

MEMORANDUM

Agenda Item No. 5(N)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

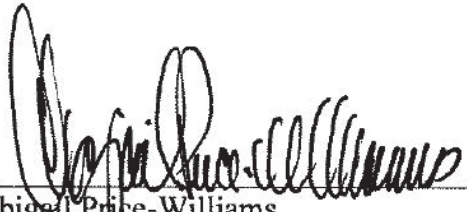
DATE: (Public Hearing 10-20-20)
August 31, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance creating and
establishing a Special Taxing
District in the City of Coral
Gables, Florida, generally
bounded on the north by
Cocoplum Road, on the east by
Los Pinos Circle / Boulevard, on
the south by La Rampa Street,
and on the west by Vistalmar
Street, known and described as
Cocoplum Phase One Street
Lighting Special Taxing District;
identifying services to be
provided; providing for an
election

Ordinance No. 20-114

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.



Abigail Price-Williams
County Attorney

APW/uw

Memorandum



Date: October 20, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Ordinance Creating and Establishing the Cocoplum Phase One Street Lighting Special Taxing District

Recommendation

It is recommended that the Board of County Commissioners (Board) approve a petition submitted in accordance with Article 1, Chapter 18, of the Code of Miami-Dade County (Code) for the creation of the Cocoplum Phase One Street Lighting Special Taxing District (Special Taxing District), located within the boundaries of the City of Coral Gables (City). The creation of this Special Taxing District is requested pursuant to a petition submitted by the residents of the Cocoplum Phase One neighborhood. Pursuant to Section 1.01 of the Home Rule Charter and Section 18-3.1 of the Code, this Board is vested with the power to designate the governing body of a municipality as the governing body of an existing special taxing district, if the municipality assumes any and all liabilities of the special taxing district. Therefore, it is also recommended that, upon creation of the Special Taxing District, the Board approve the attached Resolution and Interlocal Agreement authorizing the transfer of the Special Taxing District to the City.

Scope

This proposed Special Taxing District lies within Commission District 7, which is represented by County Commissioner Xavier L. Suarez, and will provide street lighting services.

Fiscal Impact/Funding Source

Creation of this Special Taxing District will result in no economic impact to the Miami-Dade County (County) budget, except the advancement of funds from various departments for expenditures of labor necessary to process the Special Taxing District. There will be no increase or decrease in County staffing due to this Special Taxing District. The City shall be responsible for the reimbursement of all incidental costs incurred by the departments for the creation and administration of the Special Taxing District.

There will be a perpetual annual special assessment for the cost of street lighting to all property owners within the Special Taxing District. Florida Power and Light (FPL) is the owner of the system and will derive revenues from the creation of the Special Taxing District. FPL's contractors and subcontractors may increase their staffing levels to provide the service requirements created by this Special Taxing District.

Social Equity Statement

The proposed Ordinance creates the Special Taxing District, pursuant to Article I, Section 1.01(A)(11) of the Miami-Dade County Home Rule Charter and Chapter 18 of the Code. The proposed Interlocal Agreement and concurring Resolution transfer the Special Taxing District, pursuant to Section 18-3.1. If approved, the City will be the new governing body for the Special Taxing District, and property owners within the Special Taxing District will pay special assessments appropriately apportioned according to the special benefit they receive from the Special Taxing District's service, regardless of their demographics,

and that the total estimated amount of the special assessment to be levied would not be in excess of such special benefit. The creation of this Special Taxing District was requested by 50.94% of the property owners.

Pursuant to Section 18-20.2 of the Code regarding notice to purchasers of new residential property, it shall be the obligation of a seller of new residential property to provide the purchaser thereof with notice either of the existence of a special taxing district created pursuant to this Chapter of the Code or of a pending petition to create such a special taxing district. The notice shall be provided in the manner set forth in Section 18-20.2 of the Code.

Track Record/Monitor

The Special Taxing District's creation and transfer will be managed by the Parks, Recreation and Open Spaces Department (PROS) and overseen by the Chief of the Special Assessment Districts Division (Division), Lorena Guerra-Macias.

Background

Contingent upon Board approval of the creation and ratification by the qualified registered voters within the Special Taxing District and subsequent transfer of this Special Taxing District, the street lighting services will be accomplished pursuant to an agreement between the City and FPL. The facilities provided will remain the property of FPL. FPL will be responsible for the maintenance, repairs, upgrades, and replacement of the light fixtures, lamps, poles, and all connecting service lines.

Boundaries:

On the North, Cocoplum Road;
On the East, Los Pinos Circle / Boulevard;
On the South, La Rampa Street;
On the West, Vistalmar Street.

Number of Parcels:

151

Number of Resident Owners:

106

Number of Owners With Homestead Exemption Signing Petition:

54 or 50.94 % of the resident property owners.

Type of Improvements:

It is expected that the Special Taxing District will remove the existing Mercury Vapor streetlights and standard concrete poles; and then install, operate, and maintain eleven (11) 144 Watts, 4000K, bracket-arm LED streetlights and forty-four (44) 60 Watts, 3000K, post-top LED streetlights, all mounted on new concrete poles. At its discretion, the City reserves the right to adjust the quantity, style, and luminosity of the street lighting installations, for reasons including, but not limited to, changes in field conditions and to address safety concerns.

Public Hearing Notification:

As pursuant to Section 18-3(d), a public notice will be duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof will be mailed to all owners of taxable real property within the boundaries of the proposed Special Taxing District as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll.

Preliminary Public Meeting:

To be determined.

Required Referendum:

Every qualified registered voter residing within the Special Taxing District's boundaries will be afforded the opportunity to vote at an election to be conducted by mail and projected to be held in February 16, 2021, for their approval or disapproval of the creation and transfer of the Special Taxing District to the City.

Estimated Completion:

Winter 2021

Estimated Initial Billing:

November 2022. Assessment billed annually as an itemized portion of the Real Property tax bill.

	<u>First Year</u>	<u>Second Year</u>
Estimated Total District Costs:	\$94,756.00	\$32,596.00

Method of Apportionment:

Front Footage

Estimated Annual District Assessments:	<u>First Year</u>	<u>Second Year</u>
Per Assessable Front Foot:	\$7.7554	\$2.6678
For a Typical Interior Lot:	\$930.65	\$320.14
For a Typical Corner Lot:	\$1,551.08	\$533.56

The above annual costs and assessment information are based on the expected lighting services to be provided by the Special Taxing District, and are subject to change in the event that the Special Taxing District's services are adjusted.

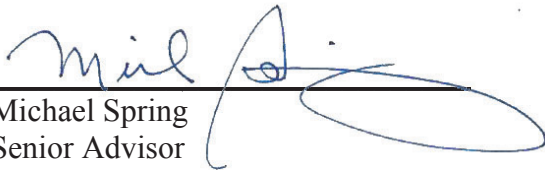
State or federal grants are not applicable to this Special Taxing District.

Each street lighting Special Taxing District is unique due to its geographical boundaries, affected property owners, and level of service to be provided. Creation of a new Special Taxing District to provide this service is the best and most cost-effective method to achieve this benefit.

In accordance with the requirements of Section 18-3(c) and Section 18-3.1 of the Code, I have reviewed the facts submitted by PROS in its Report and Recommendations, a copy of which is attached and incorporated

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
Page No. 4

herein. I concur with their recommendation that this Special Taxing District be created and transferred, if approved by the referendum required subsequent to the public hearing.



Michael Spring
Senior Advisor

**REPORT AND RECOMMENDATIONS
ON THE CREATION AND TRANSFER OF
COCOPLUM PHASE ONE
STREET LIGHTING SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY, FLORIDA**

Pursuant to Chapter 18 of the Code of Miami-Dade County (Code), and as a result of a detailed investigation of a duly petitioned for Special Taxing District, the following facts are submitted by the Miami-Dade County Parks, Recreation and Open Spaces Department (PROS) Director concerning the creation and subsequent transfer of Cocoplum Phase One Street Lighting Special Taxing District (Special Taxing District).

1. BOUNDARIES OF THIS DISTRICT

The proposed Special Taxing District is located entirely within the City of Coral Gables (City). Pursuant to Chapter 18 of the Code, Miami-Dade County (County) has received approval from the City to create this Special Taxing District per Resolution No. 2019-124, a copy of which is attached, and the boundaries, as set forth in the petition, are as follows:

Portions of Section 32, Township 54 South, Range 41 East, of Miami-Dade County, Florida; more particularly described as follows:

Lots 64 through 72 and the SE ½ of Lot 73 in Block 4 of “Coral Gables Biscayne Bay Section I PL.B” according to the plat thereof, as recorded in Plat Book 25 at Page 50;

Lots 1 through 13 in Block 1, Lots 9 through 20 in Block 4, Lots 1 through 3 and Lots 14 through 44 in Block 5 and all of Blocks 6 through 11 and Tract “A” of “Cocoplum Section I” according to the plat thereof, as recorded in Plat Book 99, at Page 39.

All of the above named plats are recorded in the Public Records of Miami-Dade County, Florida.

The Special Taxing District’s boundaries and geographical location are shown on the attached sketch entitled Cocoplum Phase One Street Lighting Special Taxing District and hereinafter referred to as Exhibit A.

2. DESCRIPTION AND LOCATION OF THE SERVICE TO BE PROVIDED

The services, as specified by the petition, will be removal of the existing Mercury Vapor streetlights and standard concrete poles; and the subsequent installation, operation, and maintenance of eleven (11) 144 Watts, 4000K, bracket-arm LED streetlights and forty-four (44) 60 Watts, 3000K, post-top LED streetlights, all mounted on new concrete poles.

The services will commence at the earliest practicable time, following the creation of the Special Taxing District by the Miami Dade County Commissioners (Board), ratification by the qualified voters within the Special Taxing District, and the subsequent transfer of the Special Taxing District to the City.

3. ESTIMATED COSTS AND ANNUAL EXPENSE FOR MAINTENANCE, REPAIR AND OPERATION OF THIS DISTRICT

The request made by the petitioners is for street lighting services as indicated in Section 2 of this report.

A capital outlay estimated to be \$76,044.00 is required for the removal of the existing Mercury Vapor streetlights and standard concrete poles, and for the installation of LED streetlights mounted on new decorative concrete poles.

It will be necessary for the County to recover all costs incurred to establish the Special Taxing District, as provided by Chapter 18 of the Code. These costs, which include engineering, administrative, advertising, elections, contingencies, collecting and processing, are estimated to be \$13,712.00. It is also necessary for the City to recover all costs incurred to establish the Special Taxing District. These costs are estimated to be \$5,000.00.

Therefore, the total costs for the street lighting services, creation and contingencies are estimated to be \$94,756.00 and are to be collected over the Special Taxing District's first year's assessments. The total cost for the street lighting services, operation, and maintenance thereafter are to be determined and will be collected beginning with the second year's assessments.

The cost of the streetlights in this Special Taxing District will be continual and is based on a preliminary estimate using Rate Schedule No. LT-1 prepared by Florida Power and Light (FPL) and approved by the Florida Public Service Commission, a copy of which is attached. FPL will install the lights, poles, and service lines at its expense and the facilities will remain the property of FPL. FPL will be responsible for the maintenance, repairs, upgrades, and replacement of the light standards, fixtures, lamps, and all connecting service lines.

<u>Estimated Annual District Costs</u>	<u>First Year</u>	<u>Second Year</u>
- FPL Street Lighting Service Costs	\$26,044.00	\$26,044.00
- 44 – Granville 60 Watts, 3000K Luminaires		
- 11 – Memphis Teardrop, 144 Watts, 4000K Luminaires		
- 44 – Black Washington Decorative Concrete Poles		
- 11 – Black Octagonal Decorative Concrete Poles		
- 8,000 feet – Underground wires		
- FPL Directional Boring Cost	\$50,000.00	\$0.00
- City of Coral Gables Billing, Collecting & Administration Costs	\$5,000.00	\$0.00
- PROS Engineering & Processing Costs	\$5,000.00	\$0.00
<u>Estimated Annual District Costs (Cont'd)</u>	<u>First Year</u>	<u>Second Year</u>
- Miami-Dade County (other agencies)		
- Clerk of the Board	\$1,200.00	\$0.00
- Elections	\$3,000.00	\$0.00
Subtotal	\$90,244.00	\$31,044.00
Contingencies	\$4,512.00	\$1,552.00
Total Costs to District	\$94,756.00	\$32,596.00

<u>Estimated Annual District Assessments</u>	<u>First Year</u>	<u>Second Year</u>
Per Assessable Front Foot:	\$7.7554	\$2.6678
For a Typical Interior Lot:	\$930.65	\$320.14
For a Typical Corner Lot:	\$1,551.08	\$533.56

4. CONFORMITY TO THE MASTER PLAN OF MIAMI-DADE COUNTY

The proposed Special Taxing District conforms to and in no way conflicts with the master plan of development for Miami-Dade County (County) (see attached memorandum from the Department of Regulatory and Economic Resources (RER)).

5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT

The proposed Special Taxing District is desirable as evidenced by the property owners' petition. In my opinion, the proposed improvement will provide special benefits to properties within the Special Taxing District equal to or exceeding the amount of special assessments to be levied.

6. PROCEDURE

Each property owner in the Special Taxing District will pay the City, by special assessment on a front footage basis, a proportionate share of the total annual cost. This cost will be shown as an itemized portion of the combined real property tax bill.

7. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY

As was determined in Item 6 above, each owner of property will pay the City, through a special assessment, a proportionate share of the total assessable cost. This cost will be shown as an itemized portion of the annual non-ad valorem tax bill. At the time of the Special Taxing District's petition validation in 2020, the net property valuation within the Special Taxing District as taken from the 2020 Miami-Dade County Real Estate Property Cards was \$302,654,781.00, which is a good indication that the affected properties are able to pay such assessments as may be required. The annual assessments shown below are representative costs for properties within this Special Taxing District.

<u>ESTIMATED ANNUAL DISTRICT ASSESSMENTS</u>	<u>First Year</u>	<u>Second Year</u>
Cost per Year for a Typical Interior Lot:	\$930.65	\$320.14
Cost per Year for a Typical Corner Lot:	\$1,551.08	\$533.56

8. RECOMMENDATION

It is recommended that the creation and transfer of the Special Taxing District be authorized by an ordinance to be adopted by the Board, and subject to ratification by the Special Taxing District's electorate at a special referendum to be called by the Board. It is also recommended that upon adoption of the ordinance creating this Special Taxing District, the Board adopt, as the next agenda item, a resolution transferring and calling for a special election, as required by Chapter 18 of the Code. Said election will be conducted by the Miami-Dade County Elections Department using a mailed ballot along with a report summary provided to each of the registered voter. The ordinance shall take effect when ratified at said election to be formally called, noticed and conducted as the Board shall determine by resolution unless vetoed by the Mayor. If vetoed, it shall become effective only upon an override by the Board and Special Taxing District approval at the subsequent election.

My office will also be available to answer any questions from the public or your office in regard to the financial and/or engineering facts of this Special Taxing District. We further recommend that the County Mayor or County Mayor's designee forward the attached report to the Board after review and concurrence with our findings.

Attachments: (1) Copy of Petition Validation Memo and Petition Sample
(2) Copy of Resolution from the City of Coral Gables
(3) Copy of Interlocal Agreement
(4) Copy of FPL Rate Schedule No. LT-1
(5) Copy of Memo from Department of Regulatory and Economic Resources
(6) District Boundaries and Geographical Location Sketch (Exhibit A)

Memorandum



Date: June 15, 2020

To: Melissa Adames, Deputy Clerk
Office of the Clerk of the Board
Attn: Shania Momplaisir

From: Lorena Guerra-Macias, Chief *LGM*
Special Assessment Districts Division
Parks, Recreation and Open Spaces Department

Subject: Cocoplum Phase One Street Lighting Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Chapter 18 of the Miami-Dade County Code, this Department has checked the names in the attached petition against the records of the Property Appraisal Department, and is submitting the following information:

1.	Total number of parcels of land within district boundaries	<u>151</u>
2.	Total number of resident owners of property within district boundaries	<u>106</u>
3.	Total number of resident owners signing the attached petition	<u>54</u>
4.	Percentage of resident owners signing the attached petition	<u>50.94%</u>
5.	Net Property Valuation	<u>\$302,654,781.00</u>

Utilizing Homestead Exemption as the basis for the resident owner requirement, we certify that this petition does contain the signatures of 50% of the resident property owners within the proposed District boundaries as required by the Code; therefore, the subject petition is valid.

Attachment

COCOPLUM PHASE ONE STREET LIGHTING SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY PARKS, RECREATION AND OPEN SPACES DEPARTMENT
SPECIAL ASSESSMENT DISTRICTS DIVISION

Petition Issue Date 3 / 16 / 2020

Petition Received Date / /

(TO BE COMPLETED BY THE DEPARTMENT)

To the Petitioner: You are required to circulate this petition among all property owners within the district boundaries listed below. In order for the petition to be considered a valid current indicator of community preference, it must be completed and returned within four months from the date of issue. All submitted petition forms must be original and completed in ink.

To the Board of County Commissioners of Miami-Dade County, Florida: We, the undersigned property owners, do hereby petition Miami-Dade County, Florida, for the creation and establishment of the Cocoplum Phase One Street Lighting Special Taxing District. We understand that the signatures of 50% of the resident property owners signing the petition will validate the petition. If approved by the Board, a subsequent Special Election will be held for all registered voters residing in the district to ratify the Board's decision.

PROPOSED PUBLIC IMPROVEMENT: Removal of existing Mercury vapor street lights and standard concrete poles. Installation, operation and maintenance of LED streetlights mounted on decorative concrete poles.

Proposed Boundaries: North by: Cocoplum Road; East by: Los Pinos Circle/Boulevard;
 South by: La Rampa Street; West by: Vistamar Street.

ESTIMATED INDIVIDUAL PROPERTY TAX BILL INCREASE FOR THIS IMPROVEMENT IS ESTIMATED TO BE BETWEEN \$1,000 AND \$1,800 THE FIRST YEAR, AND BETWEEN \$280 AND \$500 EACH YEAR THEREAFTER.

OWNER'S NAME	TAX FOLIO AND PROPERTY ADDRESS	DATE SIGNED
Print: _____	Address: _____	
Sign: _____	Folio: _____	
Print: _____	Address: _____	
Sign: _____	Folio: _____	
Print: _____	Address: _____	
Sign: _____	Folio: _____	
Print: _____	Address: _____	
Sign: _____	Folio: _____	
Print: _____	Address: _____	
Sign: _____	Folio: _____	
Print: _____	Address: _____	
Sign: _____	Folio: _____	
Print: _____	Address: _____	
Sign: _____	Folio: _____	

NOTE: Only signatures of resident property owners and only one resident owner's signature per household will count toward the 50% Code requirement for petition validation. However, circulation of petition among non-owner residents is urged to ensure these persons are informed of this proposal on which they may be called to vote. Altering this form in any way invalidates the entire petition.

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2019-124

A RESOLUTION OF THE CITY COMMISSISON EXPRESSING ITS SUPPORT TO MIAMI-DADE COUNTY FOR THE CREATION OF A SPECIAL TAXING DISTRICT FOR LIGHTING IMPROVEMENTS FOR THE COCOPLUM PHASE I COMMUNITY AND EXPRESSING THE CITY'S DESIRE FOR IMMEDIATE TRANSFER OF CONTROL FROM MIAMI-DADE COUNTY TO THE CITY UPON THE CREATION OF THE COCOPLUM PHASE I LIGHTING SPECIAL TAXING DISTRICT, PURSUANT TO SECTION 18-3.1 OF THE MIAMI-DADE COUNTY CODE.

WHEREAS, the Cocoplum Civic Association ("Association"), a voluntary homeowners association located in Cocoplum Phase 1, has provided the City of Coral Gables ("City") and Miami-Dade County ("County") a letter of intent with the signature of over 10% of the residents in Cocoplum Phase 1, requesting the creation of a special taxing district to fund the installation and operation of new LED street lights throughout Cocoplum Phase 1; and

WHEREAS, the County has requested that the City submit a resolution expressing the City's support for the creation of the new taxing district, which is located wholly within the boundaries of the City, prior to the County beginning the process of creating a petition package as delineated in Section 18-3 of the Miami-Dade County Code; and

WHEREAS, the City has met with representatives of Cocoplum Phase 1 and FPL, and hereby expresses its support of the establishment and transfer of the Cocoplum Phase 1 Lighting Special Taxing District, subject to the approval of the residents of the proposed District;

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. The City Commission of the City of Coral Gables hereby expresses its desire for Miami-Dade County to create and immediately transfer control of the Cocoplum Phase 1 Lighting Special Taxing District to the City of Coral Gables in accordance with Section 18-3.1 of the Miami-Dade County Code.

SECTION 3. The City Clerk is hereby directed to send a certified copy of this Resolution to the Miami-Dade County Board of County Commissioners.

SECTION 4. This resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF MAY, A.D., 2019.

(Moved: Lago / Seconded: Mena)

(Yeas: Lago, Mena, Fors, Valdes-Fauli)

(Majority: 4-0) Vote)

(Absent: Keon)

(Agenda Item: I-6)

APPROVED:

RAUL J. VALDES FAULI
MAYOR

ATTEST:

Billy Y. Urquia
CITY CLERK

APPROVED AS TO FORM &
LEGAL SUFFICIENCY

Miriam Soler Ramos
CITY ATTORNEY

**TRANSFER OF THE COCOPLUM PHASE ONE STREET LIGHTING SPECIAL
TAXING DISTRICT FROM MIAMI-DADE COUNTY TO THE CITY OF CORAL
GABLES**

THIS AGREEMENT FOR TRANSFER OF THE COCOPLUM PHASE ONE STREET LIGHTING SPECIAL TAXING DISTRICT TO BE CREATED BY MIAMI-DADE COUNTY (**AGREEMENT**), made and entered into this ____ day of _____, 2020, by and between the **CITY OF CORAL GABLES, FLORIDA**, a municipal corporation of the STATE OF FLORIDA (hereinafter referred to as the “**City**”) and **MIAMI-DADE COUNTY**, a political subdivision of the STATE OF FLORIDA (hereinafter referred as the “**County**”).

WITNESSETH

WHEREAS, the City has requested the creation and immediate transfer of control of the Cocoplum Phase One Street Lighting Special Taxing District (“**Special Taxing District**”) from the County to the City such that the City Commission will become the governing body responsible for the Special Taxing District; and

WHEREAS, the City and the County are mutually desirous of transferring the Special Taxing District to the City; and

WHEREAS, the County is immediately transferring the Special Taxing District to the City upon creation, and therefore the County will not establish or provide any services or assets to the Special Taxing District; and

WHEREAS, the City shall take full responsibility for the operation and maintenance of the Special Taxing District as determined herein, including exclusive responsibility for all pre-existing and future liabilities, whether known or unknown,

NOW, THEREFORE, in consideration of the covenants herein provided, the City of Coral Gables and Miami-Dade County agree as follows:

1. The foregoing recitals are incorporated herein.
2. This Agreement shall become effective if passed pursuant to a joint resolution of the City and County transferring the Special Taxing District, and a favorable election of the residents for the transfer (“**Effective Date**”).
3. Twelve (12) days after the Effective Date, unless a contest of the election is filed pursuant to section 102.168 of the Florida Statutes, the Board of County Commissioners will no longer be the governing body of the Special Taxing District and the City Commission shall be the governing board of the Special Taxing District (“**Transfer Date**”). If a contest is filed, the transfer will occur upon a successful resolution of such contest upholding the election, which is no longer challengeable by any appeal.

4. Prior to the Transfer Date, the County's involvement with the Special Taxing District shall be exclusively administrative to effectuate the creation and immediate transfer of the Special Taxing District to the City.
5. On Transfer Date, the County will cease all involvement, and the City will be exclusively responsible for the Special Taxing District.
6. Beginning on the Effective Date, the City shall be responsible for all pre-existing and future liabilities of the Special Taxing District, whether known or unknown.
7. The City shall be responsible for establishing assessment rates and collecting assessments for the Special Taxing District. If the City intends on using the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, the City shall comply with the requirements of section 197.3632 of the Florida Statutes and shall make such arrangements with the Miami-Dade County Office of the Property Appraiser and Miami-Dade County Tax Collector.
8. The City shall be responsible for arranging for the Special Taxing District's FPL account, to provide the street lighting services to the Special Taxing District.
9. The City shall be responsible for establishing its own protocols and policies for the administration, operation, maintenance, and assessment of the Special Taxing District.
10. The City shall be responsible for payment of all of the Special Taxing District's expenses. It is provided, however, that such payment of the Special Taxing District's expenses incurred by the City are properly chargeable to the Special Taxing District.
11. Within sixty (60) days of the Transfer Date, the County shall provide to the City a final financial reconciliation of all known liabilities for the Special Taxing District. Any omission from the final reconciliation shall not constitute a waiver by either the County or the City for payment to or from the Special Taxing District's account.
12. The County shall issue an invoice to the City for any deficit in the Special Taxing District's account, including, but not limited to, the costs to establish and transfer the Special Taxing District. The City shall pay the invoice within sixty (60) days of receipt. It is provided, however, that such expenses incurred by the City are properly chargeable to the Special Taxing District.
13. Pursuant to section 2-8.9 of the Code of Miami-Dade County, the City is encouraged to pay the Living Wage.
14. To the extent allowed by, and subject to the limitations of, section 768.28 of the Florida Statutes, the City does hereby agree to indemnify and hold the County, its officials, employees and instrumentalities, harmless from any and all liability for any damage, injury, or claim that may arise by virtue of the Special Taxing District, or the exercise of any rights, obligations or actions under this Agreement, including, but not limited to, the City's

operation of the Special Taxing District or the City's failure to maintain or operate the streetlights.

15. The undersigned further agrees that these conditions shall be deemed a continuing obligation between the City and the County and shall remain in full force and effect and be binding on the City, and any permitted successors or assigns.
16. In the event that the City requests any third party to assume any of the responsibilities hereunder, the City acknowledges that such assumption shall not relieve the City from any obligations or responsibilities hereunder. Any failure by any third party shall not subject the County to any liability for any damage, injury, or claim that may arise.
17. Nothing in this Agreement, expressed or implied, is intended to: (a) confer upon any entity or person other than the parties and any permitted successors or assigns, any rights or remedies under or by reason of the Agreement as a third party beneficiary or otherwise except as specifically provided in this Agreement; or (b) authorize anyone not a party to this Agreement to maintain an action pursuant to or based upon this Agreement. Additionally, nothing herein shall be deemed to constitute a waiver of any rights under section 768.28 of the Florida Statutes, or as a waiver of the County's sovereign rights.
18. The language agreed to herein expresses the mutual intent and agreement of the County and the City, and shall not, as a matter of judicial construction, be construed more severely against one of the parties from the other.
19. Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery, recognized overnight courier (e.g., Federal Express), or by written certified U.S. mail, with return receipt requested, addressed to the Party for whom it is intended, at the place specified. The method of delivery shall be consistent among all of the persons listed herein. For the present, the City and County designate the following as the respective places for notice purposes:

City: City of Coral Gables
405 Biltmore Drive
Coral Gables, Florida 33134

County : Miami-Dade County
Stephen P. Clark Center
111 Northwest First Street
Miami, Florida 33128

IN WITNESS WHEREOF, the City of Coral Gables has caused this instrument to be executed by its respective officials thereunto duly authorized, this the day and year above written.

ATTEST: **CITY OF CORAL GABLES, a municipal corporation**

By: _____
City Clerk

By: _____
City Manager

APPROVED AS TO LEGAL FORM
AND CORRECTNESS:

City Attorney

MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA

ATTEST:

By: _____
Mayor or Mayor's
Designee

_____ Date

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

_____ Date

LED LIGHTING PILOTRATE SCHEDULE: LT-1AVAILABLE:

In specific territories served, upon request of the entity that has jurisdiction over the area being lighted. Contact FPL for available installation territories.

APPLICATION:

For the purpose of lighting streets whether public or private, roadways, and common areas, other than individual residential locations. This includes but is not limited to parking lots, homeowners association common areas, or parks.

TYPE OF INSTALLATION:

FPL-owned fixtures normally will be mounted on poles of FPL's existing distribution system and served from overhead wires. On request of the Customer, FPL will provide special poles or underground wires at the charges specified below. FPL, at its discretion, may offer the customer the option of FPL-owned fixtures attached to poles owned by the customer.

SERVICE:

Service includes energy from dusk each day until dawn the following day and maintenance of FPL-owned Lighting Systems. Maintenance includes replacement or repair of any circuit component to assure the facilities are operational and safe.

LIMITATION OF SERVICE:

Stand-by or resale service is not permitted hereunder.

CUSTOMER CONTRIBUTIONS:

A Contribution-in-Aid-of-Construction (CIAC) will be required for:

- a) the differential cost between employing rapid construction techniques in trenching, backfilling and pole installation work where no obstructions exist, and the added cost to overcome obstructions such as sprinkler systems, paved surfaces (such as sidewalks, curbs, gutters, and roadways), landscaping, sodding and other obstructions encountered along the Lighting System installation route, including repair and replacement. If the Customer elects to perform work such as trenching and restoration, they will be reimbursed by FPL with a credit (not to exceed the total CIAC cost) for the value of this work as determined by FPL;
- b) the installation cost of any new overhead distribution facilities and/or the cost of alterations to existing distribution facilities which are required in order to serve the Lighting System less four (4) times the additional annual non-fuel energy revenue generated by the installation or alteration of the Lighting System, plus where underground facilities are installed, the differential installation cost between underground and overhead distribution facilities.

These costs shall be paid by the Customer prior to the initiation of any construction work by FPL. The Customer shall also pay any additional costs associated with design modifications requested after the original estimate has been made.

(Continued on Sheet No. 8.736)

(Continued from Sheet No. 8.735)

REMOVAL OF FACILITIES:

If FPL owned Lighting facilities are removed either by Customer request or termination or breach of the agreement, the customer will pay the fixture, pole, and conductor charges for the period remaining on the currently active term of service plus the cost to remove the facilities. These charges do not apply to street light conversions from FPL owned facilities covered under SL-1 to FPL owned LED facilities under this tariff. In all cases, should the Customer request termination of the agreement, such termination will require written notice 90 days prior to the date of termination.

