

**UTILITY ADVISORY COMMITTEE  
CITY OF FORT LAUDERDALE  
CITY HALL 8<sup>TH</sup> FLOOR CONFERENCE ROOM  
100 NORTH ANDREWS AVENUE  
FT. LAUDERDALE, FLORIDA 33301  
MARCH 24, 2009 – 6:30 P.M.**

Cumulative  
January 2009 -  
December 2009

<b><u>Committee Member</u></b>	<b><u>Attendance</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>
Bunney Brenneman, Chair	P	3	0
L. Thomas Chancey (arr. 6:44)	P	3	0
Chris Chiari	P	3	0
Robert Cole	A	2	1
Dr. William Goetz	P	3	0
Don Larson	P	3	0
Terri Murru	A	1	2
Raymond Parker	P	2	1
Frances Smoot	P	3	0
Fred Stresau, Vice Chair	P	3	0
Claire Vickery	A	1	2

As of this date, there were 11 appointed members to the Board, which means 6 would constitute a quorum.

**Staff**

Mehrdad Fayyez, Assistant City Engineer  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**I. Call to Order**

The meeting was called to order at 6:41 by Chair Brenneman. She informed the Board that Assistant City Attorney Bob Dunckel will be absent. Peter Partington is out of town and is represented by Assistant City Engineer Mehrdad Fayyez. FPL Representative Lynn Shatas and AT&T Representative Bob Beninate were not present.

**II. Roll Call**

Roll was taken and it was determined a quorum was present. Chair Brenneman noted that Board members Terri Murru and Bob Cole will be absent from tonight's meeting, and Bob Caine has resigned from the Board.

### **III. Self Introductions**

Self-introductions were made by all members, Staff, and guests.

### **IV. Minutes of January 27, 2009 Meeting Minutes of February 21, 2009 Workshop Minutes of February 24, 2009 Meeting**

Mr. Chiari noted a correction to the January 27, 2009 minutes, pointing out that a reference to substation beautification, credited to his name, was made by another member. It was also noted that an airport cited as being near the substation is the Fort Lauderdale Executive Airport.

Mr. Larson noted that the date of these minutes is December 2008 rather than 2009.

Mr. Chancey joined the meeting at this time (6:44 p.m.).

**Motion** made by Vice Chair Stresau, seconded by Mr. Chiari, to approve the January 27, 2009 minutes. In a voice vote, the **motion** carried unanimously.

**Motion** made by Mr. Chiari, seconded by Vice Chair Stresau, to approve the minutes of the February 21, 2009 Workshop and the February 24, 2009 meeting. In a voice vote, the **motion** carried unanimously.

### **V. New Business**

#### **A. Discussion on Homeowner / Professionally Cared for Trees, Including Creation of Tree Marking System and Ongoing Implementation Plan**

Chair Brenneman advised that the Committee has worked for years to implement a plan that makes it easier for homeowners to have their trees cared for, or to care for their trees themselves. She indicated that this referred to line clearance and/or tree trimming.

Over the years, Florida Power & Light has had various subcontractors take on this work, most of whom are not familiar with the area. Homeowners have had no way to designate the trees they are caring for on their property. Chair Brenneman stated that tonight's meeting is dedicated to finding a system that will work. There

have been various suggestions over the years, but none have been implemented.

She continued that the Committee has been very successful in creating plans of this nature to solve problems for the City's residents and homeowners. She asked Mr. Chancey to provide background information on this issue.

Mr. Chancey asserted that the line clearance program is essential to maintaining utility service. Trees frequently grow into the power lines and must be cleared back. He noted that legislation has been passed in the State, requiring trees to be a certain number of feet away in a zone where utility lines exist.

There has been a nationwide program to prevent "hatrack" or stubbed limbs, and procedures for pruning trees have been established and adopted. The methodology has been to prune the limbs back to the major branches, so "stubs" are not left to sprout. In the case of conifers, which are prevalent in South Florida, this rarely results in branching back; however, in the case of dicotyledons, or branching trees, dormant buds will sprout when too much is removed from a tree, in order to keep the tree alive.

If a monocotyledon, or non-branching tree such as a palm, is planted beneath a line, it will grow directly into the line and has no branches to be pruned. The Committee has encouraged FPL to relocate palms from beneath power lines onto private property. He cited palms as an example of "the wrong tree in the wrong place."

Dicotyledons on private property whose edges grow out into the lines will also have to be either cut back or removed. Mr. Chancey pointed out that there is more than one way to cut a tree back, and more than one percentage by which to cut them back. He referred to a pamphlet developed by FPL and the Urban Forest Council, "Right Tree, Right Place," which the Committee, and Mr. Chancey in particular, has promoted as part of the City's Arbor Day program.

In a tropical zone such as the City, however, he stated that tropical trees grow much faster than temperate trees, and their biological response mechanism is extremely fast when they are heavily pruned. This produces a backlash of growth. He cited the Collee Hammock area as an example. There are live oaks that can produce ¼ inch of tip growth a year. When a limb on a tree like this is cut back 10-15 feet, its dormant buds sprout. In a tropical zone, he asserted that their growth can be up to 10 times faster than tip growth. This negates the purpose of trimming the growth in the first place, Mr. Chancey noted. He felt a different method of pruning could be used.

He recalled that the Tree Subcommittee has met more than once with FPL tree representatives; he hoped to suggest that homeowners with trees on private

property should maintain them with crown reduction and other safe and appropriate pruning techniques. This would inhibit rapid regrowth into power lines. When these methods are adopted on private property, and the homeowners are professionally maintaining their trees, he felt FPL would have no reason for concern, and could remove the cost of this work from their budget.

He added that homeowners who don't maintain their own trees have no reason for complaint when the tree is damaged by extreme pruning.

He felt cooperation would benefit the public, FPL, the economy in general, and the trees. Mr. Chancey recalled that he had suggested he would donate his time to train special crews in established neighborhoods to prune trees properly. Some homeowners have been so upset by the extreme methodology that is generally in use that they have opposed pruning crews coming onto their land; he has worked with these crews, and they have been amenable to his advice. He pointed out that this is not an "anti-FPL" stance, but there should be a level of cooperation and communication.

Dr. Goetz stated that his homeowners' association had entered into negotiations with FPL and their mitigation arborist regarding a swale of over 100 trees, as they had not been pleased by FPL's previous work. The arborist set standards for annual trimming of each type of tree; FPL trimmed them to these standards instead of to their regular three-year standards, and arborists certified to work near power lines were hired to continue trimming the trees to these standards. He felt the difference in the trees' appearance was "quite remarkable" compared to how they usually looked after FPL had pruned them. As part of the agreement, FPL checks the status of the trees after they are annually trimmed.

Dr. Goetz asserted that FPL was "very amenable" to this plan on a neighborhood/homeowners' association basis. He was not sure, however, how to establish a similar plan for individual homeowners.

Chair Brenneman affirmed that FPL will not allow this plan for individual homeowners "as a general rule." She felt they might be willing to discuss this plan with the homeowners on a street, given that FPL only speaks to a single representative and not several individuals.

She added that FPL's Vegetation Management representative contacts the president of a given homeowner's association by mail, and that president is expected to follow up with door hangers and letters to homeowners who would be affected by the trimming. However, as most trimming is done during business hours, homeowners are often absent when it is done.

Mr. Chancey explained that he is referring to an attempt to get away from the methodology of strictly trimming trees to be a certain distance away from power

lines, regardless of how it may look or how the particular tree may grow back. He suggested that owners of trees on private property might be able to tag their trees that have been professionally trimmed so another contractor would not touch it.

Mr. Chiari felt there were competing issues at work: the desire to increase the City's tree canopy and the need of utilities to retain reliability by ensuring the lines are clear. He agreed that the companies who trim trees often do so on a "cut and run" basis, without regard for aesthetics.

He continued that while it seemed that services have been offered to ensure that crews are trained in proper techniques for different kinds of trees, it seems that at some point it becomes the contractor's responsibility to ensure they are using techniques that respect property and aesthetics in a community. He felt FPL should establish a working relationship with the City with regard to this issue, rather than allowing contractors to perform a job without regard for its effect on a community.

Dr. Goetz proposed a two-pronged approach for individual homeowners. He felt the Tree Subcommittee, working with the City's Urban Forester and his staff, speak to FPL's mitigation arborist(s) and try to establish optimal standards for tree trimming, some of which Mr. Chancey had covered in his review of the situation.

The second half of this approach would involve FPL's certification of specific arborists that homeowners could hire on their own to clear their lines. Once this is done, the company would provide certification to FPL that they had serviced the trees on a particular property to mutually agreed-upon standards.

He did not feel it was reasonable to expect FPL to have arborists visit individual homes to ascertain whether trees needed to be trimmed; the suggested alternative placed greater responsibility on the homeowners and the certified companies. Spot checks for quality assurance could be performed to ensure trimming is being properly done.

Vice Chair Stresau recalled that he and Mr. Chancey had a common client, for whom Mr. Chancey had trimmed trees, only to have FPL return to the property and cut trees back further. He added that the Tree Subcommittee had discussed proper trimming of trees with FPL's Vegetation Manager for four to five years. FPL's difficulty was that very few homeowners took the responsibility of having their trees professionally trimmed, while the general population often did not recognize there was a problem or take on the expense of professional trimming.

The Tree Subcommittee had asked FPL to explain to their contractors that some trees had been properly trimmed, he continued. FPL's response was that it was

“far too complicated” for contractors to go through a neighborhood and identify trees that are already trimmed. Vice Chair Stresau felt it was appropriate for FPL to bring their Vegetation Managers, and possibly representatives of their contractor(s), to a general Committee meeting. He also was not sure whether the City Commission would have any powers of enforcement in this area.

He concluded that FPL had, in recent years, shown some willingness to cooperate with the City, and perhaps having a discussion with their representatives at a general meeting rather than a Tree Subcommittee meeting might make greater progress.

Chair Brenneman pointed out that one mission given to the Committee by the City Commission is to increase the City’s tree canopy, in part through education of the public. This is specifically the mission of the Tree Subcommittee.

Mr. Chiari felt it should be impressed upon FPL that it is in their financial interest to ensure each neighborhood has a person on the crew who understands the science of what will happen to a tree that is trimmed too far, as the current practice will only increase the work FPL will have to perform in the future. Not only would this investment benefit homeowners, it would save FPL more money over time.

He added that the idea that it is “too difficult to tell” when a tree has already been properly trimmed shows a lack of regard for having trained individuals on a job, as opposed to simply having anyone who could operate a saw. In addition to this, he felt homeowners must assume responsibility for their own property and act appropriately when a tree becomes a nuisance or hazard, or FPL would have the right to control the issue as they see fit.

Mr. Larson proposed that the City pass an ordinance placing the burden of responsibility on homeowners. He also felt fliers could be sent out with various utility bills to educate residents on responsible tree care.

Chair Brenneman noted that for the past 12 years, Fort Lauderdale has received a “Tree City USA” award. She felt it was “sad” that this issue has been allowed to go on unresolved for so many years, and agreed that Vice Chair Stresau’s and Mr. Larson’s suggestions were good starting points.

Ms. Smoot asked if the tree canopy is limited to specific areas of the City, or if the term refers to the canopy of the entire City. Chair Brenneman replied that it refers to “all trees everywhere” in the City, without differentiation.

Mr. Chiari recalled an earlier mention that the City’s current tree canopy is 14%, and asked what percentage would be the goal for canopy coverage. Chair Brenneman responded that due to the devastation of recent hurricanes, so much

tree canopy has been lost that no specific percentage has been set as a goal. She added that the City Commission's exact phrase was "increase the tree canopy," and suggested that a goal could be the 54% canopy the City had prior to hurricanes Katrina and Wilma.

Mr. Chancey explained that at one time the procedure for hurricane preparation was to "chop back" the trees, which led to use of the term "hat rack," as this was what they resembled as a result. He pointed out that this procedure was also unsafe, as the limbs that grew back after hat racking were poorly attached and more likely to fall and cause damage, injury, or death.

He asserted that the storms were not the only contributing factor in the decrease of the City's tree canopy to 14%; the number of buildings being constructed was also a major contributor. Trees are removed at a faster rate than they are replanted.

He continued that he was not suggesting that there were always alternative ways to cut trees; sometimes, depending upon the size and reach of a tree, FPL was doing all they could do. However he felt there were alternative means in many cases.

He proposed that homeowners' associations could act as teams, walking their neighborhoods to identify potential trouble spots. Mr. Chancey felt there was "an abundance of opportunities" to solve this problem within the City.

Chair Brenneman noted that the UAC has produced a brochure, "Homeowners and Trees," that was specific to the Fort Lauderdale area. The Tree Subcommittee is presently working on two displays, one as a supplement to this brochure and another that identifies hat racking and improper pruning while showing appropriate alternatives.

She reminded the Committee that Arbor Day is Friday, April 24, and they hoped to roll out a potential solution as part of the educational process, making handouts and other printed materials available for both Arbor Day on the 24<sup>th</sup> and the Green Expo on the 25<sup>th</sup>.

Dr. Goetz asked if the Council of Fort Lauderdale Civic Associations has a landscape committee. Chair Brenneman advised that they do not.

Dr. Goetz noted that a third possible approach might be to contact those companies who are certified to clear power lines, and find out if they might be willing to enter into a program with homeowners that would determine if individuals' trees are at the appropriate standards.

**Motion** made by Dr. Goetz that the issue of trimming individual homeowners' trees by FPL be referred to the Tree Subcommittee, with the intent of negotiating standards, and simultaneously asking these certified companies to appear before the Tree Subcommittee as well, to determine if they would be able or willing to participate in a certification program for individual homeowners.

The **motion** died for lack of second.

Mr. Chiari suggested that there should be a way of marking or tagging those trees that had already been cared for professionally. He recommended that this not be done in a temporary manner, such as stapling a piece of paper to the tree, but he also noted that care should be taken not to harm the tree. He proposed creating a tag that an arborist could use, or that a homeowner could purchase for a small fee.

He summed up that one goal should be a relationship between the City and the certified arborist performing the work, and the tag should be something easily identified that does not harm the tree. It could also feature a listing of penalties a homeowner could face if he failed to take proper responsibility of his tree, as well as penalties a reckless or ill-informed contractor could face for ignoring the tag and defacing the tree.

Mr. Chancey advised that in order to be licensed to prune trees in the City, one must already be a certified arborist; however, he felt the identification issue was a good point. He suggested that convincing homeowners' associations to communicate more effectively with their residents might be a good start, noting that in some cases, it isn't difficult to identify those trees that might pose a problem.

He pointed out that when professionals treat a lawn, for example, they place a sign on that lawn advising that this procedure has been done. If a homeowner knows FPL's contractor will be in the area, and that homeowner has had his trees trimmed professionally, a lawn sign might be a less complicated means of communicating with the contractor.

Dr. Goetz did not see how a viable solution could be reached without FPL participating in negotiations.

Chair Brenneman explained that the Tree Subcommittee had proposed the inexpensive solution of tying a ribbon onto a tree in a "highly visible" place. A standard color could be selected, and this practice would cause no harm to the tree.

Mr. Chancey felt this might be a good starting point. He added that a volunteer from a homeowners' association might be able to make notes of which trees

were especially in need of service, and could knock on doors or leave word at those homes.

Mr. Chiari liked the idea of a ribbon as well, as this would be “highly visible.” He felt, however, that there might be some community resistance to the idea. A compromise might be “discreetly” affixing a piece of plastic to the tree, such as placing a plastic ribbon on a specific part of the tree. It would also be durable, in case the tree is not maintained by the owner at the same time a crew is sent out to that area.

Mr. Chancey reiterated that this, or any, form of identification will only be recognized if a neighborhood is informed about the procedure. He added that he has been called by FPL’s contractors when homeowners refuse to let them onto their property, and pointed out that the homeowner had to have known the company was going to be in the area.

Chair Brenneman agreed with the suggestion of plastic ribbon in a recognizable place on a tree. Mr. Chiari proposed that the arborist affix the ribbon, in the same manner in which a lawn care professional would place a sign in a yard.

Mr. Parker did not want to “give up” on seeing that contractors are properly educated about tree care, noting that the reason the Committee is discussing this project is because the companies are not doing their job correctly. He suggested that it would save contractors money by learning to cut less off a tree.

Vice Chair Stresau disagreed, and pointed out that these contractors are “paid by the linear distance of line that they clear.”

Mr. Parker recommended modifying the idea of affixing a ribbon, stating that instead a piece of plastic “like a hospital wrist tag” might go around the trunk of a tree. He also proposed that the tag be dated.

**Motion** made by Dr. Goetz to refer to the Tree Subcommittee the issue of negotiating with FPL on the issue of trimming trees for individual homeowners, and meeting with representatives of civic associations, FPL, and foresters and arborists to develop a method for tagging trees, and improving education of FPL’s tree trimming services. The **motion** was seconded by Mr. Parker.

Vice Chair Stresau stated that the motion would not accomplish what the Committee had set out to do at this meeting. He recalled that FPL has a “tree work authorization,” which had never been brought before the Committee by any representatives of FPL; he had learned of it by confronting FPL on his own property.

He pointed out that there might not be, proportionately, a large number of homes in the City that are maintained by professional tree trimmers, compared to the ratio of homes near lines that are cleared.

Regarding the tree work authorization, he explained that each of these documents is numbered, and contains the customer's name, address of the work location, owner's name (if different from the resident's), specific utility lines involved, and instructions for what is to be removed, trimmed, or otherwise affected. He felt professional arborists could provide these papers to their clients as proof of work on a tree, and that homeowners' associations would need to be aware of the information FPL provides to the Committee regarding line clearing information so their members are aware such work orders are available.

He added that tagging individual trees might best be achieved by tagging them with a red dot of spray paint in the direction facing the power line. He felt a tag of this nature, in addition to homeowners' associations providing their members with tree work authorizations, would be the only way to identify to FPL that a tree is professionally cared for.

Mr. Chiari approved of this idea, and proposed that it could lead to the establishment of a "tree non-work authorization," or possibly a "certified tree," for which an arborist would fill out documentation certifying that trees meet pruning requirements.

He added that it would be possible for FPL, before sending out a contractor, could check the number of tree certification forms on file for a neighborhood, and then avoid those addresses. This would place the burden upon the contractor to refer to these documents before going out to cut trees.

Mr. Parker withdrew his **second** of Dr. Goetz's **motion**. The **motion** died for lack of second.

**Motion** made by Mr. Chiari, seconded by Dr. Goetz, to recommend to the City Commission the creation of a Tree Certification Form, in quadruplicate, modeled after the FPL's tree work authorization form, to allow professional arborists to certify that trees have been properly maintained, and to provide copies as follows: one to FPL, one to the homeowner, one to the arborist, and one on file with the City.

Mr. Chiari **amended** his **motion**, adding that the document would not be filed with the City only, but that FPL would also receive a copy.

Chair Brenneman offered the amendment that a homeowner also use a colored dot to identify these trees. Mr. Chiari explained that he hoped to avoid physical

tagging of trees, and added that the forms would also be dated. Chair Brenneman withdrew the proposed amendment.

Dr. Goetz asked how this plan might be implemented. Mr. Chiari stated that the decision would ultimately fall to the City's elected officials to codify an Ordinance. He pointed out that the City Commission has referred the issue to the UAC's Tree Subcommittee and expected the Committee to provide direction. He added that he hoped the Committee would act on a proposal at tonight's meeting, which he felt had been the intent.

He stated that he felt this is an "actionable" and reasonable solution that addresses concern about defacing trees.

Ms. Smoot asked where a homeowner would get a form. Mr. Chiari replied that arborists should have copies. He felt the form could be adapted into a City document rather than an FPL one.

Dr. Goetz believed this would ultimately be a good solution, but reminded the Committee that they have placed a great deal of emphasis, in the past, on partnering with FPL. He felt it would defeat the Committee's purpose to present this idea to the City Commission without first addressing it with FPL.

Mr. Larson proposed that the forms could be sent out with FPL bills. Mr. Chiari allowed that he could see this type of announcement being made, but felt that the form would be more of a "tool for professionals" that maintain trees.

He noted that the prospective solution is not really addressed to the general public, but to a small number of certified professionals who would use the document to inform FPL that their clients' property is properly maintained. He did not believe it was a City-wide solution, but more appropriate to a case-by-case basis.

In a roll call vote, the **motion** carried 7-1 (Dr. Goetz dissenting).

Dr. Goetz explained that he felt the City Commission would reject the Committee's proposal if they did not first discuss it with FPL. Chair Brenneman assured him that this step would be taken as part of the Committee's partnership with FPL.

Mr. Chiari added that any action taken by the Committee was clearly in an advisory capacity to the City Commission, as they were not empowered to make decisions that would have the effect of an Ordinance.

Mr. Larson suggested that to address any miscommunication, the issue should be clarified. He made a **motion** that the Committee first approach FPL with the proposed recommendation and get their input before moving forward.

Ms. Smoot pointed out that the Committee would have to reach out to FPL before making any recommendation that would use an FPL form.

Dr. Goetz seconded this **motion**.

Mr. Chiari stated that this issue had been addressed multiple times with FPL over the years with the express purpose of having the discussion in an open meeting. He added that he would like to discuss, under New Business, the “hardening” of the City’s utility system. While the “aggressive approach” to pruning trees had been taken in order to minimize limb damage to utility lines during high-wind events, he pointed out that some neighborhoods had recently experienced blackouts during rain-only events.

He continued that as this is a public meeting in which FPL wishes to participate, they should send another representative to attend in Ms. Shatas’ absence. This would not prevent the Committee from working with FPL on the issue, but, he pointed out, the UAC’s function is to protect the City’s residents, not the corporate interests of FPL.

Chair Brenneman indicated that she had experienced similar utility failures as those described by Mr. Chiari during rain-only events. Mr. Chiari remarked that if the City experiences a failure during a rainstorm, it was questionable as to whether they are adequately prepared for a hurricane.

He continued that the proposed form would be a “clear, easy-to-follow” solution to the issues regarding tree trimming, and would most likely save FPL money.

In a roll call vote, the **motion** carried 7-1 (Mr. Chiari dissenting).

## **B. Other New Business**

Mr. Chiari stated that he had hoped to discuss the power outage to which he had previously referred with a representative of FPL, as many of those residents who had lost power would have reasonable concerns. He requested that this item be added to the April 2009 agenda, with the explicit instruction that FPL have a representative at that meeting.

He added that “the clock is ticking” with regard to the issue of municipalization or renewal of the City’s FPL contract, and it is “not an unreasonable request” that power remains on during non-wind events. He did not feel that the fact that AT&T owns most of the City’s utility poles was a valid excuse for this occurrence, as

FPL had a “direct financial interest” in that pole holding up during a weather event.

He reiterated that while the Committee maintains a good working relationship with Ms. Shatas, another representative should be on hand in her absence.

Mr. Larson asked if there is a time frame in which the question of renewal or municipalization is to be complete, so the Committee members have sufficient time to read the appropriate reports. Chair Brenneman advised that the City’s franchise agreement with FPL expires at the end of October 2009, and the consultants, at the February 2009 meeting, had indicated there would be an “outside time frame” of 120 days for reports to be complete.

Chair Brenneman stated that hardening details, including reliability of power, would be placed on the April 2009 agenda. Mr. Chiari also requested “a meaningful description of what went wrong” during the power outage, as the City’s residents, including elected officials, would be interested in an explanation as well. He noted that the press might be interested in attending the meeting as well.

Dr. Goetz agreed that this information would be “crucial” to the discussion of a franchise agreement. He continued that he had done some outside research on undergrounding, and asked that Chair Brenneman place items that he had requested of her by email on the April 2009 agenda.

Chair Brenneman recalled that at the February 2009 meeting, the City’s consultants had stated that a major reason for any city considering municipalization was “reliability of service.”

Vice Chair Stresau proposed that the City arrange to print and distribute the relevant documents to the Committee members prior to that meeting, as there was a great deal of material. Chair Brenneman agreed that the documents provided by Power Services were the most relevant to the issue of reliability.

Mr. Parker emphasized that should the franchise agreement expire at the end of October without resolution at that time, “the lights don’t go out.” He continued that he had read several executive summaries of the materials, and all of them concluded that not only is “wholesale” undergrounding more expensive, but underground conductors require more maintenance and replacement than above-ground facilities.

He also noted that [www.publicpower.com](http://www.publicpower.com), the website of the Florida Municipal Electrical Association, is an organization of which all municipalities with their own distribution systems are members; they provide a comparison of all rates paid by municipalities. Mr. Parker pointed out that for the month of February 2009, the

only municipalized system less expensive than FPL is Orlando, who own their generation facility.

In general, he asserted, the “vast majority” of all municipalities’ rates are higher than those of investor-owned utilities. He felt that municipalization of the City was a “bad idea.”

Mr. Chiari stated that he was not averse to the City renewing their franchise agreement with FPL; however, he wanted greater reliability, as well as a contractual relationship that allowed the City to have more green technology and innovation.

Dr. Goetz referred to the website of the American Public Power Association, and added that there is a good deal of information available regarding both municipalization and incentives for electrical utilities to be more innovative and use green technology. He pointed out that at times, however, he had had to “dig deep” to find useful information.

Chair Brenneman noted that, should the City “go it alone” in the future with regard to utilities, they would have to connect to a “national grid.”

## **VI. Unfinished Business**

### **A. Arbor Day Details**

Mr. Chancey confirmed that the Arbor Day activities will start at 10:00 a.m. on Friday, April 24. He will be at Fort Lauderdale High School at 8:00 a.m. for a program, and then at Esplanade Park at 10:00 a.m. Several schools are planning to attend, he stated, and the events will be featured in *Go Riverwalk* magazine. Trees and butterfly plants will be planted, and local butterflies and ladybugs will be released.

Greater Fort Lauderdale has been selected by the National Wildlife Federation as a “Flyway City,” in part because there are over 2400 backyard habitats in the City with low water use, native materials, and butterfly, bird, and/or wildlife sanctuaries.

Chair Brenneman noted that the Tree Subcommittee has scheduled a meeting in advance of the Arbor Day events; however, due to renovation activities taking place, the Tree Subcommittee is being “discouraged” from meeting. She asserted that this is an impediment to the Subcommittee’s work, and wished to go on record in protest that they are being discouraged from holding a necessary meeting in preparation for upcoming Arbor Day events.

She continued that the Chair of the Tree Subcommittee has made "every effort" to have the meeting scheduled.

Vice Chair Stresau added that the meeting is scheduled for Thursday, March 26, 2009; however, Mr. Partington had advised that there was no room with recording equipment available. Vice Chair Stresau had discussed the issue with City Forester Gene Dempsey, who is also on the Subcommittee, and Mr. Dempsey had arranged for them to use the Parks & Recreation Conference Room. He noted, however, that the meeting had been advertised as being held at City Hall, and he was unsure that the meeting place could be changed without also changing the advertisements.

He added that he had spoken with the City Clerk's Office, as well as to Assistant City Attorney Sharon Miller, and had learned that meetings among advisory boards and subcommittees are "discouraged specifically" from taking their own minutes. There would be only four individuals in attendance, he noted, including Mr. Dempsey.

Mr. Chiari pointed out that the Sunshine Law does not cite a specific amount of time necessary for reposting notice, but states that there must be "reasonable" notice. Vice Chair Stresau advised that advertising the change of venue tomorrow would provide only 24 hours' notice.

He continued that there is a single item on the Subcommittee's Agenda, which is the selection of photographs to be used in a display for the Arbor Day events.

Chair Brenneman asserted that both the Chair and Vice Chair of the UAC and the Tree Subcommittee are "strongly convinced" of the need for this meeting, and the work of the Subcommittee is being "strongly impeded," although every member has agreed to attend. She reiterated that they are "very distressed."

Mr. Fayyez stated that he would look into the matter.

## **VII. Good of the Committee**

There was nothing to report at this time.

## **VIII. Next Tree Subcommittee Meeting**

Chair Brenneman confirmed that this meeting will be held Thursday, March 26, 2009, at 4:30 p.m.

The next event after Arbor Day is the Green Expo, scheduled for Saturday, April 25, 2009, at Stranahan Park from 9:00 a.m.-3:00 p.m. This event is advertised in the April issue of *Go Riverwalk* and the April 4 issue of the *Sun-Sentinel*, which

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will feature an article as well as an advertisement. A mailing about the event will also be included with the City's water bills.

## **IX. Adjourn**

There being no further business to come before the Committee at this time, the meeting was adjourned at 9:00 p.m.

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