



To: Cynthia Birdsill

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CL".

RE: Legal Opinion Regarding Palace Amendment - Street Lights

Date: September 27, 2012

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It is my understanding that the City approved a site plan with 15 streetlights, but that the Palace wishes to install premium/decorative streetlights at its own expense. Based on the standard past practice of the City as described below, I find that staff has the administrative authority to approve payment for the electricity for the decorative streetlights at issue here (assuming the City enters into a street lighting agreement with FPL as described below, and assuming that the Palace pays for purchase and installation of the decorative streetlights). I also recommend that a hold harmless agreement be specifically entered into for the decorative streetlights in favor of the City.

**Osle, Zilma**

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**From:** Leen, Craig  
**Sent:** Thursday, September 27, 2012 10:21 AM  
**To:** Osle, Zilma  
**Cc:** Thornton Richard, Bridgette  
**Subject:** FW: Palace Amendment

Please place in the opinion file.

Craig E. Leen  
City Attorney  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)

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**From:** Leen, Craig  
**Sent:** Thursday, September 27, 2012 10:21 AM  
**To:** Birdsill, Cynthia  
**Cc:** Pino, Ernesto; Thornton Richard, Bridgette  
**Subject:** RE: Palace Amendment

Thank you, Cindy. It is my understanding that the City approved a site plan with 15 streetlights, but that the Palace wishes to install premium/decorative streetlights at its own expense. Based on the standard past practice of the City as described below, I find that staff has the administrative authority to approve payment for the electricity for the decorative streetlights at issue here (assuming the City enters into a street lighting agreement with FPL as described below, and assuming that the Palace pays for purchase and installation of the decorative streetlights). I also recommend that a hold harmless agreement be specifically entered into for the decorative streetlights in favor of the City.

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**From:** Birdsill, Cynthia  
**Sent:** Tuesday, September 25, 2012 1:41 PM  
**To:** Leen, Craig  
**Subject:** Fwd: Palace Amendment

Sent from my iPhone

Begin forwarded message:

**From:** "Hickman, Lina" <[lhickman@coralgables.com](mailto:lhickman@coralgables.com)>  
**Date:** September 25, 2012 1:39:27 PM EDT  
**To:** "Birdsill, Cynthia" <[cbirdsill@coralgables.com](mailto:cbirdsill@coralgables.com)>  
**Cc:** "Pino, Ernesto" <[epino@coralgables.com](mailto:epino@coralgables.com)>  
**Subject:** FW: Palace Amendment

On behalf of Mr. Pino, see answers in red, Ray Vorsteg might explain this better... since he is in charge of billing .

Lina

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**From:** Pino, Ernesto  
**Sent:** Tuesday, September 25, 2012 8:11 AM  
**To:** Hickman, Lina  
**Subject:** Fwd: Palace Amendment

Lina

Please see if you can address Cindy's email. She called me and it is time sensitive. I am at Commission this morning.

Thank you

Sent from my iPhone

**From:** "Birdsill, Cynthia" <[cbirdsill@coralgables.com](mailto:cbirdsill@coralgables.com)>  
**To:** "Pino, Ernesto" <[epino@coralgables.com](mailto:epino@coralgables.com)>  
**Cc:** "Leen, Craig" <[cleen@coralgables.com](mailto:cleen@coralgables.com)>  
**Subject:** FW: Palace Amendment

Ernesto, I am working with Craig on the Palace street lighting. My understanding from the emails with Lina is that we have several projects where the City is paying for the tariff for streetlights along a project, such as 55 Merrick.

Can you confirm for us, in a situation where the City requires a project to install street lights, and there is nothing discussed about who pays for what, do we have a standard practice? (Let's say they are FPL standard lights, and not special ones like the Palace and 55 Merrick). I.E., would the standard practice be for the city to pay the tariff for streetlights in the right of way?

Yes, the City pays for all standard street lights with no cost to the residents.

The City also pays for decorative and/or premium lighting's monthly tariff once the city enters into a street lighting agreement with FPL (the requestor usually pays for the installation cost).

FPL will only enter into an agreement with the City. The only thing different from "The Palace" and 55 Merrick is that the Palace is not using the poles, cables etc from FPL.

Sometimes the street lighting is required as part of the site plan approval process.

I did search through Legistar, and did not find anything specifically on street lights, electricity, or 55 Merrick regarding street lights/electricity. The only thing I found was a resolution to alter the streetscape plan for 55 Merrick to change the number of parking spaces.

I have attached Resolution pertaining to encroachments. I don't recall street lighting agreements being part of any commission item, I believe it was always up to the Public Works Director to work on the details as the authorized representative for the City.

T

Also, please take a look at the proposed amendment (Word doc) and let me know if you have any comments.

Thanks!

Cynthia Birdsill  
Economic Sustainability Director  
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From: Birdsill, Cynthia  
Sent: Monday, September 24, 2012 10:34 AM  
To: Thornton Richard, Bridgette  
Subject: Palace Amendment

Please see proposed amendment to the recorded Hold Harmless & Restrictive Encroachment Agreement, and let me know if this is acceptable? Please note, I have attached Resolution No. 2011-191, which modified Resolution No. 2009-56. I believe that it was an error to drop out the "Decorative Lighting" in 2009-56 when the final Hold Harmless Agreement was drafted, so this amendment is fixing that error in drafting, as well as clarifying maintenance vs. provision of electricity.

Thanks!

Cynthia Birdsill  
Economic Sustainability Director  
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