

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2017-283

A RESOLUTION OF THE CITY COMMISSION DIRECTING THE CITY ATTORNEY TO PREPARE A COMPLAINT AGAINST FLORIDA POWER AND LIGHT (“FPL”) FOR REVIEW AND DISCUSSION BY THE CITY COMMISSION, WITH THE INTENT TO ENCOURAGE DISCUSSION BETWEEN THE CITY OF CORAL GABLES AND FLORIDA POWER AND LIGHT.

WHEREAS, on September 14, 2017 during a City Commission meeting, wherein tragedies occurred during Tropical Storm Irma were discussed by City Commission and City residents, both of which expressed gross discontent with the minimal services provided by FPL in days following the storm; and

WHEREAS, on September 14, 2017 during said City Commission meeting, the Area Manager of External Affairs of FPL, Charles Knight, came before City Commission and City residents during a public meeting and falsely assured City residents that their electrical power would be restored by the end of week; and

WHEREAS, FPL has made continuous broken promises to City residents regarding the restoration of electrical power in their homes; and

WHEREAS, FPL wrongly advised City residents that their power had not been restored due to the City’s failure to remove trees from electrical power lines; and

WHEREAS, Mayor Valdes-Fauli strongly opposed and instructed, out of an abundance of caution, that City employees were not to remove any electrical power lines from City trees; and

WHEREAS, unlike the City, FPL employs specialized crews expertly trained to remove electrical power lines that find themselves entangled in trees; and

WHEREAS, the City Attorney through the City of Coral Gables placed a cease-and-desist order on FPL; and

WHEREAS, FPL issued a public statement describing the demands of the City of Coral Gables, while speaking for and representing City residents, ludicrous and frivolous; and

WHEREAS, the City Attorney prepared a letter to FPL’s attorney of record after attempting to reach them via telephone numerous times. The City Attorney received correspondence from FPL’s counsel in response to the City Attorney’s letter; and

WHEREAS, FPL received a 24% rate increase on June 17, 2016 in order to care for City infrastructure but the City's 60-year-old transformers and decayed poles have yet to be replaced, causing continuous problems for City residents; and

WHEREAS, the City does not desire for preferential treatment, solely FPL's compliance with the franchise agreement entered into by the FPL and City of Coral Gables; and

WHEREAS, the City Attorney wishes to prepare, for review by the Commission, a formal complaint for a declaratory judgment against FPL in order to clarify the duties of each party according to the applicable law; and

WHEREAS, said complaint would detail the City's demands of FPL, and enumerate FPL's contractual breaches; and

WHEREAS, the City of Coral Gables has retained outside counsel, Kozyak Tropin and Throckmorton to assist with all issues revolving around the City and FPL; and

WHEREAS, the City wishes to resolve the matter amicably between the parties but is not opposed to bringing legal action, via litigation, against FPL;

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

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 adoption hereof.

SECTION 2. That the City Commission does hereby direct the City Attorney to prepare a Complaint against FPL for review by the City Commission in order to encourage FPL to open to discussions with the City of Coral Gables.

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

**PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF SEPTEMBER, A.D.,
2017.**

(Moved: Lago/ Seconded: Keon)
(Yeas: Quesada, Keon, Lago, Mena, Valdes-Fauli)
(Unanimous: Vote: 5-0)
(Agenda Item: J-1)

APPROVED:


RAUL VALDES-FAULI
MAYOR

ATTEST:


For WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY