

**City of Fort Lauderdale
Utility Advisory Committee
Tuesday, August 28, 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
Bunney Brenneman, Chair	P	9	0
Bernie Petreccia, Vice Chair	P	7	1
Terri Murru	P	6	3
Richard Barrett	P	9	0
Bob Caine	P	6	3
L. Thomas Chancey	P	8	1
Bob Cole	P	8	1
Fred Stresau	P	9	0
Nathaniel Wilkerson	A	6	3
Dr. Magdalene Lewis	P	8	1
Clare Vickery	P	7	2
Dr. Geri Udell	A	4	5
Caldwell Cooper	P	5	4
Raymond Parker	P	3	1

City Representatives

Robert Dunckel, Asst. City Attorney
 Mehrdad "Mike" Fayyaz, Asst. City Engineer
 Alexander Grant, Recording Clerk, Prototype, Inc.

Guests

Rod Macon, FPL
 Sam Poole, Berger Singerman
 Vic Beninate, AT&T
 Ricardo Garcia-Regal, Resident
 David Sandquist, Resident

I. Call to Order

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

II. Roll Call

Roll was called and attendance noted. A quorum was present.

III. Self Introductions

Committee members and guests introduced themselves.

IV. Minutes of July 24, 2007 Meeting

Motion made by Mr. Petreccia, seconded by Dr. Lewis, to approve the minutes of the July 24, 2007 meeting. In a voice vote, the motion passed unanimously.

V. Old Business

- **Line Clearing Update**

Ms. Shatas was not present at the meeting. Chair Brenneman reported that Ms. Shatas had indicated there was nothing new with regard to line clearing update, which information was confirmed by Mr. Macon.

Ms. Murru stated she had received a notice in the mail that there would be line clearing in her neighborhood.

Mr. Chancey reiterated his request that the Committee be given a map of areas scheduled for line clearing so that they know in advance; however, to date, he has not received one. It was pointed out by Chair Brenneman that Ms. Shatas has promised to bring in the maps when ready.

Ms. Murru stated that The Landings has been providing to FPL with a list of trees identified in their area which they believe to be potentially hazardous and this will be their first opportunity to see how their list matches up with FPL's.

Mr. Stresau indicated he was under the impression that the only notice of line clearing by FPL was going to be door hangars and he assumed that Ms. Murru had received notice due to her position as President of her homeowners association probably with the expectation that she will publicize the upcoming line clearing in the association's newsletter.

Mr. Dunckel asked Ms. Murru whether her neighborhood survey includes easements and back yards and was advised that it only addressed trees in front yards as the homes in her neighborhood are all on canals.

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

Mr. Dunckel stated he had spoken with Mr. Buffington and was advised this matter will be on the City Commission the second meeting in September. Chair Brenneman noted that Power Services out of North Carolina had been chosen by the selection committee as the winning bidder; the City is currently in negotiation with them regarding the scope of the contract and the final details in order to present the contract to the City Commission. She added that the City through the Procurement Office will be issuing a second RFP, explaining further that there are no plans to "throw out" the first RFP concerning the feasibility study for municipalization as the successful firm has been selected and nothing has changed; however, the second RFP will be for utility undergrounding. Staff is preparing the RFP and it is anticipated it will go out this week. Chair Brenneman disclosed she has not yet seen the RFP and does not know details of the specifications.

Mr. Dunckel asked if during the evaluation for the RFP whether the scope of services had included the cost of undergrounding. Mr. Stresau responded that it had only included the cost of acquisition and municipalization.

Ms. Murru endorsed Mr. Cole to be on the selection committee for the new RFP.

Chair Brenneman introduced Mr. Fayyaz who was attending the meeting in Mr. Partington's absence.

Chair Brenneman stated a copy of the RFP could probably be emailed to the UAC members by the end of the week.

- **Update on Undergrounding**

Mr. Fayyaz stated there has been no change since the last report given by Mr. Partington.

Mr. Macon addressed the UAC regarding the undergrounding of neighborhoods at their own option. He stated if a "requestor or applicant" states they want to convert their existing overhead facilities to underground, i.e., a neighborhood or possibly an entire city, there is a formula established by the Public Service Commission utility companies in the State of Florida are required to use to estimate the cost.

The basic payment formula is as follows:

- removal of overhead hardware
- net book value of the overhead facilities, amortized based on remaining useful life of the facilities; there may be salvage credits

- differential cost between new overhead and new underground (labor and materials to install new underground system minus the cost of a new overhead system).

All of the above factors are called “contribution in aid of construction” -- the bottom line price.

Mr. Macon indicated there are two things in particular which make overhead to underground conversions difficult: 1) the high cost, and 2) easement problems. One solution to help with the cost was their ability to obtain from the PSC permission to get a discount of 25% for local government-sponsored projects (minimum project size required of 200 detached units).

Mr. Chancey asked if any studies had been done regarding potential flood areas and was advised by Mr. Macon that he did not have that information; pointing out that every area qualifies for the discount regardless of elevation.

Mr. Macon added the key to making the project work is ensuring that everyone in each particular area converts to underground. They do not want to do a neighborhood where several customers may still want overhead service.

With regard to easements, right-of-way agreements can be signed with local governments allowing FPL to put facilities in the public right-of-way in lieu of placing them on private property.

Mr. Fayyaz inquired regarding transmission lines going through neighborhoods. Mr. Macon pointed out that typically transmission lines do not go through neighborhoods, and the undergrounding program does not apply to transmission lines, as undergrounding transmission lines would be “obscenely” expensive. Although it has been done on a few occasions, at the very highest voltage transmission levels, it is technically not doable. Currently, in Fort Lauderdale there are approximately 30 miles of transmission lines and 600-700 miles of distribution lines.

Payment for undergrounding is done up front by the City, which funds can be recouped by the City later on.

Mr. Cooper questioned whether FPL had hard numbers for their equipment and also asked regarding undergrounding in rear easements. Mr. Macon indicated undergrounding is not done in rear easements; it must be done in front unless there is a dedicated alley right-of-way in the back, as from experience, future accessibility is frequently barred by fences, dog houses, sheds, etc. Services running from the right-of-way to the residences is not covered in the cost estimate as that is the responsibility of

each individual homeowner. Mr. Macon added, however, that it is FPL's belief local governments should make this a turnkey package for its residents including all costs.

Chair Brenneman asked at what point title actually passes to become an FPL asset and was advised that title remains with FPL throughout the process.

Undergrounding of an entire city, i.e., Palm Beach with 10,000 residents, is done in phases taking approximately one year to complete. There are ten times as many FPL customers in Fort Lauderdale, with Mr. Macon estimating a time frame of ten to twenty years to complete the entire project, depending upon how much disruption can be tolerated at one time. Phases in different areas would probably be the ideal so that "everyone sees something happening." The City would work with FPL engineers to come up with a strategy to be implemented.

Chair Brenneman reiterated that there would need to be 100% agreement by each neighborhood which would incur 100% of the cost, except for the credit for the overhead lines. Mr. Stresau pointed out that each neighborhood would have to get authorization from the City in order to obtain the 25% credit. Mr. Parker asserted that, in theory, if the neighborhood was willing to pay 100% of the cost and the City did not have to worry about floating a bond or creating an assessment, they should be able to commence undergrounding. Mr. Dunckel saw no reason that scenario could not be accomplished and still get the 25%, as long as the City sponsors the project.

Mr. Dunckel went over several elements of the model ordinance, i.e., Section 1(a)(2), Definitions, "substantially develop or redevelop," as well as modification to an improved site plan which would be the triggers to cause undergrounding. Mr. Dunckel stated those matters will need to be considered in making policy decisions as to whether the City Commission would want certain factors forcing undergrounding. This also applies to new commercial, industrial, retail, and residential development. He asked that the UAC also consider factors such as affordable housing. Mr. Macon stated that most underground ordinances deal solely with service to the house.

Mr. Dunckel stressed that the model ordinance is complicated, there are a number of issues involved, and will not be a "simple two plus two equals four, stamp it and approve it."

Mr. Chancey asked if one easement could hold all utilities, i.e., sewer line, electric, and cable; different opinions were expressed whether that was feasible. Mr. Dunckel pointed out, under those types of circumstances, waiver provisions could demonstrate when it is not viable to locate utilities underground; however, if the waiver is granted, the homeowner will have to pay a dollar amount equal to the cost of placing the utilities underground into a trust fund.

Mr. Macon maintained that FPL had provided a model ordinance and the City would have to decide what works specifically for them. Mr. Stresau suggested that one of the scopes of service for the new RFP should be to review the proposed ordinance.

Motion made by Ms. Murru, seconded by Mr. Petreccia, to incorporate the model ordinance into the second RFP with the details to be added by Mr. Dunckel to Mr. Buffington of the specifics discussed, as a recommendation to the City Manager. In a voice vote, the motion passed unanimously.

- **Other Old Business**

VI. New Business

- **Discussion on Better Meetings Academy**

Chair Brenneman provided a copy of the “Better Meetings Academy Handbook” as well as “How to Conduct a Meeting” to UAC members.

Mr. Caine felt that the Committee had not been following the recommendations and guidelines outlined during the Better Meetings session.

Concerns brought up were:

- Agenda items; motions are to be made under new business for items to be placed on the agenda.
- Questions to be directed to the Chair; no discussion should be amongst the Committee members.

Ms. Murru asked Mr. Caine if there was ever an item not on the agenda he had wished to discuss and also pointed out the efficiency of directly asking a question to person who would answer. Mr. Dunckel said the correct procedure would be to ask permission from the Chair to direct a question to another member during the meeting.

Mr. Caine added that perhaps items are being placed on the agenda which are not necessarily wanted on there by the other members.

Discussion continued regarding introducing items under new business and the process by which the Committee has matters placed on the agenda.

Mr. Petreccia pointed out under “general good and welfare” topics could be brought up for discussion, in lieu of waiting until formal notice for the next meeting. Mr. Caine’s

impression was that no items should be discussed except for agenda items. It was clarified however, that “anything that requires a vote” should be formally agendaized.

In response to Mr. Caine’s question regarding presenters and guests, Chair Brenneman said that the staff liaison makes those determinations, based upon the background and best experience of the presenter of the subject to be discussed. Mr. Caine expressed concern whether “he or she may have an angle to what they’re saying” or may possibly have a background calling their opinions into question.

Ms. Murru opined that Chair Brenneman is “adept at working strategically with various staff members to bring the appropriate people to the table,” but if there is a question or concern as to the speakers, perhaps other members would want to form a subcommittee in that regard. Ms. Vickery recounted the procedure previously used for selecting speakers for the Energy Roundtable.

Mr. Caine emphasized that his inquiry was not a criticism of anyone, but simply a matter he wished to clarify.

Mr. Barrett did not feel, from a time perspective, that discussing and voting on each future speaker was a practical course. Chair Brenneman agreed, adding that from the time the Committee had been formed adjustments had been made to enable them to move forward more quickly in their discussions. Mr. Dunckel warned regarding violations of the Sunshine Law by Committee members meeting on their own or having a dialogue amongst themselves, as well as not using staff as a “conduit” to other members.

It was suggested by Mr. Dunckel that “Forthcoming Agendas” be placed as a standing item on the agenda or bringing up matters for future agendas under “Good of the Committee.”

- **Presentation on Proposed AT&T Service Cabinets/Boxes**

Chair Brenneman introduced Mr. David Sandquist, a resident of Fort Lauderdale.

Mr. Sandquist gave a lengthy history regarding his initial involvement with this issue, BellSouth’s approach in placing a cabinet in his yard, explaining the layout of his yard, and his objection to the proposed cabinet location. He subsequently contacted the City for assistance and after a meeting with City representatives at his property was advised that the utility had the right to put their facilities “wherever they want, however they want” in the easements.

Mr. Sandquist questioned the parameters of what a utility is permitted to do with or put into an easement. Eventually, a letter was written by Mr. Dunckel to AT&T, and subsequent to further investigation, it was determined a cabinet could not be put in without a permit. In spite of that information, Mr. Sandquist was advised by AT&T that they would be putting in the box "no matter what." At that point, Commissioner Teele was successful in getting a temporary stop to the project.

Mr. Sandquist then gave his interpretation of House Bill 529 which passed the Legislature in May of 2007 - a bill providing telecommunications companies the right to install service boxes at their own discretion, which installation has to be permitted by a municipality on an equal basis to all similar competing entities.

It was Mr. Sandquist's opinion that AT&T has been "disingenuous" with the presentations made on how the system will be implemented and installed, and expressed his support of a City ordinance regulating placement of utility cabinets.

Mr. Sandquist provided copies of House Bill 529 and various correspondence between himself and AT&T.

Chair Brenneman added that Mr. Sandquist has conducted extensive research and is very knowledgeable on this issue. She stated the City Commission has also indicated that they want no further permits to be issued; a moratorium has currently been placed on easement utility facility placement.

Ms. Murru strongly encouraged AT&T and FPL to invest in good customer service and explore underground options more fully.

Mr. Dunckel reported an email has been received from Sharon Liebmann indicating that AT&T does not have the intent to install the box in Mr. Sandquist's yard at this time.

Mr. Cole asked if there was a way the City could formally define a utility "structure" as allowed in an easement and was told by Mr. Dunckel that "it's already in progress" having himself invested "hundreds of hours" on that matter.

Mr. Chancey made a point by stating the cabinets are an "excellent canvas for guys with spray cans," commenting on the ongoing graffiti problem. He also asked Mr. Sandquist if the homeowners association in his area had gotten involved. Mr. Sandquist noted he has gone to the Council of Civic Associations asking that the individual association Presidents contact the City Commission voicing support for an ordinance regulating the utility cabinets. A resolution has also been drafted by the Council as to its objection to the boxes being placed in their neighborhoods.

Mr. Sandquist also mentioned that, pursuant to conversations with AT&T personnel, smaller boxes will be available in the future, but he stated he is sure if the larger boxes go in now, they will not be replaced with smaller, more accommodating versions until they have served their useful life.

Mr. Sam Poole, speaking on behalf of AT&T, and as a resident of Rio Vista, stated that there are several cabinets in his neighborhood which, to his knowledge, have received no complaints. He commented that these problems arise when retrofitting new technologies into existing neighborhoods. He stated that on September 5th, a meeting is scheduled with the City Commission with the first reading on September 18th, of the ordinance. An offer was made to schedule a meeting to open up dialogue through the civic associations, to explain the purpose of the cabinets and address the issues raised by Mr. Sandquist, re: easement rights. Mr. Poole contended that if the ordinance is adopted as currently written, there may be litigation to try to establish the rights of the City and residents versus the utility. The intent, however, is to get the language worked out to the satisfaction of all parties.

Mr. Petreccia asked the following questions:

- 1) If the size of the box has a direct relationship to the number of subscribers serviced. Mr. Poole stated the purpose is to serve an optimum number of customers per unit, sizing the box in correlation with the existing switching box that connects a neighborhood back to the main office, i.e., the larger the box, the greater the capacity now and in the future.
- 2) If there could be smaller boxes more frequently distributed throughout a neighborhood. Mr. Poole advised that the cabinet boxes must be located within 300 feet of the switch boxes, as they have to work in tandem; therefore, the location of the switching facilities is key in locating additional cabinets for converters and new technology.
- 3) The cost to install or replace a box of the size being discussed; Mr. Poole did not know the answer to that question.

It was pointed out that the "electronics" need to remain above ground and while there are vaults available, they are quite large and there would be no way to retrofit them into existing rights-of-way. Taking the electronic equipment and putting it underground is a different situation due to the low proximity to sea level.

Mr. Petreccia wondered if AT&T purchasing land to locate their equipment would be a viable option. Mr. Poole stated the boxes are going into two areas: 1) where there are easements that have been obtained for utilities; and 2) the public rights-of-way. He

cautioned there needs to be a sensitivity to the technology itself (within 300 feet of an existing switch box) and also fitting the cabinets in a way which has the least impact on a neighborhood from an aesthetic point of view as well as site triangles, sidewalk clearance, etc.

Chair Brenneman told Mr. Poole that Mr. Sandquist is the third neighborhood representative who has addressed the Committee regarding the cabinets, and suggested before any more boxes are placed, that AT&T consult each neighborhood association in Fort Lauderdale where they are planned. She stated that although Rio Vista, which has smaller boxes, has not complained, her fear is that "a lot of the other neighborhoods are active and would like input if approached in a friendly manner" and provided with information on anticipated plans.

Mr. Chancey asked if AT&T had a designer/engineer; Mr. Poole responded that yes, they do have an engineer available.

Ms. Vickery felt that agreements could be reached and a resolution process should be put into place to avoid litigation.

Mr. Stresau, as a member of the City's Board of Adjustment, emphasized that a utility's expense is not a concern for the City; it is up to the utility to "do it the right way and get it done" regardless of their cost, adding "when you tell me it's financially feasible, I don't believe that - what it means is that you make less money" [by relocating the equipment.] He stated there is no design thought by the utilities, warning there will be a "serious fight" over future placement of the cabinets.

- **Other New Business - none.**

VII. Good of the Committee

Mr. Ricardo Garcia-Regal advised the Committee of a sewer installation problem at his residence, asking for assistance with a solution.

Chair Brenneman told Mr. Garcia-Regal she would take his phone number and get in touch with him, and would try to refer him to appropriate staff to handle his concerns.

VIII. Next Meeting

UAC Regular Meeting: Tuesday, September 25, 2007 @ 6:30 pm

Energy Workshop – November 17, 2007 at 10:00 am

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Chair Brenneman reported that nothing further has been heard from Monica Wilson with regard to the Energy Workshop.

Additional item to be added to the next agenda:

- Review of City regulations for Board members, i.e., attendance

IX. Adjourn

With no further business to discuss, the meeting adjourned at 9:15 p.m.