

**Minutes Of
Engineering And Maintenance Committee Meeting
Of The Water Works Board
Of The City Of Birmingham
April 30, 2019**

An Engineering and Maintenance Committee Meeting of The Water Works Board of the City of Birmingham was held Tuesday, April 30, 2019, at 11:30 a.m., at the Birmingham Water Works Board, 3600 First Avenue North, to discuss engineering and maintenance issues.

The following Committee members were present: Brett A. King, Brenda J. Dickerson, Ronald A. Mims. Sherry W. Lewis arrived late. Other Board Members present who do not serve on the Committee were: Tommy Joe Alexander, William "Butch" Burbage, Jr., William R. Muhammad, George Munchus and Deborah Clark.

The meeting was also attended by: Michael Johnson, General Manager; T. M. "Sonny" Jones, Assistant General Manager of Engineering and Maintenance; Grace Amison, Executive Assistant to the Board of Directors; Tammy Wilson, Executive Assistant to T. M. "Sonny" Jones; Terrell Jones, Security Superintendent; Ben Sorrell, Chief Engineer; Jeremy Millwood, Technical Support Analyst II; Johnnie Mayfield, Industrial and Commercial Accounts Manager; Josh Smith, Superintendent Industrial and Commercial Accounts; Roger Hicks, Water Resources Manager; Steve Franks, Principal Engineer; Mark Parnell and Mary Thompson, Parnell Thompson, LLC; Kelvin Howard, Kelvin Howard, LLC; Theo Johnson, Volkert; Brian Ruggs and Patrick Flannelly, ARCADIS; Andy Mitchell, Agency 54; Chandra Abesingha, CE Associates; Kim Bivins, BCIA; Cory Auston, Attorney General Office; Martha Patterson and Richard Aldridge, citizens; Birmingham Police Officer; Andrei Pettus, E. W. Moon; Brent Johns and Chip Barr, Highlands Resources, LLC.

Chair of the Committee, Brett A. King called the meeting to order at 11:30 a.m. and opened the meeting with prayer.

Following, as set forth in agenda item 1, the Committee was asked to approve minutes from the February 19, 2019 Engineering and Maintenance Committee Meeting. On a motion duly made and seconded, the Committee unanimously agreed to approve the minutes.

Next, Director King asked to wait on the discussion of agenda item 2 until Director Lewis arrived because she may have some questions regarding the item.

Following, General Manager Michael Johnson asked the Committee to table item 3, a presentation from Maurika McKenzie of Cornerstone Engineering, due to car trouble Mr. McKenzie was having. Mr. Johnson stated Staff would reschedule the presentation for the next Engineering and Maintenance Committee Meeting. Assistant General Manager Sonny Jones stated Mr. McKenzie came to him at the recommendation of Director

Munchus. Sonny Jones stated he had met with Mr. McKenzie already and that he believes the company is qualified to do business with the Birmingham Water Works (BWW). Director Lewis arrived at 11:33 a.m.

Next, as set forth in agenda item 4, was a request for the Committee to recommend to the Board to award a bid to Black Diamond Paving, LLC, the lowest responsible and responsive bidder, for estimated quantities of Standard Patch Paving/Longitudinal Transverse Replacement at an annual estimated cost to the Board of \$954,625.00. Assistant General Manager Sonny Jones stated this item has been before the Committee several times and BCIA has worked to get this company certified. Kim Bivins of BCIA addressed the Committee stating Black Diamond Paving, LLC is certified as a disadvantaged business, 100% woman-owned. Director Clark questioned the certification process, where the bid was advertised and if Staff was working to get other companies certified or were certain companies given preferential treatment. Ms. Bivins responded that Black Diamond Paving, LLC chose to work with BCIA on the certification process. Ms. Bivins stated BCIA reaches out to contractors if they are woman or minority owned. Director Dickerson asked in light of the company not being certified, why we awarded them the contract. Attorney Parnell responded that they were the low bidder. Director Clark asked if other paving companies who bid were certified adding this was raising a lot of questions to her. AGM Sonny Jones read the list of bidders, all of whom were certified HUBs other than Jones Utility. General Manager Johnson stated Black Diamond Paving, LLC was certified through SBA prior to BCIA certifying them. It was clarified that the reason Black Diamond Paving, LLC was awarded the contract was because they were the lowest responsible and responsive bidder. Some more discussion occurred regarding the ownership of the company. Kim Bivins stated BCIA did a site visit and it was determined that Dawn Hollis and her mother, Catherine Early, owned the company. Attorney Parnell stated the company has been owned by Ms. Hollis since 2012 according to the Articles of Incorporation. In July of 2018 Ms. Catherine Early left the company. On a motion duly made and seconded, the Committee agreed to move the item to the Board. Directors Dickerson and Lewis abstained.

Following, as set forth in agenda item 5, was a request for the Committee to recommend to the Board to award a bid to American Filter Service Corporation, the lowest responsible and responsive bidder, for estimated quantities of Filter Media for the filter plants at an estimated cost to the Board of \$51,298.04. AGM Sonny Jones stated this is the activated carbon that is used in the plants and this is our annual bid. On a motion duly made and seconded, the Committee unanimously agreed to move the item to the Board. Director Muhammad stated it is clear that our HUB program is not working because the program is benefitting white women. Director Lewis stated she agreed. Director Munchus asked if this was a manufacturer representative. AGM Sonny Jones responded, yes.

Next, as set forth in agenda item 6, was a request for the Committee to recommend to the Board to award a bid to Enterprise Rent-A-Car for rental of ten 15-passenger vans to transport participants of the Young Water Ambassadors Program, at an estimated cost to the Board of \$54,183.00, which includes comprehensive and liability insurance. Director Clark stated she could not believe there was only one bidder. Some discussion

occurred regarding purchasing vehicles instead of renting them. Director Munchus stated this was a good program and it includes the entire service area of the BWW. On a motion duly made and seconded, the Committee unanimously agreed to move the item to the Board.

Following, as set forth in agenda item 7, was a request for the Committee to recommend to the Board to award a bid to Thompson Tractor Company, the lowest responsible and responsive bidder, for a Hydraulic Caterpillar Excavator, at an estimated cost to the Board of \$98,465.00. Thompson Tractor Company is a direct manufacturer/supplier, located in Birmingham, Alabama. On a motion duly made and seconded, the Committee unanimously agreed to move the item to the Board.

Next, as set forth in agenda item 8, was a request for the Committee to recommend to the Board to award a bid to Brentwood Industries, the lowest responsible and responsive bidder, for estimated quantities of Tube Settler Media at an estimated cost to the Board of \$236,040.00. AGM Sonny Jones stated this would be for the Western Filter Plant. Chief Engineer, Ben Sorrell explained how the tube settlers work and help to increase the water quality. Director Clark asked how the bidders were chosen. Ed Travis responded the recommendation of bidders came from the Engineering Department as well as from the public notice. Some discussion occurred regarding the other bidders. On a motion duly made and seconded, the Committee unanimously agreed to move the item to the Board.

Following, as set forth in agenda item 9, was a request for the Committee to recommend to the Board to take bids for the chemical, Liquid Sodium Hypochlorite to be used at Shades Mountain Filter Plant to treat water. Attorney Parnell stated this request was the result of the incident at the Shades Mountain Filter Plant. Attorney Parnell stated there is a meeting after this Committee meeting regarding working out the logistics of terminating the existing contract and a forthcoming lawsuit against the chemical company for their involvement in the incident. On a motion duly made and seconded, the Committee unanimously agreed to move the item to the Board. Further, just to be clear, GM Johnson stated Staff is looking at terminating the existing contract based on the advice of the Board's attorneys and our insurance company's attorneys. Attorney Parnell stated it is their opinion that the existing contract should be terminated. Director Muhammad asked if the General Manager has the authorization to terminate any contract. Attorney Thompson responded the Board gave the General Manager and/or the Assistant General Manager authorization to execute and carry out the contract which includes terminating, however the Board can be involved. Director Clark stated the Board does not know what is going on at Shades Mountain Filter Plant and they have never been given a full report. Director Clark demanded that the report be in depth. GM Johnson responded that a full report could be given at the next Board meeting. Director Clark stated the Board should be updated regularly. Director Dickerson stated she did not believe the Board should get in the weeds on this, however the Board needs to be informed. Patrick Flannelly stated this chemical is essential to water treatment and we only store enough on-site for two to three days. As a practical matter, the Board needs to have a new vendor in place if the existing contract is terminated so there is no interruption in supply. More discussion occurred regarding who has the right to rescind and terminate contracts. Director Lewis

stated they needed to look at the company By Laws. Director King asked GM Johnson if he would let the Board know if contracts are terminated in the future. GM Johnson responded he believed most contracts come before the Board. Director Muhammad stated it is common sense if the Board approves a contract that they need to be involved in cancelling contracts.

Next, as set forth in agenda item 2, the Committee was asked to recommend to the Board to approve an agreement to grant permission for the BWW to grant access to a 1994 Tracker Pontoon Boat located at Inland Lake for use by the Pine Mountain, Remlap and Allgood Volunteer Fire Departments to fight fires and conduct emergency rescue operations. Johnnie Mayfield, Manager of Commercial and Industrial Accounts explained that maps were given to each volunteer fire department, so they know the layout of Inland Lake. Director Lewis stated it was clear to her that none of these people are BWW customers. Roger Hicks stated security personnel are on-site 24 hours a day, 7 days per week. Some discussion occurred regarding the value of the boat and selling it to the fire departments. Director Munchus asked if the Board could just donate the boat. Director Alexander stated he was in favor of that. Director Lewis stated this issue has never come before the Board before, adding the cabin owners can take up a collection to buy a boat. Director Lewis stressed these are not BWW customers. Mr. Mayfield stated Staff's main concern is a fire on-site and protecting Board property or personnel drowning. Director King stated if a cabin owner at Inland Lake was having a heart attack he believed we should help. Director Lewis gave random examples of other things BWW could help people with by providing equipment. Director King stated the Board spent over \$100,000.00 re-wiring the boat slips at Inland Lake recently and he asked Director Lewis why she didn't have a problem with that. Director Lewis stated the Board uses the boat slips and we charge the cabin owners for using them. Director Clark asked how this request even came about. Director King stated he received the request by email. Director Clark asked for a copy. More discussion occurred regarding assisting people when they are in need. Director King made a motion to move the item to the Board, the motion failed for lack of a second. Directors Alexander and Munchus stated they would donate toward the purchase of a boat for the volunteer fire departments.

Next, under new business Director Alexander stated he would like an Economic Development Committee called to discuss Lake Purdy and a piece of real estate that is valuable.

Following, Director King introduced a gentleman, Richard Aldridge who had contacted him. Director King asked Richard Aldridge to attend the meeting today. Mr. Aldridge explained that he had been working with the BWW since 1976 on various projects. Mr. Aldridge explained that he received a denial of service letter from BWW regarding the property he owns in the Clay area. Director King stated he understood why the Engineering Department has some valid concerns because the infrastructure has been exposed to the elements for 10 years. AGM Sonny Jones stated the land is beautiful, but the project was abandoned before it was completed, and he believed the project would be better off putting in all new infrastructure. Director Muhammad mentioned a possible joint

venture with developers. Director Alexander stated he believed this needed to go to the Business and Economic Development Committee.

Next, Director Lewis stated, since we are in a benevolent way, she wanted to let the Board know that they may be hearing something concerning the western side of town. There are two concrete plants that are looking to move into that area and there is a health department public hearing to be scheduled regarding this issue. Air pollution and water quality are the concerns and we have a lot of customers in this area. Director Munchus asked if the city council had approved the request yet. Director Lewis responded it is unknown at this time. There is ongoing discussion and I am supposed to be involved in a meeting after this one regarding this issue, Director Lewis stated.

Following, Director Alexander stated he was at Lake Purdy last week and discovered the game warden's boat was stolen. He wanted to make everyone aware of it. Director Alexander stated security is a concern due to the dam. Director Lewis stated her neighbor's son's car was stolen in Belview Heights and that is in our service area.

As there was no further business to be brought before the Committee, the meeting was adjourned at 12:47 p.m.

_____/s/_____
Michael Johnson
General Manager

_____/s/_____
Brenda J. Dickerson, Ph.D.
Second-Vice Chairwoman/Second Vice President

_____/s/_____
Brett A. King, Esq.
Director

_____/s/_____
Sherry W. Lewis
Director

_____/s/_____
Ronald A. Mims
Secretary-Treasurer