

**UTILITIES ADVISORY COMMITTEE (UAC)
REGULAR MEETING
City of Fort Lauderdale
100 North Andrews Avenue
Commission Chambers
Fort Lauderdale, Florida 33301
Tuesday, May 30, 2006 – 6:30 P.M.**

<u>Board Members</u>	<u>Meeting Attendance</u>
Bunney Brenneman, Chair	P
Richard Barrett	P
Bob Caine	P
Thomas Clancey	P
Caldwell Cooper	P (entered meeting at 7:12 p.m.)
Joe Holland	P (entered meeting at 6:40 p.m.)
Terri Murru	P
Valerie Murru	P
Bernie Petreccia	P
Shannon _____	P

Staff

Peter Partington, City Engineer
Robert Dunckel, Assistant City Attorney
Gene Dempsey, City of Fort Lauderdale
Mark Almy, City of Fort Lauderdale

Guests

Vic Beninate (Bell South)
Lynn Shatas (FPL)

Chair Bunney Brenneman called the meeting to order at approximately 6:35 p.m.

Peter Partington, City Engineer, said that the meeting is being recorded and the minutes will be done from the recording. Therefore, he asked the Board Members to announce their names before speaking.

Roll call was taken and since there was no quorum, the minutes would be approved at a later time.

New Business

Pole Replacements & Storm Policies

Vic Beninate, Bell South, stated that their pole replacement plan falls in line with what was agreed to with the Public Service Commission and FP&L. Bell South and the Power Companies are hiring the same company and negotiating a contract, and a third company would conduct pole inspections. In addition, all technicians were required to inspect a pole before doing any work on it, and if there was an unsafe condition, a report was made. Many poles had been replaced due to the storm damage that had occurred.

Joe Holland proceeded to enter the meeting at approximately 6:40 p.m.

Mr. Beninate further stated that they were making their facilities more hurricane proof, and a new box was replaced at Seven Isles. He explained that east of the parking lot there was a large computer which transported calls, and over time they could not keep having copper wires go from the computers to the neighborhoods. Copper and water do not mix, and where the water tables were very low the wires rot and the box moves the electronics out into the field. They could run a cable from the computer to the box with fiber optics. If they get cut, it was easier to repair and they were not affected by water. He stated that people did not like the boxes because they were unattractive, but they attempted to place them in the least obtrusive places possible. He further stated that it did allow them to install new electronics, such as DSL.

Ms. Murru asked if a neighborhood decided to place their utilities underground would these boxes suffice. Mr. Beninate stated if major tree trimming were to occur, they would speak with the residents prior to the trimming occurring. He stated they needed to speak with the power company first. He explained that the neighborhood would have to decide if they were willing to pay \$10,000 to \$15,000 to go from the air to underground. Otherwise, this would be a moot point.

Mr. Chancey asked about the size of the box. Mr. Beninate advised that the size varied, but an average box could be 6' in height and 2' in depth. Mr. Chancey asked if the boxes took the place of existing poles. Mr. Beninate explained that they did not necessarily replace the poles, but the wires through the air would be smaller because of using fiber optics. He explained further there would probably be the same number of poles and boxes. Mr. Chancey stated that he was a consulting arborist and explained that no one was against trimming trees, but they were against the methodology being used. He explained that they had volunteered experts to help. Mr. Beninate stated that he believed that issue had been resolved with their present contractor. Mr. Chancey stated that he had not yet found a contractor that appeared to be aware of what they were doing in connection with the trimming of trees. Mr. Beninate advised that he believed the primary contractor was Hogan. Mr. Chancey asked if they could find out who the contractor was and report back to the Committee. Mr. Beninate stated that before the storm there was one primary contractor, but after the storm there were several individuals involved. Mr. Chancey stated that he was not concerned about storm clearance, but this Committee was formed due to the methodology used in trimming trees. It was not the reason for

pruning that was not liked, but the way it was done in some instances. Mr. Chancey also asked who was making the decision as to the work being, done and how it was to be done in order to protect the trees. He reiterated that there was a right way to remove trees, and a wrong way.

Mr. Petreccia asked if the boxes could be referred to as interfaces. Mr. Beninate confirmed and stated they were network interfaces. Mr. Petreccia asked what was the smallest amount of subscribers that could economically be fed through one of the interfaces. Mr. Beninate stated that he did not have that information available. He reiterated that he was the PR person for the company. Mr. Petreccia asked if an interface could serve 50 customers or a number of streets. Mr. Beninate explained that probably thousands could be served, and he stated that one cable would be run which had a lot of capacity which would be considered the feeder cable. Mr. Petreccia further stated that the box was in the direct relationship with the number of subscribers that were fed out of it. Mr. Beninate confirmed and stated that the electronics were known as the carrier, and therefore, one fiber optic pair could be taken and it would look like 24. This multiplies the capacity.

