

**City of Fort Lauderdale  
Utility Advisory Committee  
Tuesday, October 23, 2007 – 6:30 p.m.  
100 North Andrews Ave., 8th Floor Conference Room  
Ft. Lauderdale, Florida 33301**

<b>Committee Member</b>	<b>Attendance</b>	<b>Jan. 2007 to Dec. 2007 Cumulative Attendance</b>	
		<b>Present</b>	<b>Absent</b>
Bunney Brenneman, Chair	P	10	0
Bernie Petreccia, Vice Chair	A	7	2
Terri Murru	P	7	3
Richard Barrett	P	10	0
Bob Caine	P	7	3
L. Thomas Chancey	A	8	2
Bob Cole	P	9	1
Fred Stresau	A	9	1
Nathaniel Wilkerson	P	7	3
Dr. Magdalene Lewis	P	9	1
Clare Vickery	P	8	2
Caldwell Cooper	P	6	4
Raymond Parker	P	4	1

**City Representatives**

Peter Partington, Liaison  
Robert Dunckel, Asst. City Attorney  
Elizabeth Rivera, Recording Clerk, Prototype, Inc.

**Guests**

Lynn Shatas, Area Manager, FPL  
Vic Beninate, AT&T  
Sharon Lehman, AT&T  
Paula Doublin, AT&T  
Don Sadler, AT&T  
Pamela Adams, Adams Consulting Group

**I. Call to Order**

Chair Brenneman called the meeting to order at 6:37 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 August 28, 2007 Meeting**

**Motion** made by Ms. Murru, seconded by Mr. Caine, to approve the minutes of the August 28, 2007 meeting. In a voice vote, the motion passed unanimously.

### **V. Old Business**

- **Line Clearing Update**

Ms. Shatas reported that maps showing the line clearing locations had been hand delivered. Chair Brenneman noted that the maps were very clear, and thanked Ms. Shatas for delivering the information.

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

Mr. Stresau was not in attendance; therefore in his absence, Chair Brenneman requested that Mr. Partington provide the RFP status.

Mr. Partington reminded the Committee that there were two RFPs; one studying municipalization of power and the other to look at the undergrounding possibilities. Mr. Partington reported that there was one candidate for the municipalization RFP, which had been submitted to the City Commission for approval.

Mr. Partington noted that the City Commission had requested the scope of work be divided into two phases, so they could make a determination whether or not to proceed with the project. The two-phase study was submitted to the City Commission, with the recommendation to retain the consulting services of Power Services. Mr. Partington informed the Committee that the City Commission rejected the recommendation in a 4 to 1 vote, expressing concern about the single submitter. The City Commission also felt the study did not address the underground issue.

Mr. Partington stated that the second RFP covering the undergrounding would also be rejected, and another RFP would be needed combining the municipalization and the undergrounding. Mr. Partington indicated that the new RFP would be more explicit, and would include suggestions for other options besides municipalization and undergrounding.

Mr. Cole asked for more explanation on the two RFPs. Mr. Partington clarified that there were originally two submitters, with one subsequently withdrawing. On the second RFP for undergrounding, there was only one submitter, Power Services. Mr. Partington explained that the City Commission had not rejected the undergrounding submission, since it had not been taken before the City Commission yet, but felt assured that it would be rejected. Mr. Partington reaffirmed that the two RFPs would be combined into one.

Mr. Parker asked if a copy of the RFP would be available to the Committee. Mr. Partington stated that the RFP would be available within the next two weeks, and agreed to bring copies to the next meeting.

Ms. Murru stated that one of the reasons the RFPs had been separated was because they covered two different projects, and asked if rewriting the RFPs would allow for more submissions. Mr. Cole related that others in the industry expressed concern that the RFP, as it was written, went against the Consultant Competitive Negotiation Act (CCNA), a Florida law. Ms. Murru asked if that part of the proposal could be changed. Mr. Partington informed the Committee that a recommendation could be made, but that City Purchasing believed the RFP was perfectly fine, and in their view, does not fall within the parameters of the CCNA.

**Motion** made by Ms. Murru, seconded by Mr. Cooper, to recommend that the RFP follow the CCNA in order to get the RFP filled to the satisfaction of the City Commissioners.

Mr. Cooper asked if following the CCNA would leave the RFP with an "open checkbook." Mr. Caine explained that the normal process was to make the selection based on qualifications, and then negotiate the fee. He continued that typically with projects falling under the law, the government agency has an idea of what the fee should be, so fee negotiations would be relatively easy depending on the scope of work. Mr. Cole informed the Committee that selection was based solely on qualifications, and the selected consultant would help the agency write the contract.