Conversion of FPL Owned Streetlights (SL-1 facilities) to LED:

For customers converting Street Lights as per FPL's SL-1 Street Lighting Tariff paying the LED Conversion Recovery charge, there will be no charges for the fixtures being removed. Any other charges for relocation or replacement of FPL owned facilities would still apply.

CHANGE IN FIXTURE SIZE OR TYPE:

At the Customer's request, the Company will upgrade to a higher level of illumination when the changes are consistent with good engineering practices. The customer will pay the original installed cost of the removed fixtures, less any salvage value and depreciation, plus removal costs and will receive a credit for 4 years additional revenue generated by the larger fixtures. If changes are required to the distribution system to support the larger lights, standard CIAC charges as described on sheet 8.735 will also apply. The Customer will pay the Company the net costs incurred in making other fixture changes. Customers converting HPSV fixtures to LED and paying the LED Conversion Recovery Charge will not be charged for the fixtures being removed, as noted in the preceding paragraph. In all cases where luminaires are replaced, the Customer will sign a new service agreement. Billing on the rate for the new luminaire or lamp size will begin as of the next regular billing date. A luminaire may be relocated at the Customer's request upon payment by the Customer of the full cost of removal and reinstallation.

MONTHLY RATES for LED Fixtures*:

Energy Tier	Charge	Fixture Tier									
		1	2	3	4	5	6	7	8	9	10
A	\$ -	1.50	4.50	7.50	10.50	13.50	16.50	19.50	22.50	25.50	28.50
B	\$ 0.20	1.70	4.70	7.70	10.70	13.70	16.70	19.70	22.70	25.70	28.70
C	\$ 0.40	1.90	4.90	7.90	10.90	13.90	16.90	19.90	22.90	25.90	28.90
D	\$ 0.60	2.10	5.10	8.10	11.10	14.10	17.10	20.10	23.10	26.10	29.10
E	\$ 0.80	2.30	5.30	8.30	11.30	14.30	17.30	20.30	23.30	26.30	29.30
F	\$ 1.00	2.50	5.50	8.50	11.50	14.50	17.50	20.50	23.50	26.50	29.50
G	\$ 1.20	2.70	5.70	8.70	11.70	14.70	17.70	20.70	23.70	26.70	29.70
H	\$ 1.40	2.90	5.90	8.90	11.90	14.90	17.90	20.90	23.90	26.90	29.90
I	\$ 1.60	3.10	6.10	9.10	12.10	15.10	18.10	21.10	24.10	27.10	30.10
J	\$ 1.80	3.30	6.30	9.30	12.30	15.30	18.30	21.30	24.30	27.30	30.30
K	\$ 2.00	3.50	6.50	9.50	12.50	15.50	18.50	21.50	24.50	27.50	30.50
L	\$ 2.20	3.70	6.70	9.70	12.70	15.70	18.70	21.70	24.70	27.70	30.70
M	\$ 2.40	3.90	6.90	9.90	12.90	15.90	18.90	21.90	24.90	27.90	30.90
N	\$ 2.60	4.10	7.10	10.10	13.10	16.10	19.10	22.10	25.10	28.10	31.10
O	\$ 2.80	4.30	7.30	10.30	13.30	16.30	19.30	22.30	25.30	28.30	31.30
P	\$ 3.00	4.50	7.50	10.50	13.50	16.50	19.50	22.50	25.50	28.50	31.50
Q	\$ 3.20	4.70	7.70	10.70	13.70	16.70	19.70	22.70	25.70	28.70	31.70
R	\$ 3.40	4.90	7.90	10.90	13.90	16.90	19.90	22.90	25.90	28.90	31.90
S	\$ 3.60	5.10	8.10	11.10	14.10	17.10	20.10	23.10	26.10	29.10	32.10
T	\$ 3.80	5.30	8.30	11.30	14.30	17.30	20.30	23.30	26.30	29.30	32.30

* Catalog of available fixtures and the assigned billing tier for each can be viewed at www.FPL.com/partner/builders/lighting.html

(Continued on Sheet No. 8.737)

(Continued from Sheet No. 8.736)

Maintenance per Fixture (FPL Owned Fixture and Pole)	\$1.82
Maintenance per Fixture for FPL Fixtures on Customer Pole	\$1.27
LED Conversion Recovery	\$1.03

Notes:

The non-fuel energy charge is 3.042¢ per kWh.
Bills rendered based on "Total" charge. Unbundling of charges is not permitted.

Charges for other FPL-owned facilities:

Wood pole used only for the street lighting system	\$5.20
Standard Concrete pole used only for the street lighting system	\$7.11
Round Fiberglass pole used only for the street lighting system	\$8.42
Decorative Tall Fiberglass pole used only for the street lighting system	\$17.77
Decorative Concrete pole used only for the street lighting system	\$14.43
Underground conductors	4.026 ¢ per foot

SPECIAL PROVISIONS:

Where the Company provides poles other than those listed above, the monthly charges, as applicable shall be computed as follows:

Facilities Charge: 1.63% of the Company's average installed cost of the pole.

BILLING

During the initial installation period:
Facilities in service for 15 days or less will not be billed;
Facilities in service for 16 days or more will be billed for a full month.

WILLFUL DAMAGE:

Upon the second occurrence of willful damage to any FPL-owned facilities, the Customer will be responsible for the cost incurred for repair or replacement. If the lighting fixture is damaged, based on prior written instructions from the Customer, FPL will:

- a) If a commercially available and FPL approved device exists, install a protective shield. The Customer shall pay \$280.00 for the shield plus all associated costs. However, if the Customer chooses to have the shield installed before the second occurrence, the Customer shall only pay the cost of the shield; or
- b) Replace with a like unshielded fixture. For this, and each subsequent occurrence, the Customer shall pay the estimated costs of the replacement fixture; or
- c) Terminate service to the fixture. In this case, the lighting facilities will be removed from the field and from billing; the customer will pay the lighting facilities charges for the remaining period of the currently active term of service plus the cost to remove the facilities.

Option selection shall be made by the Customer in writing and apply to all fixtures which FPL has installed on the Customer's behalf on the same account. Selection changes may be made by the Customer at any time and will become effective ninety (90) days after written notice is received.

(Continued on Sheet No. 8.738)

(Continued from Sheet No. 8.737)

OTHER CHARGES

Conservation Charge	See Sheet No. 8.030.1
Capacity Payment Charge	See Sheet No. 8.030.1
Environmental Charge	See Sheet No. 8.030.1
Fuel Charge	See Sheet No. 8.030.1
Storm Charge	See Sheet No. 8.040
Franchise Fee	See Sheet No. 8.031
Tax Clause	See Sheet No. 8.031

SPECIAL CONDITIONS:

Customers whose lights are turned off during sea turtle nesting season will receive a credit equal to the fuel charges associated with the fixtures that are turned off.

TERM OF SERVICE:

Initial term of ten (10) years with automatic, successive five (5) year extensions unless terminated in writing by either FPL or the Customer at least ninety (90) days prior to the current term's expiration. Term of service begins upon execution of the LED Lighting Agreement.

RULES AND REGULATIONS:

Service under this schedule is subject to orders of governmental bodies having jurisdiction and to the currently effective "General Rules and Regulations for Electric Service" on file with the Florida Public Service Commission. In case of conflict between any provision of this schedule and said "General Rules and Regulations for Electric Service", the provision of this schedule shall apply.

Memorandum



Date: February 12, 2019

To: Maria Nardi, Director
Department of Parks, Recreation and Open Spaces

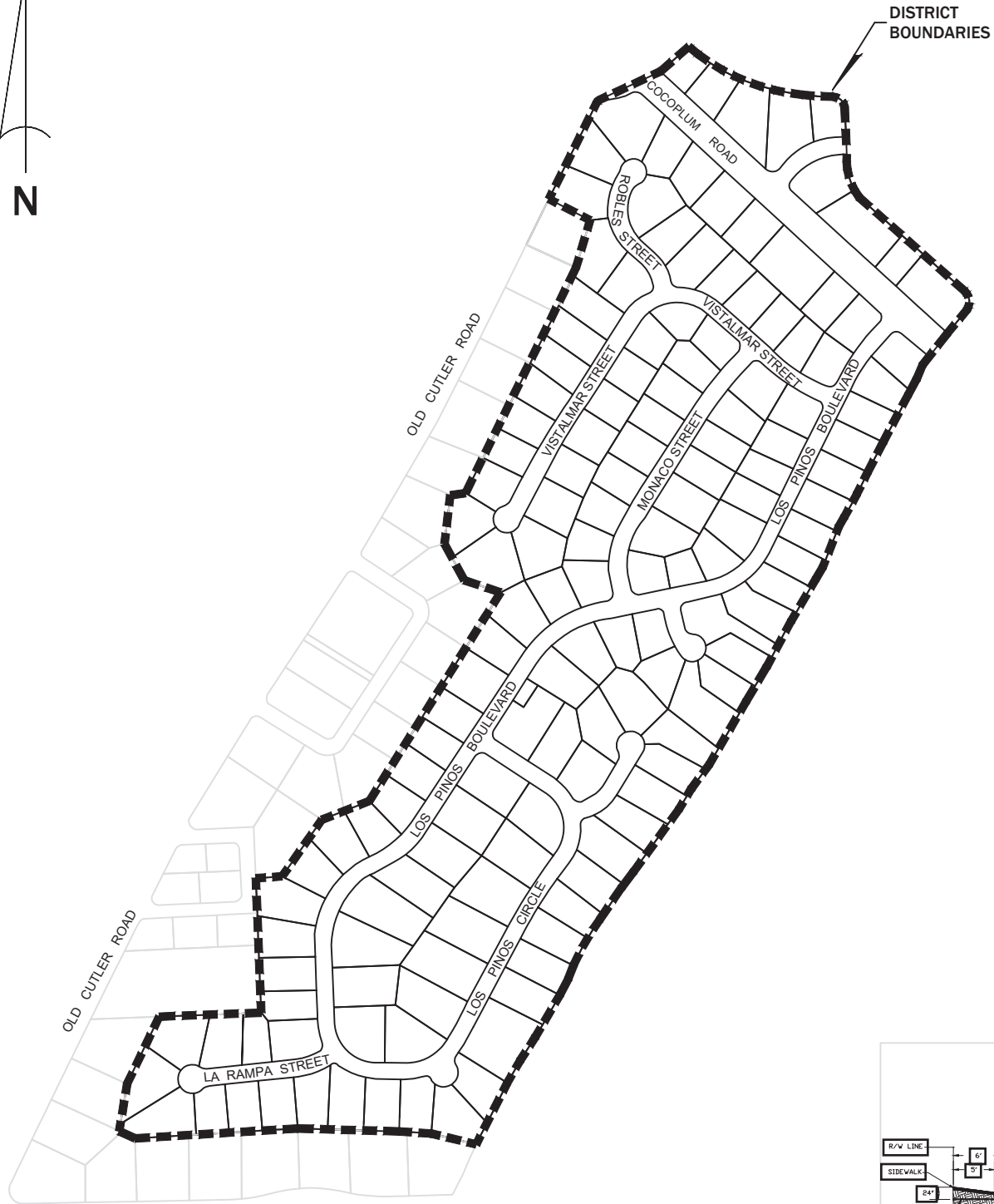
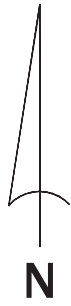
From: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

Subject: Street lighting, Maintenance of Landscape, Walls Adjacent to Double Frontage Lots, Entrance Features and Lakes – Special Taxing Districts

All tentative plats in the unincorporated area of Miami-Dade County submitted to the Development Services Division (Land Development Section) of the Regulatory and Economic Resources Department (RER), must comply with the special taxing districts requirements of the Miami-Dade County Code (the Code) including, but not limited to street lights, maintenance of landscape, walls adjacent to double frontage lots, entrance features and lakes. Final Plats will not be presented to the Board of County Commissioners for consideration until the applicable special taxing districts are created, and all fees have been paid. In that regard, to ensure expeditious processing, this Memorandum may serve, through September 30, 2020, as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2020-2030 Comprehensive Development Master Plan (CDMP). Capital Improvement Element Policy CIE-4A states: Appropriate funding mechanisms will be adopted and applied by Miami-Dade County and the Miami-Dade County Public Schools in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms may include special taxing districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bonds, impact fees, special purpose authorities, and others as appropriate and feasible (Adopted Components as Amended through September 2018, page IX-9). The provision for services over and above minimum for neighborhoods and communities may be accomplished through the special taxing district as may be prescribed by the Code.

