

**MINUTES OF THE EMERALD COAST UTILITIES AUTHORITY BOARD MEETING
HELD THURSDAY, MARCH 26, 2015 AT 2:00 P.M. IN THE ECUA BOARD ROOM
AT 9255 STURDEVANT STREET, ELLYSON INDUSTRIAL PARK, PENSACOLA, FL**

Members present: Lois Benson, Chairman
Larry Walker, Vice Chairman
Vicki Campbell
Elvin McCorvey
Dale Perkins

Counsel present: Bradley S. Odom

Staff present: Stephen E. Sorrell, Executive Director
Mike Hamlin, Manager of Engineering Projects
Amanda Handrahan, Recycling Coordinator
Linda Iversen, Executive Assistant to the Board
Jim Roberts, Public Information Officer
Patricia Sheldon, Director of Budgets and Cash
Management

ITEM 2 – INVOCATION AND PLEDGE OF ALLEGIANCE

Prior to calling the regular meeting of the Board to order, Chairman Benson provided the invocation and led the Pledge of Allegiance.

ITEM 1 – CALL TO ORDER

Chairman Benson called the regular meeting of the Emerald Coast Utilities Authority Board to order at approximately 1:59 p.m.

ITEM 3 – ADOPTION OF AGENDA

Dr. Walker added “recycling cans” to the agenda.

Mr. Sorrell added Item 14(a) – Extension of Chemical Contract – Hydrofluosilicic Acid, to the agenda.

Mr. Perkins added under Unfinished Business the topic of backflow preventers. Chairman Benson pointed out that this topic would be addressed under Item 9(a).

Chairman Benson reported that FDEP had been invited to the Board meeting to discuss the FDEP rule regarding the requirement for backflow preventers and they declined to attend.

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A motion was made by Ms. Campbell, seconded by Mr. McCorvey, to adopt the agenda as presented and amended. Motion carried 5-0.

ITEM 4 - PUBLIC HEARINGS:

None.

ITEM 5 - OPEN FORUM

The following individuals addressed the Board speaking against the requirement for backflow preventer installation on wells not connected to the ECUA water supply.

Mr. Nicholas Seelye
2480 Bonanza Drive
Cantonment, FL 32533

Ms. Diane Schabel
7049 Belgium Circle
Pensacola, FL 32526

Mr. Warrant Tate
100 Sugarberry Road
Pensacola, FL 32514

Mr. Kevin R. Smith
2211 Inverness Drive
Pensacola, FL 32503

Mr. Sidney Denni
7601 Northpointe Drive
Pensacola, FL 32514

Mr. Kyle Hayes
6201 Vicksburg Drive
Pensacola, FL 32503

Ms. Ava Rich
3600 Gatewood Drive
Pensacola, FL 32514

Following speaker Warren Tate, Mr. David Suhor, 929 E. Scott Street, Pensacola, FL, 32503, addressed the Board concerning the provision of invocation at the meetings. Mr. Suhor stated he was asking for religious diversity and that the Board take no position regarding prayer.

Ms. Schabel requested that the Board members and staff continue their efforts regarding the FDEP rule with the Legislature.

Mr. Perkins explained actions that ECUA has taken, and will be taking, stating that he is violently opposed to the rule and has been from day one.

Dr. Walker expressed his concern with protocol during Open Forum, stating that he feels the public should be speaking rather than the Board members. Mr. Perkins disagreed, stating that he would comment. Chairman

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Benson indicated she would allow Open forum to proceed with Board members offering comments.

In response to a question from Mr. Tate, Mr. Sorrell explained that staff found out about this part of the rule late last year and presented it to the Board at that time.

In response to a question from Mr. Smith to Mr. Odom, Mr. Odom explained FDEP's response to questions regarding backflow preventers, particularly regarding the requirement for private residential wells to have backflows installed on them when they are not connected to the public water supply.

Mr. Denni stated that he has already had the backflow device installed on his well, and now that there is the possibility the FDEP may grant a variance for wells, he requested that ECUA reimburse him for the cost of installation and removal of the device.

ITEM 6 - PRESENTATIONS

None.

ITEM 7 - APPROVAL OF MINUTES

A motion was made by Dr. Walker, seconded by Ms. Campbell, to approve the minutes of the regular Board meeting of February 26, 2015 and the special Board meeting of March 18, 2015 as presented. Motion carried 5-0.

