



**City of Coral Gables
CITY COMMISSION MEETING
MAY 25, 2010**

ITEM TITLE:

Resolution authorizing the execution of a Customer Agreement between the City of Coral Gables and the School Board of Miami-Dade County, Florida for a sewer connection outside the City Sanitary Sewer District to serve West Laboratory Elementary School located at 5300 Carrillo Street, Coral Gables, Florida, subject to the requirements of the Public Works Department as provided under Chapters 62 and 78 of the City Code, Ordinance No. 2007-29 and Resolution No. 27941; and provided that the executed agreement be made part of this Resolution. (Deferred from the April 13, 2010 City Commission meeting.)

RECOMMENDATION OF THE CITY MANAGER:

Approval.

BRIEF HISTORY:

The School Board of Miami- Dade County is requesting authorization for an outside sewer connection outside the City's sanitary Sewer Districts to serve West Laboratory Elementary School located at 5300 Carrillo Street.

In response to the discussion that took place at the April 13, 2010 City Commission meeting with regard to the Coral Gables Senior High School sewer connection, attached is a copy of the Settlement Agreement between the City and the School Board wherein the School Board in return for permission to connect to the City's sewer system, agreed to (1) reduce overcrowding by implementing staggered schedules; (2) alleviate overcrowding through the construction of a new classroom building; and (3) pay its fair share of the cost to upgrade the City's district pump station. In this same Agreement, the School Board also agreed to pay its fair share cost to upgrade City Pump Station "G" in return for permission to connect to the City's sewer system at Ponce de Leon Middle School. *The School Board is exempt from the payment of connection fees in accordance with F.S. 1013.371 (1) (a), but agrees to pay its fair share cost for system upgrades.*

The School Board has provided the City with construction plans and specifications prepared by a registered Civil Engineer licensed to practice in the State of Florida and fully experienced and qualified in the design of sanitary sewer systems. After review and approval of these plans, Public Works issued a permit to the School Board on May 7, 2009, to construct the sanitary sewer force main. This permit was issued in error. On December 11, 2007 the West Lab School Sewer Connection Agreement had been placed on the agenda for consideration, but was pulled (listed as deferred) from the agenda after the City Attorney and the School Board's Attorney agreed that the School Board would approve the Agreement prior to its consideration by the City Commission. While the sewer connection has been made at the West Lab School, the sewer line is *not in use and will continue to remain so until the Customer Sewer*

Connection Agreement is fully executed.

Relative to the same discussion, it should be noted that the City entered into a joint Interlocal Agreement with the School Board, Miami-Dade County, and twenty-six municipalities on December 21, 2007 to address, among other things, issues of growth management, statutory mandates to implement public school concurrency, and maintenance of adopted levels of service. In accordance with the Agreement, joint meetings with the School Board, the County and municipalities are held semi-annually to discuss these issues and formulate recommendations regarding implementation of Public School concurrency and ancillary infrastructure improvements needed to support schools and ensure safe student access. With regard to questions of school capacity, future growth and the need for the City to maintain sufficient reserve capacity in its sewer system for residential growth, Sections 5.1 and 6.2 of the Interlocal Agreement provide specific criteria wherein the School Board and the affected local government will jointly determine the need for, and timing of, on-site and off-site improvements for the proposed significant expansion of an existing school, in those instances where capacity is being added to accommodate new student populations. For elementary schools (including K-8 centers) significant expansion is defined as construction improvements that result in greater than 15% increase in student capacity. In addition, the School Board must coordinate all proposed construction or expansion of public educational facilities with the City's adopted comprehensive plan and land development regulations. Attached please find a copy of the "Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County."

The School Board agrees to execute a Customer Agreement approved by the City Attorney, agreeing to comply with the terms outlined in Ordinance No. 2007-29 (City Code Section 78-106) and Resolution 27941.

The School Board shall install a new isolation valve on the City's force main to which the School will connect, which valve is identified as located on the existing 24-inch cast iron pipe at the intersection of Granada Boulevard and Ponce de Leon Boulevard, and also deliver a new second isolation valve for a 20-inch cast iron pipe to the City's Public Works Department at School Board's expense and cost.

In addition to the above terms of agreement, the School Board shall limit peak sewage flow from the property and shall obtain approval from the City of Coral Gables for changes to the property resulting from significant expansion of facilities or significant increase in peak sewage flow discharged into the Coral Gables sanitary sewer system in accordance with the terms of City Code Chapter 78 and the agreement between the City and the School Board known as the "Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County, dated December 21, 2007."

The School Board shall convey to the City title to the force main line from the School's property to the point of connection to the City's sewer system (excluding the connection from the property line to the street main which shall be considered the School Board lateral) by Bill of Sale without representation or warranty.

The School Board shall provide proof of the SCHOOL BOARD's self-insurance program as required by Sec. 768.28, Florida Statutes (2007) in the form of a Certificate acceptable to the City at the signing of this Agreement, which will cover damages to public or private property due to a failure in the School Board's connection resulting from failure of the School Board's facilities and that it shall name City as an additional insured and covering any damages to public or private property due to failure in School Board's facilities.

APPROVED BY:

Department Director	City Attorney	City Manager

ATTACHMENT(S):

1. Draft Resolution
2. Draft Agreement between the SCHOOL BOARD and the City of Coral Gables.
3. Copy of City of Coral Gables Code, Section 78-106
4. Copy of Ordinance No. 2007-29
5. Copy of Resolutions No. 2008-07 and 27941.
6. Copy of "Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County," dated December 21', 2007.
7. Excerpt from the April 13, 2010 Commission meeting