

City of Coral Gables City Commission Meeting
Agenda Item J-2
October 24, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item: J-2 [2:40:43 p.m.]

A Resolution of the City Commission of the City of Coral Gables, Florida, authorizing a sixty-day extension of a zoning in progress related to wireless communication facilities and authorizing that the rate for collocation of small wireless facilities on city-owned or controlled utility poles be set at the maximum rate of \$150 annually, as authorized by Florida Statutes 337.401(7)(f)(3).

Mayor Valdes Fauli: City Attorney item, J-2.

City Attorney Leen: J-2 – I also will have a pocket item and then also request for an Executive Session. J-2 is A Resolution of the City Commission of the City of Coral Gables, Florida, authorizing a sixty-day extension of a zoning in progress related to wireless communication facilities and authorizing that the rate for collocation of small wireless facilities on city-owned or controlled utility poles be set at the maximum rate of \$150 annually, as authorized by Florida Statutes 337.401(7)(f)(3). I'm also reading into – I'd like to include in the resolution the following language. I'm sorry; I have to read it into the record. It's this resolution extending the

zoning in progress and setting the rate for collocation of small wireless facilities on city-owned utility poles should not be construed to mean that the City will approve the collocation of small wireless facilities or placement of new utility poles, for collocation in any particular location of the City, or that the City will allow small wireless facilities in historically designated areas or not allowed under applicable codes or inconsistent with existing restrictive covenants, quasi-judicially approved conditions of approvals, settlement agreements or contracts. The City is still in the process of developing an appropriate ordinance to amend the code to implement the Advanced Wireless Infrastructure Deployment Act Section 337.401 subsection (7) of the Florida Statutes and those small wireless facilities will be permitted for location in the City's rights-of-way while the zoning in progress is extended by this resolution remains in place. The reason why this language I'm asking be included in the resolution and really the whole purpose of the zoning in progress is to cause there to be a hideous, it's not a moratorium, it's a hideous for a particular time while we address the Advanced Wireless Infrastructure Deployment Act. What that relates to, and you may have heard about this is, the legislature adopted a statute that allows these small wireless facilities to be put on City-owned utility poles, allow cabinetry, which is basically utility boxes, to be placed in the rights-of-way and may even allow for very large poles to be placed. City is very concerned about it, because it affects our aesthetics, it affects our zoning, it affects obviously, it could affect potentially places like Giralda Plaza, Miracle Mile, any historic area; and so what we are doing is, we are looking at certain exceptions in the statute and we are looking at those to make sure that we are taking advantage of those exceptions to the full extent the law allows us to; and we are also looking to make sure that any restrictive covenants that we've approved, any settlement agreements that we've approved are respected. So for example, if one of these small cell wireless companies wants to put a pole that's taller than something that we've allowed or even, remember in the administrative proceeding with FPL, we had certain limits on height of poles, we want to make sure that that would apply to the small cell technologies also. In addition, we want to limit their belief to provide new poles at all, also in historically designated areas and the City has been looking at designating the City plan as historic, the one from the 1920's. We want to be able to limit or restrict or even prohibit any poles or collocation or cabinetry in those areas. Same with the recent action that was taken by the Commission to protect excavations on Miracle Mile and Giralda, which is our streetscape where we've invested millions of dollars in beautifying those areas. We would not want this to interfere with our proprietary authority to do so. So, the purpose of this paragraph and the purpose of the whole zoning in progress is to protect the City, so we can continue to evaluate this and then come forward with a comprehensive ordinance that's been reviewed both by our outside counsel, Gary Resnick, who is our communications special counsel, the City Attorney's office, the City Manager's office, and particular Peter Iglesias, as our Building Official, we want to make sure everyone looks at it and that the Commission has opportunity to review it as well and provide any input necessary. So, with that I would request that the Commission adopt the six month zoning in progress resolution.

Mayor Valdes-Fauli: Do I hear a motion?

Vice Mayor Keon: I'll move it.

Mayor Valdes-Fauli: Second?

City Attorney Leen: It's an extension of the current one, forgive me.

Mayor Valdes-Fauli: Who seconded?

Commissioner Lago: Second.

Mayor Valdes-Fauli: Will you call the roll please.

Commissioner Mena: Yes

Commissioner Quesada: Yes

Vice Mayor Keon: Yes

Commissioner Lago: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

[End: 2:45:19 p.m.]