

**Minutes of  
Engineering And Maintenance Committee Meeting  
of The Water Works Board  
of The City Of Birmingham  
February 12, 2024**

An Engineering and Maintenance Committee Meeting of the directors of The Water Works Board of the City of Birmingham was held on Monday, February 12, 2024, at 12:30 p.m. or immediately following the Regular Board of Directors' Meeting, at the Birmingham Water Works Board, 3600 First Avenue North, Training Room, to discuss engineering and maintenance issues. The Public has the option to listen by phone by calling (888) 398-2342 Code: 5608731.

The following Committee members were present via roll call: Dalton NeSmith (Chair), Tereshia Huffman and Larry Ward. Board members William "Butch" Burbage, Jr., and George Munchus were also present.

Others present were: Michael Johnson, General Manager; Derrick Murphy and Philip King, Assistant General Managers; Tammy Wilson, Executive Assistant to Derrick Murphy and Philip King; Cynthia Williams, Board Administrator; Anitra Clark, Corporate Governance Specialist; Mark Parnell, Parnell Thompson, LLC; Kelvin Howard, Kelvin Howard Law, LLC; Rosalind Jones, Comptroller; Colandus Mason, Information Technology Manager; David Walker, Security Manager; Akhi King, Security Systems Technician; Matthew Shiver, Purchasing Manager; Rick Jackson, Public Relations Manager; Jeff Wade and Charles McGee, Electrical and Mechanical Shop; Olivia Martin, Office of the State of Alabama Attorney General; Patrick Flannelly, ARCADIS U. S.; Bill Todd, O2 Ideas; Birmingham City Police Officer.

Committee Chair, Dalton NeSmith called the meeting to order at 12:52 p.m. A roll call confirmed all three Committee members were present, so there was a quorum in attendance.

Next, a motion was made by Director Huffman and seconded by Director Ward to approve the February 12, 2024, Engineering and Maintenance Committee agenda. Assistant General Manager Murphy announced some modifications to the agenda per his discussion with Director NeSmith. Then an amended motion was made by Director Huffman and seconded by Director Ward, and the Committee unanimously approved the February 12, 2024, Engineering and Maintenance Committee Meeting agenda, amending it as follows: removing Item 2.2, the CSpire renewal agreement, Item 3, adding the verbiage "and to authorize staff to re-bid" the item, and adding an additional item, as Item 5, to grant an easement to Alabama Power Company (APCO) for the Everlee Crossing waterline project. A handout of these changes was provided to the Committee (a copy of which is on file in Diligent BoardBooks).

Following, there were no Minutes for approval and no Reports from the Committee Chair or Committee Members. The General Manager had no Reports and there was no Unfinished Business.

Next, under New Business, the Committee was asked to recommend to the Board to exercise its bid option to extend one-year agreements with Mueller Co., LLC for estimated annual quantities of Fire Hydrants and Resilient Seated Gate Valves; and to authorize the General Manager and/or Assistant General Manager to execute the applicable purchasing documentation,

as set forth in agenda Items 1.1 and 1.2. A motion was made by Director Huffman and seconded by Director Ward, and the Committee unanimously recommended to move the referenced items to the Board for approval. Director NeSmith addressed Attorney Parnell asking if these contracts could be extended. Attorney Parnell affirmed that the contracts are eligible to be extended.

Following, the Committee was asked to recommend to the Board to approve two agreements with ALDOT and an agreement with Signature Homes, as set forth in agenda Items 2.1, 2.3, and 2.4. Director NeSmith asked for a summary of Item 2.4. AGM Murphy explained that Birmingham Water Works (BWW) would supply 7,380 feet of pipeline and inspection services, for the Blackridge Development, located between Highway 150 and Morgan Road if approved. This work will support BWW's system redundancy in this heavily developing area. AGM Murphy stated that Signature Homes would be performing the work per BWW specs, adding that this is one of several phases. A motion was made by Director Huffman and seconded by Director Ward, and the Committee unanimously recommended to move the referenced items to the Board for approval.

