

**CITY COMMISSION WORKSHOP MEETING  
FEBRUARY 22, 2011  
5:15 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor  
Tamara Cornwell, Commissioner-at-Large 2  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2 (entered at 5:30 p.m.)  
Brian Williams, Commissioner, Ward 3

Elected Officials Absent:

Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1

Staff Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Karen Simpson, Deputy Clerk-Finance  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 5:15 p.m.

1. FPL FRANCHISE AGREEMENT

Attorney Barnebey confirmed that FPL had deleted provisions he had requested be removed from a legal standpoint. Rae Dowling, FPL representative, and Attorney Barnebey confirmed the following discussion items:

- FPL changed the 5.9% pass thru fee to 6%, based on what they thought was Commission's desire. The 6% fee is the maximum FPL charges and it is not based on the size of the community. The pass through fee is revenue to the City's General Fund. The City can amend the rate at a future date.
- The franchise agreement is a non-exclusive agreement for 30 years.
- The City can audit FPL records at any time, free of charge. Travel expenses to perform the audit would be the City's responsibility.
- The City can only terminate the agreement if there is a breach in the contract or a change in conditions.
- The City has no approval rights for any transfer of the franchise agreement to a different entity.
- The new rate will take effective March 1, 2011, but the City will not receive the increase in revenue for approximately 90 days.

Commission discussed the proposed separate agreement for renewable energy that staff is negotiating with FPL. Staff confirmed the agreement will not be tied to the FPL Franchise Agreement. Mr. Freeman reviewed renewable energy items he thought should be considered by the City, a copy of which is attached hereto and made a part of these minutes.

Commission suggested the following amendments to the items to consider:

- An energy audit should be performed of all the 20 largest **commercial** electrical accounts with the City.
- Negotiation should occur regarding the installation of solar photo voltaic panels on City buildings rather than a school, so the City can benefit from the energy savings and also offer a consumer educational outreach program. Additional information was requested on the solar school program.
- Electric car stations will be installed on a limited basis so the City can evaluate the success of the program before its' full implementation.

Discussion ensued on the City's ability to also take advantage of renewable energy sources beyond solar power. It was suggested that a clause be added to the franchise agreement regarding the ability of the City to "adjust to or incorporate more current energy technology". Ms. Dowling stated her belief that the franchise agreement contains language regarding the City's ability to take advantage of current technologies [over the 30-year franchise agreement term].

Staff was directed to continue negotiations on the renewable energy agreement with FPL, for presentation at a future meeting. The FPL Franchise Agreement ordinance public hearing is scheduled for March 7, 2011.

Mayor Bryant announced that FPL has approached the City about opportunities for community service in the City. FPL will also assist with the Veterans Parade that is held in the City.

## 2. PROPOSED 2011 CAPITAL IMPROVEMENT PLAN (CIP)

Mr. Tusing discussed the projects that have been identified for 2011, and their associated funding. Mr. Freeman stated the identified projects total \$10,213,000. Of that total, \$1,332,448 will be funded by loan funds; \$1,180,000 will be funded by City fund balance and impact fees; \$750,000 funded by grants; \$6,950,544 remains unfunded.

Discussion ensued on the projects, with the following amendments made by staff and Commission:

1. Road Improvements  
ADA Sidewalk Compliance: Discussion was had on whether to change funding of \$25,000 for ADA sidewalk improvements from loan funds to fund balance. Staff agreed to bring back options to be discussed at the next meeting.
2. Public Buildings
  - City Facility Security was reduced by \$30,000 to a new total of \$20,000.
  - City Wide Facilities Upgrades was increased by \$20,000 to a new total of \$40,000. Funds were set aside for the police department building repair. If a new building is pursued, the funds will not be used at this site.
  - Public Works Yard Lighting was decreased by \$15,000 to a new total of \$15,000.The amendments totaled approximately \$25,000, and were moved to fund the TMDL Program.
3. Stormwater  
TMDL Program was amended and the \$25,000 savings in Public Buildings was used to fund the TMDL program (loan funds)

The ASR well is a 50/50 match with Southwest Florida Water Management District (SWFWMD), with the loan funded amount committed to in prior years via an interlocal agreement. The City may have to secure a loan to meet the required match amount. The total funded amount is \$510,864.

The telemetry meter program was discussed. Staff was instructed to ascertain the name of the vendor used in a nearby municipality that is experiencing major problems in their utility billing system. Mr. Freeman briefly described conversations with ESG, a company doing an energy study as part of the energy grant, regarding a telemetry program. If the program is implemented it will guarantee additional revenue because of the accuracy of the meters. The additional revenue will pay the financing of the program. If the additional revenue is not realized, the company will pay the financing component of the program for the City.

The golf course ponds were added after inspection with the Department of Environmental Protection, as a site to accept excessive reclaimed water. The City will have to install a meter and amend its permit with SWFWMD. This will serve as a safeguard in storing treated water until the ASR well is constructed.

Commission requested that if the Public Building projects funds are not spent as identified that they be informed of the proposed project where they will be expended.

Mr. Tusing discussed the waterline rehabilitation that was not funded last year and the need to identify funding for this year. He cited historical instances where not performing the rehabilitation resulted in much higher costs to the City.

Staff will bring back options for the projects proposed to be funded from loan funds. Mr. Tusing assured Commission that they will be presented proposed project budgets for approval.

### 3. NOISE EXCEPTION PERMIT

Mayor Bryant recommended placing a six-month moratorium on the issuance of noise exception permits to evaluate the impact of possible long term elimination or modification of the requirements of the permits. Discussion ensued, with Commission generally agreeing to the Mayor's recommendation.

Mayor Bryant made the following announcements:

The motel will be demolished.  
Commissioner Zirkelbach is absent from the meeting due to illness.  
The Ward I Phase II groundbreaking is tomorrow at 9:30 a.m.

Meeting adjourned at 7:35 p.m.

Minutes approved: March 21, 2011

*James R. Freeman*

James R. Freeman  
City Clerk