

RESOLUTION 2019-_____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE AT ITS JUNE 28, 2019 MEETING, AND AUTHORIZING THE CITY MANAGER TO USE GENERAL FUND CONTINGENCY, IN THE TOTAL NOT TO EXCEED AMOUNT OF \$100,000 PER YEAR, TO ADVANCE FUNDING FOR NEIGHBORHOODS AND/OR NEIGHBORHOOD ASSOCIATIONS REQUESTING BINDING COST ESTIMATES FROM FLORIDA POWER & LIGHT FOR THE COST OF UNDERGROUNDING UTILITIES, PROVIDED, HOWEVER, THAT SUCH CITY FUNDING SHALL BE SUBJECT TO REIMBURSEMENT FROM SPECIAL ASSESSMENT PROCEEDS, IF A SPECIAL ASSESSMENT DISTRICT FOR UTILITY UNDERGROUNDING IS SUBSEQUENTLY CREATED FOR THE NEIGHBORHOOD.

WHEREAS, at the Neighborhoods/Community Affairs Committee (NCAC) meeting on January 28, 2019, the NCAC reviewed and discussed the results of a tabulation from petition mailings with respect to the undergrounding of utilities in the North Bay Road and Alton Road neighborhood, which resulted in 60.74% final votes in favor of creating a special assessment district to fund the undergrounding of utilities; and

WHEREAS, based on these results, the NCAC recommended that the Administration proceed with the next steps for creating a district and obtaining the binding estimates from Florida Power & Light ("FPL") for the undergrounding of the existing overhead utilities; and

WHEREAS, City staff met with representatives of the Upper North Bay Road Neighborhood Association (the "Association") to discuss the boundary limits, and the Association provided the City a proposed underground boundary map with 173 properties that would participate in the undergrounding process; and

WHEREAS, City staff forwarded to FPL the proposed underground boundary map and requested a "ballpark" non-binding cost estimate for the work. On April 24, 2019, FPL provided the City the results of the estimate and this information has been shared with the neighborhood association to review; and

WHEREAS, in order for FPL to proceed with a detailed and "binding" estimate for the conversion project, FPL will require a non-refundable engineering deposit of \$11,729.00 prior to commencing with the binding cost estimate, as set forth in the Florida Administrative Code 25-6.115; and

WHEREAS, historically, the neighborhood and/or neighborhood association requesting the undergrounding of utilities has been responsible for paying for the FPL binding cost estimate and all fees associated with the undergrounding of utilities; and

WHEREAS, on June 5, 2019, at the request of Commissioner John Aleman, the Mayor and City Commission referred a discussion item to the Finance and Citywide Projects Committee (FCWPC), to discuss initial funding for undergrounding of utilities in the City of Miami Beach; and

WHEREAS, Commissioner Aleman's initiative would consist of creating a funding source in the City's budget to cover the costs of the binding cost estimates from FPL (each of which costs

approximately \$12,000), subject to reimbursement from special assessment proceeds, should a special assessment district for undergrounding utilities be created for the neighborhood; and

WHEREAS, funds would be utilized on a first come, first serve basis, not to exceed \$100,000 per year; and

WHEREAS, at its June 28 meeting, the FCWPC recommended that the City Manager be authorized to utilize General Fund contingency, to advance the funds for FPL binding cost estimates for neighborhoods requesting undergrounding of utilities, up to the not to exceed amount of \$100,000 per year, subject to reimbursement if a special assessment district is subsequently created.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Finance and Citywide Projects Committee at its June 28, 2019 meeting, and authorize the City Manager to use general fund contingency funds, in the total not to exceed amount of \$100,000 per year, to advance funding for neighborhoods and/or neighborhood associations requesting binding cost estimates from Florida Power & Light for the cost of undergrounding utilities, provided, however, that such City funding shall be subject to reimbursement from special assessment proceeds, if a special assessment district for utility undergrounding is subsequently created for the neighborhood.

PASSED and ADOPTED this 17th day of July, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Julie K. H. 7/2/19
City Attorney RLAP Date