

RESOLUTION 26-R__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE LIGHT EMITTING DIODE (LED) LIGHTING AGREEMENTS WITH FLORIDA POWER & LIGHT COMPANY FOR THE INSTALLATION OR MODIFICATION OF LED STREETLIGHTS THROUGHOUT THE CITY, LOCATED IN THE CITY RIGHT-OF-WAY; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AGREEMENTS WITH RESPECT TO FPL LIGHTING AGREEMENTS FOR ROADWAYS WITH DEVELOPERS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 156.117 of the City's Code requires that streetlighting be installed in all subdivisions and section 156.147 of the City Code identifies streetlighting as a component of improvements a developer is required to install within a subdivision; and

WHEREAS, in some instances it is deemed advantageous by the City to permit either a Developer or the City to utilize Florida Power and Light ("FPL") owned streetlighting to satisfy this requirement; and

WHEREAS, in some instances it is also deemed advantageous by the City to utilize FPL owned streetlighting for City projects; and

WHEREAS, utilization of FPL owned streetlighting requires the City to enter into a LED Lighting Agreement with Florida Power & Light Company ("FPL Lighting Agreement"); and

WHEREAS, the FPL Lighting Agreements provide for FPL to install or modify certain lighting facilities described and identified in each lighting agreement, to furnish to the City the electric energy necessary for the operation of the lighting facilities, and to furnish such other services as are specified in each agreement, all in accordance with the terms of FPL's currently effective lighting rate schedule on file at the Florida Public Service Commission (FPSC) or any successive lighting rate schedule approved by the FPSC; and

WHEREAS, the FPL Lighting Agreement also includes a monthly rental fee to cover installation and maintenance costs over and above electricity costs that the City is required to pay; and

WHEREAS, if the FPL lighting is associated with a developer drive project the developer is not required to pay any fees or costs with respect to the FPL Lighting Agreement because the City is the party who enters into the agreement with FPL; and

WHEREAS, in light of the long-term fees and costs to the City associated with entry into FPL Lighting Agreements, the City requires developers who utilize FPL streetlighting to enter into a separate Agreement With Respect to FPL Lighting Agreements for Roadways ("City Lighting Agreement") with the City to ensure the Developer pays its fair share of costs associated with required streetlighting; and

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WHEREAS, the FPL Lighting Agreement is attached hereto as **Exhibit “A”**; and

WHEREAS, the City Lighting Agreement is attached hereto as **Exhibit “B”**; and

WHEREAS, the City Council desires to authorize the City Manager or his designee to execute the FPL Lighting Agreements and City Lighting Agreements in substantially the same format as attached on **Exhibit “A”** and **Exhibit “B”**.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port St. Lucie, Florida as follows:

Section 1. Recitals. The City Council hereby adopts and ratifies those matters set forth in the foregoing recitals.

Section 2. Authorization. The City Council of the City of Port St. Lucie hereby authorizes the City Manager to execute, as they become necessary from time to time, agreements, in substantially the form attached hereto as **Exhibit “A”** and **Exhibit “B”** and any other ministerial documents relating to such agreements for those street lighting fixtures located on property which will be dedicated to the City as a public roadway.

Section 3. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 4. Conflict. If any Resolution, or parts of any Resolution, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____, 2026.

[signatures follow]

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CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios, City Attorney