Next, the Committee was asked to recommend rescinding the Jones Utility & Contracting Company, Inc. pipeline project along Kiowa Road in Blount County, along with the added language, an approval to rebid the project, as set forth in agenda Item 3. Director NeSmith requested that AGM Murphy provide information regarding why the contract is being rescinded. AGM Murphy explained that the proper documentation was received when the bid was awarded, however upon further investigation it was determined that a document (General Contractor License in the State of Alabama) may have been altered. At that time the company was directed to stop work by BWW until a resolution can be reached with the appropriate agency. Director NeSmith asked if the company is performing other projects for BWW. AGM Murphy stated there are two other active projects along with the paving contract which were awarded to Jones Utility & Contracting Company, Inc.. The company has been placed on Cease and Desist on all BWW projects until this matter is resolved. It was confirmed that the project will be re-bid upon approval of Item 3. Director Burbage asked if the engineering work that has been done to this point is up to speed, adding that this project has been in the works since he was appointed to the Board. AGM Murphy affirmed that only completion dates needed to be changed. Director NeSmith asked Attorney Parnell to speak to the existing contracts we have with Jones Utility & Contracting Company, Inc. and what the issues may be. The state agency's letter stated that the general contractor's license had expired and had been falsified, according to Attorney Parnell. There has been a hearing and BWW has been told that there was a \$75,000.00 fine imposed on Jones Utility and their license has now been extended for 60 days, according to Attorney Parnell. There are a couple of pipeline projects Jones Utility is responsible for, and the only remaining work is paving and curb work. The annual paving contract should be addressed, Attorney Parnell stated and that he recommends that the paving work stop, and the contract be re-bid. Black Diamond is a company that is billing paving work and between now and the re-bid, possibly they could take care of this work in the interim, Attorney Parnell suggested. Director NeSmith asked about disciplinary action and whether they can re-bid on the project. Director Munchus posed the same question. Attorney Parnell stated it may become a question of whether or not they are deemed a responsible bidder based on past experiences BWW has had with Jones Utility & Contracting Company, Inc. Director Ward ask AGM Murphy if he was comfortable with Jones finishing the projects they are currently working on. Director NeSmith asked if they could complete the work within the 60-day period. AGM Murphy stated he would get back with the Board on this, adding that there are bonds

associated with this work. Director Ward asked who has the bond records. AGM Murphy stated the purchasing department would have the records and he had asked them to locate them. GM Johnson stated the purchasing department has not been able to locate them. Director NeSmith asked someone to locate this information. Matt Shiver, Purchasing Manager, stated the next step would be to talk with Jones about the bond, but they would need legal advice to go that direction. Attorney Parnell stated he would not recommend contacting Jones Utility. Director NeSmith advised purchasing to work with legal on the best next step. A motion was made by Director Huffman and seconded by Director Ward, and the Committee unanimously recommended to move the referenced item to the Board for approval.

Following, the Committee was asked to recommend to the Board to review whether to purchase or forego the purchase of structures and improvements held by William Earle Riley, on Lot 58 at Inland Lake, as set forth in agenda Item 4. A motion was made by Director NeSmith and seconded by Director Huffman, and the Committee unanimously recommended to move the referenced item to the Board for approval to purchase. Director Ward asked if there was an appraisal. Attorney Parnell stated you cannot get appraisals for these; however this amount is consistent with the amount the Board has purchased lots for in the past.

Next, the Committee was asked to recommend to the Board approval to enter into an agreement for a waterline crossing easement with APCO for their Everlee Crossing project, which is between Highway 150 and Shannon Road to support the BWW ability for system redundancy, for an estimated out-of-pocket cost to the Board of \$0.00, as set forth in newly added agenda Item 5. A motion was made by Director Ward and seconded by Director Huffman, and the Committee unanimously recommended to move the referenced item to the Board for approval. AGM Murphy stated that the only reason this was added to the agenda is because there is a small section to connect Shannon Road which needs Right of Way approval.

As there was no further business, a motion was made by Director Huffman and seconded by Director Ward, and the meeting unanimously adjourned at 1:18 p.m.

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Michael Johnson  
General Manager

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Dalton NeSmith  
Engineering and Maintenance Committee Chair

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Tereshia Huffman  
Director

/S/

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Larry Ward  
Director