

**City of Fort Lauderdale
Utility Advisory Committee
Tuesday, November 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 |
| Bunney Brenneman, Chair | P | 11 | 0 |
| Richard Barrett | P | 11 | 0 |
| Fred Stresau | P | 10 | 1 |
| Dr. Magdalene Lewis | P | 10 | 1 |
| L. Thomas Chancey | P | 9 | 2 |
| Bob Cole | A | 9 | 2 |
| Claire Vickery | P | 9 | 2 |
| Bernie Petreccia, Vice Chair | P | 8 | 2 |
| Terri Murru | P | 8 | 3 |
| Bob Caine | P | 8 | 3 |
| Nathaniel Wilkerson | P | 8 | 3 |
| Caldwell Cooper | P | 7 | 4 |
| Raymond Parker | A | 4 | 2 |

City Representatives

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

Guests

Lynn Shatas, Area Manager, FPL
Rod Macon, FPL
Monica Wilson
Bob Webster

I. Call to Order

Chair Brenneman called the meeting to order at 6:42 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 October 23, 2007 Meeting

As there were no objections, the minutes were approved as distributed.

V. Old Business

- **Line Clearing Update**

Ms. Shatas reported the 2008 schedule is being worked on and will be mailed to the Committee members prior to the January meeting. Chair Brenneman thanked Ms. Shatas for the very detailed maps provided.

Mr. Wilkerson asked for a status on questions asked about the transformers at the last meeting. He expressed concern over the size of the proposed transformers, and asked if two transformers would be necessary in each location. Ms. Shatas suggested Mr. Wilkerson visit the site with an engineer who could answer his questions. Mr. Wilkerson agreed to a site visit, and will report back to the committee.

Chair Brenneman requested discussion on the status on the water tower be moved forward on the agenda to accommodate Steve Hillberg, the Public Works Department representative.

- **Update/Status on Water Tower**

Mr. Hillberg announced the existing water tower tank would not be replaced, but would be painted and repaired. Mr. Hillberg confirmed for Mr. Chancey that the reasoning behind keeping the old water tower involved the reduced water usage, current water restrictions, and possible permanent water restrictions. Mr. Chancey noted the restrictions had caused the City to consider treating waste water, and turning it back to be used for irrigation.

Mr. Hillberg advised no projections had been made on usage, so no changes had been made in the size of the water tank, and the decision to "make do" with the existing tank were based on cost.

Mr. Barrett followed up with questions on updating the existing tank. Mr. Hillberg stated the tank would be analyzed for damage, painted, updated for safe access, and the site will be cleaned up. The piping and pump station will also be updated.

Mr. Webster asked about solar electric panels being used for the aircraft lighting. Mr. Hillberg stated although he was in favor of that idea, it may be cost prohibitive. Mr. Hillberg agreed to make the suggestion to the consultants.

Ms. Murru requested information on the water department budget, asking who oversees City projects. Mr. Hillberg advised most large projects are handled by outside contractors. Mr. Partington explained there is a Utilities Division charged with treating and distributing water, treating waste water, and dealing with drainage issues. Separate from that, the sewer project is overseen by consultants and managed by City staff. Construction work is done through a bidding process. Mr. Partington confirmed the bond was voted on by the public. Chair Brenneman informed the Committee that water is also sold to nearby communities by contract.

Mr. Caine asked for examples of privatized water companies in Florida; however, Mr. Partington could not think of any private water companies in the State. Mr. Chancey stated the issue of privatizing the water company had been brought up in an environmental conference in the spring, and it was his understanding that no matter how much the City restricted water usage, the cost of water remained the same. Mr. Chancey felt the difference being paid should be added to the budget for maintenance, repair, and replacement of the water tanks.

Chair Brenneman confirmed for Mr. Petreccia the City of Fort Lauderdale has been providing water to the Town of Lauderdale-by-the-Sea.

Mr. Wilkerson asked about the differences between the existing water tanks and drawings provided by the Water Works Department showing desired water tanks. Mr. Hillberg explained the approval process had shown those original plans were not feasible.

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

Chair Brenneman itemized the following RFPs to be discussed:

- RFP #1 – municipalization
- RFP #2 – undergrounding
- RFP #3 – some combination of the two

Mr. Partington reminded the Committee of his report in the last meeting, and that the proposed consultant was rejected for RFP #1. Because RFP #1 was rejected it was a formality to reject RFP #2. RFP #3 is in the works, and will look at the current franchise agreement, the mechanisms for undergrounding, and would contain a reference to optional municipalization. Mr. Partington stated there were only two people who bid on the RFP, and one of those has subsequently dropped out.

Mr. Partington told the Committee there had been discussion about RFP #3 being put out "CCNA," which basically covers professional services. Mr. Partington felt the majority of the work does not fall under professional services, so RFP #3 would likely be put out through the Purchasing Department with a requirement for a price submission.

Mr. Partington provided copies of RFP #2 to the Committee members. Mr. Stresau felt the City Commission was reluctant to select a bidder when there was only one price submitted. Mr. Stresau stated the City Commission had asked the bidder to come back with a proposal in two parts - to divide the report into a feasibility study and a more complete study. The City Commission subsequently decided not to move ahead.

Mr. Partington believed negotiations had been held before submission to the City Commission to get the costs down. Mr. Stresau stated the City Commission decided not to spend \$120,000 to complete the study. Ms. Brenneman agreed, and noted the vote was 4-1 against the study.

Mr. Stresau noted there had been thousands of dollars spent by the firms responding to the invitation to present proposals. Mr. Stresau felt the City Commission had sent the invitation out in good faith, but is not cognizant of how much the firms were spending in presentations. Mr. Stresau voiced concern that no one would respond to the third invitation to present.

[Ms. Vickery arrived at 7:20 p.m.]

Mr. Caine agreed the process was expensive, time consuming, and very frustrating for the professional firms to continue to bid. Ms. Murru reminded the Committee of the CCNA discussion from the last meeting, and wondered what the Committee could do to improve that process. Mr. Stresau stated the Committee could not do anything, because the Purchasing Department is following a code dictated by a Resolution passed by the City Commission that tells the Purchasing Department exactly what they have to do in the case of non-professional services.

Mr. Partington noted the recommended submitter had some of the same concerns Mr. Stresau had expressed. Mr. Partington reported the submitter had picked up some City

work, which did not reimburse them for the cost of the study, but had helped with good will. Chair Brenneman stated she had conducted internet research on the scope of RFP #1, and found there were not many firms in the United States that could have responded. Chair Brenneman disagreed with the City Commission's question on whether the original reach of the RFP was not broad enough, and the Procurement Department should have advertised further, indicating it should have gone to different types of firms. Chair Brenneman emphasized few firms had actually completed a report and negotiated an agreement, and they were lucky to receive the two submissions.

Ms. Vickery asked if the recent submittals from FPL affected the City Commission's desire to make changes, adding that she had been impressed with the level of detail in reporting from FPL. Mr. Partington noted the City Commission had given direction to discuss the franchise agreement with FPL and further explaining there were several neighborhoods interested in undergrounding. The City Commission has directed staff to find a consultant to work directly with neighborhoods to prepare for hearings on payment for the undergrounding.

Chair Brenneman confirmed she was present when Mr. Partington reported to the City Commission on the \$495,000 cost per year to monitor the assessment program in-house. Mr. Partington explained FPL's program included the City initiating putting an assessment in place, and FPL will contribute 25% of the costs.

Ms. Murru stated her own neighborhood is not interested in undergrounding due to the direct costs. Ms. Murru voiced concern with the residents not really understanding what the cost will be to them.

Mr. Petreccia asked if it was possible for FPL to provide the assessment directly to a neighborhood without going through the municipalization process. Mr. Macon asserted FPL could, and always has, conducted assessments for individual neighborhoods for undergrounding. FPL is able to provide a "ballpark" estimate, and then gives a price for an engineering deposit to provide a binding estimate.

