CALL TO ORDER

The meeting was called to order at 5:00 P.M. with the following members present:
   Fred Meyers
   Bucky Manoushagian
   Corey Ingram
   Terry Carlton
   Doug Jones

Staff members present include:
   Ashley Smalley
   Margaret Penney
   Russell Hanson

Others present include:
   Bob Carpenter

INVOCATION

Presented by Bucky Manoushagian

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

- Follow Up from previous Electric Distribution Line Extension Policy Discussion.

   Staff presented information as a follow up from the workshop on February 22, on three specific questions that Commissioners had requested more information. The first question was whether contractors would be able to extend their own electric lines rather than the City extending them and then being reimbursed by the utility company. The reason for not pursuing that option is because the City can acquire the materials cheaper as it can buy in bulk and doesn’t pay sales tax; the City also buys those items locally. Also, logistically it is easier for both the City and the developer for the City to front the initial cost of the infrastructure with the developer reimbursing their 30% share, rather than the developer being out 100% and invoicing the City for its 70%. From an auditing standpoint, if the developer is paying 100%, and the City reimbursing 70%, that 70% would show as a liability on the books until the developer invoiced the City and the invoice was paid. Also, when the invoice comes in, the City would have to spend staff time auditing the invoices to be sure
that what is being paid was actually spent on that project and nothing extra. Public perception must also be considered. If the City is spending 100% of a project paying for public infrastructure and being reimbursed 30% by the developer, that looks much different than the developer paying for 100% and the City later reimbursing the developer 70%. The outcome is the same; it just looks different, rather than the City paying for infrastructure, it looks like the City is paying developers.

The second question the Commission needed clarification on was about overhead and underground utility extensions and if this is the appropriate time to move toward all underground extensions. This issue was discussed in depth as the policy was being drafted. Both staff and Council feel strongly about moving toward underground utility extensions for several reasons, but don’t feel that this is the right time, economically, to make that switch. Especially considering that developers will have to get used to the new 30% cost share, putting a mandatory underground requirement may be too much change at one time. It is something the City will need to work into. Staff did confirm that this issue is covered in the adopted Community Plan and is a subject that will be continually revisited by staff and the Council.

The last question concerned the switchover policy for utilities, where customers could switch from City utilities to another company. There are only a few areas within the City limits that this would even be possible. The purpose of the switchover policy is to recover the initial investment the City makes in equipment (poles, transformers, meters, and etcetera) that once a customer transitions off the City’s system, then the City cannot recover those initial investment costs. There are a couple charges provided for in the policy, one is the Idle Facility Charge – that is for poles, transformer and meters that get stranded out there that aren’t being used and aren’t being reimbursed for through utility payments. The other is the Power Cost Loss Charge, this is because many wholesale power contracts are structured such that a city agrees to pay for a certain amount of electricity whether they actually purchase and use that electricity or not. This provision is in the policy to cover the City because they must make the decision on how much electricity to purchase each year based on a certain number of customers. If a portion of those customers transfer off the system, the City would still have to pay for the electricity even though it did not use it. This provision is designed for the long term of the policy, because our current wholesale contract is not structured like that, we only pay for what we use and this contract is in place until 2017; therefore the Power Loss Charge won’t even be in effect until such time as that contract is renewed and is structured in that way. These charges are in place to recover the cost and to be sure that what the City is spending in taxpayer dollars out into the system, it is recovering. After getting input from the Commission, staff will be working with the City’s engineer to see if there are some ways to make this part of the policy less stringent. Chairman Meyers asked how many customers would be affected by this option, and staff advised that that is being researched along with what type customers these would be as the City’s investment is much smaller for residential than it is for commercial and industrial customers. If the dually served areas are primarily residential, it will be much easier to make the policy more lenient. There is
flexibility built into the policy regarding the Idle Facilities Charge, if the City has already recouped the cost of the cost of the equipment, the poles, lines, transformers and meters, then that fee wouldn’t be charged. The only time that fee is applicable is when the City still has an investment in the equipment that still needed to be recovered.

Bucky Manoushagian asked for clarification about if a current customer switched over from the City to another utility company, would a new customer who moved onto that property have to pay a switchover fee to get back on City utilities. Staff advised that the switchover policy would only affect a customer who chose to switch from City utilities to another provider. TXU has their own policy when a customer wants to switch of them and return to City utilities. Then the City would treat the customer like any new customer, they would complete an application and deposit. Any new occupant of a property is treated as a new customer, regardless of where the previous occupant obtained their utilities.

This item was for discussion purposes only, and no action was required.

STAFF AND COMMITTEE REPORTS

1. Preliminary discussion regarding a proposed right-of-way (ROW) management ordinance.

Staff presented information regarding the purpose of the proposed ROW management ordinance is to enable the City to more effectively manage the use of its public ROWs by other public or private utilities and to more effectively control the construction, installation, and/or maintenance of facilities within these ROWs. The existence of an ordinance such as this is becoming more and more important, especially as state and federal legislation continues to erode the ability of cities to manage their ROWs in this manner through utility franchise agreements unless a policy like this is in place.

The attached draft of the proposed ordinance is a product of the City’s Development Review Committee (DRC) and includes input and contributions from both City Engineer Konstantine Bakintas and City Attorney Rob Allibon, as well as relevant staff.

This item has been placed on the Commission’s agenda in order to distribute a copy of the proposed ordinance and to provide an initial briefing relative to same. No action is expected or requested; only direction from Commission regarding concerns or desired revisions.

A summary of the policy is as follows:

• Use of ROWs will require registration, permits, and a $200 fee. This will not apply to individual service connections, repairs or maintenance that does not require boring or excavation.
Construction projects are classified into two categories, major and minor. Permits are not required for minor projects. It is defined by the length of the work being done.

Provides an appeal process for the denial of a permit.

Provides a penalty of $500 per violation per day for working without a permit.

Requires users to obtain and maintain insurance and provide proof of same during registration process. Provides specific insurance coverage amounts.

Provides performance standards as follows:
  o Avoid cutting streets or sidewalks unless absolutely necessary for the project
  o Installation of facilities must not interfere with City utilities
  o New facilities established in ROWs where aerial facilities do not exist must be installed underground
  o Handholes or manholes must not be located in sidewalks unless absolutely necessary
  o Working hours are 7 a.m. to 7 p.m. Monday through Friday, and 9 a.m. to 5 p.m. on Saturday, not including holidays
  o Lane closures on arterials and collectors must occur between 9 a.m. and 4 p.m.

Provides criteria for restoration of ROWs following construction projects.

Requires record drawings within 90 days of the completion of the construction project.

Provides the City with first priority over all other users of the ROWs, and allows the City to assign location in and over the ROWs for other users.

Requires that users will be required to relocate utilities at their sole expense any time that the City deems a street needs to be widened or straightened.

Requires that any tree trimming done in the ROWs must be done to Tree Line USA standards.

The adoption process for this ordinance will involve a series of stakeholder meetings with representatives of the local franchise utilities to identify, and hopefully resolve, any concerns they may have. Once those meetings are concluded, the City Council will hold at least one public hearing prior to considering adoption of the ordinance.

Bucky asked for clarification that the users described in the ROW ordinance refers to utility companies and not property owners.

This item was for discussion purposes only, and no action was required.

PUBLIC HEARING ITEMS

2. Public hearing to consider the adoption of an ordinance amending the zoning ordinance of the City of Bridgeport, by changing the zoning classification of an approximate 70.586 acre tract of land, commonly known as “Dry Creek Plaza.

Staff presented information stating that since the beginning of 2009, they have been working with Bucky Manoushagian, the developer of Dry Creek Plaza, to amend the
phasing of the development such that it makes sense for the developer and the City, both financially and logistically.

The original Planned Development (PD) for the development was rather vague in its description of infrastructure associated with the phases of the development, and at the same time, implies substantial initial investments by the developer. Staff has been working with the developer to amend the phasing so that the public infrastructure associated with each phase is very specific and eases some of the initial investment burden from the developer.

In the fall of 2009, staff worked with the developer to establish a new phasing plan for the development, which was five large phases, and is now four smaller phases. When each phase is begun, it will trigger the infrastructure associated with each phase. A written narrative that describes public infrastructure associated with each phase of the development, as well as make minor modifications to the development standards associated with the PD.

The amended PD includes the following:

- an ordinance repealing the original PD and adopting a new PD.
- Exhibit A – legal description of the property, which remains unchanged from the original PD.
- Exhibit B – zoning exhibit, which is revised from the original PD.
- Exhibit C – development standards for the property, which have been revised.
- Exhibit D – a written narrative the public infrastructure associated with the development, which is new to the PD.

Staff is recommending adoption of the new ordinance.

There were no comments from the public or Commission; therefore the Chairman closed the public hearing. Bucky Manoushagian abstained from voting due to conflict of interest. Corey Ingram made a motion to recommend the adoption of an ordinance amending the zoning ordinance of the City of Bridgeport, by changing the zoning classification of an approximate 70.586 acre tract of land, commonly known as “Dry Creek Plaza. Terry Carlton seconded. Motion passed 4-0,

OTHER ACTION ITEMS

3. Consider approval of the minutes of the regular meeting on February 8, 2009, as recorded. **Corey Ingram made a motion to approve the minutes from February 8, 2009, as presented, Doug Jones seconded; motion passed 5-0.**

4. Consider approval of the minutes of the special meeting on February 22, 2009, as recorded. **Corey Ingram made a motion to approve the minutes from February 22, 2009, as presented, Doug Jones seconded; motion passed 5-0.**
DISCUSSION ITEMS

CALENDAR ITEMS

Staff informed the Commission that there might be a need to have a Special Meeting on April 5, and possibly cancel the Regular Meeting on April 12.

ADJOURNMENT

Corey Ingram made a motion to adjourn, Doug Jones seconded. Motion passed 5-0, meeting adjourned at 5:27 p.m.