

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2016-212

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, APPROVING CONDITIONS OF THE PENDING FLORIDA POWER AND LIGHT (FPL) TRANSMISSION LINE PERMIT APPLICATION RELATED TO THE COCONUT GROVE INJECTION PROJECT.

WHEREAS, the City of Coral Gables remains involved in litigation styled Miami-Dade County et. al. v. In re Florida Power & Light Co., etc., et al., case Nos. 3D14-1467, 3D14-1466, 3D14-1465, 3D14-1451, OGC Case No. 09-3107, DOAH Case No. 09-3575; and

WHEREAS, the City and Florida Power & Light Co. (FPL) formalized various agreements, one regarding FPL Turkey Point Units 6 & 7, in May 12, 2014, and additional Settlement Agreements regarding a proposed 230-KV transmission line to be located within the City of Coral Gables on July 2, 2013 and May 23, 2014; and

WHEREAS, as part of those agreements the City was to expedite and issue a permit to FPL with reasonable conditions attached, once FPL had completed the necessary applications and satisfied all technical requirements for the necessary permits; and

WHEREAS, during the City Commission meeting held on September 13, 2016 the following permit conditions were proffered by FPL:

1. Pole heights and locations for poles installed as an element of the Coconut Grove Injection Project (the "Project") shall be in accordance with those heights and locations specified in the Transmission Engineering plans dated 12/16/16 with revised pole locations as set forth in the Tree Relocation and Pole Mitigation plan dated 1/12/17, revised 1/19/17, and formally accepted by the City on 1/22/17.
2. Within thirty (30) days following issuance of the permit for the Project, Florida Power & Light Company (the "Applicant") will make full payment of the \$1.3 million required pursuant to that certain Settlement Agreement between Florida Power & Light Company and City of Coral Gables Regarding Proposed 230-KV Transmission Line to [be] Located Within City of Coral Gables of May 23, 2014 (the "Settlement Agreement").
3. Acceptance of the funds required by the Settlement Agreement will not constitute a waiver of, impose any limitation on, or increase any rights acquired by the City of Coral Gables pursuant to what has been referred to by the City as the "favored nations" provision of Paragraph 1 of Exhibit A to the Partial Stipulation between Florida Power & Light Co. and the City of Coral Gables Regarding Proposed 230-KV Transmission Line to be Located Within City of Coral Gables FPL and Coral Gables, dated July 2, 2013.
4. Neither payment nor acceptance of the funds required by the Settlement Agreement will amend, limit, terminate, increase or otherwise have any impact on the remaining rights and obligations of the Parties under the Settlement Agreement, if any.
5. Applicant's obligations for tree relocation, landscaping, pole location and mitigation associated with the Project will be as set forth in the Tree Relocation and Pole

Mitigation plan dated 1/12/17, revised 1/19/17, and formally accepted by the City on 1/22/17.

6. The City of Coral Gables will take no steps to impede or otherwise interfere with the Applicant's efforts to obtain Project approvals in other jurisdictions. Applicant expressly reserves all rights and remedies available at law or in equity in the event of a breach of this provision by the City or its officials or employees.
7. Applicant shall take all steps reasonably necessary to obtain all other governmental approvals required for the Project. The City shall have no liability for damages that may occur in the construction of the Project, and the Applicant agrees to indemnify the City and hold it harmless against any and all liability, loss, cost, damage or expense which may accrue to the City by reason of the negligence, default, or misconduct of the Applicant in the construction of the Project
8. FPL will underground, at no cost to the City, as part of its storm hardening initiative, the existing distribution lines crossing over Ponce De Leon Boulevard at or near the following three intersections (1) Carillo Street; (2) Sagua Street; and (3) south of SW 42nd Avenue.
9. FPL will continue to honor and comply with its commitments with respect to its streetlight agreements as set forth in Paragraph 2 of the Settlement Agreement between Florida Power & Light Company and the City of Coral Gables Regarding Turkey Point Units 6 & 7, dated May 12, 2014; and

WHEREAS, at the September 13, 2016 City Commission meeting the City Commission did approve the above permit conditions proffered by FPL;

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. That the City commission does hereby approve the above permit conditions discussed and approved at the September 13, 2016 City Commission Meeting.

SECTION 3. That the City Commission does hereby direct the Assistant City Manager Peter Iglesias to expedite and issue FPL's pending permit applications for the Coconut Grove Injection Project once all technical requirements for those permits and the conditions described above are met and/or accepted by FPL.

SECTION 4. That the City Commission does hereby resolve that the pending FPL permits for the 230-KV transmission line located in the City of Coral Gables related to the Coconut Grove Injection Project do not require further action on the part of the City Commission, and that the permitting may be approved and handled administratively by Assistant City Manager Peter Iglesias.

SECTION 5. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF SEPTEMBER, A.D., 2016.
(Moved: Keon/ Seconded: Slesnick)
(Yeas: Lago, Slesnick, Keon, Cason)
(Majority (4-0) Vote)
(Absent: Quesada)
(Non-Agenda Item)

APPROVED:


JIM CASON
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY