



W. ALLEN, CHAIRMAN
W. HALL, VICE CHAIR
W. REYNOLDS, SECY-TREAS.
O. ZELLER, ASST. SECY-TREAS.
J. DIESEN, COMMISSIONER
Officers Apptd. 9-15-08

W. PRESTON, LEGAL COUNSEL
R. RODI, GM/CEO

AGENDA***
REGULAR MEETING OF THE UTILITIES COMMISSION
CITY OF NEW SMYRNA BEACH, FLORIDA
TO BE HELD MONDAY, JUNE 15, 2009, AT 6:00 P.M.*
200 CANAL STREET, DEBERRY ROOM, 3RD FLOOR
NEW SMYRNA BEACH, FLORIDA

ROLL CALL

RESULTS OF UC MEETING

(DURING PUBLIC HEARING NO. 1 – CORRECTION INSERTED IN PROPOSED RESOLUTION FOR REVISION OF SERVICE FEES RE: WASTEWATER CREDITS AND THERE WAS DISCUSSION RE: TRIP FEES) (DURING PUBLIC HEARING NO. 3 – CORRECTION IN PROPOSED RESOLUTION FOR CONTINUATION OF COMMUNICATIONS SERVICES RE: CLARIFICATION OF FOUR YEAR PERIOD IN ACCORDANCE W/FS 350.81(2)(1))

1. Agenda Changes, Additions and Deletions

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

- a. ✓ Minutes of Regular UC Meeting Held 5-18-09
- b. ✓ Soft Starts for Motors – Glencoe Water Treatment Plant Improvements and Smith Street
- c. ✓ Memorandum of Understanding (Commercial), Developer’s Agreement and Addendum – Village Square – J. White
- d. ✓ Developer’s Agreement and Addendum – Colonial Bank – J. White
- e. ✓ Revised Transmission Service Agreement for CR3 – Progress Energy South/Florida Power Corporation (FPC) – T. Beyrle

3. Public Participation

4. General Manager’s Report

a. Financial Status – May 2009 – L. Klinkenberg **(POSITIVE BALANCE NOTED IN COMBINED SYSTEM FOR MAY, HISTORICALLY “THRESHOLD” OCCURS IN JUNE. UNDERRECOVERY OF FUEL AND PURCHASED POWER CURRENTLY JUST UNDER \$3 MILLION. UPGRADE TO GREAT PLAINS 10.0 COMPLETED.)**

b. ✓ Accept Updated “A Year In Review” – R. Rodi **(APPROVED/ACCEPTED UPDATE AS SUBMITTED. UPDATE HAD PREVIOUSLY BEEN FORWARDED TO COMMS. VIA EMAIL.)**

5. Commission Counsel’s Report

6. Old Business

a. ✓ Decision Regarding Continuation of the Provision of the U.C.’s Communications Services (Internet – Dial Up, Wireless, Fiber) – Proposed UC Resolution No. 4-09 – R. Lemoine **(SUBSEQUENT TO DIRECTOR OF I.T.’S PRESENTATION, COMMS. UNANIMOUSLY APPROVED CONTINUATION OF UC COMMS. SERVICES – INTERNET – UC RESOLUTION NO. 4-09. DISCUSSION RE: LIMITED LOCAL CUSTOMER BASE, PILOT PROGRAM FOR INTERNAL WIRELESS SERVICES (TO WATER PLANT), AND CONTINUING W/MUNICIPAL FIBER NETWORK BUILD OUT IN ASSOCIATION W/SYSTEM EXPANSION PROJECTS. AFTER COMPLETION OF A MUNICIPAL FIBER NETWORK, THEN POTENTIAL WIRELESS SERVICES MAY BE OFFERED TO LOCAL CUSTOMERS. REVIEW OF POTENTIAL WIRELESS TECHNOLOGIES ONGOING.)**



W. ALLEN, CHAIRMAN
W. HALL, VICE CHAIR
W. REYNOLDS, SECY-TREAS.
O. ZELLER, ASST. SECY-TREAS.
J. DIESEN, COMMISSIONER
Officers Apptd. 9-15-08

W. PRESTON, LEGAL COUNSEL
R. RODI, GM/CEO

AGENDA (cont.)**
REGULAR MEETING OF THE UTILITIES COMMISSION
CITY OF NEW SMYRNA BEACH, FLORIDA
TO BE HELD MONDAY, JUNE 15, 2009, AT 6:00 P.M.
200 CANAL STREET, DEBERRY ROOM, 3RD FLOOR
NEW SMYRNA BEACH, FLORIDA

RESULTS OF UC MEETING (cont.)

7. New Business

- a. ✓ Refinancing of FMPA's Pooled Loan Program Loans – Award of Bid for Bank Qualified Loan – “Series 2009 Certificates” - Proposed UC Resolution No. 5-09 – L. Klinkenberg, Richard T. Wagner, and Peter Dame **(APPROVED “SERIES 2009 CERTIFICATES” – AWARD OF BID TO BANK OF AMERICA FOR QUALIFIED LOAN FOR REFINANCING FMPA POOLED LOANS AND OUTSTANDING SERIES 1993 BONDS, AND UP TO \$2 MILLION FOR CIP PROJECTS – UC RESOLUTION NO. 5-09. SECOND READING & PUBLIC HEARING FOR CITY ORDINANCE NO. 29-09 SCHEDULED FOR 6-23-09)**

8. Possible Other Business - Time for Commissioners

(GEN.MGR./CEO DISCUSSED STATUS OF THE UC'S FILING TO ST JOHNS RE: ALTERNATIVE WATER SUPPLY. COMMENTED PHILOSOPHICAL DIFFERENCE OF LARGE SIZE REGIONAL PLANT W/EXTENSIVE PIPING (SJWMD) VS. DISTRIBUTED SMALLER UNITS MODEL (UC). UC IS UTILIZING EXTERNAL LEGAL AND TECHNICAL STAFF AS PREVIOUSLY APPROVED BY COMMS. UC'S INTENT IS TO AMICABLY RESOLVE DIFFERENCE, TO OBTAIN NEEDED WATER SUPPLIES, AND CONTINUE TO FULLY SUPPORT WATER CONSERVATION AND EFFICIENT USE OF WATER RESOURCES)

(GEN.MGR./CEO DISCUSSED CONTINUING UC'S SENIOR DEBT FREE PLAN BY 2020; COMMS. SUPPORT OF 2009 REFINANCING ASSISTS IN THE CONTINUANCE OF PLAN. CRITICAL COMPONENT OF PLAN IS ASSURANCE OF FUTURE POWER GENERATION COSTS. DISCUSSION ENSUED RE: POTENTIAL CARBON TAXES AND CAP AND TRADE)

- ✓ 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

*To commence after preliminary public hearing regarding revisions to the service fees rate schedule, after the preliminary public hearing regarding revisions to the residential underground service lateral requirements and policy, and after the public hearing (one) regarding the continuation of the U.C. providing communications services (Internet – Dial Up, Wireless, and Fiber).

**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 needed 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.