

**MINUTES OF THE EMERALD COAST UTILITIES AUTHORITY VIRTUAL \*BOARD MEETING**

TUESDAY, APRIL 28, 2020, 3:00 P.M.

PENSACOLA, FLORIDA

\*Due to the declared Public Health Emergency associated with the COVID-19 pandemic, the Office of the Governor, on March 20, 2020, issued Executive Order Number 20-69, allowing local government bodies in Florida to conduct public meetings via communications media technology, such as telephonic and video conferencing.

Members present: Lois Benson, Chairman  
Dale Perkins, Vice Chairman  
Vicki Campbell  
Larry Walker  
Cedric Alexander

Members absent:

Counsel present: Robert Beasley

Staff present: William E. Johnson, Jr., Executive Director

**ITEM 1 – CALL TO ORDER**

Chairman Benson called the *virtual* meeting of the Emerald Coast Utilities Authority Board to order at approximately 3:00 p.m.

**ITEM 2 – INVOCATION AND PLEDGE OF ALLEGIANCE**

Mr. Perkins provided the invocation and led the Pledge of Allegiance.

**ITEM 3 – ADOPTION OF AGENDA**

Chairman Benson added the following item to the agenda under Executive Director's Report: Item 11(b) *Handout* - Notification of Emergency Purchase Sewer Repair – North Guillemard Street between East Maxwell Street and East Jordan Street, and added the following item to the agenda under New Business: Item 14(a) Public Outreach.

A motion was made by Dr. Walker, seconded by Ms. Campbell, to adopt the agenda as presented and amended.

***Roll call vote - Motion carried 5-0.***

**ITEM 4 – PUBLIC HEARINGS**

There were no public hearings.

## **ITEM 5 – OPEN FORUM**

Prior to the Board meeting, Sonya Gomel requested to address the Board on behalf of Gulf Coast Underground, LLC; however, she withdrew her request.

## **ITEM 6 – PRESENTATIONS**

There were no presentations.

## **ITEM 7 – APPROVAL OF MINUTES**

A motion was made by Dr. Alexander, and seconded by Dr. Walker, to approve the minutes of the Regular Board meeting of March 24, 2020, as presented.

***Roll call vote - Motion carried 5-0.***

## **ITEM 8 – CONSENT AGENDA**

### **(a) Award of Bid – Hydrofluosilicic Acid**

**Recommendation:**

That the Board award the contract for hydrofluosilicic acid to Univar, USA, the lowest bidder, at \$2.70 per gallon, with an anticipated expenditure of \$100,000 for the contract period, with funding from the appropriate budget line item.

### **(b) Award of Bid – West Intendencia / Romana Water Main Replacement**

**Recommendations:**

That the Board: (1) waive the minor errors related to the transcription error and the bid signatures, and award the project to Evans Contracting, Inc., the low bidder, in the amount of \$356,589 for the West Intendencia / Romana Water Main Replacement; and (2) approve funding through the transfer of \$400,000 from CIP Project RW906 - Replacement of Antiquated Water Lines to a newly created CIP project number.

### **(c) Award of Purchase – Replacement Container Delivery Truck**

**Recommendation:**

That the Board approve the purchase of one 2021-model year Ford F-750 and installation of ECUA's existing container delivery body, from Bozard Ford, Inc., of Jacksonville, Florida, removal and reinstallation of the existing container delivery body on the new chassis at a cost of \$69,387, with funding from CIP Project RT803, Commercial Vehicle Replacement.

**(d) Contract Extension – Annual Full Service HVAC Maintenance Contract**

Recommendation:

That the Board approve the optional one-year extension of the current contract with Engineered Cooling Services, Pensacola, Florida, for annual HVAC maintenance service, with funding available from the appropriate budget line item.

**(e) Sears/BJ's Wholesale – Termination of Easement**

Recommendations:

That the ECUA Board: (1) approve and concur in the surplus-declaration findings of the Executive Director that a portion of ECUA's easement located near the intersection of Creighton Road and Davis Highway is not necessary, useful, or profitable in the operation of the utility systems of ECUA; and (2) authorize the Executive Director to execute the related Termination of Easement and Quit Claim of the aforementioned portion of the Easement.

**(f) Adoption of Resolution 20-06**

A RESOLUTION FINDING AN EASEMENT ON PROPERTY LOCATED NEAR THE INTERSECTION OF CREIGHTON ROAD AND DAVIS HIGHWAY TO BE NO LONGER USEFUL, NECESSARY, OR PROFITABLE IN THE OPERATION OF THE UTILITY SYSTEMS OF THE EMERALD COAST UTILITIES AUTHORITY; APPROVING AND CONCURRING IN THE FINDINGS OF THE EXECUTIVE DIRECTOR; DECLARING THE EASEMENT AS SURPLUS, AUTHORIZING THE VACATION OF THIS EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

**(g) Request to Vacate – Portion of Bay Boulevard Retained Easement**

Recommendation:

That the ECUA Board approve and concur in the findings of the Executive Director that the area of the retained Easement of the former Bay Boulevard right-of-way within the limits of 1010 Bay Boulevard is not necessary, useful, or profitable in the operation of the utility systems of ECUA, and authorize the vacation of the aforementioned portion of the Easement.

**(h) Adoption of Resolution 20-07**

A RESOLUTION FINDING A PORTION OF THE RETAINED EASEMENT AT 1010 BAY BOULEVARD TO BE NO LONGER USEFUL, NECESSARY, OR PROFITABLE IN THE OPERATION OF THE UTILITY SYSTEMS OF THE EMERALD COAST UTILITIES AUTHORITY; APPROVING AND CONCURRING IN THE FINDINGS OF THE EXECUTIVE DIRECTOR; DECLARING THE EASEMENT TO BE SURPLUS; AND PROVIDING AN EFFECTIVE DATE.

**(i) Award of Bid – Sanitary Sewer Manhole Rehabilitation Annual Unit-Price Contract**

Recommendations:

That the Board: (1) reject the apparent low bid from Gulf Coast Underground, LLC, based on failure to comply with certain bid requirements and staff concerns regarding past performance; and (2) award the annual unit-price contract for Sanitary Sewer Manhole Rehabilitation to BLD Services, LLC, Kenner, Louisiana, the second low bidder, with funding from CIP Project RI704 – Sanitary Sewer Manhole Rehabilitation, supplemented by CIP Project RI700 – Infiltration and Inflow, as needed.

**Comments:**

Mr. Johnson informed the Board that the competitively-bid Sanitary Sewer Manhole Rehabilitation Annual Unit-Price Contract focuses on the repair of sanitary sewer manholes that are deteriorated or damaged. Mr. Johnson added that ECUA's Purchasing staff received a total of five bids. Staff reviewed the three lowest bids and found significant problems with the information provided by the lowest bidder, Gulf Coast Underground, LLC. Staff is requesting rejection of the apparent low bid from Gulf Cost Underground, LLC, based on failure to comply with certain bid requirements and concerns with past performance, and award of the bid to the second low bidder, BLD Services, LLC.

**Motion and Vote:**

Motion made by Ms. Campbell, and seconded by Mr. Perkins, that the Board approve staff recommendations for Items A through I, listed under the Consent Agenda.

Chairman Benson suggested to remove Item I for discussion from the Consent Agenda.

Motion made by Ms. Campbell, and seconded by Mr. Perkins, that the Board approve staff recommendations for Items A through H, listed under the Consent Agenda and remove Item I for discussion.

***Roll call vote - Motion carried 5-0.***

**Motion and Vote:**

Motion made by Ms. Campbell, and seconded by Dr. Walker, that the Board approve staff recommendations for Item I – Award of Bid – Sanitary Sewer Manhole Rehabilitation Annual Unit-Price Contract.

***Roll call vote - Motion carried 5-0.***

**ITEM 9 – OPERATIONAL ITEMS**

**(a) Families First Coronavirus Response Act – Opt-Out Provision**

**Recommendation:**

That the Board confirm and ratify the action of the Executive Director to opt ECUA out of the requirements of the Families First Coronavirus Response Act (FFCRA).

**Comments:**

Mr. Johnson explained that due to the coronavirus pandemic, U.S. Congress passed the Families First Coronavirus Response Act (FFCRA), which the President signed into law on March 18. The ECUA Human Resources Department staff immediately set to work to determine how this new law would affect ECUA's human resources policies. All of ECUA's employees are essential/emergency responders. Regulations include allowing the employer of emergency responders to opt-out of the FFCRA. The staff and legal counsel concurred that it would be in ECUA's best interest to opt-out. Mr. Johnson explained that he polled the ECUA Board members individually to determine the Board's desire for implementation of the FFCRA or, opting out. The consensus of the Board was to opt-out. Mr. Johnson explained that, to avoid confusion about ECUA's choice in this matter during

this current public health emergency, he immediately acted to opt ECUA out of the FFCRA. Mr. Johnson added that normally critical items like this would be presented at the Board meeting. The next Board meeting following the effective date of the FFCRA was April 28. This item is now brought to the Board to have open discussion of the issue in a regular meeting and to consider whether to confirm and ratify the action of the Executive Director to have ECUA opt-out of the FFCRA, or rescind the action and adopt the requirements of the FFCRA.

Mr. Beasley produced a memorandum for the Board encouraging the Board to support the decision to opt-out of the Families First Coronavirus Response Act and included that legal counsel supports this decision as well. Mr. Beasley added that it was not very clear if the Executive Director had the authority to make this decision or if the Board needed to vote on this. Mr. Beasley expressed that he and Mr. Johnson decided to bring this issue to the Board for full discussion.

Chairman Benson thanked Mr. Johnson for his leadership regarding this Act and also, thanked Mr. Beasley for his guidance.

Motion and Vote:

Motion made by Dr. Walker, seconded by Ms. Campbell, that the Board approve the staff recommendation.

***Roll call vote - Motion carried 5-0.***

**(b) Employee Incentive Pay**

Recommendation:

That the Board approve the proposed employee incentive pay program for eligible employees based on a flat rate of \$100 per week for a period commencing on March 30 until Executive Order 20-91 is rescinded or for a period of two months, whichever occurs first, with funding through a transfer from Operating Contingencies.

Comments:

Mr. Johnson explained that, as a provider of essential services, ECUA depends on the dedication of its employees. Given the issues with the current pandemic, it is crucial for employees to be at work carrying out their duties. We are concerned with the health and safety of ourselves, our families, and these employees who may be subject to a higher level of risk. Each ECUA Director was tasked with identifying employees who might be at a greater risk for exposure. A total of 518 employees were identified. The recommendation included a flat rate of \$100 per week for the five week-period commencing on Monday, March 30 until Executive Order 20-91 is rescinded or for a period of two months, whichever occurs first. The issue is to consider approving a proposed incentive pay plan relating to employees working during the current COVID-19 pandemic.

Dr. Alexander recognized Mr. Johnson for standing up for the 518 employees and even those employees working from home. He expressed that he wishes we could give more to those working during this pandemic. Dr. Walker expressed that he only agrees with giving the employees this incentive if they are only coming in contact face-to-face with

outside customers and/or working in small spaces with numerous people. Dr. Walker did not agree with honoring this incentive to those who are working in the field or those handling garbage or sewage.

**Motion and Vote:**

Motion made by Dr. Alexander, seconded by Mr. Perkins, that the Board approve the staff recommendation.

Substitute motion made by Ms. Campbell, seconded by Dr. Alexander, that the Board grant all ECUA employees, minus the Board, an additional week of paid leave at the discretion of their supervisor.

Dr. Walker made an amendment to the substitute motion that the Board approve a week of paid leave; however, only for those ECUA employees who are at a greater risk of exposure.

Motion failed for lack of second.

***Roll call vote to accept the substitute motion as the main motion – Motion carried 4-1, with Chairman Benson voting against the motion.***

***Roll call vote to approve the new main motion as made by Ms. Campbell and seconded by Dr. Alexander – Motion carried, 5-0.***

**(c) Interlocal Agreement with Escambia County – Transfer Station**

**Recommendation:**

That the Board approve the attached Interlocal Agreement between the ECUA and Escambia County to allow the ECUA to construct and operate a transfer station at its existing Sanitation complex that fronts on Pine Forest Road.

**Comments:**

Mr. Johnson explained that, for many years, the ECUA and Escambia County have sought a legal determination related to the ECUA's right to construct and operate a transfer station. The ECUA filed a lawsuit in 2014 asking the court to make a ruling on the ECUA's ability to build a transfer station on our property off of Pine Forest Road. In January 2019, our Board approved a draft Interlocal Agreement with the County aimed at proceeding with the construction of a transfer station. On March 4, 2020, the ECUA staff and legal counsel met with the County Administrator and County Attorney to discuss this issue. After the meeting, all came to the understanding that a few minor changes would be made to the original Interlocal Agreement.

Mr. Johnson added that this issue is truly a financial and risk management issue for the ECUA. Four collection vehicles have rolled over while off-loading at the Perdido Landfill due to poor conditions on the working face. Fortunately, no ECUA drivers have been injured. The ECUA drivers use the County Transfer Station on Palafox Street on Wednesdays but typically overload the facility and the County closes it on Thursday and Friday each week. As a result this forces our trucks to haul to the Perdido Landfill and deal with the associated problems there. Mr. Johnson stated that the current draft

Interlocal Agreement resolves the issues discussed at the March 4 meeting and we are presenting it for the Board's consideration.

Mr. Beasley explained that, after the meeting on March 4, he left with the impression that the idea of the transfer station being approved, constructed and operational is now supported by the County. The agreement the Board is now being asked to sign is the exact agreement that was previously drafted with the minor changes of dates and signatures. Mr. Beasley added that the County Attorney recently sent indication that a red-line draft will be coming and this agreement will not be the final agreement. This process is still in the negotiation state; however, the vote of support from the Board and their ratification of terms would be helpful in moving the matter forward.

Chairman Benson asked Mr. Beasley if submitting this document will be counter productive in the negotiation or would it affirm our interest in moving forward. Mr. Beasley responded that it can only be affirmative and positive.

Ms. Campbell added that she would like to authorize Mr. Beasley to continue working through the process with the County and bring back a signed document approved by the County for ECUA's Board approval.

Chairman Benson and Ms. Campbell both recognized Mr. Randy Rudd for all his hard work on this project.

Motion and Vote:

Motion made by Ms. Campbell, seconded by Dr. Walker, that the Board approve the staff recommendation, with the stipulation that the negotiation will evolve.

***Roll call vote - Motion carried 5-0.***

**(d) Capacity Impact Fee Agreement – Commercial Large-Meter Contracts**

Recommendation:

That the Board approve the continued use of the current Capacity Impact Fee Agreement, pending the results of the current ongoing study.

Comments:

Mr. Johnson explained that, at the February Board meeting, the Board heard from representatives of College Vue Apartments concerning an adjustment to their Capacity Impact Fees. College Vue indicated that, after they received their bill with additional capacity impact fees, they made changes to their water conservation measures that aim at reducing consumption at their complex. The Agreement contract states that no refunds will be made. After College Vue Apartments presentation, the Board voted to have the staff review the commercial impact fee policy.

Mr. Johnson further explained there currently are a total of 500 commercial large-meter customers using the ECUA Capacity Impact Fee Agreement and on an average year about 10 percent receive adjustments when they exceed their previous estimate. Mr. Johnson stated that, if the ECUA changes the contract for this particular account, we would then have to change it for all 500 accounts. On a related note, the ECUA Engineering

Department recently contracted with Arcadis to conduct an impact fee study that will include an assessment of the ECUA's current large-meter customer impact fee system and recommendations for any changes to the current policy. After the study is complete, the Board will be provided additional information to evaluate this policy. Mr. Johnson explained that the recommendation is approval of the continued use of the current Capacity Impact Fee Agreement, pending the results of the current ongoing study.

Ms. Campbell asked Mr. Johnson when they impact fee study will be completed and Mr. Johnson stated, by Summer. She then asked where College Vue Apartments stand as of now. Mr. Johnson explained that, at the February meeting, the Board directed the staff to suspend the payment plan for the additional impact fees. Mr. Johnson added that he sees no reason to lift that suspension until we come to a resolution.

Ms. Campbell informed the Board that she resigned from her job at Emmanuel Sheppard and Condon where she worked, and abstained from voting on this matter at the February meeting. She confirmed with Mr. Beasley, that she is allowed to vote on this item since it does not directly pertain to College Vue Apartments.

Motion and Vote:

Motion made by Dr. Walker, seconded by Mr. Perkins, that the Board approve the staff recommendation.

***Roll call vote - Motion carried 5-0.***

**ITEM 10 – BUDGET REPORT**

No report.

