

MINUTES OF THE EMERALD COAST UTILITIES AUTHORITY BOARD MEETING

TUESDAY, JANUARY 26, 2021, 3:00 P.M.

ECUA BOARD ROOM

**9255 STURDEVANT STREET, ELLYSON INDUSTRIAL PARK
PENSACOLA, FLORIDA**

Members present: Lois Benson, Chairman
Kevin Stephens, Vice Chairman
Vicki Campbell
Dale Perkins
Larry D. Williams, Sr.

Members absent:

Counsel present: Robert Beasley

Staff present: J. Bruce Woody, Executive Director

ITEM 1 – CALL TO ORDER

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

ITEM 2 – INVOCATION AND PLEDGE OF ALLEGIANCE

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

ITEM 3 - ADOPTION OF AGENDA

Mr. Perkins requested to move item 9(c) Adoption of General Resolution No. GR21-08 to follow Item 4 – Public Hearings.

Ms. Campbell added the following item to the agenda under New Business: Item 14(a) Trash on Roadways.

A motion was made by Mr. Perkins, seconded by Mr. Campbell, to adopt the agenda as presented and amended.

Motion carried 5-0.

ITEM 4 – PUBLIC HEARINGS

There were no public hearings.

Chairman Benson opened discussion for Item 9(c) Adoption of General Resolution No. GR21-08.

9(c) Adoption of General Resolution No. GR21-08

A GENERAL RESOLUTION AUTHORIZING THE ACCEPTANCE OF BID AND AWARDING OF A CONTRACT; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH CHAVERS CONSTRUCTION, INC., OF PENSACOLA, FLORIDA, FOR \$877,013 TO INSTALL SANITARY SEWER FOR THE RIVER GARDENS SEWER EXPANSION PROJECT; AUTHORIZING THE USE OF FUNDS.

Comments:

Mr. Beasley stated that he received several emails from certain Board members related to this subject matter, which were sent by citizens and members of the River Gardens Homeowners Association. The Board is governed by the Florida Sunshine Laws and Rules and enforce their notion of keeping all decisions and communications within the law. Mr. Beasley reviewed the emails regarding the matter that were sent by Mr. Perkins and Ms. Campbell and there was question as to whether there was a potential Sunshine Law violation. Mr. Beasley concluded that there has been no violation with regard to the Board as to the communication on this matter. However, the Sunshine Law also covers conduit violations, which means that a violation could occur if elected officials do not directly speak to the other elected official but do so through another party. For instance, a citizen informs a Board member of something another Board member says. The concern in the emails is the potential for several conduit violations and the best way to cure this issue is to disclose them prior to discussions. Mr. Beasley disclosed three emails publicly that would potentially constitute conduits of violations of the Sunshine Laws. Mr. Beasley stated that he does not believe a violation has been committed but to clear the record and ensure we are in steadfast compliance with the Sunshine Rules, the emails were disclosed prior to any communication at today's Board meeting.

Mr. Woody explained that staff received the following three bids for the River Gardens Sewer Expansion Project: Chavers Construction, Inc., Pensacola Concrete Construction Company, Inc., and Talcon Group, LLC. The purpose of the project is to provide gravity sanitary sewer service to approximately 40 homes, which currently are served by septic tank system in the River Gardens expansion area. ECUA staff produced in-house design documents and construction plans following all State of Florida requirements. Staff recommendation is to authorize the acceptance of bid and award of contract to Chavers Construction, Inc., in the amount of \$877,013 for the construction of gravity sewer service.

Mr. Mike Jeffcoat, address 60 Blithewood Dr., Pensacola, Florida, 32514, a ten year resident of River Gardens, addressed the Board regarding this project. Mr. Jeffcoat is one of the 40 homes that is serviced by the septic tank system. Mr. Jeffcoat outlined the necessity for this project in the River Gardens neighborhood and expressed his support.

Mr. Stacy Hayden, Director of Engineering, explained that this project will complete the rest of the River Gardens neighborhood with gravity sewer. There is a small section on Link Circle where staff plans on adding to this project at a later time.

Motion was made by Perkins, seconded by Mr. Campbell, to approve Item 9(c).

Motion carried 5-0.

ITEM 5 – OPEN FORUM

There were no requests to address the Committee.

ITEM 6 – PRESENTATIONS

- (a) Recycle Star - Random Selection of Monthly Winner
Ms. Campbell, selected number seventeen, Mr. Harry Etheridge, for the Recycle Star Award.

ITEM 7 – APPROVAL OF MINUTES

A motion was made by Ms. Campbell, seconded by Mr. Stephens, to approve the minutes of the Regular Board meeting of December 15, 2020, as presented.

Motion carried 5-0.

ITEM 8 – REPORT OF THE ECUA CITIZENS' ADVISORY COMMITTEE OF December 8, 2020

Recommendations:

Open Forum - State Representative Ms. Michelle Salzman, regarding proposed ECUA Bill

F. Adoption of General Resolution No. GR21-01

A GENERAL RESOLUTION AUTHORIZING THE EXTENSION OF THE SOLE-SOURCE ANNUAL AGREEMENT WITH EVOQUA WATER TECHNOLOGIES, LLC., FOR THE PURCHASE OF ALK-AQUIT® and BIOXIDE® PLUS 71.

G. Adoption of General Resolution No. GR21-02

A GENERAL RESOLUTION AUTHORIZING THE ACCEPTANCE OF BID FROM UTILITY SERVICE COMPANY, INC., FOR THE NAVY POINT PHASE 4A SEWER EXPANSION PROJECT.

H. Adoption of General Resolution No. GR21-03

A GENERAL RESOLUTION AUTHORIZING THE TRANSFER OF PROJECT FUNDS FROM CIP PROJECT CR526B – NINE MILE/I-10 TO PINE FOREST TO CIP PROJECT RW0001 – INNERARITY ROAD/PERDIDO KEY IMPROVEMENTS.

I. Adoption of General Resolution No. GR21-04

A GENERAL RESOLUTION AUTHORIZING THE EXTENSION OF THE SOLE SOURCE PURCHASE OF PURAFIL ODOR CONTROL SCRUBBER MEDIA WITH PUMP AND PROCESS EQUIPMENT, INC., FOR THE PURCHASE OF REPLACEMENT MIXED BED ODOR ADSORBING MEDIA.

J. Adoption of General Resolution No. GR21-05

A GENERAL RESOLUTION AUTHORIZING THE EXTENSION OF THE ANNUAL SERVICE CONTRACT FOR CLEARING, GRUBBING, AND CONSTRUCTION OF ACCESS ROADS AND EASEMENTS FOR EMERALD COAST UTILITIES AUTHORITY FACILITIES AND INFRASTRUCTURE.

Motion and Vote:

Motion was made by Ms. Campbell, seconded by Mr. Perkins, to approve the recommendations for Items F through J.

Motion carried 5-0.

ITEM 9 – CONSENT AGENDA

(a) Adoption of General Resolution No. GR21-06

A GENERAL RESOLUTION AUTHORIZING THE ACCEPTANCE OF BID AND AWARDING OF A CONTRACT; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH PENSACOLA CONCRETE CONSTRUCTION COMPANY, INC., OF PENSACOLA, FLORIDA, FOR \$468,962 TO INSTALL THE PIPING FOR A GRANULAR ACTIVATED CARBON SYSTEM AT THE ELLYSON WELL SITE; AUTHORIZING THE USE OF FUNDS FROM SEVERAL BUDGETS.

(b) Adoption of General Resolution No. GR21-07

A GENERAL RESOLUTION AUTHORIZING THE EXTENSION OF THE AGREEMENT WITH PINNACLE DATA SYSTEMS, LLC FOR THE OUTSOURCING OF UTILITY BILLING AND DELINQUENT NOTICE PRINTING SERVICES.

(c) Adoption of General Resolution No. GR21-08

A GENERAL RESOLUTION AUTHORIZING THE ACCEPTANCE OF BID AND AWARDING OF A CONTRACT; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH CHAVERS CONSTRUCTION, INC., OF PENSACOLA, FLORIDA, FOR \$877,013 TO INSTALL SANITARY SEWER FOR THE RIVER GARDENS SEWER EXPANSION PROJECT; AUTHORIZING THE USE OF FUNDS.

Comments:

Mr. Perkins moved this Item to follow Item 4 – Public Hearings.

(d) Adoption of Special Resolution No. GR21-09

A GENERAL RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE LOWEST COST PROPOSAL AND ISSUANCE OF A PURCHASE ORDER; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PURCHASE ORDER WITH RANDY CHANCE MANUFACTURING, BAY MINETTE, ALABAMA, IN THE AMOUNT OF \$80,000, FOR THE PENSACOLA BEACH DENITRIFICATION FILTER PIPING REPLACEMENT.

(e) Adoption of General Resolution No. GR21-10

A GENERAL RESOLUTION AUTHORIZING THE ACCEPTANCE OF BID AND AWARDED CONTRACT; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH B & W UTILITIES, INC., IN THE AMOUNT OF \$185,570.94 FOR THE GREENBRIER BOULEVARD WATER MAIN REPLACEMENT PROJECT AND AUTHORIZING THE TRANSFER OF PROJECT FUNDS.

(f) Adoption of General Resolution No. GR21-11

A GENERAL RESOLUTION TO ESTABLISH A NEW PROJECT AND AUTHORIZE A PROPOSAL OF ENGINEERING SERVICES BY JACOBS ENGINEERING GROUP IN THE AMOUNT OF \$74,964, FOR DESIGN EFFORTS RELATED TO THE REPLACEMENT OF THE CHIMNEY PINES LIFT STATION (NO. 285).

Comments:

Mr. Williams requested that the Board discuss Item 9(a) Adoption of General Resolution No. GR21-06 separately from all other items.

Motion and Vote:

Motion made by Mr. Perkins, seconded by Mr. Williams, that the Board approve Items 9(b), 9(d) and Items 9(e) and 9(f) under a consent agenda.

Motion carried 5-0.

Comments:

Chairman Benson opened discussion for Item 9(a) Adoption of General Resolution No. GR21-06.

Mr. Woody explained to the Board that General Resolution No. GR21-06 is for the acceptance of a bid for the installation of piping for a Granular Activated Carbon (GAC) system at the Ellyson Well Site in the amount of \$468,962. Mr. Woody stated that several months ago he authorized the construction of the slabs that support the GAC vessels. The Board then previously approved the purchase of the vessels themselves and approved the hiring of Arcadis who prepared the design work for the GAC system piping. This bid is for the installation of the piping for this system and would involve approximately four months of work. The purpose of the entire system is to filter out contaminants such as perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), which are registering low levels in this particular well. Mr. Woody praised staff for taking action well ahead of the required time set by the Florida Department of Environmental Protection (FDEP). Mr. Woody added that three bids were received for this project and staff recommends awarding to the lowest responsive bidder, Pensacola Concrete Construction Company, Inc., (PCC).

Mr. Williams asked about the Ellyson Well Site's location and Mr. Woody explained that it is located at the south end of the Ellyson Industrial Park. Mr. Williams also asked if ECUA has a prior working relationship with PCC. Mr. Woody responded that PCC is a very competitive bidder on ECUA projects and we have a great working relationship with this company.

Motion and Vote:

Motion was made by Ms. Campbell, seconded by Mr. Stephens, to approve 9(a) Adoption of General Resolution No. GR21-06.

Motion carried 5-0.

ITEM 10 – BUDGET REPORT

(a) Budget to Actual Report FY 2021 as of December 31, 2020

Comments:

Mr. Woody informed the Board that Ms. Patty Sheldon, Former Director of Finance has retired and Mr. Justin Smith is now the Director of Finance. Mr. Woody and Mr. Beasley praised Mr. Smith for his exceptional work in helping prepare responses to the ECUA Bill when we were debating issues regarding Chapter 287 of the Florida Statutes.

Justin Smith, stated that the Budget to Actual Report is as of December 31, 2020, approximately 25% into our fiscal year (FY) and illustrates that revenues and expenses are on track. From a percentage basis, there are a few items where we have received encumbrances for chemicals for the entire year, so it looks like we've got a higher percentage than 25%. Additionally, when reviewing the Sanitation fund (Santa Rosa Operations) since we are no longer serving Santa Rosa County, we only expended a quarter of the year and all expenses are pretty much paid, which is why the percentage is high. There are some lingering repairs and maintenance in Santa Rosa County, but for the most part all the expenditures are fully complete for the fiscal year.

Chairman Benson asked Mr. Smith to provide an update on the market for recyclables. Mr. Smith stated that the average market value is rising and from an expense standpoint, we should be level throughout the year.

ITEM 11 – EXECUTIVE DIRECTOR'S REPORT

(a) Update on the proposed ECUA Bill

Mr. Woody explained that the proposed ECUA Bill was initially presented by State Representative Ms. Michelle Salzman. Mr. Woody provided an update stating that the legislative delegation held their public hearing and the elements that are in the bill, which we anticipate will be filed on Wednesday, January 27, 2021, are as follows: term limit provisions limiting ECUA Board Members to three four-year terms (12 years) subsequent to July 1, 2021, language to provide remedies to fill Board vacancies, clarifying the protections of sovereign immunity, updating provisions regarding personnel actions, specifically incorporating the ECUA Human Resource Manual and Employee Handbook, amending the appeal process and procedure defining types of actions, amending the definition of "agency", and amending the qualifications of the Executive Director by updating an old reference to 1981 to current standards.

ITEM 12 - ATTORNEY'S REPORT

Mr. Beasley stated that he would like to discuss matters relating to a pending case and requested that the matters be discussed in an Executive Session. In pursuant to the Florida Statutes related to the Sunshine Law, the proper procedure is for Mr. Beasley to request that the Executive Session be initiated at this time. The Executive Session is related to the status report and a settlement offer received in the case against the firm of Odom & Barlow, the ECUA's former counsel. The Executive Session will be hosted in the main conference room and a court reporter will be present.

Chairman Benson adjourned the regular Board meeting at approximately 3:37 p.m.

Chairman Benson, following adjournment of the Executive Session meeting, reconvened the regular Board meeting at approximately 4:25 p.m.

ITEM 13 – UNFINISHED BUSINESS

None.

ITEM 14 – NEW BUSINESS

(a) Trash on Roadways

Ms. Campbell and Mr. Stephens stated that they have received communications from citizens regarding the remaining debris on the roadways. Ms. Campbell explained that ECUA is not the responsible party; however, she assured that she would reach out to the County Commissioners and Florida Department of Transportation (FDOT) to relay their concerns. Ms. Campbell recommended that ECUA staff offer a lending hand by supplying a roll-off if a spring cleanup session occurs. Ms. Campbell informed the Board that she received an answer from FDOT regarding these issues and was informed that mowers are run seasonally and due to COVID-19 it is unsafe for prisoners to clean up trash on the roadways for fear of exposure. Ms. Campbell added that she is working on a helpful spring cleanup and collaborating with the County and FDOT to help our community.

Mr. Woody stated that from a policy perspective, the issue at hand is not to step into the shoes of the County. The County and the City are responsible for enforcing cleanup on private property; however, most of the debris is on the right-of-way due to Hurricane Sally. Mr. Woody explained that the ECUA may offer to work on a program to possibly provide assistance and roll-offs to collect debris, if tipping fees were waived.

ITEM 15 – BOARD COMMUNICATIONS

Ms. Campbell stated that ECUA's Recycle Star Program recognizes our recycling customers who exhibit positive recycling habits. Ms. Campbell recommended that staff acknowledge all of the Recycle Star candidates for their efforts on our website.

Mr. Perkins stated that at the last meeting Ms. Benson requested that staff fashion a plaque in memory of Mr. Barry Tweedie that would be placed on the podium in the Board room and requested to make a motion for staff to move forward with the recommendation.

Motion and Vote:

Motion was made by Mr. Perkins, seconded by Ms. Campbell, to adorn the speaker's podium in the Board room in remembrance of Mr. Barry Tweedie and his service to ECUA.

Motion carried 5-0.

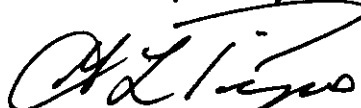
ITEM 16 – OPEN FORUM

There were no requests to address the Board.

ITEM 17 – ADJOURNMENT

There being no further business to come before the Board, Chairman Benson adjourned the meeting at approximately 4:34 p.m.

Respectfully submitted,

 *Jerry Piscopo*
J. Bruce Woody, P.E.
Executive Director

APPROVED BY THE ECUA BOARD
IN REGULAR SESSION ON February 23, 2021.

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

Item 14 – New Business.

The comment states that Ms. Campbell informed the Board that she received an answer from FDOT regarding these issues and was informed that mowers are run seasonally and due to COVID-19 it is unsafe for prisoners to clean up trash on the roadways for fear of exposure. Ms. Campbell stated at the February 23, 2021, Board meeting that she actually received an answer from one of the County Commissioner's Aides, not FDOT.

A motion was made by Ms. Campbell, and seconded by Mr. Stephens, to approve the minutes of the Regular Board meeting of January 26, 2021, as amended.

Motion carried 5-0.