

**CITY OF FORT LAUDERDALE  
UTILITY ADVISORY COMMITTEE - SPECIAL MEETING  
TUESDAY, JANUARY 30, 2008 – 5:00 P.M.  
100 NORTH ANDREWS AVE.,  
8TH FLOOR CONFERENCE ROOM  
FT. LAUDERDALE, FLORIDA 33301**

**Committee Member**

**Attendance**

Bunney Brenneman, Chair	P
Richard Barrett	A
Fred Stresau	P
Dr. Magdalene Lewis	P
L. Thomas Chancey	A
Bob Cole	P
Claire Vickery	P
Bernie Petreccia, Vice Chair	P
Terri Murru	P
Bob Caine	P
Nathaniel Wilkerson	P
Caldwell Cooper	P
Raymond Parker	A
Deborah Van Valkenburgh	P

**City Representatives**

Peter Partington, Liaison  
Robert Dunckel, Asst. City Attorney  
Arleen Gross, City Clerk's Office  
Kirk Buffington, Procurement, City of Ft. Lauderdale  
Brigitte Chiappetta, Recording Clerk, Prototype, Inc.

**Guests**

Lynn Shatas, Area Manager, FPL  
Michael Mooney, *The New Times*  
Trevor Underwood, Resident

**I. Call to Order**

Chair Brenneman called the meeting to order at 5:05 p.m.

## **II. Roll Call**

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

## **III. Self Introductions**

Committee members and guests introduced themselves. Chair Brenneman announced the passing of a former member, Marvin Sanders, and requested a moment of silence in his honor.

## **IV. Electric Utility/Undergrounding RFP**

Chair Brenneman distributed copies of the RFP to be discussed.

[Ms. Van Valkenburgh arrived at 5:07 p.m.]

[Mr. Stresau arrived at 5:07 p.m.]

Mr. Partington provided a summary of the lengthy and complex history of the Electric Utility/Undergrounding RFP, highlighting the following timeline:

- December 12, 2007 – FPL provided a presentation proposing underground power lines. FPL offered 25% toward the cost of undergrounding.
- February 6, 2007 - Staff made a presentation to the City Commission on undergrounding and again discussed FPL's proposal. The City Commission chose not to pursue undergrounding by special assessment, and encouraged interested neighborhoods to discuss undergrounding directly with FPL.
- February 19, 2007 - RFP-1 was issued to explore options for renegotiation of the franchise agreement, and to open a discussion regarding pros and cons of the City forming its own municipal electric utility.
- May 1, 2007 - Staff was asked by the City Commission to prepare an RFP using outside professional services to facilitate the special assessment process for undergrounding, at no cost to the City.
- November 2007 - the RFQ went out, and was extended for items of clarification.

Mr. Buffington clarified the RFQ opened on January 30, 2008. Mr. Buffington stated responses from eight different firms had been received.

Mr. Partington continued his summary of the RFP process:

- May 15, 2007 - Mr. Underwood provided a presentation to the City Commission.
- September 7, 2007 - RFP-2 was issued for the feasibility study to look specifically into undergrounding.
- September 18, 2007 - Staff made a recommendation to the City Commission to award a contract for the recommended responder to RFP-1. The contract was not awarded, and the item was deferred to the Oct 2, 2007 meeting.
- September 25, 2007 - City Commission held a workshop on undergrounding. The City Commission agreed to bifurcate the study recommended by Staff in order to reduce the cost to approximately \$150,000.00.
- October 2, 2007 - The contract was split into two phases, with Phase 1 being review of the electrical franchise, and preliminary review of City control of the electrical infrastructure. The City Commission expressed concern that there was only one bidder on the contract, and requested Staff to prepare RFP-3. At the City Commission's request, the RFP-3 was to be prepared by Staff and subsequently issued.
- November 2007 – RFP-2 was formally rejected as it was no longer necessary.
- January 30, 2008 - As explained by Mr. Buffington, the RFQ has just closed for consultants to work with the neighborhoods.

Referring the Committee to the RFP-3, Chair Brenneman explained the following:

- Pages one through 18 contain standard “boiler plate” wording, which was then individualized for each RFP by Mr. Buffington.
- Page 19, Scope of Services and Study Specs, applies specifically to the entire effort put forth by Procurement, Engineering, and Staff.
- Page 11, Introduction and Overview, defines the purpose and objective of the RFP.

Mr. Stresau provided a list of questions regarding the RFP. Mr. Buffington advised he had read Mr. Stresau's questions and provided the following answers:

- Mr. Carbon, Mr. Partington, and Mr. Buffington all contributed to the contractual terms used, the scope, and the technical specifications.
- Mr. Buffington agreed the wording of the RFP scope needed to be revised.

[Ms. Vickery arrived at 5:25 p.m.]

[Ms. Murru arrived at 5:25 p.m.]

- Phase II would be subject to a separate notice and cost proposal.
- The fifteen points mentioned in the RFP are not dictated by the ordinance. Mr. Buffington explained the cost points would be used as an evaluation tool to prevent a second bidder to double the bid of the first bidder. Mr. Buffington and Mr. Partington expressed their willingness to discuss the number of cost points in the RFP.
- The ordinance only allows encouragement of minority participation, but does not allow cost points for minority participation.
- Mr. Buffington and Mr. Partington agreed to re-evaluate the total number of hours allowed in the RFP.

Chair Brenneman suggested Mr. Buffington also look at the number of meetings allowed in the RFP. Mr. Partington noted there had been a discussion with the City Attorney's office in the RFP-1 meeting regarding negotiating a price for additional meetings with consultants. Mr. Partington provided the definition of professional services from the City Attorney. Mr. Partington agreed the number of meetings needed to be re-evaluated.

[Mr. Caine left the meeting at 5:39 p.m.]

Ms. Vickery asked if Phase I could be structured to lay the foundation for Phase II so as not to miss the opportunity to use the foundational work being performed in Phase I. Mr. Buffington stated the RFP is limited to the estimated cost given by the City Commission for both Phase I and Phase II, which was about \$150,000.

Ms. Murru felt hiring the right attorney to assess the economic data was very important.

Mr. Cole suggested the City define the four areas in Number 2. Mr. Cole felt the goal in Number 2 seemed to be mixing together both the franchise agreement feasibility and engineering issues. Mr. Partington explained the City Commission had requested an

RFP that covered both the franchising and undergrounding issues. Ms. Vickery stated the wording is not clear as it reads, and should be made crystal clear.

Ms. Murru emphasized the decision could not be made based on emotion, but by looking at the numbers and providing good data for the decision.

Mr. Partington clarified for Mr. Cole the goal of the RFP was to review some of the infrastructure, determine the extent to which the City needs to underground, and renegotiate the franchise agreement.

Dr. Lewis asked what criteria were being used to select the four neighborhoods. Mr. Buffington explained the four neighborhoods would actually be four areas of the City and would not necessarily be individual neighborhoods.

Mr. Stresau expressed concern over FPL's willingness to negotiate on the franchise agreement, and felt the RFP should focus on the franchise issue versus the undergrounding issue.

Chair Brenneman requested clarification on the dollar amounts in Number 1. Mr. Buffington stated the total was between \$250,000 and \$300,000. Ms. Murru asserted the \$150,000 would not be enough to even do engineering at this stage, and only legal and number crunching would be covered.

Mr. Underwood complimented the Staff on their work in laying out the issues, and agreed the data needed to be gathered first, and then evaluate the financing in Phase II. Mr. Underwood encouraged the Committee to continue to do fact-finding to be in a position to be able to have a realistic evaluation of the options.

Mr. Petreccia suggested including the phasing of undergrounding be included in the franchise agreement.

Ms. Vickery felt the RFP was really a review of the franchise agreement first and foremost, and the undergrounding had been given too much attention in the wording.

Chair Brenneman pointed out the importance of Phase II, Item 4, which would draw from the work analysis in 1 and 3. Chair Brenneman asked how the City Staff and the City Commission would know whether or not there was value if they never got to Item 2. Ms. Murru agreed Number 4 was well crafted, but emphasized the Committee needed to be realistic about what could be done with \$150,000.

Chair Brenneman stated that a team approach had been used all the way through the process, and hopefully anyone bidding would have a highly qualified team who had worked through this process before, and would be able to make recommendations.

Mr. Partington suggested the Committee make a recommendation emphasizing that Phase II was undesirable but essential. Ms. Murru asked for clarification on how the \$150,000 had been determined. Mr. Partington explained detailed work had gone into RFP-1, and the approximate cost had been determined during those discussions. The City Commission had provided guidance on the amount to spend on RFP-1, and how to split up the funds between Phase I and Phase II. Since RFP-1 was subsequently rejected, the City Staff was drawing on the previous direction from the City Commission on the cost of the study.

Ms. Vickery proposed Phase I, Items 1 and 2, and Phase II, Item 4 be emphasized as the more important items, with more emphasis on the infrastructure as a whole.

Ms. Murru asked for an estimate on the Phase II part of the RFP. Mr. Cole stated just the study could be \$700,000. Mr. Buffington agreed, and pointed out Winter Park, with 20,000 residents had paid \$700,000 for their study.

Ms. Vickery asked Mr. Cole about changing the wording on Item 3 with an overall look at franchising, minimizing the focus on undergrounding. Mr. Cole felt the wording was a general statement, and did not focus only on undergrounding. Mr. Petreccia suggested removing the mention of undergrounding in the last sentence of Phase II, Item 4 to allow the Committee to make a fair evaluation.

**Motion** made by Ms. Murru, seconded by Dr. Lewis, to modify the title, allow \$150,000 for Phase I focusing on the economics, and Phase II focusing on engineering, with the changes discussed by the Committee, which motion was not called for a vote.

There followed a discussion by the Committee on the title modification and clarification on the franchising issues. Mr. Partington asked if the municipalization issue would also be included. Ms. Murru emphasized the Committee would support the recommendation for municipalization.

Mr. Buffington expressed concern with developing an RFP related to engineering without doing a CCNA.

Mr. Petreccia again suggested removing the mention of undergrounding in the last sentence of Phase II, Item 4. Mr. Buffington commented that during discussions with the City Commission regarding undergrounding, it was decided the telecommunications

issues should be considered at the same time. Mr. Buffington stated he was hesitant to remove the reference to the telecommunications.

**Motion** made by Ms. Murru, seconded by Dr. Lewis, to modify the title to Consulting Services Electric Utility Franchise Evaluation, with a focus under Phase I of the franchise agreement and the economic consequences, and in Phase II to focus on the engineering, to include municipalization, with input from all of the discussion by the Committee. In a roll call vote, the motion passed unanimously.

#### **V. Good of the Committee**

In response to Mr. Stresau's question about what would happen next, Mr. Partington explained the recommendation would go before the City Commission.

Chair Brenneman thanked Mr. Buffington and the Staff for the effort put into crafting the document.

#### **VI. Next Meeting**

Next UAC Regular Meeting: Tuesday, February 26, 2007 at 6:30.

#### **VII. Adjourn**

With no further business to discuss, the meeting adjourned at 6:46 p.m.

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