

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2019-30910, WHICH AUTHORIZED THE CITY MANAGER TO USE GENERAL FUND CONTINGENCY, IN THE TOTAL NOT TO EXCEED AMOUNT OF \$100,000 PER YEAR (CITY FUNDING), TO ADVANCE FUNDING FOR NEIGHBORHOODS AND/OR NEIGHBORHOOD ASSOCIATIONS REQUESTING BINDING COST ESTIMATES FROM FLORIDA POWER & LIGHT (FPL) FOR THE COST OF UNDERGROUNDING UTILITIES (SUBJECT TO REIMBURSEMENT FROM SPECIAL ASSESSMENT PROCEEDS IF A SPECIAL ASSESSMENT DISTRICT IS SUBSEQUENTLY CREATED); SAID AMENDMENT CLARIFYING (1) THAT THE CITY FUNDING MAY BE USED IN CONNECTION WITH A NEIGHBORHOOD'S REQUEST FOR A COST ESTIMATE RELATING TO THE UNDERGROUNDING OF ANY PUBLIC UTILITY, NOT JUST FPL, AND (2) THAT THE CITY FUNDING MAY BE USED, AT THE CITY'S DISCRETION, TO RETAIN COST ESTIMATES FROM A THIRD PARTY CONSULTANT, INSTEAD OF FPL OR OTHER PUBLIC UTILITY PROVIDER, IN ORDER TO INCLUDE OTHER UNDERGROUNDING COSTS, NOT TYPICALLY COVERED BY THE PUBLIC UTILITY PROVIDERS, SUCH AS, WITHOUT LIMITATION, THE COST ASSOCIATED WITH THE RESTORATION OF THE PUBLIC RIGHT-OF-WAY FOLLOWING COMPLETION OF THE UNDERGROUNDING WORK BY THE PUBLIC UTILITY PROVIDER.

WHEREAS, at its January 28, 2019 meeting, the then named Neighborhoods/Community Affairs Committee (NCAC) reviewed and discussed the results of a tabulation from petition mailings in the North Bay Road and Alton Road neighborhood, which resulted in 60.74% final votes in favor of creating a taxing district; and

WHEREAS, based on these results, the Committee made a motion to proceed with the next steps for creating a district and obtaining the binding estimates for the undergrounding of the existing overhead utilities; and

WHEREAS, in order for FPL to proceed with a detailed and "binding" estimate for a conversion project, FPL requires a non-refundable engineering deposit of approximately \$12,000 prior to beginning the estimating process, as set forth in the Florida Administrative Code 25-6.115; and

WHEREAS, should a neighborhood decide to proceed with the work contained in the estimate, the amount of the deposit is then applied towards the estimate amount owed to FPL for the conversion. The "binding" estimate is valid for 180 days from the date the "binding" estimate is provided; and

WHEREAS, historically, the neighborhoods requesting the undergrounding conversion have been responsible for paying these and all fees associated with the undergrounding; and

WHEREAS at its June 28, 2019 meeting, the Finance and Citywide Projects Committee (FCWPC) recommended funding initial utility undergrounding fees from General Fund Contingencies and to grant the City Manager authority to approve funding up to \$100,000 per year; and

WHEREAS, at its July 17, 2019 meeting, the City Commission adopted Resolution 2019-30910, accepting the recommendation of the FCWPC, and authorizing the City Manager to use General Fund Contingency, in the total amount not to exceed \$100,000.00 per year (City funding), to advance funding for neighborhoods and/or neighborhood associations requesting binding cost estimate from Florida Power & Light (FPL) 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; and

WHEREAS, currently the Capital Improvement Projects (CIP) Department is negotiating with a consultant to provide cost estimates for undergrounding at West Palm Island and the Venetian Islands; and

WHEREAS the Administration recommends funding these efforts from the \$100,000 proceeds approved by Commission on July 17, 2019; and

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 amend Resolution No. 2019-30910, which authorized the City Manager to use General Fund Contingency, in the total not to exceed amount of \$100,000 per year (City funding), to advance funding for neighborhoods and/or neighborhood associations requesting binding cost estimates from Florida Power & Light (FPL) for the cost of undergrounding utilities (subject to reimbursement from special assessment proceeds if a special assessment district is subsequently created); said amendment clarifying (1) that the City funding may be used in connection with a neighborhood's request for a cost estimate relating to the undergrounding of any public utility, not just FPL, and (2) that the City funding may be used, at the City's discretion, to retain cost estimates from a third party consultant, instead of FPL or other public utility provider, in order to include other undergrounding costs, not typically covered by the public utility providers, such as, without limitation, the cost associated with the restoration of the public right-of-way following completion of the undergrounding work by the public utility provider.

PASSED and ADOPTED this ____ day of _____, 2022

ATTEST:

Dan Gelber, Mayor

Ralph E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

6-13-22

Date