



REVISED 4-13-17

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, APRIL 17, 2017, AT 6:00 P.M.
200 CANAL STREET, DEBERRY ROOM, 3RD FLOOR
NEW SMYRNA BEACH, FLORIDA**

ROLL CALL

RESULTS OF UC MEETING

1. Agenda Changes, Additions and Deletions (ADD-ON CONSENT ITEM 3-h.)

2. Public Participation

- a. Request to Appear – Walter Allen RE: The Abrogating of Responsibility and Inappropriate / Misappropriate Action

(MR. ALLEN DISTRIBUTED A WRITTEN COPY OF HIS STATEMENTS TO THE UC COMMS. PRIOR TO SPEAKING. HIS COMMENTS WERE RE: HIS OBSERVATIONS AND CONCERNS RELATED TO UTILITIES COMMISSIONERS' ACTIONS OVER THE LAST SEVERAL MONTHS)

(UPON CONCLUSION, CHAIRMAN BIEDENBACH READ A PREPARED STATEMENT, IN DEFENSE OF THE COMMISSIONERS' MORALITY AND INTEGRITY, WHICH ALSO INCLUDED MR. ALLEN WAS FREE TO VOICE HIS OPINION)

***3. Approval of Consent Items (APPROVED)**

(COMMS. GRIFFITH PULLED CONSENT ITEM d., AFTER DISCUSSION ITEM 3-d. APPROVED AS SUBMITTED)

- a. ✓ Minutes of Regular U.C. Meeting Held 3-20-17 (U.C. and State Requirements)
- b. ✓ Proclamation Declaring April 2017 Water Conservation Month (FSAWWA) – B. Pitcher (U.C. and State Requirements)
- c. ✓ Release of Easement – 100 Lincoln Avenue (R. Funk) – D. Wainscott (U.C. and State Requirements)
- d. ✓ Central Office Building (COB) Envelope and Building Repairs Project – Change Order No. 2 (submitted by Innovative Masonry Restoration) – D. Wainscott (U.C. and State Requirements)
- e. ✓ Central Office Building (COB) Envelope Assessment Project – Change Order No. 2 (submitted by Gale Associates, Inc.) – D. Wainscott (U.C. and State Requirements)
- f. ✓ Amendment No. 1 to Developer's Agreement and Addendum – Fountains East Townhomes – Phase 2 at Venetian Bay (GEOSAM Capital US (Venetian Bay) LP and GEOSAM Capital US GP, LLC) – D. Wainscott (U.C. and State Requirements)
- g. ✓ Banking Services Agreement – Bank of America, N.A. (Piggybacking City of Orlando RFP No. 15-0193) – B. Bilinski (U.C. and State Requirements)
- ADD-ON h. ✓ ITB No. 15-17 – 750 kmil Cable (Recommend Award to Gresco Electric Supply) – M. Rodriguez (U.C. and State Requirements)

4. General Manager's Report – R. Mitchum

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

(FOR THE MONTH ENDED MARCH 31, 2017, THE U.C.'S CHANGE IN NET ASSETS FOR THE COMBINED SYSTEM IS A POSITIVE \$189,409. THE BALANCE IN THE FUEL AND PURCHASED POWER ACCOUNT IS AN OVER RECOVERY OF \$1,732,000, WHICH IS A REDUCTION OF \$145,000 FOR THE MONTH)



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RESULTS OF UC MEETING (cont.)

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

(COMMS. GRIFFITH INQUIRED ABOUT STATUS OF I.T. RESOURCES/MANPOWER DURING 2017 & 2018. ALSO COMMENDED I.T. MGR. ON DETAILED, MONTHLY REPORTS AND TIMELINES FOR I.T. PROJECTS NOS. 1-9)

(I.T. MGR. PROVIDED BRIEF STATUS INFO. AND INDICATED FULL STATUS REPORT W/INTRODUCTION TO UC'S I.T. TECHNICAL EXPERT PLANNED FOR NEXT U.C. MEETING)

