the statute and current practices.

ANALYSIS: In addition to incorporating the requirement for an elected official, Staff reviewed the requirements for the other members to ensure that the City is compliant with F.S. 420.9076. Due to the minimum number of members being eight (8) and the maximum being eleven (11), some of the committee membership categories were combined, as at least six (6) categories must be represented. In addition, in accordance with general Board membership requirements to serve on City Boards, per Section 2-53, Staff recommends that only the City Commissioner, Planning & Zoning Board member and one resident be required to be residents of the City, in order to maximize the pool of applicants, as some of the categories are difficult to obtain qualified applicants living within the City.

Since the City is now required to meet on an annual basis, with a final report due to the State on December 31 of each year, Staff recommends appointing the members no later than March 1 of each year so that there is ample time to conduct the meetings and have a productive outcome.

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 166.041(3)(A), FLORIDA STATUTES; MORE SPECIFICALLY CHAPTER 2, ENTITLED “ADMINISTRATION,” ARTICLE III, ENTITLED “BOARDS, COMMITTEES, AND COMMISSIONS” BY AMENDING DIVISION 4.5 ENTITLED “AFFORDABLE HOUSING ADVISORY COMMITTEE”; PROVIDING FOR AMENDMENTS TO THE MEMBERSHIP REQUIREMENTS; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR CORRECTION OF SCRIVENER’S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Miramar (the “City Commission”) recognizes that the City of Miramar (the “City”) has experienced rapid population growth over the past two decades and that these growth trends are predicted to continue; and

WHEREAS, coupled with escalating land and development costs, and the low availability of development sites, such unprecedented and sustained growth places pressures on the housing market and causes an increase in rents and home prices; and

WHEREAS, the City Commission recognizes that the ability to provide sufficient affordable housing at all income levels is critical to healthy families, impacts the quality of life of the community, and is increasingly important for meeting the City’s full economic development potential; and

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WHEREAS, pursuant to the grant of home rule powers set forth in Section 2(b), Article VIII of the Florida Constitution, as codified in Chapter 166, Florida Statutes, it is within the scope of the City's broad governmental, corporate and proprietary powers to support and facilitate housing affordability for its very low, low and moderate-income residents, as such action and/or legislation constitutes a legitimate "municipal purpose," one that is not expressly prohibited by the Florida Constitution, nor is it expressly preempted to the State or County government by the Florida Constitution or by general law, but is essential to the health, morals, protection and welfare of its residents; and

WHEREAS, consistent with the City's land use authority and land development planning efforts laid out originally in the 1985 Growth Management Act and remaining in force as part of the Community Planning Act of 2011, the City's Adopted Comprehensive Plan includes a Housing Element, which requires that the City assures the availability of a full range of housing types and values, and a diversity of location choices for all current and future residents, by adopting a housing strategy that focuses specifically on assisting the very low, low and moderate-income residents with their housing needs and provides incentives for the development of affordable housing, such as waiver of impact fees, and modifying land use regulations; and

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WHEREAS, the City Commission desires to amend Chapter 2, Article III of the Code of the City of Miramar, specifically by amending Division 4.5, to provide for revising the membership requirements of the Affordable Housing Advisory Committee (“AHAC”), the purpose of which is to recommend specific strategies, initiatives, incentives and actions by the City in order to encourage or facilitate the creation of affordable housing; and

WHEREAS, approval of the City Commission is required to amend the City Code of Ordinances; and

WHEREAS, the City Manager recommends approval to amend Article III, Division 4.5 of Chapter 2 of the City Code of Ordinances to amend membership requirements of the Affordable Housing Advisory Committee; and

WHEREAS, the City Commission held two duly noticed public hearings, pursuant to the notice requirements of Section 166.041(3)(a), F.S., on September 2, 2020 and September 16, 2020, at which public hearings the City Manager’s recommendation for adoption was considered and public testimony from all interested parties was heard; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to approve the proposed amendment to Chapter 2, Article III of the City Code of Ordinances.

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**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
MIRAMAR, FLORIDA, THAT:**

Section 1: Recitals. That the foregoing “**WHEREAS**” clauses are hereby adopted as legislative findings of the City of Miramar Commission and are hereby ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: That Section 2-94.5 of Division 4.5 of Article III of Chapter 2 of the Code of the City of Miramar is hereby amended to read as follows:

See Exhibit “A” attached hereto is hereby incorporated herein by this reference.

Section 3: Repeal. That all sections or parts of sections of the City Code, all Ordinances and part of Ordinances, all Resolutions or parts of Resolutions determined by a court of law to be inconsistent or in conflict with this Ordinance are hereby repealed.

Section 4: Severability/Interpretation.

(a) Severability. That should any word, clause, phrase, sentence, paragraph or section of this Ordinance is held to be unconstitutional or invalid by any court of competent jurisdiction, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

(b) Interpretation. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Changes between first and second readings are denoted by underlined words.

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Asterisks (* *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and do not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

Section 5: Scrivener's Error. The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 6: Codification. That it is the intention of the City Commission of the City of Miramar that that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miramar, Florida. The sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Article," "Division," or "Section," or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

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Section 7: **Effective Date.** That this Ordinance shall become effective upon adoption.

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Maxwell B. Chambers

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Winston F. Barnes	_____
Vice Mayor Maxwell B. Chambers	_____
Commissioner Yvette Colbourne	_____
Commissioner Alexandra P. Davis	_____
Mayor Wayne M. Messam	_____

EXHIBIT A

DIVISION 4.5. - AFFORDABLE HOUSING ADVISORY COMMITTEE ("AHAC")

Sec. 2-94.5. - Purpose, composition, procedures and duties of affordable housing advisory committee.

- (a) *Creation.* Pursuant to the requirements of the State Housing Initiative Partnership ("SHIP") Act, as may be amended from time to time, the City of Miramar hereby creates an affordable housing advisory committee ("AHAC").
- (b) *Purpose.* The purpose of the affordable housing advisory committee is to recommend specific strategies, initiatives, incentives and actions by the city in order to encourage or facilitate the creation and construction of affordable housing.
- (c) *Composition, appointment of members, terms of office.*
 - (1) Through the adoption of a resolution, the city commission shall appoint eleven (11) members to the ~~affordable housing advisory committee ("committee")~~ AHAC, as provided in this division. The committee shall be comprised of the following individuals:
 - a. One (1) citizen who is actively engaged in the residential home building industry in connection with affordable housing or who is a representative of those areas of labor actively engaged in home building in connection with affordable housing or that represents a nonprofit, community-based housing and service organization that provides professional services related to affordable housing
 - b. One (1) citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing
 - c. ~~One (1) citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing~~ One (1) member of the City Commission appointed before October 1 of each year
 - d. One (1) citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing, including, but not limited to, homeless people, the elderly, and migrant farmworkers or represents a lead agency of local homeless assistance continuums of care
 - e. One (1) citizen who is actively engaged as a for-profit provider of affordable housing
 - f. One (1) citizen who is actively engaged as a not-for-profit provider of affordable housing
 - g. One (1) citizen who is actively engaged as a real estate professional in connection with affordable housing
 - h. One (1) citizen who actively serves on the local planning agency (i.e., the Planning & Zoning Board) pursuant to F.S. § 163.3174
 - i. One (1) citizen who resides within the jurisdiction of the City of Miramar
 - j. One (1) citizen who represents employers within the City of Miramar
 - k. One (1) citizen who represents essential services personnel, as defined in the city's local housing assistance plan ("LHAP")
 - (2) The terms of office of the members of the committee shall be ~~one (1)~~ two (2) years, with each member serving until his or her successor is appointed. Members may serve consecutive terms.
 - (3) Appointments to fill any vacancy ~~on the committee~~ shall be for the remainder of the unexpired term.

- (4) In addition to automatic removal for the failure of a member to meet the attendance requirements set forth in this chapter, the members of the committee shall serve their ~~one (1)~~ ~~year~~ terms at the pleasure of the city commission and may be removed at any time by a majority vote of the city commission.
- (5) In accordance with Sec. 2-53, only the members listed in Section c(1)(c), (h), and (i) above, must be residents of the City of Miramar; all of the other appointed members are not required to be residents of the city.
- (6) Members shall be appointed no later than March 1 of each year.
- (d) *Officers; quorum; rules of procedures; public records; Sunshine Law.*
- (1) The committee shall elect a chairperson, a vice-chairperson and such other officers as the committee shall deem necessary. Officers of the committee shall be elected by a majority vote of the membership of the committee at its first meeting after the members' initial appointments, and, notwithstanding section 2-55, City Code, annually thereafter. A member of the committee may be elected to serve as an officer without restriction as to the number of terms served.
- (2) The presence of six (6) or more members shall constitute a quorum of the committee.
- (3) The committee may propose reasonable rules of procedure to govern the conduct of its business. All meetings, records and files of the Committee shall be open and available to the public, consistent with F.S. Ch. 119, (the Public Records Law), and F.S. Ch. 286, (the Sunshine Law).
- (e) *Duties and responsibilities.*
- (1) As required by F.S. § 420.9076, as may be amended from time to time, the committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the city, and recommend specific actions, strategies or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.
- (2) The committee may perform other duties at the request of the city commission, including:
- a. The provision of mentoring services to affordable housing partners, including developers, banking institutions, employers and others to identify available incentives, assist with applications for funding requests and develop partnerships between various parties; and
- b. The creation of best practices for the development of affordable housing in the community.