

**City of Fort Lauderdale
Utility Advisory Committee
Tuesday, March 27, 2007 – 6:30 p.m.
100 North Andrews Ave., 8th Floor Conference Room
Ft. Lauderdale, Florida 33301**

Committee Member	Attendance	Jan. 2007 to Dec. 2007 Cumulative Attendance		
		Present	Absent	Total
Bunney Brenneman, Chair (arrived 6:46pm)	P	4	0	4
Terri Murru, Vice Chair (left at 8:20pm)	P	4	0	4
Richard Barrett	P	4	0	4
Bob Caine	A	3	1	4
L. Thomas Chancey	P	4	0	4
Bob Cole	P	3	1	4
Caldwell Cooper	P	3	1	4
Dr. Magdalene Lewis	P	4	0	4
Bernie Petreccia	P	3	1	4
Fred Stresau	P	4	0	4
Clare Vickery	P	4	0	4
Dr. Geri Udell	P	3	1	4
Nathaniel Wilkerson	P	3	1	4

City Representatives

Hal Barnes, Engineering Design Manager
Robert Dunckel, Asst. City Attorney
Travis Woods, Recording Secretary

Guests

Kevin Rink, Globe Tec Construction
Andy Ziffer, Vice President, Tarpon River Civic Association
Rod Macon, FPL
Lynn Shatas, FPL
Trevor Underwood
Robert Webster

I. Call to Order

Vice Chair Murru called the meeting to order at 6:43 p.m.

II. Roll Call

Roll was called and attendance noted.

III. Self Introductions

Committee members and guests introduced themselves.

IV. Old Business

Motion made by Mr. Stresau, seconded by Ms. Murru, to approve the minutes of the February 27, 2007 meeting with changes as noted. In a voice vote, the motion passed unanimously.

1. On page 4, paragraph 4, Mr. Chancey requested the wording be changed to: "Mr. Chancey noted that an environmental conference had been held at Nova SE University with Commissioner Jacobs, various Senators and Mayors, as well as several hundred environmental representatives – *several* of whom had shown great interest in the storm water filtration product. Mr. Chancey felt it would be worth investigating."
2. Mr. Petreccia should be added to the attendance.

Chair Brenneman requested that New Business, BellSouth Mechanical Boxes, be moved up on the agenda.

• BellSouth Mechanical Boxes

Mr. Andy Ziffer, Vice President, Tarpon River Civic Association, stated that in his neighborhood, Tarpon River, the residents have been trying hard to turn things around and there have been great improvements; however, he showed photos of the entrance into Tarpon River from 7th and 4th, stating that "suddenly these huge boxes appeared." He indicated the boxes were placed there by BellSouth and it is his understanding that similar equipment is being placed in locations throughout the City, although he is not sure if they are to be utilized for voice or data transmission. Mr. Ziffer asked for the Committee's assistance in addressing this issue as soon as possible prior to the equipment being wired up and operational.

Mr. Barrett noted that this matter had been brought to their attention by the Las Olas Isles Civic Association. Per a BellSouth representative, Mr. Barrett stated that this equipment is replacing old technology with new fiber optic cable allowing BellSouth to offer the neighborhoods additional services. He also pointed out that there is a bill in the State Legislature dealing with this issue.

Mr. Ziffer's concern was that BellSouth had made no attempt to put the boxes in a less intrusive spot, asking if the neighborhood has any say in the location of the boxes or if there is anything they can do. It was noted that BellSouth has a "blanket easement".

Chair Brenneman pointed out that considerable time had been spent by the Committee on the Tarpon River neighborhood with regard to pole and substation site problems. Ms. Murru asked Mr. Dunckel to comment on the legal aspects of this matter.

Mr. Dunckel stated that six months ago he had been notified of the problem relative to BellSouth involving Imperial Point, noting that their scenario had been worse as BellSouth had proposed using a platted easement to place a unit on a cement block in a resident's back yard. After doing some research, Mr. Dunckel had sent an email to General Counsel for BellSouth at that time raising the following points: 1) BellSouth would need a building permit under the South Florida Building Code, 2) when the plat was dedicated circa 1962, there had been telephone poles and transformers, but not "guest houses plopped down in a rear yard," and it was his opinion that BellSouth had overextended the intended use of the easement. To date, he has received no response, although no further action has been taken by BellSouth to build the unit on the proposed backyard site.

Mr. Dunckel advised that up until 2000 municipalities had the authority to assess a telecommunication tax; however, in 2000 the entire system was revamped and the legislature removed the telecommunications tax indicating that it was their intent to "have communication services administered in a non-discriminatory and competitively neutral manner." To that end, the legislature authorized the cities to promulgate reasonable rules and regulations with regard to placement of the communication facilities within public rights-of-way. Six months ago, Mr. Dunckel had apprised City Engineering of the fact that they need to come up with such reasonable rules and regulations and that under the statute they must "relate to the placement and maintenance of facilities in such rights of way, they must be reasonable and non-discriminatory, and they may include only those matters necessary to manage the roads or the rights-of way."

Mr. Dunckel stated that Mr. Tim Welch had been working on that matter, however, he is no longer with the City and Mr. Dunckel is not sure where the issue now stands. He added that, on March 21, he had received an email from Mr. Gilford in Engineering to Mr. Partington stating that two phone cabinets had been installed with permits. On the downside, Mr. Dunckel said, however that once the rules and regulations are promulgated, the utility will not have to get a permit; they will get a "blanket" as long as they are performing in accordance with those rules and regulations. The City also no longer has franchise agreements with BellSouth and can theoretically come in and build with a permit until the rules and regulations are in effect.

Mr. Chancey suggested communicating directly with a BellSouth representative in this regard. Chair Brenneman reported that she had contacted Vic Beninate from BellSouth and had learned he was in Tallahassee, presumably lobbying. She had asked Mr.

Beninate if he was not available if he could send an area field engineer, but has not yet heard back from him.

Mr. Petreccia noted that BellSouth is using the boxes as a mini-exchange (substation) and interface which goes beyond the service intended when the rights-of-way were provided.

Mr. Dunckel agreed, adding with the Communication Services Tax Simplification Law, the rules have changed; however, he felt that if the rules and regulations were in place with regard to size, placement, etc., the problem would be resolved. Mr. Petreccia did not agree, claiming that not only is this an issue as to size and service, but the intent of BellSouth in their use of the right-of-way. They did agree that engineering downward as far as unit size, i.e., a limitation on cubic footage, height, width, etc., may address the problem. Mr. Underwood felt the only way to get control would be to municipalize the distribution systems including telecommunications. Mr. Cole asked why the issue as to size and location of the structure being constructed hadn't been raised when the permit was applied for by BellSouth. He suggested that the permit department take a more active role in questioning permit applications.

Mr. Barrett questioned whether the wiring was already in place underground or if digging would have to be done in the right-of-way and was advised that directional boring was already in place. Undergrounding of the units was suggested by Mr. Cooper. Mr. Wilkerson pointed out that subsequent to complaints in his neighborhood regarding Waterworks 2011 structures, they were placed underground.

All of this information will be provided to Mr. Partington to deal with further, i.e., who the original permit went to and why it was not initially reviewed and questioned.

Mr. Barrett was concerned that due to open competition there could be additional boxes installed and the City needs to get control over this matter before it goes too far. Mr. Petreccia added that the City's "blanket authorization" needs to be reviewed and controls put in place.

- **Line Clearing Status**

Ms. Shatas reported that in complying with the request at last month's meeting for copies of the line clearing schedule, she was providing that information commencing with the second quarter schedule. FPL will be going into Sistrunk, the Verena substation, and the Progresso substation. A copy of the map was handed out showing line clearance and the location of the feeder lines, as well as a list of all homeowner associations and civic groups being notified.

Ms. Shatas also mentioned that Chair Brenneman had been to the FPL nuclear encounter at the St. Lucie power plant. At the request of the Chair, Ms. Shatas had

brought brochures on the facility and exhibit which she handed out. Chair Brenneman agreed that the exhibit was well worth seeing for anyone, and encouraged parents to bring children.

Mr. Wilkerson remarked that during the Christmas holidays Ms. Shatas had donated \$1,000 towards their Toys for Tots program, telling the Committee how much it had been appreciated and thanking Ms. Shatas for her participation.

- **Update on RFP-Consulting Services-Electrical Infrastructure Needs Assessment & Strategy**

Not discussed.

- **Update on Undergrounding**

Mr. Dunckel received a letter from Mr. Ken Cooper, Las Olas Isles, stating that that area is prepared to move forward with undergrounding. The generic right-of-way Agreement with FPL has been assigned to Mr. Dunckel to revise. Mr. Dunckel does not yet have the Comcast or BellSouth Agreements, but has requested same. After further discussion it was determined that the area to be undergrounded would be Coconut Isle with the best location being down the middle of the roadway in the medians. It was noted there will be a need for curbing in the medians which will be at neighborhood expense. The neighborhood would not be eligible for the proposed 25% discount for municipalities under FPL's program, if passed by the PSC.

- **Other Old Business**

Mr. Stresau reported on the Tree Subcommittee meeting which included discussions on the success of the palm removal program, and consideration of a second phase to the removal program, asking for further discussion and vote by the UAC.

Mr. Stresau stated that Commissioner Teel had been at the meeting and had recommended the Committee proceed, further asking that the Committee recommend approval for expanding the palm removal program to the smaller shade trees and it be accompanied by a replacement program formulated by the Parks Department before being brought to the City Commission. The members of the Tree Subcommittee had been in concurrence on moving ahead with the already successful program.

A request was made by Mr. Stresau that the matter be further discussed at that time so it could be forwarded to the City Commission through the City Manager's office.

Mr. Chancey clarified that they were referring specifically to newly planted trees that will continue to grow, not just trees that happen to be small. The suggestion had also been

made that the trees be moved back onto the private property of the residents or relocated, not just removed.

Motion made by Ms. Murru, seconded by Mr. Cole, to request the City Commission expand the Palm Pilot Program to include small newly planted trees.

Discussion on motion:

Mr. Barrett proposed including a recommendation to the City Commission to include a review by the City Forester of new plantings, not just existing plants to be moved, and there be some mechanism to where the City Forester reviews proposed plantings in an effort to "eliminate fighting a never ending battle."

Mr. Dunckel pointed out that there is now no City requirement to secure a permit for planting a tree in a right-of-way; a program would have to be developed to implement a review process. He also asked if the City or the property owner would be responsible for replacing the trees and was advised by Mr. Stresau that he did not believe Commissioner Teel had a notion one way or another in that regard, although there had been discussion regarding the excess of monies in the Tree Preservation Fund. He mentioned previous discussions in 2002 regarding changing the ordinance governing the expenditure of monies in the Tree Preservation Fund to allow the City Forester to tap into those funds to purchase trees for planting in the City rights-of-way. Mr. Stresau indicated that most of the trees being discussed were planted by individual homeowners or homeowner associations without permits. Mr. Dunckel confirmed that redrafting the ordinance would not take long; however, any ordinance would need to go before City Commission for approval. Mr. Stresau felt that perhaps the City Manager could direct staff to address making the change. Mr. Dunckel thought that there is an existing ordinance on the books about arbor streets which specifically talks about planting plants in the right-of-way, which was probably written over twenty years ago, and should also be addressed.

In a voice vote, the motion passed unanimously.

Chair Brenneman added that the Tree Subcommittee has the recommendation of the entire UAC to have the Parks & Recreation Department look at the removal of small canopy trees under power lines and consider implementing a tree replacement program.

Another topic of discussion at the Tree Subcommittee meeting was why the landscaping that had been approved by the UAC had not been implemented on the Post Office site and on the City property directly to the north of 3rd Street. Mr. Stresau reviewed Mr. Partington's email from Mr. Alfred Battle, CRA Director, via the City Manager's office which indicated their concern regarding additional landscaping on the Post Office site as the Post Office was not maintaining their current landscaping. After much discussion,

Mr. Stresau had requested and, on a motion made and passed, the Committee had decided to send Mr. Battle's communication to Commissioner Moore to inform him of the reason the landscaping was on hold.

Mr. Stresau stated that apparently a decision has been made between the City Manager's office and the CRA to not add street trees on the balance of site near the Sistrunk substation. It had been Mr. Barrett's suggestion that as that area is actually in District 2, the District 2 Commissioner also be apprised. Regarding the post office property, Mr. Chancey suggested, "If they're not doing what they are supposed to, they should be told to do it" as the post office is actually City property being leased by the Federal Government. It had been Mr. Stresau's suggestion that the post office site be turned over to Code Enforcement for noncompliance. Mr. Robert Webster concurred that the post office site is "a mess."

V. New Business

• Storm Water Filtering

Mr. Kevin Rink, Globe Tec Construction, introduced himself stating that his company is the Florida distributor for Ab Tech Industries Smart Sponge Technology which is a low cost, low tech storm water treatment system recognized by the EPA as "best management practice."

Mr. Rink gave a power point presentation on the Smart Sponge Technology, highlighting the following:

- Current locations and utilizations of the product
- Prior filter projects reducing oil and bacteria levels
- Development process of the Sponge, as well as its design properties and functions
- Financial benefits of the product
- Storm water and permit mandates
- EPA approved
- Antimicrobial properties
- Unit maintenance
- Hydrocarbon absorption and sediment removal
- Disposal processes

Ms. Vickery asked Mr. Rink if municipalities with the system installed have been able to decrease the treatment of their water or if they have seen a measurable improvement in the quality of their water. Mr. Rink stated that with most of their systems, the storm water does not go into treatment, as the catch basins generally discharge into the waterway, although there is an overall reduction in pollutants going into waterways.

Mr. Barnes stated that the City's Public Works Department has an environmental storm water section which deals with run off and water retention matters. Mr. Rink stated that the EPA has indicated even when dealing with storm water retention ponds, using filtering technology would be beneficial in reducing the amount of overall pollutants.

Mr. Chancey noted that the Broward County Commission had previously voted to oppose the State's efforts to downgrade Broward canals to "ditches" and that the County is interested in preserving usability of the waterways in Broward County. With regard to swales, the product can be used in conjunction to capture nutrients as do retention ponds and wetlands. Mr. Cole suggested that Mr. Rink contact Broward County officials. Mr. Stresau felt that using the product on smaller sites, in lieu of creating a retention area, would be advantageous.

A unit dealing solely with hydrocarbons would cost about \$600 and one with antimicrobial is \$800-\$900 installed, or approximately \$1,500 per drain. Maintenance costs at this time are offered free to \$1,000 per insert.

It was Mr. Stresau's hope that the government, under the Clean Water Act, would at some time require the City to retroactively filter discharge water.

- **Undergrounding Presentation**

Mr. Rod Macon, FPL, gave a power point presentation; the same presentation with slight changes which had been given to the City Commission in December. Mr. Macon mentioned that in January 2006, FPL had issued a Storm Secure (10 year) Plan, subsequent to two bad hurricane years. Based upon an evaluation of the power system during the hurricane seasons, along with information obtained from meteorologists about future weather events, FPL had made a commitment to strengthen their power system to make it more resilient in light of what they believed would be more hurricanes in the years ahead.

The Storm Secure Plan includes the following elements, all of which began in 2006 and continue to date:

- Hardening the overhead electrical system, adopting the National Safety Code Extreme Wind Zone Criteria (bigger poles, bigger wires, more robust distribution system)
- Increased pole inspections
- Increased line clearing efforts
- Encouraging underground lines including GAF (Government Adjustment Factor) and rights-of-way

Mr. Macon summarized the power grid and distribution system, percentages of current undergrounding, and proposed ordinance suggestions.

Four factors for undergrounding to be considered were outlined:

- 1) Aesthetics
- 2) Reliability (normal and adverse conditions) & performance re: outage frequencies
- 3) Cost ranges (\$.5 million to \$4 million per mile) and calculations (new underground installation, removing the existing overhead minus salvage, plus remaining net book value of the overhead system being removed, less hypothetical equivalent overhead, PSC proposed 25% net reduction)

Mr. Macon explained the rationale for the hypothetical equivalent overhead stating that in the rates paid, it is assumed that service is provided by an overhead system as that is the industry standard in the State of Florida. Therefore, the rates paid already reflect an amount to cover the cost of installing the overhead system, and if undergrounding is requested the differential cost is an additional expense as that cost is not covered by the rate structure. Mr. Trevor Underwood asserted that the difference in who pays the costs and how much is to be paid is who owns the utility and earns the profits.

Mr. Macon disagreed with Mr. Underwood's economics, with the discussion continuing regarding monopolistic profits, debt service, and noncompetitive environments.

Mr. Macon stated that from a maintenance and operations standpoint an underground system is more costly. Mr. Petreccia pointed out that representatives from Orlando and Austin who had spoken to the Committee on this matter had an opposite viewpoint saying that the underground system was better and easier to maintain. He agreed there were some savings, but overall life expectancy and higher maintenance costs were pointed out by Mr. Macon as negatives with an underground system.

The proposed 25% credit before the PSC would provide: 1) that the local government be the applicant and, 2) it must be a project of some significance in size. If linear, it must be a main line project of at least three miles in length; if an area or neighborhood, it must include at least 200 detached dwellings. Islands and peninsulas qualify and all affected customers in an area must convert to underground. The justification for the 25% is the hope that in the event of a hurricane, the area underground will need no repair.

- 4) Conversion process – FPL provides a free nonbinding, ballpark estimate, (preliminary engineering designs will require a deposit), a bind cost is provided, which is then paid and FPL commences the work

Two changes to the original presentation to assist communities wishing to underground are: 1) the 25% investment to help with the cost, and 2) placement of equipment in the right-of-way if room is available and it can be done safely with the City taking responsibility for future relocation of the facilities.

Mr. Macon pointed out that FPL is encouraging communities to underground and is working toward that goal.

Mr. Underwood mentioned the study conducted in Florida by a consortium of municipalities to determine effectiveness of undergrounding. Calculations demonstrated that the life cycle savings of undergrounding considering lower maintenance costs and other benefits represented a reduction of 50% in the difference of the cost of new overhead versus underground facilities. Mr. Macon was aware of the study; however, he said that FPL refutes the validity of the study.

In response to Mr. Petreccia's question, Mr. Macon stated that directional boring is a significant portion of their cost to underground although the cost could be split if the phone and cable companies were involved.

Mr. Barrett asked, other than Coconut Isle, the locations of the other eleven estimates provided by FPL and the status of those inquiries. Other than Shore Club (a single building) which has moved ahead, the others are pending.

- **Energy Roundtable III Update**

Chair Brenneman reported they are on schedule with the Roundtable set for Thursday, April 26th, at the Broward County Main Library Auditorium; 5:30 p.m. is registration, 6:00 p.m. the presentations will begin. In order to allow more time for a question and answer period, Chair Brenneman asked the Committee if they would agree to extend the presentation from 6:00 to 9:00 p.m. with questions immediately thereafter. Several Committee members felt attendees would leave as the session would be too long. A proposal was made to have the presentation from 6:00 to 7:45 p.m. with the question and answer session afterwards. Invitations have been prepared; civic packets have gone out. Chair Brenneman has met with the PIO office, which has asked that each Committee Member provide a list of suggested invitees. Newspapers have been notified of the event, with information being displayed on Channel 78 and through other media. Mr. Macon stated he would like to serve on the panel to provide a balance of opinions for the issues discussed. Chair Brenneman confirmed that North Miami, Palm Beach, Jupiter, Winter Park, and West Palm Beach have been invited to and informed of the event; although there may be more cities of which Chair Brenneman is unaware.

The Energy Workshop is now planned for November 17, 2007 to discuss green building, alternative power sources such as solar energy, FPL energy incentives, hybrid cars, etc.

- **Other New Business**

None.

VI. Good of the Committee

None.

VII. Next Meeting

UAC Regular Meeting: Tuesday, April 24, 2007 at 6:30 pm
Energy Roundtable III – Thursday, April 26, 2007, Broward County
Main Library at 6:00 pm
Energy Workshop – November 17, 2007

VIII. Adjourn

With no further business to discuss, the meeting adjourned at 9:18 p.m.