(COMMS. HOLCOMB ALSO COMMENDED I.T. MGR. RE: REPORTING AND ASSOCIATED ACHIEVEMENT PERCENTAGES. COMMENTED PROCESS IS STILL EVOLVING BUT IS MORE COMFORTABLE RE: THE DIRECTION OF I.T. AND BELIEVES THE UC IS BETTER OFF AFTER A ONE-ON-ONE MEETING WITH THE GM/CEO AND I.T. MGR. – APPRECIATED READILY AVAILABLE AND HONEST RESPONSES)

b. 2016 U.C. Challenges & Accomplishments – R. Mitchum

(GM/CEO EXPLAINED THE UC'S 2016 STRATEGIC AND OBJECTIVE ACCOMPLISHMENTS WERE NOT A PRESENTATION, WAS A COMPILATION OF THIS PAST YEAR OF THE UC'S ACCOMPLISHMENTS AND CHALLENGES)

(CHAIRMAN BIEDENBACH REQUESTED THE GM/CEO TO PROVIDE A RECAP FOR HURRICANE MATTHEW – 10 OR 5 MINUTES IN LENGTH, WHAT HAPPENED, WHY IT HAPPENED, AND CORRECTIVE ACTIONS SO IT DOESN'T HAPPEN THE NEXT TIME) (GM/CEO CONFIRMED NO GUARANTEE EXPECTED RE: FUTURE OCCURRENCES)
(CHAIRMAN BIEDENBACH ALSO CLARIFIED ASSOCIATED ACTIONS SHOULD BE WITHIN A REASONABLE BUDGET CONSTRAINTS)

(COMMS. HOLCOMB CONFIRMED WITH GM/CEO THAT THE UC'S LOW RATES ARE NOT TO THE DETRIMENT OF THE SYSTEM, LOSS IN EFFICIENCIES, OR QUALITY OF UC SERVICES) (GM/CEO EXPLAINED THE UC DOES STRIVE TO BE LOW, TRIES TO MAINTAIN THAT POSITION AS A SERVICE PROVIDER OF LIFE ESSENTIAL SERVICES WHICH EVERYBODY NEEDS. ALSO ADDED, DUE TO EXPECTED GROWTH AND EXPANSION, CONSIDERABLE REINVESTMENT INCLUDED IN THE UPCOMING BUDGET, CIP, AND GOING FORWARD THE NEXT FIVE TO TEN YEARS)

(COMMS. GRIFFITH COMMENDED UC STAFF FOR A GREAT JOB OVER THE LAST FIVE YEARS, FOR THE FINANCIAL IMPROVEMENT AND HEALTH OF THE BUSINESS IN 2012 TO 2016, THE POSITION NOW ENABLES THE UC TO GROW AND TAKE ON HIGHER INFRASTRUCTURE OPPORTUNITIES AND ADDITIONS TO UC SERVICES – “A TIP OF THE CAP TO EVERYBODY FOR A LOT OF HARD WORK AND EFFORT...”)

5. Commission Counsel's Report

6. Old Business

7. New Business

8. Possible Other Business - Time for Commissioners

- a. Confirmation RE: Attendance to FMEA/FMPA and/or APPA Annual Conferences –
Requested by Chairman Biedenbach during 2-27-17 U.C. Mtg.

(COMMS. HOLCOMB AND BRITZ-PARKER INDICATED AVAILABILITY TO ATTEND THE FMEA/FMPA ANNUAL CONFERENCE IN JULY IN PONTE VEDRA)

- b. Scheduling of Next Two Joint City Meetings in October 2017 and April 2018 –
Requested by Chairman Biedenbach during 3-1-17 Joint City Mtg.