The RER has no objection to a blanket approval with condition to establish future special taxing districts as limited to requests for street lighting, landscape maintenance, walls adjacent to double frontage lots and lake maintenance districts. The previously noted special taxing districts may be established on the condition that the RER Development Services Division review all landscape maintenance districts and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Detention Areas.

JO:LG:NK:JB:GR:VS

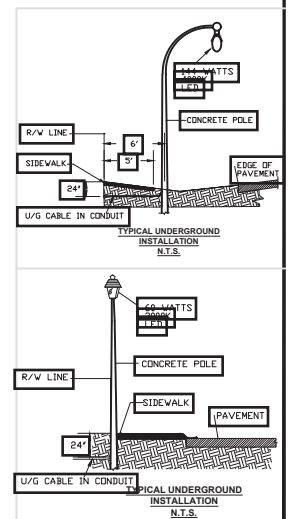


COCOPLUM PHASE ONE

STREET LIGHTING SPECIAL TAXING DISTRICT

11 - MEMPHIS TEARDROP, 144 WATTS, 4000K, BRACKET-ARM LED STREETLIGHTS
MOUNTED ON NEW BLACK OCTAGONAL DECORATIVE CONCRETE POLES.

44 - GRANVILLE 60 WATTS, 3000K, POST-TOP LED STREETLIGHTS MOUNTED ON
NEW BLACK WASHINGTON DECORATIVE CONCRETE POLES.



L-1430 (COMM. 0007)
SECTION: 32-54-41

EXHIBIT "A"
(Boundaries and Geographical Location Sketch)



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 20 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(N)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(N)
10-20-20

ORDINANCE NO. 20-114

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN THE CITY OF CORAL GABLES, FLORIDA, GENERALLY BOUNDED ON THE NORTH BY COCOPUM ROAD, ON THE EAST BY LOS PINOS CIRCLE / BOULEVARD, ON THE SOUTH BY LA RAMPA STREET, AND ON THE WEST BY VISTALMAR STREET, KNOWN AND DESCRIBED AS COCOPUM PHASE ONE STREET LIGHTING SPECIAL TAXING DISTRICT; IDENTIFYING SERVICES TO BE PROVIDED; PROVIDING FOR AN ELECTION; AND PROVIDING FOR EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, which is incorporated herein by reference; and

WHEREAS, a public hearing has been conducted by the Board of County Commissioners in accordance with the requirements and procedures of Chapter 18 of the Code of Miami-Dade County,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. In accordance with the provisions of Chapter 18 of the Code, a special taxing district, to be known and designated as the Cocoplum Phase One Street Lighting Special Taxing District is hereby created and established in the City of Coral Gables (“City”), Florida.

Section 2. The area or boundaries of this Special Taxing District, generally bounded on the North by Cocoplum Road, on the East by Los Pinos Circle / Boulevard, on the South by La Rampa Street, and on the West by Vistalmar Street, and located entirely within District 7, are as follows:

Portions of Section 32, Township 54 South, Range 41 East, of Miami-Dade County, Florida; more particularly described as follows:

Lots 64 through 72 and the SE ½ of Lot 73 in Block 4 of “Coral Gables Biscayne Bay Section I PL.B” according to the plat thereof, as recorded in Plat Book 25 at Page 50;

Lots 1 through 13 in Block 1, Lots 9 through 20 in Block 4, Lots 1 through 3 and Lots 14 through 44 in Block 5 and all of Blocks 6 through 11 and Tract “A” of “Cocoplum Section I” according to the plat thereof, as recorded in Plat Book 99, at Page 39.

All of the above named plats are recorded in the Public Records of Miami-Dade County, Florida.

The areas and geographical locations of this Special Taxing District are shown on the map or sketch, attached to the accompanying memorandum.

Section 3. The improvements and/or services to be provided in this Special Taxing District will consist of street lighting services within public rights-of-way, as described in the Report.

Section 4. The installation of such streetlights will be accomplished pursuant to an agreement between the City and Florida Power and Light. The estimated cost to the property owners for the installation and operation of the Special Taxing District’s services, including maintenance, electricity, engineering, administration, billing, collection and processing, for the first year is \$94,756.00, and \$32,596.00 the second year. The estimated cost per assessable front foot of real property within the Special Taxing District for the first year is \$7.7554, and \$2.6678 the second year. The succeeding years’ assessments will be adjusted based on actual costs.

Section 5. The entire cost of the Special Taxing District’s improvements and services shall be specially assessed. It is hereby declared that said services will be a special benefit to all properties within the Special Taxing District and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. The County Mayor or County Mayor's designee is authorized and directed to cause the installation of said streetlights to be accomplished within the Special Taxing District in accordance with the terms of this Ordinance.

Section 7. In accordance with the provisions of Sections 18-14 and 18-22.1 of the Code and as authorized by Section 197.3632, Florida Statutes, all special assessments levied and imposed under the provisions of this Ordinance shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. Unless paid when due, such assessments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of Chapter 197, Florida Statutes, and Section 18-14 of the Code, including possible loss of title.

Section 8. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and recorded in the appropriate book of records.

Section 9. It is the intention of this Board and it is hereby ordained that the provisions of this Ordinance shall be excluded from the Code.

Section 10. The provisions of this Ordinance shall take effect when approved at an election to be formally called by this Board and noticed and conducted as this Board shall determine by Resolution, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board and an approval by a majority of those voting at the election referred to herein creating and transferring the Special Taxing District.

PASSED AND ADOPTED:

October 20, 2020

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Daija Page Lifshitz