



# City of Coral Gables and University of Miami Annual Review

September 28, 2016 to September 27, 2017

## 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 Agreement and Section 163.3235 of the Florida Statutes, for the period from September 28, 2016, to September 27, 2017.*

## 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 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 25, 2017, the University of Miami submitted an Annual Report for the period from September 28, 2016 and September 27, 2017 (“UM 2016-17 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 Memorandum constitutes the required written report which will be submitted to the City Commission for review and approval.

## 3. UNIVERSITY OF MIAMI 2016-17 ANNUAL REPORT

The *UM 2016-17 Annual Report* contains five (5) elements: 1) Preface; 2) Statutory Provision (§163.3235, Fla. Stat. 2011); 3) 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 2016-17 Annual Report* Statutory Provision Element requires no review and analysis, except to observe that the provisions of §163.3235 of the Florida Statutes on which the City and UM Development Agreement Paragraph 49 was based, were modified by the Florida Legislature and the City is no longer required to transmit its annual review to the Department of Community Affairs, now the Department of Economic Opportunity.

## **3. Joint Obligations Element**

The *UM 2016-17 Annual Report* addresses two (2) joint obligations: 1) Annual Meeting, and 2) Annual Report and City Review and Approval.

### **a. Annual Meeting**

The *UM 2016-17 Annual Report* states that the Annual Meeting was hosted by UM on January 12, 2017 at the Coral Gables Adult Activity Center.

### **b. Annual Report**

The *UM 2016-17 Annual Report* documents that the annual report has been timely submitted.

## **4. City Obligations Element**

The *UM 2016-17 Annual Report* does not address any City obligations because the City has already satisfied its obligations.

The report correctly states that the City must satisfy the City's Obligations for the Internal Road and Access. City Staff has been working with the surrounding residential community for specific public realm improvements. The University has continued the implementation of the Internal Road requirements within the campus. As a result, several construction projects have been finalized or in the process of implementation. All construction projects are consistent with the approved plans.

## **5. University Obligations Element**

The *UM 2016-17 Annual Report* identifies – University Obligations: a) Consideration and Mitigation; b) Gables Fellows Programs; c) Lecture Series; d) Performance and Concert Series; e) "Meet the Docs" Health Care Program; f) Hurricane Athletics Ticket Program; g) Watsco Center Ticket Program; h) Ponce de Leon Beautification Project; i) Consulting Services; j) Student Enrollment; k) Uses, Intensity of Use, Public Facilities and Reservations; l) Miscellaneous Uses and Temporary Occupancies; m) Mobility Plan; and n) Encroachments.

### **a. Consideration and Mitigation**

The *UM 2016-17 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. No other obligations pursuant to Paragraph 25 were identified.

b. Gables Fellow Program

The *UM 2016-17 Annual Report* accurately reports that the program has been implemented and that two (2) fellows were selected for the Fall Semester of 2016 and for the Spring of 2017.

c. Lecture Series

The *UM 2016-17 Annual Report* accurately reports that seven (7) lectures were presented by UM during the 2016-17 year. Paragraph 7 of the City and UM Development Agreement provides for six (6) lectures each year.

d. Performance and Concert Series

The *UM 2016-17 Annual Report* accurately reports that five (5) events were presented during 2016-17 including 4 concerts, and 1 additional performance. In addition, 5 cultural events were presented including an exhibition, a lecture, and a film. Paragraph 7 of the City and UM Development Agreement provides for six (6) cultural events each year.

e. "Meet the Docs" Health Care Program

The *UM 2016-17 Annual Report* accurately reports that four (4) "Meet the Docs" programs were presented in 2016-17 plus one (1) additional lecture was held.

f. Hurricane Athletic Tickets Program

The *UM 2016-17 Annual Report* reports that UM distributed 83 tickets to the UM vs. Pittsburg football game, and made available 250 tickets to four (4) UM baseball games, 250 tickets to four (4) men's UM basketball and 250 tickets to four (4) women's basketball games. The distribution of tickets described in the *UM 2016-17 Annual Report* fully satisfied the obligations of Paragraph 12 of the City and UM Development Agreement.

g. Watsco Center Ticket Program

The *UM 2016-17 Annual Report* reports that no Watsco Center event tickets were distributed to the residents of the City of Coral Gables during the reporting period. UM accurately states 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.

h. Ponce de Leon Beautification Project

The *UM 2016-17 Annual Report* reports that UM contributed its share of the cost of beautification of Ponce de Leon Boulevard on October 25, 2013.

i. Consulting Services

The *UM 2016-17 Annual Report* accurately reports that UM provided assistance with the City's Parking Department with regard to Fourth of July parking including 1,064 parking spaces and that the requirements of Paragraph 11 of the City and UM Development Agreement were satisfied for 2016-17.

j. Student Enrollment

The *UM 2016-17 Annual Report* states that Student Enrollment (defined as full time equivalent

undergraduate degree-seeking students) has not reached the 12,000 threshold for the obligations in Paragraph 13 of the City and UM Development Agreement.

k. Uses, Intensity of Uses, Public Facilities, Reservations

The *UM 2016-17 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.

l. Miscellaneous Uses and Temporary Occupancies

The *UM 2016-17 Annual Report* states that UM has submitted all reports required by Paragraph 18 of the City and UM Development Agreement.

m. Mobility Plan

The *UM 2016-17 Annual Report* accurately states that an updated Mobility Plan was timely submitted to the City on May 31, 2017 pursuant to Paragraph 20 of the City and UM Development Agreement. City Staff has reviewed the Mobility Plan submitted by UM and determined that the submitted Mobility Plan was submitted to and approved by the City and any proposed modifications or deviations from the provisions of the City.

n. Encroachments

The *2016-17 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 will be 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 and submit the Annual Review to the Department of Community Affairs.

As noted in the Review, the Legislature deleted the obligation to provide a copy of a municipality's annual review with regard to development agreements to the Department of Community Affairs, now the Department of Economic Opportunity; however, the terms of the City and UM Development Agreement, without reference to the statutory requirement, provide that after the City approves an annual review "the report shall be submitted to Department of Community Affairs."

Staff recommends that in order to avoid any confusion with regard to compliance with the provisions of Paragraph 49 of the City and UM Development Agreement, that the City submit the annual review to the Department of Economic Opportunity for informational purposes, notwithstanding the amendment to the state statute.