

**UTILITY ADVISORY COMMITTEE  
CITY OF FORT LAUDERDALE  
CITY HALL 8<sup>TH</sup> FLOOR CONFERENCE ROOM  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA 33301  
NOVEMBER 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	9	1
Fred Stresau, Vice Chair	P	7	3
Maria Canady (arr. 6:36)	P	3	1
L. Thomas Chancey (arr. 6:36)	P	7	3
Chris Chiari	A	8	2
Robert Cole	P	7	3
Dr. William Goetz	P	9	1
Don Larson	P	8	2
Dr. Magdalene Lewis	A	1	4
Terri Murru (arr. 6:34)	P	7	3
Raymond Parker	A	6	4
Frances Smoot	A	7	3
Jay Weiss	A	3	2

**Staff**

Hal G. Barnes, Engineering Design Manager  
Bob Dunckel, Assistant City Attorney  
Vic Beninate, AT&T  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to the City Commission**

None at this time.

**I. Call to Order**

Chair Brenneman called the meeting to order at 6:30 p.m.

**II. Roll Call**

Roll was taken and it was noted a quorum was not yet present.

### **III. Self-Introductions**

Ms. Murru joined the meeting at this time (6:34 p.m.).

Mr. Barnes stated he is filling in for Mr. Partington, who experienced a death in the family. Chair Brenneman shared the notice of bereavement with the Committee.

Ms. Canady and Mr. Chancey joined the meeting at this time (6:36 p.m.).

### **IV. Minutes of August 25, 2009 Meeting Minutes of September 22, 2009 Meeting**

**Motion** made by Vice Chair Stresau, seconded by Mr. Larson, to approve the minutes of the August 25, 2009 meeting. In a voice vote, the **motion** carried unanimously.

**Motion** made by Vice Chair Stresau, seconded by Mr. Larson, to approve the minutes of the September 22, 2009 meeting. In a voice vote, the **motion** carried unanimously.

### **V. New Business**

- **Update on Sustainability “Green” Committee**

Mr. Barnes informed the Committee that the Green Committee has had three meetings thus far: September 28, October 28, and November 23, 2009. Their Staff Liaison is Todd Hitesheew, Environmental Services Manager.

The Committee has identified 11 “sub-objects” they would like to investigate, including transportation, water, toxins, air quality, public education, energy generation, and energy efficiency and conservation. Each Committee member has selected an item upon which he or she will report; their objective is to have “something ready by December of 2010” to report to the City Commission. After that time, Dr. Goetz noted, a recommendation will be made as to whether the Green Committee will be permanent. He added their scope includes additional missions as well as those listed above.

Mr. Barnes provided copies of the Green Committee’s Agenda from its October and November 2009 meetings for the UAC’s review.

He continued that at the most recent City Commission meeting, the Mayor had suggested that funds from stimulus grants might be allocated for the Green Committee to use in its work. Carbon Solutions America, which was the vendor

selected to work on the Sustainability Action Plan, had come up with five to six initial items to be funded.

Chair Brenneman stated that Carbon Solutions America had reached out to the Community Greenhouse Foundation, which has done marketing for the UAC for the last two years. She noted that they are experts in the field of sustainability, and have conducted seminars and education projects for states and municipalities nationwide on grant funds available through the stimulus package.

Ms. Murru asked if the City's Green Team was working with the Green Committee. Dr. Goetz replied that the Green Committee had asked the Team to provide it with notes from their meetings. The Mayor had also proposed that the Green Committee present a monthly update on the City's compliance with its efforts toward decreasing greenhouse gas emissions and its overall sustainability action plan.

Mr. Chancey asked what the point of this information would be to a layperson attempting to learn about sustainability issues. He felt the goal should be "working as a team to help solve problems all around."

Ms. Murru responded that she had participated in the procurement process to seek an outside consultant to oversee the Green Committee's efforts. It was "an extraordinarily lengthy process" with a purpose of providing access to available stimulus funds; she noted her understanding was that Staff did not feel they could handle this effort internally, and believed an outside entity would be more effective.

She emphasized that while Staff had felt the Green Committee could be better served by a consultant such as Carbon Solutions America, the UAC had had "a very specific purpose" for seeking an outside consultant: they had not wished for any Staff member to be placed in an awkward position when researching information regarding the franchise agreement. The UAC's goal in retaining a consultant had been one of objectivity, she concluded.

Ms. Murru pointed out that the City had cut itself off from a potential funding source by "not accepting the opportunity to use an entrepreneurial play," which will not be available again for another 30 years. This means the City will have "very limited resources," she observed. She asked if a decision has been made by the City regarding what will or will not involve litigation, how outside consultants are used, and how much work Staff is able to assume.

