

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2018-183**

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGENCY AGREEMENT BETWEEN MIAMI-DADE COUNTY (MDC) AND THE CITY OF CORAL GABLES (CITY) TO ALLOW FOR THE INSTALLATION AND PROVIDE FOR THE MAINTENANCE OF 25 MPH SPEED LIMIT SIGNS ON RESIDENTIAL LOCAL STREETS BY THE CITY.

**WHEREAS**, on July 8, 2016, Miami-Dade County approved the City's request to lower the posted speed limit to 25 mph only on residential local streets maintained by the City of Coral Gables; and

**WHEREAS**, the City passed Ordinance 2017-14 on May 9, 2017 creating Section 74-5 of the City of Coral Gables Code to lower speed limits to 25 miles per hour on residential local roads maintained by the City of Coral Gables, providing for a repealer provision, severability clause, codification, enforceability, and providing for an effective date; and

**WHEREAS**, the attached Intergovernmental Agency Agreement or as in the attached substantial form is being brought before the Commission to codify installation and maintenance of the subject signs;

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

**SECTION 1.** 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.** The City Commission does hereby authorize the execution of an intergovernmental agency agreement, in substantially the form attached, with Miami-Dade County to install and maintain 25 mph speed limit signs on local municipal streets.

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

PASSED AND ADOPTED THIS TENTH DAY OF JULY, A.D., 2018.  
(Moved: Quesada / Seconded: Lago)  
(Unanimous: 5-0 Vote)  
(Agenda Item: D-3)

APPROVED:

RAUL VALDES-FAULI  
MAYOR

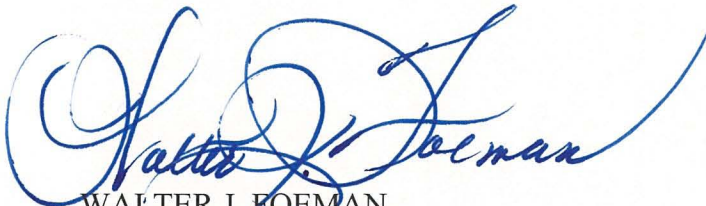
A handwritten signature in black ink, consisting of a large, stylized letter 'W' enclosed within a circle.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

A handwritten signature in blue ink, appearing to be the initials 'MS' with a stylized flourish.

MIRIAM SOLER RAMOS  
CITY ATTORNEY

ATTEST:

A handwritten signature in blue ink, written in a cursive style that reads 'Walter J. Foeman'.

WALTER J. FOEMAN  
CITY CLERK

**INTERGOVERNMENTAL AGENCY AGREEMENT  
TO INSTALL 25 MPH SPEED LIMIT SIGNS ON LOCAL MUNICIPAL STREETS**

THIS INTERGOVERNMENTAL AGENCY AGREEMENT TO INSTALL 25 MPH SPEED LIMIT SIGNS ON LOCAL RESIDENTIAL STREETS (“Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the CITY OF CORAL GABLES (the “City”), a municipal corporation of the State of Florida, and MIAMI-DADE COUNTY (the “County”), a political subdivision of the State of Florida.

**WHEREAS**, pursuant to Sections 2-95 and 2-96.1 of the Miami-Dade County Code, all traffic control and traffic engineering services in Miami-Dade County are under the exclusive jurisdiction of the County; and

**WHEREAS**, the City desires to assume the installation and maintenance responsibilities of 25 MPH speed limit signs on its local municipal streets only; and

**WHEREAS**, the City, by Ordinance No. 2017-14, attached hereto as EXHIBIT “A” and by reference made a part hereof, has authorized the execution of this Agreement; and

**WHEREAS**, the County and the City agree that nothing contained in this Agreement shall diminish or impact the rights of either entity with respect to jurisdiction, sovereign or permitting powers, or in any other matter related to the installation, use and maintenance of the traffic control devices unless specifically set forth herein, including but not limited to any County powers under the Miami-Dade County Code,

**NOW, THEREFORE, THE CITY AND THE COUNTY AGREE AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the above-stated recitals are incorporated herein by reference and confirmed.

**Section 2. Traffic Control Devices.** The CITY may install and maintain 25 mph speed limit signs as indicated in EXHIBIT “B”.

**Section 3. Decals.** The City shall attach a decal to the back of the sign panels indicating ownership and date of installation.

**Section 4. Maintenance Responsibility.** The City assumes sole and complete responsibility for the 25 mph speed limit signs that are installed by the City within its boundaries. If the City fails to maintain the 25 mph speed limit signs, it shall be responsible for any and all costs incurred by the County to replace them or remove them.

**Section 5. Liability and Indemnification.** The City assumes sole and complete liability for any and all accidents and/or injuries which may, or are alleged to, occur or arise out of the

installation, operation or maintenance of 25 mph speed limit signs, and hereby indemnifies to the extent allowed by Section 768.28, Florida Statutes, and holds the County harmless from any and all claims, including but not limited to negligence arising out of or relating to installation, operation, or maintenance of the signs.

**Section 6. No Waiver of Sovereign Immunity.** Notwithstanding any other term in this Agreement, nothing herein shall be deemed a waiver of the City or the County's immunity, sovereign rights, or limitations of liability as provided by Section 768.28, Florida Statutes, as may be amended from time to time.

**Section 7. Public Records.** The City shall be responsible for keeping records of any and all installations and repairs, and for furnishing pertinent documents as and when said records may be requested. The Parties shall each maintain their own respective records and documents associated with this Agreement in accordance with the requirements for records retention set forth in Chapter 119, Florida Statutes

**Section 8. Headings.** The headings or captions of sections or paragraphs used in this Agreement are for convenience of reference only and are not intended to define or limit their contents, nor are they to affect the construction of or to be taken into consideration in interpreting this Agreement.

**Section 9. Ambiguities.** The preparation of this Agreement has been a joint effort of the Parties hereto and both Parties have had the benefit of consultation with legal counsel of their choosing prior to its execution. The resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than the other.

**Section 10. Entirety.** This Agreement embodies the entire agreement between the Parties with respect to the matters addressed herein. Previous agreements and understandings of the Parties with respect to such matters are null, void, and of no effect. Notwithstanding any other provision contained herein, no third party beneficiaries are created with respect to any claims against the County by virtue of this Agreement.

**Section 11. Amendments.** This Agreement may be amended, modified, or altered, and its material provisions may be waived, only by written instrument, and only if properly executed by all parties hereto.

**Section 12. Effective Date.** That this Agreement shall become effective on the date first written above after such Agreement is fully executed by all parties hereto.

**Section 13. Termination.** Either the City or the County may, in their respective sole and complete discretion, terminate this Agreement, with or without cause and/or convenience of the terminating party, upon twenty (20) business days written notice; provided, however, that at

the option of the County, the City shall continue to maintain, repair, and be responsible for any Traffic Control Devices installed by the City while this Agreement was in effect. Prior to the termination of this Agreement, however, the City may elect to remove any one or all Traffic Control Devices installed by the City; provided the City shall restore the roadway and area in which the Traffic Control Devices was located to the condition that existed before the City's installation.

**Section 14.**        **Execution.** This Agreement may be executed in one or more hard or electronic counterparts, which, when taken together, shall constitute one fully executed instrument.

**Section 15.**        **Notice.** Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery, recognized overnight courier (e.g., Federal Express), or by written certified U.S. mail, with return receipt requested, addressed to the Party for whom it is intended, at the place specified. The method of delivery shall be consistent among all of the persons listed herein. For the present, the Parties designate the following as the respective places for notice purposes:

- a. **For the County:** Miami-Dade Department of Transportation and Public Works, Attn: Director, 111 NW 1<sup>st</sup> Street, Suite 1510, Miami, FL 33128
- b. **With a Copy To:** Miami-Dade County Attorney's Office, 111 NW 1<sup>st</sup> Street, Suite 2910, Miami, FL 33128
- c. **For the City:** City of Coral Gables, Attn: City Manager, 405 Biltmore Way, Coral Gables, FL 33144
- d. **With a Copy To:** City of Coral Gables, Attn.: City Attorney, 405 Biltmore Way, Coral Gables, FL 33144

[THIS SPACE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the City and the County have set their hands the day and year above written.

**FOR MIAMI-DADE COUNTY, FLORIDA:**

\_\_\_\_\_  
ALICE BRAVO, P.E., DIRECTOR OF MIAMI-  
DADE COUNTY DEPARTMENT OF  
TRANSPORTATION AND PUBLIC WORKS

ATTEST:

\_\_\_\_\_  
DEPUTY CLERK

PRINT NAME: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
MIAMI-DADE COUNTY ATTORNEY'S OFFICE

**FOR THE CITY OF CORAL GABLES, FLORIDA:**

\_\_\_\_\_  
CATHY SWANSON-RIVENBARK  
CITY MANAGER

ATTEST:

\_\_\_\_\_  
WALTER J. FOEMAN, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
MIRIAM SOLER RAMOS, CITY ATTORNEY

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2017-14**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, CREATING SECTION 74-5 OF THE CITY OF CORAL GABLES CODE TO LOWER SPEED LIMITS TO 25 MILES PER HOUR ON LOCAL RESIDENTIAL ROADS MAINTAINED BY THE CITY OF CORAL GABLES, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, ENFORCEABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, dating back to 2001, the City Commission has discussed lowering the speed limit in certain areas to 25 miles per hour (mph), in response to residential concerns; and

**WHEREAS**, on May 12, 2015, the City Commission directed staff to analyze whether objective data supported the lowering of the speed limit to 25 mph in certain areas; and

**WHEREAS**, on April 21, 2016, the City of Coral Gables submitted the analysis to Miami-Dade County Department of Transportation and Public Works (MDCDTPW), recommending a posted speed limit of 25 mph on all residential streets; and

**WHEREAS**, on July 8, 2016, Miami-Dade County approved the City's request to lower the posted speed limit to 25 mph only on residential local roads maintained by the City of Coral Gables; and

**WHEREAS**, on July 19, 2016 and October 18, 2016, the City's Transportation Advisory Board recommended lowering the speed limit; and

**WHEREAS**, as part of the City's Multi-modal Transportation Plan, the City asked for public input on various subjects, including regarding lowering speed limits to 25 mph, and data taken over seven (7) public meetings showed 80% of respondents to be in favor of reducing the speed limit on residential streets to 25 mph; and

**WHEREAS**, the installation and maintenance of signage indicating a lowered speed limit in certain areas will be processed through an Intergovernmental Agency Agreement with MDCDTPW; and

**WHEREAS**, lowering the speed limit on residential streets to 25 mph is reasonable, and is well aligned with the Strategic Plan objective "to attain world class performance levels in public safety"; and

**WHEREAS**, the City's Department of Public Works has set a goal of 10% reduction in injuries each year and slower speeds decreased the frequency and severity of injuries; and

**WHEREAS**, lowering the speed limit, combined with enhanced street design, education and enforcement policies will create a system and standard of behavior that will greatly lessen the consequences of traffic accidents caused by speeding; and

**WHEREAS**, the City Commission wishes to add Section 74-5 to lower the speed limits on residential local roads maintained by the City of Coral Gables to 25 mph as authorized by Section 316.189, Florida Statutes;

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

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** Section 74-5 of the Code of the City of Coral Gables, Florida, is hereby created to read as follows:

**Sec. 74-5. – Establishment of residential speed zones, posting, enforcement**

- (a) *Residential Speed Limit.* The maximum speed on all local residential roads within the City of Coral Gables shall be twenty-five (25) miles per hour, unless otherwise posted.
- (b) *Posting of speed limits.* All speed zones shall be posted with clearly legible signs. All signs which limit or establish a twenty-five (25) mile per hour speed limit shall be so placed and so painted so as to be plainly visible and legible in daylight or in darkness when illuminated by headlights.
- (c) *Penalty.* Pursuant to section 316.189 of the Florida Statutes, violation of the speed limits established pursuant to this section shall be cited as a moving violation, punishable as provided in chapter 318 of the Florida Statutes.

**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other



appropriate word to accomplish such intention.

**SECTION 6.** If the City Code's Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 7.** Within 30 days of the adoption of this Ordinance, the City shall include the Ordinance's language and place an educational piece in eNews or another similar publication, educating the City's residents of the Ordinance. In addition the City shall begin an educational campaign to inform residents and visitors of the effect and implementation of the Ordinance.

**SECTION 8.** The City shall work with Miami-Dade County to insure that the City provides appropriate signage to indicate changes in speed limits as required by Miami-Dade County. Every effort shall be made to reduce the signage needed in order to prevent sign pollution in the City.

**SECTION 9.** This Ordinance shall become effective upon adoption. After the required signage is placed, enforcement in newly posted areas shall begin immediately. Coral Gables Police Officers should exercise discretion through a reasonable time period to allow drivers to adjust to the revised speeding limit. This provision does not create any claim or defense for a driver regarding the exercise of the Police Officer's discretion.

PASSED AND ADOPTED THIS NINTH DAY OF MAY, A.D., 2017.

(Moved: Quesada / Seconded: Keon)

(Yeas: Mena, Quesada, Keon, Lago, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: E-2)

APPROVED:

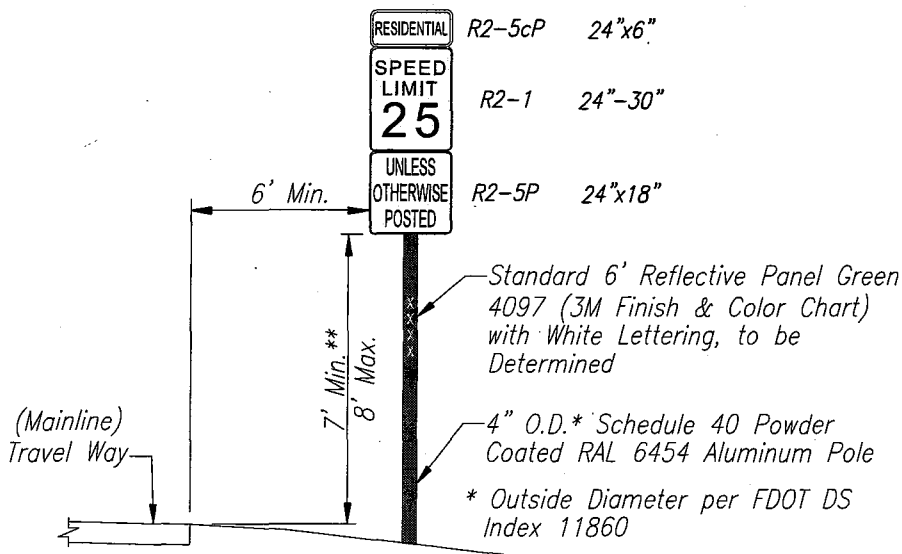
  
RAUL VALDÉS FAULI  
MAYOR

ATTEST:

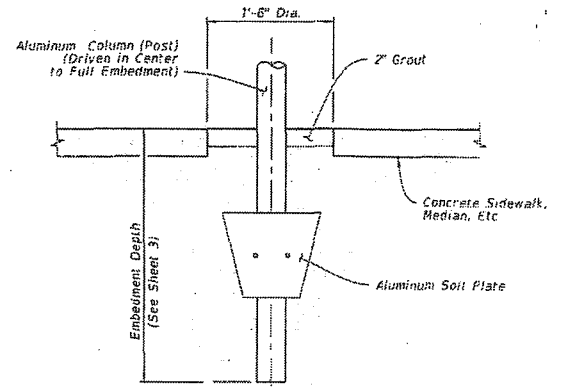
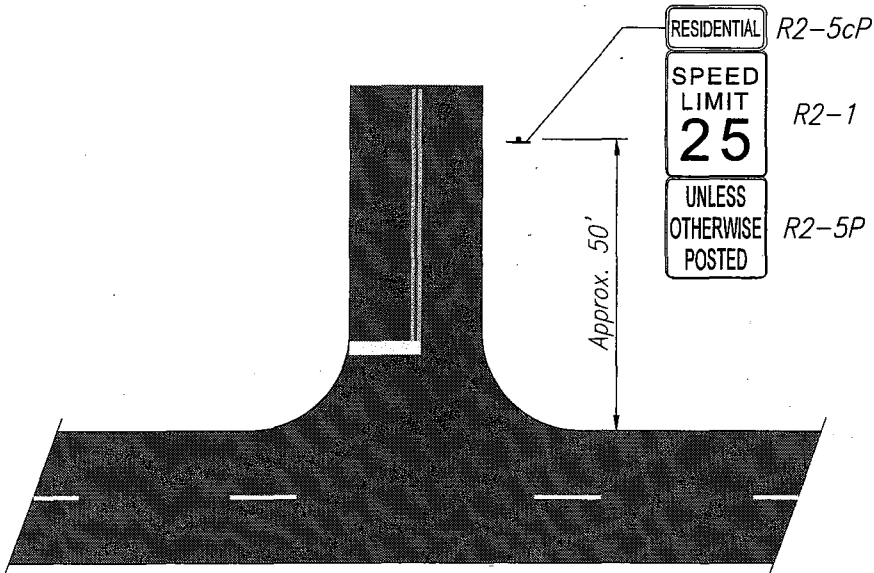
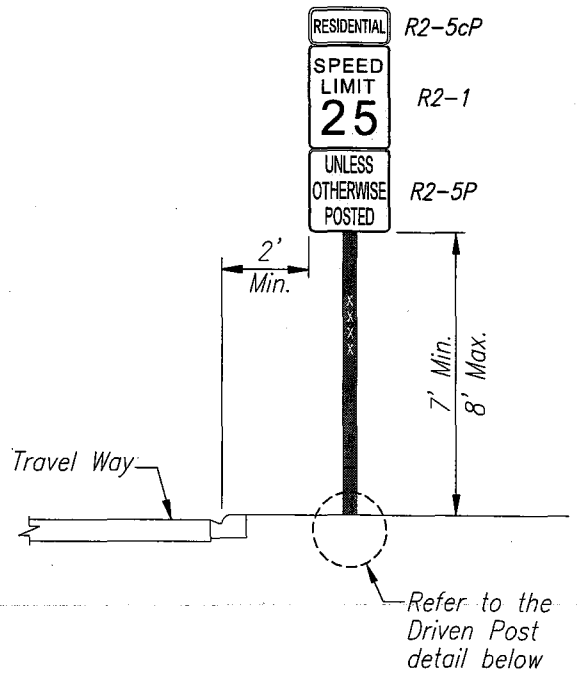
  
WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
for CRAIG E. LEEN  
CITY ATTORNEY



\*\* PER FDOT DS INDEX 17302



Driven Post Detail

Note: 2" Grout is not required when installed in soil.

ALL SIGNS AND POSTS SHALL BE INSTALLED PER FLORIDA DEPARTMENT OF TRANSPORTATION DESIGN STANDARDS FOR SINGLE COLUMN GROUND SIGNS

APPROVED: 09/20/2017  
SCALE: N.T.S.

DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
CITY OF CORAL GABLES

STANDARD DETAILS  
SPEED LIMIT  
SIGN PLACEMENT DETAIL