



City of Coral Gables and University of Miami Annual Review

September 28, 2019, to September 27, 2020

1. REQUEST

The City of Coral Gables is requesting review and consideration of the following:

A Resolution approving the annual review required by the City of Coral Gables and University of Miami Development Agreement and Section 163.3235 of the Florida Statutes, for the period from September 28, 2019, to September 27, 2020.

2. BACKGROUND INFORMATION

The University of Miami is required to submit an Annual Report to the City of Coral Gables, according to the Development Agreement, dated September 28, 2010. In Paragraph 49 of the City of Coral Gables and University of Miami Development Agreement, dated September 28, 2010 ("City and UM Development Agreement") requires the University of Miami to submit an annual report documenting:

the University's compliance with the requirements of this Agreement, at least thirty (30) days prior to the anniversary of the Effective Date of the Agreement.

On August 28, 2020, the University of Miami submitted an Annual Report for the period from September 28, 2019 and September 27, 2020 ("UM 2019-20 Annual Report"). The City and UM Development Agreement, paragraph 49, provides that the:

City Manager or his designee shall review the annual report submitted by the University and prepare a written report which shall be presented to the City Commission at a duly noticed public meeting for review and approval.

This constitutes the required written report which will be submitted to the City Commission for review and approval.

3. UNIVERSITY OF MIAMI 2019-20 ANNUAL REPORT

The *UM 2019-20 Annual Report* contains five (6) elements: 1) Preface; 2) Statutory Provision (§163.3235, Fla. Stat. 2011); 3) Amendment to Recitals; (4) Joint Obligations of City and University; 4) City Obligations; and, 5) University Obligations.

1. Preface

The Preface describes the obligations of the City and UM Development Agreement, Paragraph 49, and requires no review and analysis.

2. Statutory Provision Element

The *UM 2019-20 Annual Report* Statutory Provision Element requires no review and analysis, the City shall review the UM Development Agreement at least once every 12 months.

3. Amendments to Recitals

The legal description of the campus was amended by Ordinance 2019-07, on January 22, 2019, and the total acreage of the campus increased to 240.61 acres. No amendments to the Recitals occurred in this reporting year.

4. Joint Obligations of City and University

The *UM 2019-20 Development Agreement Annual Report* addresses two (2) joint obligations: 1) Section 5 - Annual Meeting, and 2) Section 49 - Annual Report and City Review and Approval.

Section 5 - Annual Meeting

The *UM 2019-20 Annual Report* states that the Annual Meeting was hosted by the University of Miami on December 17, 2019 at the Kislak Center on the Coral Gables campus.

Section 49 - Annual Report

The *UM 2019-20 Annual Report* was submitted to the City of Coral Gables on August 29, 2020. After the City Commission approval, the University shall submit the *UM 2019-2020 Annual Report* to the Department of Community Affairs.

5. City Obligations Element

The *UM 2019-20 Development Agreement Annual Report* addresses the City obligations satisfied:

Section 15 - Amendments to the Comprehensive Plan:

The *UM 2019-20 Annual Report* states that the City of Coral Gables amended the Comprehensive Plan by Ordinance No. 2010-29 adopted September 28, 2010.

Section 16 - Amendments to the Zoning Code:

The *UM 2019-20 Annual Report* states that the City of Coral Gables amended the Zoning Code by Ordinance No. 2010-34 adopted October 12, 2010.

Section 17 – Watsco Center:

Increase in Seating Capacity: The *UM 2019-20 Annual Report* states that the City of Coral Gables and the University of Miami agree to increase the authorized seating capacity of the Watsco Center by Ordinance No. 2007-16.

Alcoholic Beverages: The *UM 2018-19 Annual Report* states that the City of Coral Gables approved the sale of alcoholic beverages throughout the Watsco Center at all University events by Resolution No. 2019-82. The *UM 2019-20 Annual Report* states that the City of Coral Gables approved the application to amend the Development Agreement to allow the sale of alcoholic beverages throughout the Watsco Center at all University events by Ordinance No. 2019-24. An updated Event Management and Security Plan was submitted by the University of Miami and approved by the City of Coral Gables on August 15, 2019.

Section 19 – Internal Road and Access:

As of July 15, 2018, the University has satisfied in full the conditions of Section 19 of the Development Agreement. A letter of compliance from the City of Coral Gables from August 20, 2018 acknowledge the completion of the internal road work in accordance with the approved permits and consistent with the conditions of the Development Agreement.

Section 21 – Conveyance of Internal Streets and Waterways:

The legal description of the campus was amended by Ordinance 2019-07, on January 22, 2019, and the total acreage of the campus increased to 240.61 acres. A graphic depicting ownership was included in the Development Agreement and requires no review and analysis.

Section 22 – Re-Conveyance of Fire Station Property:

The legal description of the campus was amended by Ordinance 2019-07, on January 22, 2019, and the total acreage of the campus increased to 240.61 acres. A graphic depicting ownership was included in the Development Agreement and requires no review and analysis.