**ITEM 11 – EXECUTIVE DIRECTOR'S REPORT**

- a) Notification of Emergency Purchase – Repair of Sewer Main near 220 Boiling Brook Circle

Mr. Johnson explained that this Notification of Emergency Purchase is for a sanitary sewer overflow (SSO) that happened in Carpenters Creek in February.

- b) Notification of Emergency Purchase

Sewer Repair – North Guillemard Street between East Maxwell Street and East Jordan Street (***Handout***)

Mr. Johnson explained that this handout for Notification of Emergency Purchase is for a portion of a 42-inch diameter gravity sewer trunk main along North Guillemard Street from East Maxwell Street to East Jordan Street that is need of repair.

Mr. Johnson added that Ms. Sharon Harrell, Executive Assistant, was involved in a traffic accident in March. He added that she is recovering and should be back to work very soon.

Mr. Johnson stated that we have had one presumptive COVID-19 case amongst our ECUA employees that tested positive for the virus; however, we have not received the documentation confirming this case. Due to the COVID-19 virus, several of our departments



have half of their staff working from home and the other half working in the office. On a typical day, we have forty to sixty employees working from home and are connected to our ECUA system through virtual private network (VPN). Field workers are maintaining their distance and have increased their cleaning regimen for all workspaces and service trucks.

Mr. Johnson added that we have begun the process of refunding deposits on commercial accounts and adding this as a credit to their bill. Essentially this has caused a reduction in cash flow. Overall we are at the half-way mark of the fiscal year and have refunded approximately \$850,000. In early May, the staff will be reading commercial account meters which will provide us with more information pertaining to reduction and usage, and subsequently revenue that possibly might come from this process.

Mr. Johnson added that this will be his last Board meeting and expressed how honored he is to have been the ECUA Executive Director. Our new ECUA Executive Director, Mr. Bruce Woody, will start Friday, May 1. Chairman Benson expressed on behalf of the Board, they cannot thank Mr. Johnson enough for his stable and steady leadership at a time that no one could have ever imagined. With his knowledge of the organization, the people of this organization and their confidence in Mr. Johnson is what has made the difference in getting us to this point.

Mr. Bruce Woody stated that he is honored to be the incoming Executive Director for the ECUA and is pleased to be here. Mr. Woody explained that there are many priorities ahead of us. First and foremost, is the ongoing COVID-19 response. Mr. Woody expressed that his main responsibility is employee and general public safety and continuing to provide topnotch service to our customers.

#### **ITEM 12 - ATTORNEY'S REPORT**

Mr. Beasley stated that we have been prepared to have an Executive Session Meeting; however, it is not appropriate to have this type of session in a virtual setting. Mr. Beasley requested to place the Executive Session on hold until the meeting can be held face-to-face.

#### **ITEM 13 - UNFINISHED BUSINESS**

None.

#### **ITEM 14 - NEW BUSINESS**

a) **Public Outreach**

Chairman Benson recommend that the ECUA Communications staff look into a way for those customers who are relatively unchanged economically to help those who are experiencing a financial devastation during this COVID-19 pandemic. Chairman Benson suggests one easy way would be to allow our customers who would be willing to help, "check a box" supporting the idea of helping those who are need of some assistance paying their utilities.

**ITEM 15 – BOARD COMMUNICATIONS**

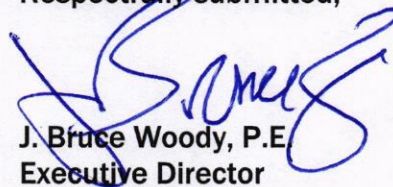
Ms. Campbell suggested that, if the next Board meeting cannot be held in the Board room, she would like for staff to look into having a meeting through Zoom: Video Conferencing.

Citizens' Advisory Committee (CAC) member, Ms. Clorissi Shoemo, asked to speak. Ms. Shoemo asked if the Board is considering having a Zoom: Video Conference for the CAC meeting if this month's meeting cannot be held in the Board room. Ms. Campbell responded that she would absolutely entertain that idea.

**ITEM 16 – ADJOURNMENT**

There being no further business to come before the Board, Chairman Benson adjourned the meeting at approximately 4:48 p.m.

Respectfully submitted,



J. Bruce Woody, P.E.  
Executive Director

APPROVED BY THE ECUA BOARD  
IN REGULAR SESSION ON May 26, 2020.

- ( X ) Without corrections/amendments
- ( ) With corrections/amendments being: