

City of Coral Gables and University of Miami Agreement Annual Review

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 29, 2014, the University of Miami submitted an Annual Report for the period from September 28, 2013 and September 27, 2014 ("*UM 2013-14 Annual Report*"). 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.

UM 2013-14 Annual Report

The *UM 2013-14 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 Paragraph 49 and requires no review and analysis.

2. STATUTORY PROVISION ELEMENT

The *UM 2013-14 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 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 2013-14 Annual Report* addresses two (2) joint obligations: 1) Annual Meeting, and 2) Annual Report and City Review and Approval.

a.
Annual Meeting
(UM 2013-14 Annual Report, ¶ 3 a)

The *UM 2013-14 Annual Report* states that “the City and the University were in the process of scheduling the Annual Meeting required by Paragraph 5 of the City and UM Development Agreement.” The Annual Meeting was scheduled after the *UM 2013-14 Annual Report* was submitted. A meeting of the Mayor and City Commissioners of the City and other officials of the City and officers and representatives of the UM Trustees was conducted on November 19, 2013.

b.
Annual Report
(UM 2013-14 Annual Report, ¶ 3 b)

The *UM 2013-14 Annual Report* documents that the annual report has been timely submitted.

4. CITY OBLIGATIONS ELEMENT

The *UM 2013-14 Annual Report* does not address any City obligations because the City satisfied its obligations in the preceding year.

The report correctly states that the City has satisfied each of the City’s Obligations which are described in the City and UM Development Agreement.

5. UNIVERSITY OBLIGATIONS ELEMENT

The *UM 2013-14 Annual Report* identifies – University Obligations: 1) Consideration and Mitigation; 2) Gables Fellows Programs; 3) Lecture Series; 4) Performance and Concert Series; 5) “Meet the Docs” Health Care Program; 6) Hurricane Athletic Tickets Program; 7) Bank United Ticket Program; 8) Ponce de Leon Beautification Project; 9) Consulting Services; 10) Student Enrollment; 11) Uses, Intensity of Uses, Public Facilities and Reservations; 12) Miscellaneous Uses and Temporary Occupancies; 13) Mobility Plan; and 14) Encroachments Study.

1.
Consideration and Mitigation
(UM 2013-14 Annual Report, ¶ 5 a. I.)

The *UM 2013-14 Annual Report* correctly states that the required payment of One Million and One Hundred Thousand Dollars (\$1,100,000.00) was timely paid in full. No other obligations pursuant to Paragraph 25 were identified.

2.
Gables Fellow Program
(UM 2013-14 Annual Report, ¶ 5 b.i.)

The *UM 2013-14 Annual Report* accurately reports that the program has been implemented and that fellows were selected for the Fall of 2013 and for the Spring of 2014.

3.

Lecture Series

(UM 2013-14 Annual Report, ¶5 b.ii.)

The *UM 2013-14 Annual Report* accurately reports that six (6) lectures were presented by UM during the 2010-1 year. Paragraph 7 of the City and UM Development Agreement provides for six (6) lectures each year.

4.

Performance and Concert Series

(UM 2013-14 Annual Report, ¶5 b.iii.)

The *UM 2013-14 Annual Report* accurately reports that sixteen (16) events were presented during 2013-2014 including a concert, a film and a reading by a novelist. Paragraph 7 of the City and UM Development Agreement provides for six (6) cultural events each year.

5.

“Meet the Docs” Health Care Program

(UM 2013-14 Annual Report, ¶5 b.iv.)

The *UM 2013-14 Annual Report* accurately reports that four (4) “Meet the Docs” programs were presented in 2013-2014.

6.

Hurricane Athletic Tickets Program

(UM 2010-1 Annual Report, ¶5 b.v.)

The *UM 2013-14 Annual Report* reports that UM provided 250 tickets to the UM vs. Virginia Tech 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 2013-14 Annual Report* fully satisfied the obligations of Paragraph 12 of the City and UM Development Agreement.

7.

Bank United Center Ticket Program

(UM 2013-14 Annual Report, ¶5 b.vi.)

The *UM 2013-14 Annual Report* reports that no Bank United Center event tickets were distributed to the residents of the City of Coral Gables during the reporting period. UM accurately states that the Bank United 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.

8.

Ponce de Leon Beautification Project
(UM 2013-14 Annual Report, ¶5 b.vii.)

The *UM 2013-14 Annual Report* reports that UM contributed its share of the cost of beautification of Ponce de Leon Boulevard on October 25, 2013.

9.

Consulting Services
(UM 2013-14 Annual Report, ¶5 b.viii.)

The *UM 2013-14 Annual Report* accurately reports that UM provided assistance with the City's Parking Department with regard to Fourth of July parking and University Professor Antonio Nanni conducted an assessment of co-locating high voltage transmission lines on the Metrorail Guideway on campus and that the requirements of Paragraph 11 of the City and UM Development Agreement were satisfied for 2013-14.

10.

Student Enrollment
(UM 2013-14 Annual Report, ¶5 b.ix.)

The *UM 2013-14 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.

11.

Uses, Intensity of Uses, Public Facilities, Reservations
(UM 2013-14 Annual Report, ¶5 b.x.)

The *UM 2013-14 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.

12.

Miscellaneous Uses and Temporary Occupancies
(UM 2010-1 Annual Report, ¶5 b.xi.)

The *UM 2013-14 Annual Report* states that UM has submitted all reports required by Paragraph 18 of the City and UM Development Agreement.

13.

Mobility Plan
(UM 2010-1 Annual Report, ¶5 b.xii.)

The *UM 2013-14 Annual Report* accurately states that an updated Mobility Plan was timely submitted to the City on June 1, 2014 pursuant to Paragraph 20 of the City and UM Development Agreement. Paragraph 20 provides for review and approval of the Mobility Plan by the City.

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.

14.

Encroachments

(UM 2013-14 Annual Report, ¶5 b.xiii.)

The *2013-14 UM Annual Report* accurately states that UM has caused to be prepared a study of any and all UM encroachments on City-owned property. 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.

Recommendation

Staff recommends that the City Commission approve 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.