Attorney Dunckel explained that the City Attorney's Office takes a particular issue to the City Commission, who authorizes litigation. Depending upon the complexity of a given issue, and pursuant to a recommendation by the City Attorney, the litigation may or may not be outsourced.

Dr. Goetz noted that the time frame in which the Green Committee was tasked with presenting their action plan was sufficiently limited that Staff felt they required outside assistance to complete the work.

Vice Chair Stresau requested that the Committee move on to its next Agenda Item at this time.

- **Recap of Tree Subcommittee Issues from October Meeting**

Vice Chair Stresau stated the members of the Tree Subcommittee met with Staff members from various Departments to discuss tree installation in utility easements and rights-of-way. In a follow-up to this meeting, City Engineer Dennis Girisgen had informed Vice Chair Stresau he will discourage the planting of trees in these locations.

Another Item discussed was the replacement valuation of trees in utility easements. Currently the Land Development Code requires that trees planted beneath utility lines must be evaluated, and either FPL or the tree's owner must pay "the full fare" of the tree's value. Vice Chair Stresau explained this runs contrary to the Subcommittee's goal of eliminating tree planting in these areas.

The final Item discussed was the ULDR Tree Guarantee Period, which calls for any relocated tree to be guaranteed for 90 days, regardless of its size. Vice Chair Stresau advised the Subcommittee's goal is to make the guarantee period commensurate with the size of the tree: for example, a larger tree would be guaranteed for a longer time.

He concluded that the next Tree Subcommittee meeting will be scheduled for either December 3 or 10.

Chair Brenneman observed that the Tree Subcommittee had recommended some years ago that trees provided by the City be planted on private property rather than in swales or rights-of-way. She asked if this recommendation has been implemented.

Mr. Chancey replied that it had been "stressed from a legal standpoint" that the City should not place trees provided through the Tree Fund in swales, which were defined as the areas between the asphalt of the street and the edge of a homeowner's property. This has been for the protection of the trees as well as prevention of issues caused by trees growing into utility lines.

He stated that the Subcommittee has spent a great deal of time on details rather than on "practical knowledge," and emphasized that "it works when you do

practical things.” The formula method used to determine the replacement cost of the tree, he noted, is in its 10<sup>th</sup> edition in the past 50 years.

He added that construction of much larger houses on lots originally suited for smaller homes was “squeezing” the trees on some properties, and causing them to fall or be cut down. Highways located over root systems have also caused damage that can destroy a tree.

Mr. Chancey continued that trees provided to children through the Arbor Day Fund are paid for with tree replacement costs. He reminded the Committee that when the UAC had first begun, these trees were not allowed to be planted on personal property; of the trees provided through the fund, he noted that none were planted in the swales, although he pointed out that he still appreciated their being planted.

He again advocated an emphasis on “practical things” by the Committee, including rewriting rules and other “positive” accomplishments.

Chair Brenneman agreed Mr. Chancey had made many good points, and advised the Tree Subcommittee might be able to make a recommendation of policy that trees given away may be planted in other places. Mr. Chancey asserted these trees are already being planted elsewhere.

Dr. Goetz stated he needed more specific instructions about what the Committee might formally do to correct practices that don’t work. Mr. Chancey replied the solution is to “stop the argument... and plant trees wherever there is an open space,” unless there are above- or underground lines in the way, in which case he felt individuals planting trees should “use some common sense.”

Vice Chair Stresau noted that once the questions raised by the Tree Subcommittee have been answered, they will be returned to the Committee for review, after which time the UAC will have the opportunity to make a recommendation to be forwarded to the City Manager.

Dr. Goetz requested a list of some of the specific recommendations that Mr. Chancey felt should be adopted, as he would like to see some of these solutions. Vice Chair Stresau pointed out that some of the issues under discussion were “fairly complicated,” such as determining the permitting agent in Fort Lauderdale for planting trees in rights-of-way or utility easements. In addition, he pointed out that the City’s Engineering Department did not want trees planted atop utility lines; however, the Downtown Master Plan, for example, requires trees to be planted in utility easements, and eventually a judgment call must be made regarding the answer to this dilemma.

Ms. Murru stated she valued the expertise each Committee member brought to the table, and felt that all members came to the meetings with “pure intent” to act in the best interests of the community.

Vice Chair Stresau advised that the proper forum for this discussion was the Tree Subcommittee; all UAC members are invited to attend these meetings, or they may ask that the Subcommittee’s minutes be sent to them for review.

Mr. Chancey asserted that the answer is to consult experts in different areas, as “you cannot write enough laws and rules to cover every single situation.” The goal is to impede neither underground nor overhead utilities, while retaining a tree canopy for the City.

Chair Brenneman suggested when the Tree Subcommittee meets next, “common sense” solutions could be placed on their Agenda, and Mr. Chancey could present some notes on the topic.

- **Update on UVerse Cabinets**

Chair Brenneman stated “there are no problems at the moment,” but added that Mr. Beninate of AT&T has dealt with each situation as it arose, and has provided the Committee members with business cards that may be given to anyone experiencing problems with the cabinets.

Mr. Beninate agreed there have been no problems lately, and noted that if any individuals have experienced problems or seen something in need of correction, they have contacted the City. He concluded that he has not yet “seen anything we can’t fix.”

Mr. Larsen reported that flowers planted near a particular box were dying, and asked if these could be re-planted or if a hedge could be planted. Mr. Beninate requested that he send an email with the specific location so the issue could be addressed.

Ms. Murru asked how AT&T had “bypassed this Committee” with regard to this issue and moved directly to address the City Commission, explaining that this made it more difficult to understand the value of City Boards and Committees. Chair Brenneman explained that “this goes back several years,” to a time AT&T had worked with both the Committee and the City Commission. The program at that time was “lightspeed” instead of UVerse; when cabinets were installed, some City residents became upset, and AT&T had asked their engineers to work with concerned citizens. Since that time, AT&T has come to Conference Agenda meetings to meet directly with the City Commission. Chair Brenneman concluded the City had “worked all of this through” during that time.

Dr. Goetz stated he shared Ms. Murru's concern, and also did not understand when an item appeared before the Committee versus when it could bypass the Committee and go directly to the City Commission.

Attorney Dunckel explained that in 2007 an Ordinance was adopted to regulate aspects regarding the placement of "cabinets" in the public rights-of-way. This did not, however, foresee all potential issues, as some plats throughout the City have utility easements, and some of these easements are located on private property. In one case, the property owners felt a better location could be found for a cabinet than in a public right-of-way, and it was then placed in a utility easement. The Ordinance had not, at that time, addressed this possibility.

He continued that at the recent Conference Agenda, AT&T had presented a report including guidelines for the placement of cabinets within utility easements, without an Ordinance but based upon the guidelines, for a trial period. Attorney Dunckel indicated this was "a continuation of what we started." The City Commissioners had asked that these guidelines be presented to them.

- **Line Clearing Update**

As FPL Representative Lynn Shatas was on vacation at this time, there was no line clearing update. Chair Brenneman advised this information would be presented at the Committee's December 2009 meeting.

- **Other New Business**

Mr. Chancey stated he had recently been surprised to learn that certain emergency generators require a particular kind of maintenance. He noted that not many companies perform this specific maintenance, and that other forms, such as the maintenance required by his own generator, was very inexpensive. He felt this could be a future Agenda item for presentation.

## **VI. Unfinished Business**

There was no unfinished business at this time.

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

There was no information at this time.

## **VIII. Announcements**

- **Tree Subcommittee Meeting: Thursday, December 3, 2009, at 3:30 p.m., 8<sup>th</sup> Floor Conference Room**

Chair Brenneman clarified that the Tree Subcommittee meeting was dependent upon whether the City has new information to present on that date. She added that the displays for Neighborhood Services must be completed at that meeting.

Vice Chair Stresau noted that the City Commission has the option to “sunset” the Committee as of December 31, 2009, or reappoint its members for another year. Chair Brenneman stated the membership has been reappointed.

Ms. Murru requested to know the annual budget of the UAC, as well as the Green Committee, in light of the City’s tightened finances. She added she would like to discuss the future of the UAC and “the real intent” as well.

Chair Brenneman advised there is no business scheduled for discussion at the December 22, 2009 meeting that could not wait until January 2010.

**Motion** made by Vice Chair Stresau, seconded by Mr. Cole, to not have the meeting on [December] 22<sup>nd</sup>, and establish that the Committee’s future be the main topic of discussion at the January 26, 2010 meeting.

Mr. Larsen agreed the Committee should establish goals, and felt a January meeting would be more appropriate to this topic than a December meeting.

Dr. Goetz advised that some Committees are setting up formal meetings with the City Commissioners in order to discuss how the City Commission sees the various Committees’ and Boards’ proceedings, and to get a clear idea “where each group stands.”

Vice Chair Stresau asked if this was “the City Manager’s prerogative, or...a request specifically to the City Commission.” Dr. Goetz stated it could be “both ways,” but was primarily a request from the Committees to the City Commission.

In a voice vote, the **motion** carried unanimously.

It was noted the next scheduled meeting would be held on January 26, 2010.

There being no further business to come before the Committee at this time, the meeting was adjourned at 7:54 p.m.