6. University Obligations Element

The *UM 2019-20 Annual Report* identifies all University obligations:

Section 25 – Monetary Obligations - Consideration and Mitigation:

The *UM 2019-20 Annual Report* correctly states that the required payment of One Million and Twenty-Five Thousand Dollars (\$1,025,000.00) was timely paid in full on Dec. 1, 2019. No other obligations pursuant to Paragraph 25 were identified.

Section 6 - Gables Fellows Programs:

The *UM 2019-20 Annual Report* reports that nominations for Gables Fellows Program did not take place for Fall 2019. For Spring 2020, Diana Borrás was selected as the Gables Fellow but was not able to complete the program due to Covid-19.

Section 7- Lecture Series

The *UM 2019-20 Annual Report* accurately reports that sixteen (16) lectures were presented by

UM during the 2019-20 year. Paragraph 7 of the City and UM Development Agreement provides for six (6) lectures each year.

Section 8 - Performance and Concert Series

Paragraph 8 of the City and UM Development Agreement provides for four (4) concerts and two (2) cultural events each year. The *UM 2019-20 Annual Report* accurately reports that four (4) concerts were presented during 2019-20. In addition, five (5) performances have been held. The two (2) required cultural programs were presented during 2019-20, plus eight (8) additional cultural programs were presented.

Section 10 - "Meet the Docs" Health Care Program

The *UM 2019-20 Annual Report* accurately reports that four (4) required "Meet the Docs" lectures were held during 2019-2020.

Section 12 - Hurricane Athletic Tickets Program

The *UM 2019-20 Annual Report* reports that UM made available tickets to each of the following programs: 250 tickets available for one (1) UM football game, 1,000 tickets available for four (4) men's UM basketball, and 1,000 tickets available for four (4) women's UM basketball games. The 2020 baseball season ticket allocation was not met due to the coronavirus and the COVID-19 pandemic. The restrictions and social distancing requirements because of COVID-19 pandemic, have resulting on the cancellations of athletic events. The obligations of Paragraph 12 of the City and UM Development Agreement will be fulfilled in the future. This constitutes a force majeure event under Section 50 of the Development Agreement.

Section 17 - Watsco Center Ticket Program

The *UM 2019-20 Annual Report* reports that that the Watsco Center Ticket Program does not become effective until the additional seats authorized by the City and UM Development Agreement are installed and that the additional seats have not yet been installed.

Section 9 - Ponce de Leon Beautification Project

The *UM 2019-20 Annual Report* reports that UM contributed its share of the cost of beautification of Ponce de Leon Boulevard on October 25, 2013.

Section 11 - Consulting Services

The *UM 2019-20 Annual Report* reports that the City's annual 4th of July festivities were cancelled in 2020 to ensure the health and safety of the residents during the COVID-19 pandemic.

Section 13 - Student Enrollment

The *UM 2019-20 Annual Report* states that Student Enrollment Report for the Fall Semester 2019, dates February 11, 2020, showed that the current Student Undergraduate Enrollment is 10,725 student and has not reached the 12,000-threshold for the obligations in Paragraph 13 of the City and UM Development Agreement.

Section 14 - Uses, Intensity of Uses, Public Facilities, Reservations

The *UM 2019-20 Annual Report* accurately states that as of the date of the Annual Report, UM is

in compliance with the requirements of Paragraph 14 of the City and UM Development Agreement.

Section 18 - Miscellaneous Uses and Temporary Occupancies

The *UM 2019-20 Annual Report* states that there have been no other uses or activities, on campus or off-campus that required the submittal of reports required by Paragraph 18 of the City and UM Development Agreement. As of fall Semester 2019, there were no students assigned temporarily to any off-campus facility pending a campus residential assignment, according with the Miscellaneous Uses and Temporary Occupancies Report for the 2019-2020 prepared by the Department of Housing and Residential Life of the University. The Department of Housing and Residential Life has housed 326 students temporarily at the Four Points by Sheraton (3861 SW 40th Street, Coral Gables, FL 33146) intermittently during the Fall 2020 semester, as part of COVID-19 pandemic protocols.

Section 20 - Mobility Plan

The *UM 2019-20 Annual Report* accurately states that an updated Mobility Plan was timely submitted to the City on June 1, 2020 pursuant to Paragraph 20 of the City and UM Development Agreement.

Section 23 - Encroachments

The *2019-20 UM Annual Report* accurately states that UM has caused to be prepared a study of any and all UM encroachments on City-owned property and submitted the Study to the City on June 1, 2011. The UM encroachment study identifies several encroachments and requests that the City grant easements for the identified encroachments. The requests for the easements have been processed in accordance with the requirements of the City's Code of Ordinances.

4. RECOMMENDATION

Staff recommends **approval** of this Annual Review.

The City and UM Development Agreement provides that the City Commission shall review and approve the Annual Review.