

**City of Fort Lauderdale**  
**Utility Advisory Committee**  
**Tuesday, January 24 – 6:30 p.m.**  
**100 North Andrews Ave., 8th Floor Conference Room**  
**Ft. Lauderdale, Florida 33301**

<b>Board Member</b>	<b>Attendance</b>	<b>2006</b>		
		<b>Cumulative Attendance</b>		
		<b>Present</b>	<b>Absent</b>	<b>Total</b>
Bunney Brenneman, Chair	P	1	0	1
Richard Barrett	P	1	0	1
Bob Caine	P	1	0	1
Christine Campbell, Vice Chair	P	1	0	1
L. Thomas Chancey	A	0	1	1
Bob Cole	P	1	0	1
Joe Holland	A	0	1	1
Magdalene Lewis	P	1	0	1
Terri Murru	P	1	0	1
Bernie Petreccia	P	1	0	1
Fred Stresau	P	1	0	1
Clare Vickery	A	0	1	1
Nathaniel Wilkerson	P	1	0	1

**City Representatives**

Peter Partington, City Engineer  
 Bob Dunkel, Assistant City Attorney  
 Jamie Opperlee, Recording Secretary

## **I. Call to Order**

Chair Bunney Brenneman called the meeting to order at 6:35 P.M.

## **II. Roll Call**

Ms. Opperlee then took roll call.

## **III. Self Introductions**

Board members and guests introduced themselves in turn.

Ms. Murru announced that she was originally from California; she had lived in Winter Park Florida for fourteen years, and moved to Fort Lauderdale two years ago. She had formed the Utilities Committee for the Landings Association, and would soon be president of the Landings Association. She had been communicating with people from Orlando and Winter Park who were involved in municipal utilities.

Ms. Lewis stated she was from North Carolina; she had been a teacher, administrator, university supervisor, and bowler. She was currently president of the Golden Heights Association, and was involved in several other church and community organizations.

## **IV. Approval of Minutes**

November 2005 meeting:

Mr. Petreccia noted that on page 4, paragraph 3, of the November minutes, his comments should read, "Mr. Petreccia felt that it was imperative that the City Commission and Mayor be committed to undergrounding utilities whenever possible for new construction and be committed to a program to underground an acceptable, predetermined percentage of the existing utilities every year."

**Motion** made by Mr. Petreccia, seconded by Ms. Campbell, to approve the minutes of the November, 2005 meeting as amended. In a voice vote the motion passed unanimously.

Chair Brenneman confirmed for Mr. Stresau that the UAC's recommendations from 2002 were never presented to the City Commission. Mr. Stresau was extremely concerned that their report had never been presented to the City Commission, and said he was "dumbfounded" that the City Manager would decide when to present it to the City Commission. Mr. Dunkel noted that the City Manager had always been responsible for drafting the agenda for the City Commission. He stated that the UAC could send the report to one of the Commissioners and he or she could then tell the City Manager when they would like it heard.

Mr. Partington announced that he was not aware that a report had been finalized prior to his becoming liaison to the UAC.

Mr. Stresau said one of the Commissioners had attended a UAC meeting and asked why they “hadn’t accomplished anything.” Mr. Stresau expressed his frustration at the delay and said he was not sure he wanted the report’s presentation to the Commission to be decided at the “whim” of the City Manager.

Chair Brenneman acknowledged that some of the Commissioners had received copies of the report, but it had never gone to a Commission conference session or their agenda. She thought Mr. Trantalis was the only Commissioner who had not yet received a copy.

Mr. Stresau discussed his involvement in the American Assembly planning conference and said he thought the City Commission had adopted their recommendation that all utility lines along major thoroughfares in Fort Lauderdale should be undergrounded when they were replaced, or at the earliest opportunity. He noted that when Las Olas was redone, new utility poles had appeared, and Mr. Stresau had reminded the City of the Undergrounding goal. The City then worked with FPL and ultimately did get the utilities underground.

## **V. Old Business**

### **Energy Roundtable II Update**

**Chair Brenneman**

Chair Brenneman stated that April 25 was booked for the Library Auditorium. The schedule was as follows:

- ❖ 4:30 - Setup
- ❖ 5:30 - Registration
- ❖ 6:00 - Presentations
- ❖ 8:00 - 8:30 Questions
- ❖ 8:30 - 9:00 - Reception in lobby

Chair Brenneman informed the Board that the Public Information Office had suggested the reception be held before the presentations. The Board agreed that the reception should take place after the roundtable.

Chair Brenneman announced that Dr. Benjamin had informed her that he would attend the roundtable. Dr. Richard Weisskoff had confirmed, but they were still waiting for confirmation from the others. David Hebert, Fort Lauderdale Public Information Officer, would act as co-moderator.

Chair Brenneman stated she had worked with Commissioner Moore and “located” \$8 million available for south Florida residents for green building. Chair Brenneman had plans to meet with Margaret Hays regarding this.

Mr. Barrett asked if a representative from a municipal-owned utility was lined up for the roundtable. Chair Brenneman stated she was in touch with the head of the Austin, Texas city utility. Ms. Murru agreed and said she would invite the former Chair of the Orlando utility, who was a personal friend.

**Other Old Business - None**

**VI. New Business**

**Election of Committee Chair All**

Mr. Barrett nominated Ms. Brenneman as Chair and Mr. Petreccia seconded the nomination. Board unanimously approved.

**Election of Committee Vice Chair All**

Ms. Murru nominated Ms. Campbell as Vice Chair and Mr. Wilkerson seconded the nomination. Board unanimously approved.

**Update on City Planning Related to – Utility Poles, City Staff  
Undergrounding & Tree Canopy**

Mr. Partington said his research had not revealed anything in City ordinance that required undergrounding of utilities, but the Planning Department's policy was to require it in significant downtown development. Mr. Dunkel explained that when Master Plans were approved, they were adopted so that they were not controlling over conflicting ordinances. He thought that some Master Plans might need to go through the Planning and Zoning process, and have requirements inserted into the zoning code.

Mr. Stresau noted that during development at Victoria Park Shops, the developer had promised to underground utilities so that the commercial/residential buffer could be fully developed, in order to gain the support of the community when they appeared before the Planning and Zoning Board and the City Commission. Mr. Barrett said that his concern now was that even as they were encouraging private developers to underground utilities, major City-sponsored projects were being completed without the same encouragement.

**Workshop on UAC Recommendations All**

Chair Brenneman advised the Board that their goal was to update the report; she would enter any new information and redistribute the report.

Mr. Caine said that contrary to what FPL representatives had told them, underground lines were not very vulnerable to being pulled up when trees were uprooted. Underground lines

were, on average, much more reliable than overhead lines. He did agree that damage on underground lines was more difficult to diagnose and repair.

Ms. Murru informed the Board that in Newport Beach, California, where her parents lived, all the lines had been buried, and there were no above ground transformers. She had a set of plans for these lines that she presented to FPL, who told her that they had a different grid system than we do. Ms. Murru wanted the UAC to find more objective opinions about possible solutions, rather than getting their information and advice from FPL. She noted that other communities had not required twenty-foot easements, for example.

Ms. Murru related that she had heard City Manager Gretsas state his intention to hire someone in the City to focus on these issues. Mr. Partington confirmed that the City had an RFP out for a consultant. Mr. Stresau felt that someone from the UAC should sit on the selection committee. Mr. Partington said if it was an RFP, and would use the CCNA process, he would communicate Mr. Stresau's wish. Mr. Partington thought this person would consider the various aspects of electricity supply, and also consider the City's taking over the responsibility when the franchise agreement expired.

Mr. Wilkerson asked if other Board members noted the disparity between what FPL had told them on occasion, and what others, such as the PSC, had told them. The Board agreed, and Chair Brenneman clarified that the PSC personnel who visited had made this clear: the PSC regulates only the tariff and the quality of service – nothing else. Mr. Petreccia reiterated his belief that there was no real incentive for FPL to maintain their lines when the cost of repairs was ultimately borne by the customers.

Mr. Caine felt a two-pronged approach was needed. They must get outside input on the advisability and feasibility of undergrounding the utilities, and they must find ways to give FPL the incentive to perform proper line maintenance. Ms. Murru said hers was one of several neighborhoods considering undergrounding the utilities. She thought that facilitating this process was another responsibility the consultant the City was hiring could assume.

The Board discussed the size of the transformers and easements FPL claimed were required. Ms. Murru said that in Newport Beach, the cost was comparable, and noted that even the transformers were buried and accessed by manholes. Mr. Petreccia informed the Board that the water table here was only three to four feet below ground; California's was deeper.

Chair Brenneman announced that she had been in contact with Vic Beninate from Bellsouth and Harold Mclean, public counsel from Tallahassee, both of whom had agreed to attend a UAC meeting to discuss the UAC's recommendation report.

