

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2023-_____

A RESOLUTION APPROVING A FORM AGREEMENT FOR THE LOCATION OF CERTAIN UNDERGROUND UTILITIES WITH FLORIDA POWER AND LIGHT (FPL) FOR THE LOCATION OF UNDERGROUND FACILITIES WITHIN THE RIGHT-OF-WAY TO FACILITATE THE UNDERGROUNDING OF UTILITIES WITHIN THE CITY IN ACCORDANCE WITH THE FPL STORM SECURE UNDERGROUND PROGRAM AND SUCH OTHER PROGRAMS AS MAY BE APPROVED BY THE FLORIDA PUBLIC SERVICE COMMISSION AND PERMITTED BY THE CITY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH AGREEMENTS WITH CORRESPONDING EXHIBITS ON AN ONGOING BASIS FOR SPECIFIC LOCATION REQUESTS MUTUALLY AGREED TO BY FPL AND THE CITY.

WHEREAS, in November 2019, the City Commission was presented with non-binding ballpark estimates for the cost of conversion of overhead utilities to underground utilities; and

WHEREAS, after the presentation, the City Commission adopted Resolution No. 2019-347 directing staff to prepare and execute a community engagement campaign to include educational materials, vignettes, renderings, community meetings, charettes, and written/oral surveys/polls to effectively engage with community stakeholders, listen, and learn their views, concerns, and insights on the potential undergrounding of utilities; and

WHEREAS, on August 25, 2020, staff presented an update to the City Commission and recommended that if the City Commission wished to continue working toward the possibility of having a question relating to the citywide undergrounding of utilities on a future ballot, that the matter not be placed before the voters prior to 2022, to allow for the community engagement campaign to resume in the second half of 2021, should it be safe to do so at that time; and

WHEREAS, in Resolution 2021-136 the City Commission directed City staff to resume community engagement, continue working to prepare further City Commission action and the potential execution of the citywide undergrounding of utilities, hold workshops with the City Commission in early 2022 and place any necessary items on the June 2022 City Commission meeting agenda for the City Commission's consideration on whether to place a ballot question before voters, relating to the underground of utilities citywide; and

WHEREAS, after various discussions with Florida Power and Light ("FPL") and as a result of legislative and regulatory accomplishments and strategic milestones, FPL shared with the City its plans under its Storm Secure Underground Pilot Program (SSUPP), which eliminates the need for the City to lead the project, for a voter referendum, for general bond issuance, and for the imposition of the cost of undergrounding on City residents and businesses; and

WHEREAS, FPL has committed to working with the City to find the opportunity, as part of FPL's main (feeder) line hardening, to convert specific main (feeder) line sections located along the City's streets where there are engineering and vegetation management issues that validate or justify the need for undergrounding of such main (feeder) line sections rather than overhead hardening; and

WHEREAS, given FPL's current estimate of lateral and feeder underground work within the City as part of FPL's SSUPP approved by the FPSC and its plans to work with the City, the City Commission wishes to allow FPL to proceed with the project as set forth above and not proceed with a City-managed and directed project that would have required a voter referendum, a general obligation bond issuance, and imposition of the cost of overhead-to-underground electric infrastructure conversion on City residents and businesses; and

WHEREAS, on August 24, 2022, the City Commission adopted Resolution No. 2022-197, accepting FPL's plan to place overhead utilities underground via the SSUPP; and

WHEREAS, on December 13, 2022, the City Commission adopted Ordinance 2022-69, amending the City Code - Chapter 78 "Utilities" requiring attaching entities to underground and remove collocated facilities, requiring pole-owners to remove redundant utility poles, providing for procedures related to major hardening projects, and requiring property owners to cooperate and comply with access to utility easements, access to property, and location of facilities; and

WHEREAS, in connection with the SSUPP, FPL is beginning the process of designing and converting certain overhead electric distribution facilities located within the City of Coral Gables' boundaries to underground facilities, including transformers, switch cabinets and other appurtenant facilities some of which may be installed above ground (collectively, the "Underground Facilities"); and

WHEREAS, as a part of the conversions being undertaken by FPL, FPL seeks to install and place the Underground Facilities within and on certain streets and rights-of-way located within the incorporated limits of the City; and

WHEREAS, it is a priority of the City to work with FPL to decide on mutually agreeable locations for the installation of Underground Facilities within the City and therefore the City Commission desires to approve a form agreement with FPL to facilitate the installation of Underground Facilities within and on the City's right-of-way and authorize the City Manager to agree to specific locations and approve and execute such agreements with corresponding exhibits on an ongoing basis for specific location requests mutually agreed to by FPL and the City.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon the adoption hereof.

SECTION 2. That the City Commission does hereby approve a form Agreement for the Location of Certain Underground Utilities with FPL, in substantially the form attached as Exhibit “1,” as may be amended with approval of the City Attorney and authorizes the City Manager to approve the location of each of the Underground Facilities and execute such agreements on an ongoing basis for specific location requests mutually agreed to by the City and by the City Manager or his or her designee’s approval of corresponding Exhibits A and B.

SECTION 3. That this Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS 13th DAY OF JUNE, A.D., 2023.

(Moved: / Seconded:)

(Yeas: / Nays:)

(Vote:)

(Agenda Item:)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BILLY Y. URQUIA
CITY CLERK

CRISTINA M. SUÁREZ
CITY ATTORNEY