

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2017-284**

A RESOLUTION OF THE CITY COMMISSION DIRECTING THE CITY MANAGER TO PRESENT THE CITY COMMISSION WITH NUMEROUS COMPETITIVE BIDS FROM QUALIFIED BIDDERS, METHODOLOGY, AND FUNDING STRATEGY FOR CITY-WIDE UNDERGROUNDING.

**WHEREAS**, item G-1 is a discussion regarding the possibility of authorizing City staff to secure three (3) competitive bids from qualified bidders for city-wide undergrounding, developing a methodology, funding strategy, and timeline to accomplish city-wide undergrounding in the most expeditious and efficient matter; and

**WHEREAS**, on September 14, 2017 during said City Commission meeting, the Area Manager of External Affairs of Florida Power and Light (“**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 leaving the City with no alternative than to find alternatives like that of Undergrounding for City residents; 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**, FPL has accused the City by stating that the City canopy and City trees fall on poles and electrical wires; and

**WHEREAS**, the City employs six (6) tree trimming crews full time in order to ensure that City trees remain a rational size; and

**WHEREAS**, the City has removes 964 trees since 2015 and approved over 4,100 tree removal permits over the last ten (10) years; and

**WHEREAS**, City Resolution 2005-179 discusses a number of issues related to safety and reliable service to City residents, urging FPL to conduct necessary inspections and analysis to ensure equipment, like that of powerlines, transformers, and poles, are routinely maintained; and

**WHEREAS**, in City Resolution 2005-179, the City supported FPL’s efforts and rights to gain access to clear vegetation from utility lines on private property and to perform other

maintenance work in order to maintain safe and reliable electrical service citywide, as required by Utility Tariff Fund filed with the Florida Public Service Commission; and

**WHEREAS**, the City also encouraged residents, businesses, and private property owners to permit FPL the required access to clear and remove vegetation from utility lines and to perform other maintenance work as required to provide safe and reliable service; and

**WHEREAS**, FPL's counsel of record cited Florida Statute 366.06 claiming that the Public Service Commission has the jurisdiction in terms of prescribing and enforcing safety standards for transmission and distribution facilities and that same is the minimum requirement for FPL; and

**WHEREAS**, FPL's counsel of record also cited the National Electrical Safety Code, specifically Tariff Rule 2.8, incorporated into the law, stating that FPL and its agents must have safe access to the customer's premises at all reasonable hours in order to trim trees and clear vegetation from its powerlines; and

**WHEREAS**, Section 78-188 of the City Code states that FPL has a duty to maintain their powerlines and their infrastructure. FPL also has the right and obligation to enter their easement and to cut back trees that interfere with their powerline; and

**WHEREAS**, the City does not enjoy the right to enter into private property and private residences to trim trees at their discretion; and

**WHEREAS**, the Public Service Commission does not have jurisdiction over franchise agreements nor the jurisdiction to determine the enforcement of franchise agreements; and

**WHEREAS**, City Code and State law predates the subject franchise agreement and same clearly gives the City the right to expect the highest practicable standard of efficiency; and

**WHEREAS**, the City Commission heard from a Stantec representative, Ramon Castella, who has executed undergrounding for a number of municipalities, and informed the Commission that FPL, customarily bears 25% of the cost of undergrounding while the City bears the remaining cost; and

**WHEREAS**, Mr. Castella informed the City Commission that underground wiring allows for the electrical power to remain functional even if the electrical lines find themselves under water; and

**WHEREAS**, Mr. Castella provided a rough estimate for the cost of undergrounding power, cable, telephone, and restoration, as \$20,000.00 per single-family home, amounting to a sum of approximately \$250 million for the undergrounding of all areas South of Sunset;

**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 Manager to present the City Commission with numerous competitive bids from qualified bidders, methodology, and funding strategy for city-wide undergrounding.

**SECTION 3.** That the City Commission does hereby assemble the Blue-Ribbon Committee.

**SECTION 4.** 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: Quesada / Seconded: Lago)  
(Yeas: Keon, Lago, Mena, Quesada, Valdes-Fauli)  
(Unanimous: Vote: 5-0)  
(Agenda Item: G-1)

APPROVED:



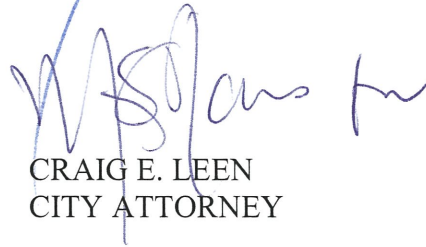
RAUL VALDES-FAULI  
MAYOR

ATTEST:



For WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY