

City of Coral Gables City Commission Meeting
Agenda Item F-9
October 8, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Pat Keon
Commissioner Michael Mena
Commissioner Jorge Fors

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia

Public Speaker(s)

Gary Resnick

Agenda Item F-9 [2:30 p.m.]

An Ordinance of the City of Coral Gables, Florida amending the Code of Ordinances of the City of Coral Gables by amending Article III, Chapter 70, Sections 70-76 through 70-91, the “Coral Gables Communications Rights-of-Way Ordinance;” providing intent and purpose, applicability and authority to implement; providing definitions; providing for registration; providing for the requirement of a permit; providing application requirements and review procedures; providing for a performance bond to place or maintain communications facilities in the public rights-of-way; providing for construction methods; providing development and objective design standards; providing for severability; providing for conflicts; and providing an effective date.

Mayor Valdes-Fauli: Alright.

City Commission Meeting
October 8, 2019

Agenda Item F-9 - Ordinance of the City Commission of Coral Gables, Florida, amending the Code of Ordinances of the City of Coral Gables; providing for a performance bond to place or maintain communications facilities in the public rights-of-way; providing for construction methods; providing development and objective design standards; providing for severability, conflicts and an effective date.

Vice Mayor Lago: F-9.

Mayor Valdes-Fauli: Now, Vice Mayor, you want to take your items up?

City Attorney Ramos: Sir, could we...

Mayor Valdes-Fauli: We have G-3.

Vice Mayor Lago: No, no. Let's do F-9.

City Attorney Ramos: F-9.

Vice Mayor Lago: F-9.

Commissioner Mena: F-9.

City Attorney Ramos: F-9 is an ordinance of the City of Coral Gables, Florida amending the Code of Ordinances of the City of Coral Gables by amending Article III, Chapter 70, Sections 70-76 through 70-91, the "Coral Gables Communications Rights-of-Way Ordinance;" providing intent and purpose, applicability and authority to implement; providing definitions; providing for registration; providing for the requirements of a permit; providing application requirements and review procedures; providing for a performance bond to place or maintain communications facilities in the public rights-of-way; providing for construction methods; providing for development and objective design standards; providing for severability; providing for conflicts; and providing for an effective date. This ordinance is on first reading. It is a public hearing item. Mr. Resnick, our outside counsel on all things communication, is here to present before you. This is due to changes that occurred at the state level in the last legislative session. Mr. Resnick.

Gary Resnick: Thank you. It's a pleasure to be here again. I'm Gary Resnick, with Gray Robinson. And in -- you may recall that in -- earlier in 2019, the City Commission adopted Ordinance Number 2019-08 to implement amendments to Florida Statutes, including the Florida Advanced Wireless Infrastructure Deployment Act known as the Florida Small Cell Statute. That became effective July 1, 2018. In 2019, Florida passed an amendment to that statute with Senate Bill 1000, which further amended Section 337.401 Florida Statutes. That became effective July 1, 2019. So, this proposed ordinance amends your Code consistent with the 2019 amendments to the Florida Statutes. And in particular, the ordinance amendments include changes to definitions, changes to the registration requirements, changes to requirements of permits based on changes to the Florida Statute; some changes to your application requirements and procedures. And we shift the permanent performance bond, cash bond or a letter of credit that was required at registration to now a requirement before a company places or maintains facilities in the rights-of-way. This has been provided to the Secretary of State, which is required for communications ordinances and the rights-of-way. And we anticipate that the industry is going to provide comments on that. We've heard from the attorney for Verizon that they intend to provide some comments on the ordinance. So, we would request some time, if this passes today, before this comes back for a second reading, maybe through -- to the November meeting or until the December meeting. And I want to thank your City Attorney's Office and your staff for working with us on this ordinance. They provided a tremendous amount of input. And in fact, I met with your Public Works staff today to address more issues and questions that they have regarding implementation of this state statute and your ordinance. So -- and I'm here to answer any questions you may have.

City Attorney Ramos: Is there anyone present that wishes to speak?

Mayor Valdes-Fauli: Any comments, Commission? Do I hear a motion?

Vice Mayor Lago: So moved.

Commissioner Mena: Second.

Commissioner Mena: Yes.

Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 4-0)