

**UTILITY ADVISORY COMMITTEE
CITY OF FORT LAUDERDALE
CITY HALL 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33301
JUNE 22, 2010 – 6:30 P.M.**

Cumulative
January 2010-
December 2010

Committee Member	Attendance	Present	Absent
Bunney Brenneman, Chair	P	5	0
Robert Cole, Vice Chair	P	4	1
Maria Canady	A	4	1
L. Thomas Chancey	A	3	2
Don Larson	P	5	0
Dr. Magdalene Lewis	A	0	5
Ruchel Louis	P	4	0
Terri Murru	P	4	1
Frances Smoot	A	2	3
Stephanie Toothaker	A	3	1
Jay Weiss	P	4	1

Staff

Hal Barnes, Engineering Design Manager
Robert Dunckel, Assistant City Attorney
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Appointed members to the Board: 11
Needed to constitute a quorum: 6

Communications to the City Commission

1. **Motion** made by Ms. Murru, seconded by Mr. Larson, that because there is imminent undergrounding on this street [SE 2nd Street between SE 2nd & NE 3rd Avenues], we recommend to the City Commission that these trees be spared for the project. In a voice vote, the **motion** carried 6-0 (unanimous).

2. **Motion** made by Ms. Murru, seconded by Mr. Weiss, that the Utility Advisory Committee lead the other committees in creating an opt-in policy for receiving meeting packets by mail.

Ms. Murru stated that she has opted-out of the cost and the green issue by having her packets sent via email, and would recommend that the “opt-in” would be for someone who wants to see the money wasted by mailing, and wants to see the paper, ink and everything else that is wasted in doing that. This would be their option and they can opt-in, and the City can provide them that option. She further recommended that all other committee members be contacted to give them that option.

In a voice vote, the **motion** carried 5-1 (Chair Brenneman dissenting).

I. Call to Order

Chair Brenneman called the meeting to order at 6:37 p.m.

II. Roll Call

Roll was taken and it was noted a quorum was present.

III. Self Introductions

Chair Brenneman noted no introductions were necessary.

IV. Minutes of April 27, 2010 Meeting

Chair Brenneman noted the following corrections:

- P.3: Sabal palm should be capitalized, and the correct name for the group participating in the People and Planet fair is the Kids' Ecology Corps. She advised that “already in progress” should be changed to “already in planning.”
- P.4-5, paragraph 3: change end of first sentence to “...some of the event’s budget burden and provide expertise in strategies.”
- P.5: change motion to “with the advice of both Chair and Staff;”
- P.7, paragraph 3: correct “per person” to “per single-family property;”
- P.7, last paragraph, line 4: change “they” to “the City;”
- “Mr. Hole” should be corrected to “Mr. Hall;”
- P.9, paragraph 6: change to “...neighborhoods that should be able to...”
- P.10, paragraph 2: change to “...hurricanes and/or neighborhood beautification;”
- P.10, paragraph 5: change “no equity” to “significant equity;”
- P.11, paragraph 1: change motion to “...expenditure of funds and of Staff engagement and involvement;”
- P.12, paragraph 1: clarify “Waterworks 2011 assessment;”
- P.12, paragraph 2: clarify “95% of these already-connected buildings.”

- P.13, paragraph 3: add “recommend to the City Commission to allow...” to motion, and add “another building” to clarify the building in Community Acres.

Motion made by Mr. Larson, seconded by Mr. Weiss, to approve the April 27, 2010 minutes as corrected. In a voice vote, the **motion** passed unanimously.

Chair Brenneman clarified that the May 25, 2010 meeting was canceled, as it was in conflict with the State of the City Address.

V. New Business

- **SE 2nd Street Undergrounding between SE 2nd and SE 3rd Avenue**

Chair Brenneman advised that this Item appears on the July 7, 2010 City Commission Agenda.

She explained that three years ago, the Downtown Development Authority (DDA) advanced the funds for undergrounding based on a “ballpark figure” provided by FPL. However, undergrounding was not done at this time. The Item is now on the City Commission’s Agenda to request that the Commission release the funds to complete the project. Another issue is that the DDA has since put in “very tall palms,” which are now out of compliance with the necessary 10 ft. clearance between trees and existing wires.

Chair Brenneman informed the Committee that she had spoken with representatives of the DDA, Lynn Shatas of FPL, and the owners of the buildings in the area. These parties asked that the UAC address the issue.

Ms. Murru asked who was responsible for paying for the project. Chair Brenneman stated the DDA has already paid for the undergrounding. Attorney Dunckel clarified that the DDA is a separate taxing district, and downtown businesses contributed the necessary funds.

Chair Brenneman explained that “nothing was ever done” with the undergrounding the DDA had approved and paid for; in addition, the DDA did not want to see the tops of the trees “lopped off.” In order for the project to proceed, the City must release the funds, which are currently being held in escrow. The City Commission must approve this release. Attorney Dunckel added that the Commission must also authorize the execution of the agreement between the City and FPL.

