



W. BIEDENBACH, CHAIRMAN
J. HOLCOMB, VICE CHAIRMAN
B. BRITZ-PARKER, SECY.-TREAS
L. GRIFFITH, ASST. SECY.-TREAS.
J. DAVENPORT, COMMISSIONER
(Officers Appt. 9-19-16)
W. PRESTON, LEGAL COUNSEL
W. MITCHUM, GM/CEO

AGENDA**
REGULAR MEETING
OF THE UTILITIES COMMISSION
CITY OF NEW SMYRNA BEACH, FLORIDA
TO BE HELD MONDAY, FEBRUARY 27, 2017, AT 6:00 P.M.
200 CANAL STREET, DEBERRY ROOM, 3RD FLOOR
NEW SMYRNA BEACH, FLORIDA

ROLL CALL

RESULTS OF U.C. MEETING

1. Agenda Changes, Additions and Deletions

2. Public Participation

*3. Approval of Consent Items (APPROVED)

(CHAIRMAN BIEDENBACH PULLED CONSENT ITEMS i. & j., AFTER DISCUSSION ITEMS 3-i. & 3-j. APPROVED AS SUBMITTED)

- a. ✓ Minutes of Special U.C. Meeting Held 1-9-17 (*U.C. and State Requirements*)
- b. ✓ Minutes of Regular U.C. Meeting Held 1-23-17 (*U.C. and State Requirements*)
- c. ✓ Interest on Customer Deposits – B. Bilinski (*U.C. and State Requirements*)
- d. ✓ Hydraulic Mini Excavator with Trailer Purchase – Caterpillar 305 – FSA 16-VEH14.0, Specs. #39 & #58 (Recommend Award to Ring Power Corporation) – D. Hoover (*U.C. and State Requirements*)
- e. ✓ City of NSB S.S.L.A. – S.R. 44 Sanitary Sewer Line Extension – Engineering Services Change Order No. 2 – D. Wainscott (*U.C. and State Requirements*)
- f. ✓ Developer's Agreement and Addendum – City of New Smyrna Beach Marina Repower Project (Riverside Drive) – D. Wainscott (*U.C. and State Requirements*)
- g. ✓ Developer's Agreement and Addendum – County of Volusia Off-Beach Parking Lot (Hiles Boulevard) – D. Wainscott (*U.C. and State Requirements*)
- h. ✓ ITB 11-17 – URD Cable Puller – Condux Blue Ox (Recommend Award to Gresco Electric Supply) – M. Rodriguez (*U.C. and State Requirements*)
- i. ✓ ITB 07-17 – Electric Meters for Central Stores (Recommend Awards to Anixter and Electric Supply) – B. Bilinski (*U.C. and State Requirements*)
- j. ✓ ITB 06-17 – Water Meters and ERT Modules for Central Stores (Recommend Awards to Sunstate Meter and Avanti Group) – B. Bilinski (*U.C. and State Requirements*)
- k. ✓ WRF Biosolids Improvements – CPH, Inc., Task No. 5 – D. Wainscott (*U.C. and State Requirements*)
- l. ✓ Developer's Agreement and Addendum – NSB Brewing Company (143 Canal Street) – D. Wainscott (*U.C. and State Requirements*)

4. General Manager's Report – R. Mitchum

- a. Financial Status – January 2017 – B. Bilinski

(FOR THE MONTH ENDED JANUARY 31, 2017, THE U.C.'S CHANGE IN NET ASSETS FOR THE COMBINED SYSTEM IS A POSITIVE \$231,917. THE BALANCE IN THE FUEL AND PURCHASED POWER ACCOUNT IS AN OVER RECOVERY OF \$2,131,000, WHICH IS A MINIMAL INCREASE OF \$8,000 FOR THE MONTH)



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RESULTS OF U.C. MEETING (CONT.)

4. General Manager's Report – R. Mitchum (CONT.)

- b. Presentation of Water Resources Systems Master Plan, 2016 – Quentin L. Hampton Associates, Inc. – D. Wainscott

(THE DIRECTOR OF ENGINEERING PROVIDED BRIEF INTRODUCTORY STATEMENTS RE: THIS MASTER PLAN AND ALSO RE: UPCOMING PLANS/REPORTS PRESENTATIONS) (QLH'S PRESIDENT/PROJECT MGR., BRAD BLAIS, PRESENTED THE WATER RESOURCES SYSTEM MASTER PLAN. DISCUSSION AND INQUIRIES ENSUED RE: PLANNING, PROJECTED GROWTH, PROJECTS, AND FUNDING. COMMS. BRITZ-PARKER INQUIRED ABOUT THE DIFFERENCE IN APPROACH BY THE U.C. FOR CIP AND INFRASTRUCTURE. MR. BLAIS INDICATED IT WAS UNIQUE AND APPROPRIATE FOR MANAGING DEVELOPMENT. DIFFERENT UTILITIES HAVE DIFFERENT NEEDS AND FACTOR SETS FOR CAPITAL PROJECTS, WEST SIDE OF COUNTY MANY ARE REGULATORY-DRIVEN. U.C.'S FACTORS FOR CIP ARE DRIVEN MORE BY GROWTH AND AGE* OF FACILITIES (*LARGELY IN THE 70'S & 80'S). YOUNGER ENTITIES HAVE NEWER FACILITIES. FUNDING OF CIP BY MOST ENTITIES IS BY IMPACT FEES, A DETERMINATION OF IMPACT FEE ELIGIBLE PROJECTS ON A PROJECT BY PROJECT BASIS. FOR THE UC, PROJECTS ARE BROKEN OUT BY CIP AND INFRASTRUCTURE, A MORE PROACTIVE LOOK AT WHAT THESE PROJECTS ARE, DIVIDING CIP AND INFRASTRUCTURE NEEDS AT AN EARLIER STAGE. MOST UTILITIES DON'T MAKE THOSE DETERMINATIONS AT A MASTER PLANNING STAGE AND THE UC'S DOING A GOOD JOB OF THIS. OTHER ENTITIES DETERMINE PROJECTS AS THEY COME UP, NOT IN A FORECASTING SITUATION. UC IDENTIFIES GROWTH RELATED, NOT JUST OVERALL PROJECT NEEDS YEAR BY YEAR, WHICH IS A GOOD APPROACH)

- c. FMEA/FMPA Annual Conference and APPA Annual Conference Information – Request by Chairman Biedenbach

(CHAIRMAN BIEDENBACH REQUESTED THREE NEWEST APPOINTED UC COMMS. TO CHECK SCHEDULES FOR ATTENDANCE TO THESE CONFERENCES. CHAIRMAN AND COMMS. GRIFFITH HAD ATTENDED FMEA/FMPA CONFERENCES IN THE PAST. ALSO INDICATED EXISTING BUDGETED DOLLARS COULD BE INCREASED IF ALL THREE COMMS. COULD ATTEND)

5. Commission Counsel's Report

6. Old Business

7. New Business

8. Possible Other Business - Time for Commissioners

- a. Discussion Request by Chairman Biedenbach RE: U.C. Legal Counsel's Memo about Policy and Process of Change, dated 2-6-17

(CHAIRMAN BIEDENBACH DISCUSSED U.C. LEGAL COUNSEL'S MEMO, INDICATED DISAGREEMENT THEREWITH. STATED THE NEXT PLAN COMING FROM THE CITY IS FOR THE WESTSIDE, WOULD LIKE FOR IT TO GO A LITTLE EASIER, WITH LESS RANCOUR THAN THE ISLESBORO AGREEMENT. ALSO STATED THE ENABLING LEGISLATION FROM THE STATE OF FLORIDA SAYS THE UC IS RESPONSIBLE)

(COMMS. DAVENPORT EXPRESSED DISPLEASURE WITH HIS EXISTING SEPTIC SYSTEM SERVING HIS OFFICE ON S.R. 44. STATED AS A TAXPAYER AND BUSINESSMAN IN THE CITY OF NSB WOULD LIKE SOME GUIDANCE, DOESN'T UNDERSTAND WHY HE DOESN'T HAVE SANITARY SEWER SERVICES. WANTS TO KNOW WHY UC CAN'T HELP PEOPLE, DOESN'T MIND PAYING HIS SHARE BUT ASKING FOR A PARTNERSHIP WITH THE UC. THEN COMMENTED RE: HIS PAST CONTRIBUTIONS TO THE COMMUNITY AND WISHES THE UC COULD GET AN ATTITUDE OF HOW CAN WE DO THIS AND/OR HOW CAN WE HELP YOU)



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RESULTS OF U.C. MEETING (CONT.)

8. Possible Other Business - Time for Commissioners

- a. Discussion Request by Chairman Biedenbach RE: U.C. Legal Counsel's Memo about Policy and Process of Change, dated 2-6-17 **(CONT.)**:

(AFTER FURTHER DISCUSSION, APPROVED COMMISSIONER HOLCOMB'S MOTION TO FORM A COMMITTEE AND APPOINT COMMS. BRITZ-PARKER TO WORK WITH THE GM/CEO, TO FIND INDEPENDENT COUNSEL TO ADVISE THE UC COMMISSION RE: THE ABILITY TO DO AND RECOVER INFRASTRUCTURE AND COSTS ASSOCIATED WITH THE ABILITY TO WORK WITH THE CITY; TO WORK WITH THIS INDEPENDENT COUNSEL TO ACHIEVE THAT)

(DISCUSSED GOAL OF COMING BACK TO UC COMMISSION WITHIN TWO UC MEETINGS, BUT ADDITIONAL TIME COULD BE REQUESTED IF NEEDED)

(COMMS. BRITZ-PARKER ADDITIONALLY COMMENTED THIS COUNSEL SHOULD BE INDEPENDENT FROM THE UC AND THE CITY)

(COMMS. GRIFFITH MADE SUPPORTIVE COMMENTS RE: UC LEGAL COUNSEL AND HIS OPINION, SHOULD NOT CRITICIZE NOR DISRESPECT DUE TO DISAGREEMENT WITH PROVIDED LEGAL OPINIONS; UC LEGAL COUNSEL ONLY DOING HIS JOB. REQUESTED RE-DISTRIBUTION TO UC COMMS. THE PREVIOUS CLAY HENDERSON/HOLLAND & KNIGHT, LLP LEGAL OPINION {RE: UC'S OPERATIONAL AUTONOMY}. ALSO ADDED WE'RE TRYING TO FIND A WAY TO WORK BETTER WITH THE CITY, HAS GOT TO BE SOME OPPORTUNITIES OUT THERE)

✓ A Check Mark Indicates Items For Which Commission Approval Has Been Requested On This Agenda
Please Note – Most Discussion Items Will Not Have Documentation, Will Be Listed On Agenda Only

- *** Consent items to be approved as recommended or accepted as appropriate without further comments unless discussion is requested by Commissioner.
- *** Pursuant to Section 286.0105 of the Florida Statutes, if an individual decides to appeal any decision made by the Utilities Commission, City of New Smyrna Beach, Florida, with respect to any matter considered at a meeting or a hearing, that individual will need a record of the proceedings, and will need to ensure that a verbatim record of the proceedings is made. The transcription of such a verbatim will be provided an individual at a cost to be determined by the Utilities Commission in accordance with the full cost to reproduce such transcriptions and copies.
- *** In accordance with the American with Disabilities Act, persons needing special accommodations to participate in this proceeding should contact the individual or agency sending notice no later than two days prior to the proceeding at the address given on the notice.