



Detroit Water and Sewerage Department Meeting Minutes - Final Board of Water Commissioners

735 Randolph
Detroit, Michigan 48226

Wednesday, April 24, 2013

2:00 PM

Water Board Building - Board Room

1. CALL TO ORDER

Chairperson Fausone called the meeting to order at 2:00 P.M.

2. ROLL CALL

Present: 6 - Chairperson James Fausone, Commissioner Fred Barnes, Commissioner Mary Blackmon, Commissioner Linda Forte, Commissioner Bradley Kenoyer and Commissioner J. Bryan Williams

Absent: 1 - Vice Chairperson James Thrower

3. APPROVAL OF THE AGENDA

Chairperson Fausone requested approval of the amended agenda.

Items 13-0273-PC-773C-Consolidated Process Control System Upgrades for Treated Water System and 13-0274-PC-773D- Consolidated Process Control System Upgrades for Wastewater System were added to the agenda.

MOTION BY: COMMISSIONER BLACKMON
SUPPORT: COMMISSIONER KENOYER
ACTION: APPROVED as amended

4. APPROVAL OF MINUTES

Chairperson Fausone requested approval of the minutes of Special Meeting No. 3 of March 6, 2013, Special Meeting No. 4 of March 13, 2013, Special Meeting No. 5 of March 26, 2013 and the Regular Meeting of March 27, 2013.

MOTION BY: COMMISSIONER BLACKMON
SUPPORT: COMMISSIONER KENOYER
ACTION: APPROVED

5. PUBLIC COMMENTS (3 minutes per speaker)

Mr. Randy Rogers of Great Lakes Beverage Company located at 1600 Modern came before the Board regarding several issues with the company's water bill. Mr. Rogers was referred to a customer service representative.

Mr. James Mitchell, Sheet Metal Works with Local 80 came before the Board regarding Executive Order 2007-01-City contracts 51% Detroit residency requirement and asked if the Department monitors this requirement. Deputy Director, Darryl Latimer replied that Executive Order 2007-01 was monitored by the City's Human Rights Department and that the Water Department no longer adheres to this Order for DWSD projects due to the November 4th Court Order.

ITEMS FROM COMMISSIONERS

Commissioner Williams provided the Board with the Finance committee update.

Commissioner Forte joined the meeting by conference call at 2:15 P.M.

Commissioner Barnes provided the Board with the ORCAP committee update.

Commissioner Blackmon reported that the Human Resources Committee is currently in the process of extending an offer for the Board's Financial Advisor position.

6. NEW BUSINESS - STAFF

[13-0149](#)

The Board of Water Commissioners authorizes the **Chief Operating Officer/Compliance Officer to be named a Designated Authorized Representative for the Detroit Water and Sewerage Department** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Dixon

Attachments: [SRF and DWRF.docx](#)
[DESIGNATED REP..RESOLUTION..SMATTHEW SCHENK 3.27.13](#)

A motion was made by Commissioner Blackmon, seconded by Commissioner Barnes, that this Communication or Report be approved. The motion carried by the following vote:

approved

Aye: 6 - Chairperson Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Kenoyer and Commissioner Williams

[13-0151](#)

The Board of Water Commissioners authorizes the Director to **enter into Contract No. CS-1528, "Water Master Plan Update" with CDM Michigan, Inc. (Consultant), at a cost not-to-exceed \$1,998,600.43 for a duration of two (2) years**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Porter

Attachments: [CS-1528 BOWC Letter.docx](#)

A motion was made by Commissioner Barnes seconded by Commissioner Blackmon, that this Contract for Professional Services be approved. The motion carried by the following vote:

approved

Aye: 6 - Chairperson Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Kenoyer and Commissioner Williams

[13-0154](#)

The Board of Water Commissioners authorizes the Director to **grant an appropriation of \$330,001.62 to Oracle Corporation for Enterprise Software Maintenance for WAM (Work and Asset Maintenance) System for one year**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Attachments: [WAM Final 4-24-13.doc](#)