Chair Brenneman clarified that “the trees are at risk” if undergrounding is not done before there is the possibility of a hurricane. She noted that Ms. Shatas had asserted FPL can begin the project immediately once it is approved.

Mr. Barnes stated that the purpose of the City Commission Agenda Item for July 7 is to approve the agreement between the City and FPL, and to transfer the money the DDA has provided into a funding account to pay FPL to do the work. If FPL can expedite the undergrounding process before a hurricane could occur, there would not be an issue of the trees tangling in the lines.

Chair Brenneman reiterated that Ms. Shatas has said “she is personally going to monitor this and walk it through every phase.”

Motion made by Ms. Murru, in keeping with the spirit of the intention of the City of Fort Lauderdale and the Utility Advisory Committee and the Tree Subcommittee, that the Committee unanimously approves the exception to the rule and that they move forward with undergrounding immediately.

Ms. Murru asked if there is a liability issue related to delaying the trimming of the trees in question “if a hurricane comes tomorrow” and causes damage to the lines. Attorney Dunckel noted this would be considered “an act of God.”

Mr. Weiss asked if the trees’ potentially becoming tangled in the lines would affect more than the single block that will be undergrounded. Chair Brenneman confirmed that this would not happen.

Mr. Larson **seconded** Ms. Murru’s **motion**.

Mr. Weiss suggested that they not recommend making an exception to the policy “just because we’ve been asked for it.” He proposed the following **amendment**: Due to the imminent undergrounding along this street, we recommend to the City Commission that these trees be spared for the project. The **amendment** was accepted by Ms. Murru and Mr. Larson.

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

Motion made by Ms. Murru, seconded by Ms. Louis, that the previous motion be a communication to the City Commission due to imminent undergrounding. In a voice vote, the **motion** passed unanimously.

- **Final Input on City Undergrounding Ordinance**

Mr. Barnes reported that on May 18, the City Commission approved the undergrounding Ordinance at its second reading. They modified the necessary percentage of support and approval from 66% to 70% for communities considering undergrounding.

He continued that Staff is in the process of forwarding an application to the City Commission for review. This is the document a neighborhood would fill out if they were interested in pursuing undergrounding. Following review by the Commission, an information package, including copies of the Ordinance and the application and background information on undergrounding, will be mailed to all communities.

Vice Chair Cole asked if there is a minimum size for neighborhoods interested in applying for undergrounding. Mr. Barnes advised that FPL has established guidelines to determine if a particular neighborhood qualifies for the credit, and each application will be evaluated according to these guidelines.

Mr. Weiss recalled that one criticism of the Ordinance has been even if a neighborhood wished to underground, the process "might not be as helpful" in hardening the infrastructure as that neighborhood might like: for instance, they would still rely on lines outside the neighborhood to reach the substation. He asked if there is any mechanism to ask FPL, in conjunction with "a neighborhood-approved plan," to advise the neighborhood how much it would cost to harden the area from the neighborhood to the closest substation. He explained this could mean FPL, or FPL and the City and neighborhood, might be able to harden the line to that substation.

Chair Brenneman stated that, based upon all the representations made by FPL, "the answer is no." She explained that FPL does not want to undertake any undergrounding on its own.

Mr. Weiss noted that his suggestion was to include "an exploration of that possibility" rather than a commitment to undertake it. Ms. Murru agreed they should ask FPL to make this information available so it can be offered to neighborhoods as part of the information packet. Chair Brenneman stated this would be "part of the education" that must be done regarding undergrounding, although it is not included in the information packet.

Vice Chair Cole pointed out that in the case of undergrounding a line going from one neighborhood through another on its way to a substation, additional equipment and expenses would be needed to underground that single line through these additional neighborhoods. Considerations for easements and rights-of-way might also be necessary.

Ms. Murru explained that if she were the president of a neighborhood association, "[she] would want to know the facts," including all potential additional costs to underground the line on its way to the substation.

Mr. Weiss commented that most major lines connecting a substation to a neighborhood do not "go straight through the middle of a neighborhood," but

follow its perimeter along the connecting streets. He felt this would make the issue less complicated.

Mr. Barnes said the way the Ordinance is written, undergrounding is “self-contained within the neighborhood” and includes the benefit added and cost involved within that neighborhood’s boundary. It does not include undergrounding or hardening of lines from the neighborhood back to a substation.

He added that if a particular neighborhood is undergrounded, there is less damage in that area due to a major storm: FPL can “come to this one point” and determine where a problem exists. If the feeder line is not affected, the neighborhood’s power will “come up;” problems with the feeder line, however, must be addressed separately. This means neighborhoods are “better positioned” to withstand storms if they are undergrounded.

He expressed concern with including cost provisions for the hardening of the feeder lines, explaining that hardening lines through other neighborhoods provides a cost benefit to the other neighborhoods as well and “then becomes an assessable item” to those other communities.

Ms. Louis asked if the major routes followed by a line belong to the City or to the neighborhood(s) through which it runs. Attorney Dunckel advised that this would be a multiplicity of jurisdiction issue, as roads can be locally, County-, or State-owned.

Mr. Barnes said it is important for a neighborhood to understand that undergrounding may not mean their electricity will remain up during a storm; it can, however, mean the neighborhood would be one of the first to come back up as feeder lines are brought back online.

- **Other New Business**

None at this time.

VI. Unfinished Business

Ms. Louis noted that she was awaiting a call from Staff with regard to next year’s event. Mr. Barnes reported that Mr. Partington is in the process of coordinating a meeting between Ms. Louis and Staff to discuss the potential event.

Chair Brenneman clarified that the potential event would be called the Green Expo or Green Solutions Expo, with no relation to Earth Day or Arbor Day events. The tentative date for the event is April 9, 2011.

VII. Good of the Committee

Ms. Murru referred to a recent “water quality issue,” and asked if everything is in compliance except for the color of the City’s water, and what the cost would be to treat the water to “make it look better.” She clarified that she does not wish to suggest adding an unreasonable expense, but would like to know if this could be done. Chair Brenneman replied that the Committee could address the issue with Mr. Partington, and perhaps schedule someone to speak to the Committee about water.

Chair Brenneman continued that she has been working with Ms. Shatas to bring the Vice President of FPL to address the Committee on net metering, including “what they’re doing in Miami-Dade as well as Broward.”

Ms. Murru requested that there be advance notice of this discussion, as she knew individuals who would be interested in hearing about the issue. Chair Brenneman confirmed this would be done. She anticipated this discussion would take place at the August 24, 2010 Committee meeting.

She continued that the discussion would focus on what FPL has done “in the Counties” and what Fort Lauderdale residents could expect. It would be part of a major education effort by the Committee to educate residents.

Mr. Larson noted that many meters have already been replaced. Chair Brenneman advised this is part of FPL’s net metering project.

Mr. Weiss suggested using a larger room for the August 24 meeting. Chair Brenneman agreed, stating that there are three possible dates on which the meeting may be held and that the Vice President of FPL is “an absolute expert about this.”

She added that there has been “no discussion at the Commission level and no discussion at a City-wide level of this particular situation.”

VIII. Announcements:

- **UAC Next Regular Meeting, Tuesday, July 27, 2010 at 6:30 PM**

Chair Brenneman advised that starting next month, “full board packets” will be mailed to the members’ homes on the Monday prior to the week of the meeting. They will include the Agenda, minutes, and any relevant information or exhibits. She noted that Ms. Murru had opted out of receipt of the packets via U.S. Mail.

Mr. Weiss asked if it is possible to sent the packets via email. Chair Brenneman explained that individuals have had trouble opening the attachments in emails, and others who “haven’t gotten things at all.” She clarified that the packets will be

emailed as well as sent through the U.S. Mail, and added that the policy was “coming out of the Better Meetings Academy.”

Motion made by Ms. Murru that the UAC lead the other committees in creating an “opt-in” policy for all committees; she has opted out of the cost and the green issue by having hers sent via email, and recommended that the opt-in would be for someone that wants to see the money wasted by mailing and wants to see the paper and ink and everything else that is wasted, and the City could provide that.

Chair Brenneman commented that other boards and committees are not being given a choice in the matter. Ms. Murru felt the Committee should “lead the way” as a Committee concerned about green solutions. She clarified that only those who opt in would receive their materials by mail.

Mr. Weiss **seconded** Ms. Murru’s **motion**.

Chair Brenneman advised that while she agreed with the intent, some members of committees and boards have had “extensive problems” with receiving their packets via email, including not bringing agendas, not having minutes, and not being able to open attachments.

Ms. Louis asked if it would be necessary to bring computers to meetings in order to review minutes and other documents. Chair Brenneman stated she could not answer this.

Ms. Murru replied that this would be up to the individual members, who had the option of printing documents or making corrections in whatever form they chose; there is no requirement to bring materials to the meeting in order to make accurate decisions.

Mr. Weiss asked if the Committee could make a recommendation to the City Commission that members be allowed to opt in or out. Ms. Murru and Mr. Weiss agreed to **amend** the **motion** to include a communication to the City Commission to this end.

Chair Brenneman reiterated that the packets will be mailed to members in any case, as the City Clerk and Assistant City Attorney have already met with board and committee liaisons to discuss the issue.

In a voice vote, the **motion** passed 5-1 (Chair Brenneman dissenting).

IX. Adjournment

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There being no further business to come before the Committee at this time, the meeting was adjourned at 7:30 p.m.

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