Mr. Macon continued, if a neighborhood pays the engineering deposit, an engineer is assigned to design the work, and provides construction drawings to present to the neighborhood. The estimate is good for 180 days, and the neighborhood is required to pay upfront for the conversion. Mr. Petreccia felt the \$495,000 cost could be avoided by approaching FPL and AT&T at the neighborhood level.

Dr. Lewis requested information on any surveys completed showing the neighborhoods interested in undergrounding. Ms. Murru stated there were 26 neighborhoods on the list. Chair Brenneman emphasized an official survey of the entire City and all of the neighborhoods has not been done.

Ms. Murru emphasized there was more than franchising and undergrounding to be negotiated with FPL, and the City needed to be careful not to mix the issues.

Mr. Macon admitted working directly with neighborhoods was difficult, and rarely actually gets completed. Mr. Macon explained working with the City allowed FPL to use City property and not have to deal with private property issues. The City is also able to guarantee 100% participation, which is difficult for individual neighborhoods.

Ms. Vickery asked if the City Commission was objecting to the development of a concurrent feasibility study of running an energy franchise. Mr. Partington felt the City Commission wanted the undergrounding, but not purchasing a franchise.

Chair Brenneman noted the Committee had not seen the last two RFPs before they were released to the public. Ms. Vickery felt the Committee could have an impact on the process if the RFPs came to the Committee before being released. Ms. Murru contended the City Commission is too focused on the undergrounding and not seeing the "big picture" of the franchising renewal negotiations.

Motion made by Ms Vickery, seconded by Dr. Lewis, that Mr. Partington request the City Manager provide the Committee with a draft of RFP #3 for review and input prior to release.

Mr. Cooper stated City staff was present at the meeting and could provide the information the Committee asked for, and he did not feel a motion was necessary. Mr. Partington stated the motion was necessary in order to request the information from the City Manager. Mr. Cooper stated the information was public record. Chair Brenneman said the information does not become a matter of public record until released.

Ms. Murru emphasized the City Commission needed to have the bigger picture, and the Committee could provide them information since the Committee had listened to hours and hours of information from a variety of experts. Ms. Vickery stated the last two RFPs had not come before the Committee, and this motion would formally request they be allowed to provide input. Chair Brenneman stated the Committee was only trying to follow the accepted procedures used by the City.

Mr. Stresau requested a roll call vote on the motion.

In a voice vote, the motion passed 8-3, as follows: Mr. Petreccia, yes; Mr. Barrett, yes; Mr. Caine, yes; Mr. Chancey, no; Mr. Cooper, no; Dr. Lewis, yes; Ms. Murru, yes; Mr. Stresau, no; Ms. Vickery, yes; Mr. Wilkerson, yes; and Chair Brenneman, yes.

- **Other Old Business**

Mr. Stresau informed the Committee an AT&T pole had been placed in the middle of a sidewalk on First Avenue in the 1300 block. Mr. Stresau discussed the situation with Ms. Shatas, who requested additional time to research the issue. Mr. Stresau noted there is no handicap accessibility on either side of the pole and voiced concern over the franchisees being able to place the poles with no direction from the City. Chair Brenneman agreed to put the issue on the agenda for discussion at the next meeting.

Mr. Partington assured the Committee a process is in place for the franchisees to comply with ADA requirements, and since those requirements are not being met, Mr. Partington agreed to report at the next meeting.

Mr. Barrett asked if the City or FPL would be responsible if someone made an ADA claim. Mr. Partington admitted he did not know who would be responsible if a private citizen with an attorney came forward with a complaint. Mr. Barrett suggested the City could be responsible for allowing a contractor to place the poles incorrectly.

Mr. Chancey reminded the Committee the pole issue had come up before, but no communications have been established between the different parties involved. Mr. Partington stated the City is trusting FPL on the pole installation instead of requiring detailed plans for every pole submitted.

Ms. Shatas explained the system currently in place with the telephone and cable companies when transferring systems and removing poles. Ms. Shatas agreed to talk with Comcast and AT&T regarding the issues raised by the Committee. She also agreed to email the Committee regarding the difference between the flat top poles and the slanted top poles.

Mr. Petreccia thanked the FPL representatives for attending the Committee meetings, and noted he would like to see representatives from AT&T also.

VI. New Business

- **Draft Ordinance: Regulation of Telecommunication Equipment in Rights of Way**

Mr. Partington stated there was a first reading of the ordinance, followed by a discussion with the City Commission regarding the details of the proposed ordinance. Mr. Partington explained the ordinance regulates the size of AT&T cabinets in the rights-of-way, which are smaller than the cabinets seen in the past.

The ordinance also states the equipment should be underground unless AT&T is able to demonstrate a hardship in complying with that requirement. Mr. Partington noted there is a hardship, because there is no below-grade cabinet in use meeting the requirements at this time. Mr. Partington emphasized the size of the cabinet will be limited, and the cabinets will only be allowed in side yards and out of sight-lines.

Chair Brenneman informed the Committee she had contacted the manufacturing company, Cross Connect, and learned the above-ground boxes are a necessity, and are the latest equipment available in the field. Chair Brenneman also learned the next generation of equipment, called submersibles, are in the works right now.

Ms. Vickery asked if the ordinance covered the allowed distance between the cabinets. Mr. Partington stated two boxes are allowed every ten feet, and there can be no more than three per block. Mr. Partington explained each box will serve approximately 200 homes.

Chair Brenneman detailed an underground box at Northwest 21st Avenue and West Sunrise, containing air-conditioning and a generator, which is fully operational. Mr. Partington stated the box was a "controlled environment" vault, and would be prohibitively expensive to build.

Mr. Chancey mentioned only engineers are developing the boxes, with no architects or artists who would be concerned with the aesthetics. Mr. Chancey noted another box camouflaged with plants, and felt simple changes could be made so the boxes are more visually appealing. Mr. Partington assured the Committee the new ordinance requires "visual mitigation," including landscaping, and requires AT&T to provide maintenance.

Chair Brenneman stated the ordinance was passed by the City Commission on first reading, and the second reading of the draft ordinance is scheduled for Tuesday, December 4th.

Mr. Petreccia noted the size of the cabinet is in direct relationship to the number of people served, and the Committee is charged with making sure AT&T does not try to put too many users into each cabinet. Mr. Partington explained, under the new ordinance, AT&T would be required to seek an exemption to make the cabinets any larger than the ordinance allows.

Mr. Stresau described a recent meeting with AT&T, the legal staff, and the landscaping division of the Building Department, where the size of the cabinet was discussed. Mr. Stresau emphasized the new boxes will be smaller than the current boxes, and the new ordinance requires the boxes be surrounded by landscaping in the rights-of-way. Mr.

Stresau felt the issues would be resolved, and the language of the ordinance would allow the City to require AT&T to remove boxes placed incorrectly.

Motion made by Mr. Cooper to request the City Attorney's office provide the proper procedure for the Committee to request pertinent information to be reviewed, which died for lack of a second.

- **Report on Green Expo, Sunday November 18, 2007**

Chair Brenneman provided details on the Green Expo, describing the Expo as a "new age" demonstration. Chair Brenneman noted the City's Recycling Department did a wonderful job on their booth, surrounded by health, beauty, and wellness products. She did note, however, that the event had been poorly attended.

- **Other New Business - none.**

VII. Good of the Committee

Chair Brenneman cancelled the meeting for December 25, 2007, and the Committee agreed no meeting would be held in December. A special meeting will be called if the draft RFP is completed in December.

Chair Brenneman stated Mr. Dempsey requested a meeting of the Tree Sub-committee to be held before the end of the year. Chair Brenneman noted a presentation on the proposed FPL sub-station still needed to come before the Infrastructure Sub-committee. The meetings would be held back-to-back, accommodating the schedules of the Committee members and Mr. Partington. Chair Brenneman will send out notices of the date of the sub-committee meetings.

VIII. Next Meeting

Next UAC Regular Meeting: Tuesday, December 25, 2007 - CANCELLED. The next regular meeting will be held January 22, 2008.

IX. Adjourn

With no further business to discuss, the meeting adjourned at 8:56 p.m.

[Minutes prepared by K. Bierbaum, Prototype, Inc.]