ITEM 8 - REPORT OF THE ECUA CITIZENS' ADVISORY COMMITTEE 03/18/15

A motion was made by Mr. McCorvey, and seconded, to approve the following recommendations for Item G and H. Motion carried 5-0.

- F. Presentation by Saltmarsh, Cleaveland & Gund – Comprehensive Annual Financial Report for the fiscal year ended September 30, 2014

In Committee only – no action required.

- G. Contract Extension – HVAC Maintenance Services

Approve the one-year optional contract extension for the annual HVAC maintenance services for the Central WRF, the three Regional Lift Stations, Bayou Marcus and Pensacola Beach plants with Engineered Cooling

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Services, Inc., Pensacola, FL, for a total of \$68,814.98, with payment from the appropriate budget line item.

H. CWRF Administration building exterior and roof restoration

Reject all bids and authorize staff to revise the plans and specifications and rebid the project.

ITEM 9 - OPERATIONAL ITEMS:

(a) Ratification of cross-connection control action taken at special Board meeting of March 18, 2015

A motion was made by Ms. Campbell, seconded by Dr. Walker, to place the following action taken by the Board at its March 18, 2015 meeting on the table. Motion carried 5-0.

To (1) request that the Florida Department of Environmental Protection (DEP) reconsider its position that irrigation wells which are not connected to residential plumbing systems are nevertheless required to have backflow protection, and request that DEP issue a variance for such situations provided the customer provides at customer's expense certification of no cross-connection; (2) allow ECUA customers to use dual-check backflow preventers where allowed by DEP rule, but recommend double-check backflow assemblies; (3) allow any residential customer regardless of connection type wanting to put on a backflow preventer without the ability to pay for the installation of that backflow preventer to have it put on at the ECUA's expense and allow them to pay ECUA back in monthly installments over a period of time, up to three years under an existing ECUA financial program; and (4) allow customers to submit a notarized letter, affidavit, or other legal document to show entitlement to the requested variance instead of subsequent inspections.

Mr. Sorrell reported that a meeting has been scheduled for April 3 between ECUA staff and attorney, and individuals from FDEP, to discuss the backflow prevention rule and possible variance thereof in some instances. The meeting will be held at 9255 Sturdevant Street from 10 a.m. to 12 noon and is not open to the public in that it is a staff meeting.

Chairman Benson reiterated the actions taken by the Committee and Board at their November 2014 meeting and the directives made to staff for notification of affected customers. Further, Chairman Benson stated she is concerned about those individuals that immediately went out and got the backflow devices installed and now find that it may not have been necessary, and she hoped the Board would be willing to refund those individuals.

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Mr. Perkins stated that any consideration regarding reimbursements should be held in abeyance until a decision has been made by FDEP regarding the variance.

A motion was made by Mr. Perkins, seconded by Ms. Campbell to refer this issue to the Citizens' Advisory Committee and staff for consideration after FDEP makes its decision. Motion carried 5-0.

Dr. Walker indicated that he had received a communication from a plumbing company that is also requesting reimbursement for costs of purchasing devices and permits to meet customer demand, and that the customers are now cancelling their requests due to ECUA's most recent letter advising them to hold off on any actions to install backflows on their wells.

At the request of Dr. Walker, Chairman Benson recessed the meeting at 3:06, with the meeting being reconvened at approximately 3:14 p.m.

(b) Award of bid – 9th Avenue lift station #2 rehabilitation

A motion was made by Ms. Campbell, seconded by Mr. McCorvey, to (a) award a contract to Brown Construction Company, Pensacola, FL, the low bidder, in the total amount of \$993,792.18, for CIP Project RS121K - 9th Avenue lift station #2 rehabilitation project; and (b) transfer funds in the amount of \$1,100,000.00, from CIP Project RS121 - Lift Station Replacement & Upgrading to RS121K. Motion carried 5-0.

(c) Award of bid – Pine Lake Estates sewer expansion

A motion was made by Ms. Campbell, seconded by Mr. McCorvey, to award the contract for Pine Lake Estates Sewer Expansion to Brown Construction of NWF, Inc., the lowest bidder, for the Base Bid in the total amount of \$99,017.64, with funding from CIP Project CS318O. Motion carried 5-0.

(d) Award of bid – CWRP Transmission Main Interruption Plan – Warrington Tank Storage Tanks

A motion was made by Dr. Walker, seconded by Mr. McCorvey, to award a contract to Crom, LLC, Gainesville, Florida, the low bidder, in the total amount of \$1,687,196, for the Warrington Storage Tanks, with funding in the amount of \$1,740,000 from CIP Project CS415A through a transfer of that same amount from CIP Project CS415 - CWRP Transmission Main Interruption Plan. Motion carried 5-0.

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- (e) Interlocal Agreement for City of Pensacola stormwater improvement project - CWRP Transmission Main Interruption Plan

A motion was made by Mr. Perkins, seconded by Mr. McCorvey, to authorize the Executive Director to negotiate, finalize, and enter into an Interlocal Cost-Sharing Agreement with the City of Pensacola, in a form substantially similar to Exhibit A, for work related to the City's Government Street Regional Stormwater Pond at Corinne Jones Park Project and ECUA's Government Street Wastewater Improvements project, with funding provided by CIP Project CS415 – Transmission Main Interruption Plan. Motion carried 5-0.

- (f) Real property purchase – Bayou Marcus Wetland Expansion-Rainwater property

A motion was made by Ms. Campbell, seconded by Mr. McCorvey, to approve the negotiated Purchase and Sale Agreement for the Rainwater Property located at 8300 Lillian Highway, Pensacola, Florida 32507 for its appraised value of \$24,000, with funding from CIP Project CZ999, and authorize the Executive Director to execute that document. Motion carried 5-0.

ITEM 10 - INFORMATIONAL REPORTS

None.

ITEM 11 - EXECUTIVE DIRECTOR'S REPORT

The following reports were presented for formation only and did not require action.

- (a) Notification of Emergency Purchase – Navy Federal Credit Union site expansion

Mr. Sorrell advised that the Capital Improvements Program (CIP) list would be on the agenda for the April Committee meeting.

Mr. Sorrell stated that the interlocal agreement with the County regarding Innerarity Island has been received and is in the hands of the attorney, and staff will be bringing it to the Board before too long.

Also, Mr. Sorrell stated that the composting operation issue has been sent to the County Administrator for adoption of a Resolution by the Board of County Commissioners. The staff is awaiting authorization from DEP to do the grinding and material is being stockpiled at CWRP.

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ITEM 12 - ATTORNEY'S REPORT

Mr. Odom reported that the County, due to lack of funding, has opted out of the interlocal agreement regarding lift station #109; however, that does not impact ECUA's project.

ITEM 13 - UNFINISHED BUSINESS

None.

ITEM 14 - NEW BUSINESS

(a) **Extension of Chemical Contract – Hydrofluosilicic Acid**

A motion was made by Mr. Perkins, seconded by Mr. McCorvey, to approve the extension of the contract with Dumont Company, Inc., Oviedo, FL, for the supply of hydrofluosilicic acid for the first of two optional one-year contract extensions at the terms and rates offered by the supplier, with funding from the appropriate budget line item. Motion carried 5-0.

(b) **Recycling cans (Walker)**

Dr. Walker commented that in his travels around District Five, he makes note of damaged ECUA cans and they most often are the recycling cans with lids missing or broken. Further, he is concerned that the quality of the recycling cans is not as good as the household cans and perhaps that is something that ECUA needs to look into.

ITEM 15 - BOARD COMMUNICATIONS

(a) Ms. Campbell thanked Mr. Sorrell and Mr. Jim Roberts for the excellent work towards the success of the Youth Leadership Program.

(b) Chairman Benson addressed the issue of invocation at the Board meetings, stating she has received communication from Mr. Suhor in which he has indicated he would pursue a lawsuit against ECUA. Therefore, she has elected to change the order of the Board agenda to conduct the invocation prior to calling the meeting to order.

Also, with regard to allowing conversations and interaction between the audience and the Board members and each other during Open Form, as Chairman she decided to allow a lot of latitude today during the discussion concerning backflow preventers.

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Dr. Walker stated that his objection was to allowing Board members to deliberate the issue during Open Forum when that was the time for the public to speak and the Board to listen to their concerns.

Mr. McCorvey stated that he feels the comments from the speakers need to be directed to the Chairman and not to members of staff or the attorney.

ITEM 16 - ADJOURNMENT

There being no further business to come before the regular meeting of the Emerald Coast Utilities Authority Board, Chairman Benson declared the meeting adjourned at approximately 3:35 p.m.

Respectfully submitted,

Stephen E. Sorrell
Executive Director and
Secretary

APPROVED BY THE ECUA BOARD
IN REGULAR SESSION ON _____.

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