Mr. Partington explained that if the motion currently on the floor passes, it would become a recommendation to the City Manager, and that the City Attorney should look at the recommendation as well. Mr. Partington did not feel that the current RFP was restrictive to consultants bidding on the project. He also warned that changing the process, if deemed legally correct, would probably not bring forward other presenters.

Mr. Caine asked if there were speculations as to why only one submission had been received on the RFP. Mr. Partington suggested that probably a number of companies

have a potential conflict because of ongoing contracts with FPL. Mr. Partington also pointed out that the RFP covered highly specialized work.

Mr. Cooper noted that people weren't exactly "tearing down the door" to apply for the RFP, so something needed to be changed. Ms. Murru asked if it was possible to amend the motion while keeping the concept. Mr. Partington recommended that the motion be amended to state that the solicitation follows the CCNA guidelines, provided it is established that the scope of work falls under the CCNA. Mr. Partington emphasized that if the RFP did not fall under the CCNA, the City Attorney would likely oppose following of the Committee's recommendation.

Chair Brenneman stated that in her work an evaluation was given on the scope of the qualifications, then the representatives negotiated the contract, scope, and price. Mr. Caine suggested the Committee come up with a list of firms that would qualify to submit that may not have known about the RFP. Mr. Partington related that Purchasing usually did a pretty good job of getting the word out, and that the lack of submissions was not due to a lack of advertising. Chair Brenneman agreed, relating that the scope of work was widely circulated and advertised by the service providing the RFP, as well as the Procurement Director.

**Amended Motion** made by Ms. Murru, seconded by Mr. Cooper, to strongly recommend to the City Manager that the RFP follow the CCNA guidelines, provided it is established that the scope of work falls under their guidelines. In a voice vote, the motion passed unanimously.

Chair Brenneman requested that Mr. Partington convey the information to the City Manager. Mr. Partington agreed, but warned that more time might be needed to get the solicitation out. Ms. Murru asked if Mr. Stresau would still be engaged in the process when he returned. Mr. Partington stated that there would need to be some sort of selection process, and Mr. Stresau may or may not be part of any new committee formed in that regard.

- **Other Old Business**

Mr. Wilkerson stated that in the meeting with the City Commission when they expressed their feelings about the Committee, he did not get a chance to finish, and there were other questions that needed to be brought to the table. Mr. Wilkerson asked when he would be able to ask those questions. Chair Brenneman informed Mr. Wilkerson that two representatives from FPL and four from AT&T were in attendance and he would be able to ask his questions later on in the meeting.

## **VI. New Business**

### **• Additional Information: AT&T Rollout**

Chair Brenneman referred to the September 25, 2007 conference session held by the City Commission, noting a number of items and questions had been left “in the middle of nowhere” at that meeting.

Chair Brenneman introduced Paula Doublin with AT&T. Ms. Doublin stated that her title was National Director for AT&T’s Field Deployment of the Next Generation Network, also called Light Speed. Ms. Doublin provided the Committee with copies of her presentation regarding new video products being brought to Florida.

Mr. Wilkerson noted that the utility boxes had no protective covering, and asked about the repair time involved if a box were to be damaged. Ms. Doublin replied that service was typically restored within four to five hours. Mr. Barrett expressed concern with the larger cabinets, and asked if the cabinets could be relocated in the event of neighborhood resistance to their proposed placement. Ms. Doublin explained that the cabinets needed to be placed together.

Mr. Cooper asked if there was anything AT&T could do to improve the appearance of the boxes. Ms. Doublin answered that landscaping was possible, which AT&T had offered to do, but that there were a variety of electronic issues to be managed in the boxes, so there were no changes that could be made to the appearance of the boxes themselves, and that ventilation issues would not allow for the boxes to be covered.

Ms. Vickery requested information on the removal of unnecessary poles. Ms. Doublin assured the Committee that if poles or pedestals could be removed, they would be, and that no unnecessary equipment would be left in the neighborhoods.

Ms. Doublin pointed out the following issues regarding underground enclosures for neighborhood deployment:

- There is not an underground cabinet available for active electronics.
- It has to be safe.
- It has to be 100% flush to grade, or as close to it as possible.
- It has to be able to handle the network’s electronics.

- It has to be able to handle emergency battery backup.
- It has to protect against water intrusion and buoyancy issues.
- It has to be able to share a right-of-way footprint.
- It has to be certified to industry standards.
- AT&T is still years away from being able to do a mass deployment, due to the amount of testing necessary.
- Current partial underground experimental cabinets are showing mold issues.

Ms. Dublin presented the City's rights-of-way ordinance, which included the following:

- No cabinets in the right-of-ways abutting front yards.
- Landscaping when necessary.
- Set-backs from the edge of pavement and sidewalks, and site triangle requirements at intersections.
- Distance separations between the communications cabinets.

Following the presentation, Ms. Dublin requested that the Committee please encourage the City Commission to move forward.

Ms. Murru echoed Mr. Cooper's suggestion to cover the boxes with some sort of structure to improve their appearance. Ms. Murru suggested that AT&T look at something more creative for the Fort Lauderdale area. Ms. Dublin assured that AT&T was willing to listen to any ideas from the community.

Ms. Vickery asked for clarification on the existing cross connect cabinets, with a maximum of two together, and the difference between the larger and smaller cabinets. Ms. Dublin explained that the engineering would need to be finished first, but there would be a need for approximately 500 cabinets, mostly of the smaller size.

Mr. Partington advised that the smaller cabinets fell within the parameters of the original ordinance. Mr. Caine requested a map showing the location of the cabinets. Ms. Dublin offered to show a preliminary document, but she would not be able to leave copies until the final engineering was completed. Mr. Partington asked if it were

possible to use only the smaller cabinets, understanding that there would be a larger number of cabinets. Ms. Doublin confirmed that he was correct.

Ms. Murru asked if the existing cabinets would service the community's needs later should they be able to go underground at some point. Ms. Doublin affirmed that these cabinets would be sufficient. Mr. Cole asked if new fiber optics would be run through the cabinets. Ms. Doublin recommended that the optics would be underground, and lines currently aerial would remain aerial.

Mr. Partington asked what percentage of the cabinets were being installed in rights-of-way, in easements, and in easements being purchased. Ms. Doublin stated that no easements would be purchased for Light Speed, and that the majority were being placed in existing rights-of-way and private utility easements.

In response to a question regarding whether the City could approach AT&T and ask them to underground the entire City, Ms. Lehman, another representative of AT&T, stated there were tariff provisions to convert aerial lines to underground, and pursuant to those tariff provisions, an applicant could request conversion of aerial lines in a specific project area. Ms. Lehman explained that there was a provision in the tariff for asking and paying for a firm cost estimate for that work, and provision for the applicant to enter into a conversion agreement to govern the work. Ms. Lehman stated that the appropriate City official would need to approach the company representatives to initiate that discussion, and that AT&T would be willing to participate in those discussions.

Chair Brenneman asked if AT&T would provide a "ball park" or good faith estimate. Ms. Lehman explained that the tariff would provide, upon payment of a cost preparation charge, for provision of a firm cost estimate, which is then valid for a period of 180 days. Prior to that time, to the extent the City wanted to talk in general terms about a possible project, AT&T would offer a rough "ball park" number to give the City some general idea of how much it would cost.

Chair Brenneman asked if each neighborhood would need to be done separately. Ms. Lehman stated that an individual homeowner's association could invoke the tariff provisions as an applicant.

Mr. Parker noted that Sunrise Key had received a preliminary estimate from BellSouth/AT&T within a couple of weeks after requesting one.

- **Presentation on Utility Regulations**

Chair Brenneman announced that Mr. Wiggins would not be present for the meeting.

- **Other New Business - none.**

**VII. Good of the Committee – none.**

**VIII. Next Meeting**

UAC Regular Meeting: Tuesday, November 27, 2007 @ 6:30 pm

Chair Brenneman reported that the City of Fort Lauderdale would be hosting a Green Expo on Sunday, November 18, 2007 from 10:00 am to 5:00 pm. The expo will be free, and will be at the Westin Hotel, 400 Corporate Drive, immediately east of I-95. Chair Brenneman stated that this expo would take the place of the Energy Workshop scheduled for November 17, 2007, and that all members of the Committee were encouraged to attend.

Mr. Partington reminded the Committee that November 13, 2007 is Neighborhood Services Night, starting at 6:00 pm. The Neighborhood Services Night is a joint project sponsored by the Fort Lauderdale Civic Associations, and works with every department in the city.

**IX. Adjourn**

With no further business to discuss, the meeting adjourned at 8:13 p.m.