(NOT CONSIDERED/DISCUSSED AT THIS TIME)

(COMMS. BRITZ-PARKER REQUESTED ASSISTANCE RE: PREVIOUS COMMITTEE APPOINTMENT APPROVED AT THE 2-27-17 UC MTG: TO WORK WITH GM/CEO FOR FINDING INDEPENDENT COUNSEL TO ADVISE RE: ABILITY TO WORK WITH THE CITY AND RECOVER ASSOCIATED INFRASTRUCTURE AND COSTS. SHE INDICATED THE ADVISEMENT WAS TO LOOK AT THE LEGALITY OF WHAT THE UC COMMS. CAN AND CANNOT SPEND MONEY ON, MORE SPECIFICALLY THE UC'S UNRESTRICTED FUND BALANCE. SHE INDICATED THAT SHE HAD NOT CONNECTED WITH THE GM/CEO YET BUT MOVED FORWARD BY MAKING INQUIRIES TO SEVERAL PEOPLE, PRIMARILY CPA FIRMS IN FLORIDA, AND GOT TWO NAMES AS POTENTIAL INDEPENDENT COUNSEL)

(COMMS. HOLCOMB INDICATED HIS DESIRE TO MOVE AWAY FROM PREVIOUS "INVESTMENT DEALS" WITH THE CITY (2), STILL HAS CONCERNS RE: RECOVERY OF ALL MONIES INVESTED. STILL WANTS THE ABILITY TO WORK WITH THE CITY WITH MORE STRAIGHTFORWARD AGREEMENTS. ALSO INDICATED DESIRE FOR AGREEMENTS NOT WITH CITY ONLY, CITY WAS AN EXAMPLE, PERHAPS "INTER-COMMUNITY" AGREEMENTS TO SOLVE PROBLEMS, LOOKING FOR A WAY TO CHANGE THAT POLICY)

(DISCUSSION ENSUED RE: CLARITY AND SPECIFICS FOR ULTIMATELY PRESENTING DOCUMENTATION FOR INDEPENDENT COUNSEL TO REVIEW FOR THEIR OPINION)

(CHAIRMAN BIEDENBACH READ A SECTION FROM THE ENABLING LEGISLATION FOR THE UC AND ASKED FOR UC LEGAL COUNSEL OPINION RE: WHY UC DOES NOT CONSTRUCT SEWERS)

(UC LEGAL COUNSEL EXPLAINED THE EXCERPT READ WAS ONLY A PART OF THE UC FOUNDATION AND CONFIRMED HE WOULD FORWARD PREVIOUS LEGAL OPINIONS AND ASSOCIATED RESOLUTIONS TO THE UC COMMS. CAN ALSO BE UTILIZED FOR REVIEW BY ULTIMATELY SELECTED INDEPENDENT COUNSEL. ALSO STRESSED THAT DEFINED RESTRICTIONS ON THE NOW SPECIFIED MATTER OF THE USE OF UC'S UNRESTRICTED FUND IS VERY IMPORTANT)

(COMMS. GRIFFITH COMMENTED RE: CIRCUMSTANCES CITY REQUESTED PARTICIPATION WITH THEIR DESIRED INFRASTRUCTURE PROJECTS, UC "BEING HELD HOSTAGE" ON ANNUAL BUDGET APPROVAL. MOVED FORWARD WITH VERY CUMBERSOME PROCESS, LOOKING FOR SIMPLE PROCESSES, AND STRONGLY SUGGESTED UC LEGAL COUNSEL REMAIN PART OF PROCESS TO ASSIST IN FINDING A CONCLUSION)

(COMMS. HOLCOMB CONCURRED, IN HIS BUSINESS VETTING MULTIPLE IDEAS FROM ATTORNEYS RESULTS IN A BETTER PRODUCT. PREVIOUS COMMENTS INCLUDED DUE TO EXPERIENCES/ISSUES PEOPLE COME UP WITH DIFFERENT CONCLUSIONS. IF THE UC COMMS. RECEIVE A WAY TO CREATE POLICY FROM INDEPENDENT COUNSEL, UC LEGAL COUNSEL CAN STATE WHY WE DON'T NEED TO CREATE POLICY, AND THEN A DECISION CAN BE MADE – EASIER TO MAKE A DECISION)

(A DETERMINATION WAS MADE FOR COMMS. BRITZ-PARKER TO MOVE FORWARD BY ACQUIRING AN APPROXIMATION OF COST, BILLING RATE, FROM INDEPENDENT COUNSEL FOR THE DESIRED OPINION AND BRING THIS FORTH AT THE NEXT UC MTG. INDICATED GM/CEO MAY ALSO SUPPLEMENT NAMES OF ATTORNEYS)