Mr. Caine noted that FPL sought easements outside the City's Right of Way when undergrounding lines because this saved them from having to move the lines out of a Right of Way for any future project with which the lines might conflict. Mr. Stresau felt the City could

help by reducing its required Right of Way from forty feet to thirty. Mr. Caine remarked that the City could grant FPL an easement within the Right of Way without reducing it.

Ms. Murru agreed that some of the solution must involve the City. She noted that the homeowner who agreed to have the transformer on his property might be “given a break.” She felt that since this issue was becoming of more concern to more people, they must reexamine how the City and FPL addressed these problems.

Mr. Petreccia asked Mr. Partington what approvals were required for any plan for power, telephone or cable crossing or paralleling City streets. Mr. Petreccia wanted a City permit and inspection to be required for this. Mr. Partington replied that this was “done at the blanket level.” Mr. Petreccia felt this permitting process could be one of the responsibilities of the consultant the City was in the process of hiring. Mr. Stresau said he had always thought that FPL should be required to supply the City with a construction drawing, which would be subject to review and inspection by the City Engineering Department. He noted that the City did not currently have staff available for this.

**Motion** made by Mr. Petreccia, seconded by Mr. Stresau, to add the following recommendation to the UAC’s report: That there be a dedicated employee in the Engineering Department to review all utility projects that cross in or are parallel to the City right of Way. In a voice vote the motion passed unanimously.

Mr. Stresau wanted the oversight to extend to work in backyard easements. Mr. Dunckel explained that the Engineering Department issued permits for projects in the Right of Way, but the FPL utility easement in backyards was not under the purview of the Engineering Department. Mr. Dunckel also admitted he did not know if a building permit was required by the Florida Building Code to do work in a backyard utility easement. Mr. Stresau suspected this was probably a “blanket permit” that was included in the franchise agreement.

The Board agreed that someone from the City should also follow up after work was done. Several Board members also commented on the need to coordinate the utilities when poles were replaced. Chair Brenneman noted that their report already included a recommendation regarding this coordination.

Mr. Stresau wanted to be sure that the oversight issue was foremost in the franchise agreement renegotiation. Ms. Murru agreed and felt that the community must be willing to “spend some dollars in this area” and to provide some oversight. She felt the citizens were trusting the UAC to hash out some of the details.

The Board agreed that some way must be found to identify those trees that homeowners maintained themselves, to prevent Asplundh from re-trimming them during their rounds. Chair Brenneman announced that the GIS mapping they had discussed at a previous meeting would start soon at Riverwalk and continue through the rest of the City. Chair Brenneman

remembered that Ms. Shatas had agreed to consider how this could be used to prevent FPL from re-trimming trees and report back to the Board.

**Motion** made by Ms. Campbell, seconded by Mr. Petreccia, to add the following recommendation to the UAC's report: That the City develop a system, utilizing the GIS database and/or physical identifying marker, to be used by homeowners to signify that they were responsible for a particular tree's maintenance, and the tree was therefore exempt from FPL maintenance. In a voice vote the motion passed unanimously.

The Board agreed that FPL should be permitted to remove certain trees that were planted under power lines, rather than maintain them. Mr. Barrett wondered if the easement gave them authority to remove those trees. Mr. Dunckel said this was permitted only when the tree interfered with the easement rights granted to FPL.

### **Line Clearing**

**Lynn Shatas, FPL**

Ms. Shatas was absent from the meeting due to illness.

Chair Brenneman remarked that FPL had indicated that all line clearing would be completed by the first of the year [2006] but it was not.

### **Other New Business**

Mr. Barrett reported that he had heard Waterworks was reconsidering the type of water tower to be installed at NW 2<sup>nd</sup> Avenue. Mr. Partington agreed to check on this and report back to the Board.

### **VII. Good of the Committee**

Mr. Caine wondered when the revised UAC report would be ready to go to the City Manager. The Board agreed that they wished to have it amended by the next meeting.

Mr. Dunckel cautioned the Board that pursuant to Sunshine Law requirements, a new draft of the report could be emailed prior to the next meeting, and Board members should review it and prepare suggestions for revision, but that these suggestions must be made and discussed at their next meeting; feedback should not be communicated between Board members via any means outside the context of an official UAC meeting.

### **VIII. Next meeting – February 28, 2006**

**Energy Roundtable II – Tuesday April 25, 2006**

**IX. Adjourn**

Meeting adjourned at 8:55.

**Handouts:**

Wall Street Journal article, "In Weather-beaten Florida, Electric Company Gets Lashed,"  
January 16, 2006