Mr. Petreccia asked if the customers were switched inside the boxes. Mr. Beninate stated that the customers were not switched, but most people in the Isles receive Broadband service and the box jumps up the current and speed for customers further from the origination point. In the future, the electronics would probably be able to provide cable TV in competition with Comcast. Mr. Petreccia further stated that he understood the difficulties in some areas to get to the box and from that box to the subscriber, but he asked why more lines weren't being placed underground. Mr. Beninate stated the policy of the company was that if it was a new neighborhood the utilities were placed underground, but if there was a pole line in the area they would continue using it.

It was asked if the lines could be placed underground if the customer was willing to pay for such expense. Mr. Beninate explained that it had to be everyone in the area, but he believed individual homeowners could pay and do this.

Seven Isles Bell South Installation

Chair Bunney Brenneman proceeded to introduce Valerie Moran from Seven Isles.

Ms. Moran stated that she is President of the Seven Isles Homeowners Association and she received calls when customers were not happy. She stated that the box was at least 6' x 6' x 2', but they had not been informed that the box was to be installed. Landscaping was to be forthcoming around the box. Mr. Beninate explained that he would check into the landscaping, but it was not forthcoming as of this time. He further stated that he would approach the company and see if landscaping could be provided.

Ms. Moran further stated that they are currently doing a landscaping project in the area, and the box was blocking the sprinklers in the area. She explained that there were 314 residences in Seven Isles, and she asked if the box was only to service those individuals or would it be servicing other areas as well. Mr. Beninate stated that he did not know

who the box was servicing, and he explained that they did not just serve Seven Isles and the box could be serving other subscribers. He would check into the matter. He reiterated that the box was unattractive, but there were many benefits from it. Ms. Moran proceeded to show a photograph of the box, and reiterated that they were looking for some type of landscaping to make it more palatable to the neighborhood. She added that they were in the process of getting a petition to have the lines buried underground. Mr. Beninate stated that FP&L was ahead of their company in that regard, and for \$10,000 a home the lines could be buried, not including commercial or condominium properties. He explained that their company was moving towards adopting a policy where it might be \$5,000 to do this.

Ms. Moran reiterated that she understood their old neighborhood was being developed into a new neighborhood and most of the new homes were very expensive, and the owners wanted such lines underground. Mr. Beninate stated that the town of Palm Beach was considering doing a bond issue for the entire town. If such policy would go through, then they would provide the neighborhood with a hard and fast estimate for a certain timeframe, but the customers would have to pay for it on the front end, and if they did not move forward the monies would be lost.

Caldwell Cooper proceeded to enter the meeting at approximately 7:12 p.m.

Mr. Beninate explained that electronics were put in the box and provided many advantages, but he realized the neighbors wanted them to minimize the damage of the boxes.

Richard Barrett stated that he was concerned about a pole containing transformers behind his home that was leaning. Mr. Beninate explained that normally about 6' up the pole, they were identified as to who the pole belonged to either through a pole tag which was aluminum or a brand. He stated that about half the poles in the City belonged to FP&L, and the other half to BellSouth. He explained further that because a pole was leaning, it did not indicate there was any danger, but if it needed to be replaced and it was an FP&L pole, then they would replace it and transfer their wires first before BellSouth did their work because if they put their cables on first and if the FP&L contractor built down too close, the BellSouth workers could get hurt or killed. He stated that the Comcast wires were then installed and were 6" above BellSouth.

Mr. Barrett stated that one of the transformers on the pole serviced the water tower. Mr. Beninate stated that if FP&L decides to transfer the lines and replace the pole, BellSouth would follow. Mr. Barrett asked how often were the poles changed. Mr. Beninate explained that some poles were 50-years old, and then some only lasted about two years. He reiterated that the condition of the pole was what counted. He stated that the old poles hurt the environment, but lasted longer. Mr. Barrett stated that he was concerned because the Comcast cable was low and when he mowed his lawn he had to "duck" under the wires. Mr. Beninate told him to contact Comcast regarding the lines.

Mr. Chancey stated that this was the same situation that occurred over and over, where communication was promised but did not take place. It appeared everything happened after-the-fact in such situations. He stated that he would call and speak with Mr. Beninate further.

Mr. Beninate had to leave the meeting at this time which was approximately 7:18 p.m.

Mr. Chancey stated further that there was a fire station which had a pumping station outside the front door which had destroyed the area's efforts to have the place restored, and there were poles and sidewalks where wheelchairs could not pass and the blame was passed from one to another. No notice was provided. He stated they appreciated the information being given this evening, but if changes could not take place than there was no purpose for this Committee. He felt the individuals deciding where to place these boxes should visit the sites first before making such determinations. He wanted the Commission to read these minutes to see what was happening with this Committee for the last three years. No one was talking and they kept rehashing the same items over and over with FP&L and other utilities after-the-fact. He suggested that some suggestions or recommendations be made that someone insist on where such boxes and poles should be placed, along with underground utilities.

Mr. Chancey further stated that he wanted the City Commission to understand that this Committee was recommending that someone be in charge of communications, and therefore, what came before this Committee would not be a waste of time. They should not be coming forward to complain after-the-fact. He reiterated that they were not requesting the utility companies to do anything illegal or dangerous, but were asking for advance communication.

Ms. Murru stated that this conversation regarding line clearing had been held previously and there was a pilot project underway, and she asked if Mr. Chancey wanted to place his suggestion in the form of a motion in order to expand the opportunity for all utilities to find a better way to communicate with the neighborhoods and residents.

Chair Bunney Brenneman proceeded to leave the meeting and handed over the gavel to Vice Chair Ms. Murru at approximately 7:25 p.m.

Ms. Murru felt the only way to get things done on this Committee was to move through a slow process of getting the elected officials more aware of some of the pending issues. She stated this would be good business sense and she realized that good communication cost money. She felt if a cost effective way could be found to accomplish this, then they would also be saving their time and energy and concern from the neighborhoods where such things would occur.

Mr. Chancey stated that the City knew what route was to be taken and the Assistant City Attorney already knew the legal ramifications involved. Ms. Murru reiterated that she believed a formal motion should be made that a pilot project be initiated and that someone speak to BellSouth regarding the installation of such boxes and communication with the communities. Mr. Chancey reiterated that in theory the City should be aware of what is occurring, but he did not believe for one minute that it was known until it happened. He stated that he did not feel anyone knew about this in advance. He stated that requirements were not being set by the individuals in charge, and he did not understand why utilities were exempt from meeting the necessary criteria. He reiterated that he was only making comments through his observations.

Chair Bunney Brenneman re-entered the meeting at approximately 7:30 p.m.

Mr. Petreccia stated that he was disappointed that an answer could not be provided to his question this evening. He stated that the interfaces cost a lot of money and took a long time to engineer, but some of the unattractive boxes were not going underground to minimize cost. He stated that he was disturbed by the fact that some of the boxes were to service individuals in other communities. Someone in the City had to have been approached regarding the location of the boxes. He stated that what answers had been supplied were unacceptable and the residents should have been informed.

Lynn Shatas, FP&L, stated that she did not feel that Mr. Beninate knew some of these items were to be placed on tonight's agenda or he would have had the appropriate individuals present to respond to the Committee's questions. She also stated that many changes have occurred and this Committee had done some phenomenal things such as the substations. Sometimes notifications fall through the cracks due to certain circumstances, but she reiterated that there was such a process in place regarding tree trimming.

Ms. Moran stated that regarding the boxes for FP&L, the community had been informed in advance as to their location, but this matter being discussed tonight was entirely different.

Ms. Shatas reiterated that she only wanted to defend BellSouth due to tonight's situation.

Chair Bunney Brenneman stated that Mr. Beninate agreed to attend the meeting earlier, but he had been in Tallahassee lobbying, and in attending tonight's meeting he had not been aware of some of the discussion that was to occur.

Mr. Partington reiterated that this was a large subject, and the utilities going into the right-of-way were subject to the Franchise Agreement, which he suggested this Committee review. He stated that the City Engineer's Office was responsible for policing the right-of-ways, but his problem was that all such applications had to go through Tim Welch, Land Development Manager, who was presently overwhelmed due to three vacancies in that area.

Mr. Cooper asked if such matters of locating the boxes could come before this Committee for their review. Chair Bunney Brenneman stated that this Committee did not have the power to review such items.

Motion made by Ms. Murru and seconded by Mr. Cooper that this Committee create a task force to review the Franchise Agreements so they could look at the situation from a different perspective following Mr. Chancey's recommendation regarding improved communications between the utility companies, the City, and the neighborhoods.

Chair Bunney Brenneman stated that Boards of the City could form subcommittees upon the approval by the City Commission. They have approved two subcommittees

regarding infrastructure and trees. Therefore, there was nothing clear-cut regarding the formation of a task force. She suggested that they make this request of one of those subcommittees.

Ms. Murru explained that she had made this suggestion due to an effort to save time because she was not sure this could be discussed in an open are, and possibly everyone would not be able to review the agreements. She reiterated that she did not have an interest, nor the expertise, to review the agreements. She felt that technical expertise could be provided by certain individuals in this regard.

Chair Bunney Brenneman suggested that a motion could be made to send this issue before one of the subcommittees.

Ms. Murru agreed to amend the motion as follows:

Motion made by Ms. Murru and seconded by Mr. Cooper to have the Infrastructure Subcommittee review the Franchise Agreements.

Mr. Dunckel stated that he believed they would be opening the door to a new subject matter, and the better course of action would be to adopt a motion that would request the City Commission to authorize a subcommittee to investigate the Franchise Agreements.

Ms. Murru agreed to amend the motion as follows:

Motion made by Ms. Murru and seconded by Mr. Cooper that the City Commission authorize a subcommittee to investigate the contents of the Franchise Agreements.

Mr. Holland stated that the existing utility agreements have blanket permitting for such things, and he proposed that there be a motion to eliminate such permitting for these items and that they be approved through a review process.

Ms. Shatas stated that the agreement gave FP&L the right to upgrade in the rights-of-way and a short update could be provided regarding the language. She further stated that regarding the blanket permits, projects went to the City and it would not be fair to have each permit reviewed since such resources were not presently available. She explained that replacement of poles was a different matter.

Mr. Holland stated that he was addressing specific matters and he did not intend to suggest that the entire blanket process be eliminated.

Ms. Murru stated that she would not be comfortable dealing with technical permitting situations, and she felt the City attorneys could handle such matters. Ms. Shatas stated that the City did a great job. Ms. Murru asked what could this Committee do in order to assist in facilitating the process.

Ms. Shatas stated that during the last three years this Committee has made FP&L aware of a notification process because it worked to everyone's advantage. She did not feel

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that BellSouth had yet gone through such a process, but things could be worked out with them.

Mr. Caine stated that he understood what was trying to be done, but he did not feel the creation of another subcommittee would be the solution.

Mr. Petreccia stated he was not familiar with the Franchise Agreement and would be in favor of the recommendation being made. He stated that the boxes being installed by BellSouth was for the sole purpose of minimizing their cost of operation and improving it. He felt the boxes were large and should be approved by everyone involved. He did not feel that such blanket approves should be given.

Mr. Barrett stated that he did not know if it would be effective to review such agreements because they are still in effect and he did not think they could be changed or amended. He suggested that possibly they look for a way to improve communication between the City and the Committee so individuals could be provided more advance information.

Mr. Partington stated that the FP&L agreement was to expire sometime in 2009. He felt what was being seen with BellSouth was more of a commercial consideration than necessity. He stated that the City Commission has desired for a long time that there be competition with Comcast. He further stated that when staff went into an area to do master planning, it took a lot of time and effort.

Ms. Moran stated they had proposed a master plan, but it had been denied due to budgetary reasons. Mr. Partington stated that the budget issue was also a staffing issue.

Ms. Murru reiterated that her motion stands because it would give them a broad base while not asserting themselves.

The following motion was re-read as follows:

Motion made by Ms. Murru and seconded by Mr. Cooper that the City Commission authorize a subcommittee to investigate the contents of the Franchise Agreements. Motion was unanimously approved.

Approval of Minutes

Motion made by Mr. Petreccia and seconded by Mr. Holland to approve the minutes of the March 28, 2006 meeting minutes. Motion was approved unanimously.

Motion made by Mr. Petreccia and seconded by Mr. Holland to approve the minutes of the April 25, 2006 meeting minutes. Motion was approved unanimously.

Old Business

Energy Roundtable II Review

Shannon Vezina stated that she would provide some statistics regarding the event. She explained that approximately 1,000 invitations had been sent out, ads were run in the

newspapers, press releases had been issued, fliers passed out, and the City Commission issued a proclamation. She advised that there had been 100 attendees, including three elected officials, Mayor Naugle, and Commissioners Teel and Moore. There were eight panelists, participation from several neighborhoods, along with staff and members of the Utilities Advisory Committee. Recommendations were made regarding next year's event.

Ms. Murru asked what the event had cost. Ms. Vezina stated that such information was not yet available and a lot of the services were in-kind. Tapes were available of the event.

Mr. Cooper stated that he was disappointed regarding the number of residents who had attended, especially since such advance advertising had been done. He thought the meeting was phenomenal.

Mr. Chancey suggested that they approach heads of organizations next year to attend the event.

Ms. Murra stated if the City was committed to such a direction that they follow through with some other projects, and possibly further discussion could be held.

Mr. Barrett stated that his background was in retail and he found it amazing that a number of people were interested in this issue, but could they possibly provide a program, such as at the War Memorial Auditorium, regarding this issue and then have the public invited. He stated that issues such as energy conservation and saving, along with hurricane proofing a home.

Chair Bunney Brenneman stated that the Home Show had taken place this past weekend and such products had been provided.

Mr. Barrett stated that such show was very general.

Mr. Cooper reiterated that he had left the Energy Roundtable intrigued because he had a large electric bill, and he began investigating products on the Internet. He felt this would be a good idea to expose the public as to what was available, and to have information provided as to what was effective and what was not effective.

Mr. Barrett stated that factory representatives were available at such shows to answer questions.

Ms. Murra stated it was challenging when one began to endorse certain people and situations, and based solely on the roundtable held was to bring information to her association. She felt they needed to get the City thinking about some test projects.

Mr. Barrett stated that the City was short-handed in certain areas, and therefore, rather than put more pressure on them that a presentation be created so they could review such items in one place. Therefore, they would still be carrying out the mandate of the City Commission in trying to improve the City by exposing employees to such matters,

but make it a self-funding idea that many people would attend. He reiterated that some of the systems addressed self-sufficiency. Ms. Murra stated that the cost of some of the new technology was very expensive. Mr. Barrett stated further that prices were coming down on some of the systems, but he felt that individuals could come and make presentations regarding such technology.

Mr. Chancey further stated that he had researched certain systems, and advised that an inventor in Davie created a tilt-wall program which he was very interested in. Costs were fractional, but the idea was on the ground floor at this time, and there are many things available out there but unknown to most individuals.

Line Clearing & Test Area Update

Gene Dempsey stated that at last week's Commission Conference meeting, they had approved a pilot program regarding line clearing. There were 15 addresses identified that had trees in conflict with the feeder lines, and they were sending out letters to the homeowners explaining what trees were problems, and how they would be removed or relocated. The homeowners could relocate the trees on their property, but they would be responsible for their replanting. Otherwise, if the City was not contacted trees such as Queen Palms would be cut down and the stumps ground, but other palm trees would be relocated. There were a total of 35 palm trees involved with four Queens which would not be relocated. He advised that he had not done underground utility markings so problems could arise in some cases, but two addresses had Royal Palms which could cause a backlash.

It was asked if trees could be donated to the tree bank. Mr. Dempsey stated that only the Queen Palms would be cut.

Mr. Partington stated that this program only involved trees that were located in the right-of-way, and not to those on private property. Mr. Dempsey advised that about 150 trees and palms were in conflict with the lines, and they were only addressing 35 of those at this time. He added that shade trees in some cases were also in conflict with the lines.

Mr. Chancey asked if recommendations were being made to such property owners as to what could be done regarding the problem and their trees.

Mr. Dempsey advised that the pilot was just to address the palm trees, but other situations could be addressed in the future.

Mr. Partington stated that the District Commissioner was going to meet with the concerned neighbors.

Ms. Murra congratulated everyone who pushed this through because she felt this was progress.

Chair Bunney Brenneman stated that she, Mr. Stresau, and Mr. Dempsey had attended the Commission meeting, along with Mr. Partington and Mr. Thornburg.

RFP/Consultant Service Electrical Infrastructure

Chair Bunney Brenneman stated that Mr. Stresau submitted some information regarding this matter. The Selection Committee had met and formulated the approach to be followed, and verbal presentations of the respondents would be scheduled in the near future.

Mr. Partington stated that the Selection Committee has met once, and two submissions had been made. The Committee would meet again on June 16th, and then there would be a best and final presentation made by the respondents on June 26th. Therefore, a recommendation would then be made in July to the Commission for the hiring of a company.

Good of the Committee

No comments made.

Next Scheduled Meeting

Chair Bunney Brenneman stated that the next meeting would be scheduled for June 27, 2006 at 6:30 p.m.

There being no further business to come before this Board, the meeting was adjourned at approximately 8:30 p.m.

Respectfully submitted,

Margaret A. Muhl
Recording Secretary