A motion was made by Commissioner Kenoyer, seconded by Commissioner Blackmon, that this Procurement, Goods be approved. The motion carried by the following vote:

approved

Aye: 6 - Chairperson Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Kenoyer and Commissioner Williams

[13-0160](#)

The Board of Water Commissioners authorizes the Director to **enter into Contract No. DWS-894, "Water Shut-Off/Turn-On Project" with Homrich Wrecking, Inc. (Contractor), at a cost not-to-exceed \$5,599,999.50 for a duration of 730 calendar days**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Johnson

Attachments: [DWS-894 BOWC Letter Second Revised 4-15-13](#)
 [DWS-894 Attachment](#)

A motion was made by Commissioner Williams, seconded by Commissioner Blackmon, that this Contract for Construction be approved. The motion carried by the following vote:

approved

Aye: 6 - Chairperson Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Kenoyer and Commissioner Williams

[13-0163](#)

The Board of Water Commissioners authorizes the Director to **grant an increase of \$1,983,580.00 to the Contract Price, with no time extension to the Final Completion Date of August 15, 2013, for Contract No. PC-779, entitled “Specialized Process Facilities and Equipment Purchase, Installation and Maintenance Services”, being performed by Lakeshore Engineering Services, Inc., the General Contractor**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Smalley

Attachments: [PC 779 Change Order 2.docx](#)

A motion was made by Commissioner Williams, seconded by Commissioner Blackmon, that this Contract Amendment be approved. The motion carried by the following vote:

approved

Aye: 6 - Chairperson Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Kenoyer and Commissioner Williams

[13-0249](#)

The Board of Water Commissioners authorizes **settlement of the claim of JE Associates, Inc. (“Jacobs”) in the recommended mediation amount of Six Hundred Seventy-Five Thousand Dollars and 00/100 (\$675,000.00) pursuant to a settlement agreement entered in the above-referenced claim** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Wolfson

Attachments: [Jacobs Settlement Letter.docx](#)

[Jacobs Settlement Agreement.docx](#)

[Jacobs Motion Letter.docx](#)

A motion was made by Commissioner Barnes, seconded by Commissioner Kenoyer, that this Claim, Sewer be approved. The motion carried by the following vote:

approved

Aye: 6 - Chairperson Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Kenoyer and Commissioner Williams

[13-0250](#)

The Board of Water Commissioners authorizes **settlement of *L. D'Agostini & Sons, Inc. v. City of Detroit*, Case No. 12-cv-10041-JCO-MKM, currently pending on appeal to the United States Court of Appeals for the Sixth Circuit, Case No. 12-2311** as well as other matters between the parties, including but not limited to those claims raised by DWSD in **Macomb Interceptor Drainage District v Kwame Kilpatrick, et al**, USDC Case No. **2:11 -cv- 13101 through a mutual release of claims without payment**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Wolfson

Attachments: [D'Agonstini Settlement Letter](#)
[Dagostini Settlement Agreement](#)
[D'Agonstini Motion Letter.docx](#)

A motion was made by Commissioner Williams, seconded by Commissioner Barnes, that this Case Settlement, Other be approved. The motion carried by the following vote:

approved

Aye: 5 - Chairperson Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Kenoyer and Commissioner Williams

Abstain: 1 - Commissioner Forte

[13-0273](#)

The Board of Water Commissioners authorizes the Director **to enter into Contract No. PC-773C, "Consolidated Process Control System Upgrades for Treated Water System", with Emerson Process Management (Contractor), at a cost not-to-exceed \$4,237,885.40 for a duration of 1,095 calendar days**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Latimer

Attachments: [PC-773C BOWC Letter](#)

A motion was made by Commissioner Kenoyer, seconded by Commissioner Barnes, that this Contract be approved. The motion carried by the following vote:

approved

Aye: 6 - Chairperson Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Kenoyer and Commissioner Williams

[13-0274](#)

The Board of Water Commissioners authorizes the Deputy Director **to enter into Contract No. PC-773D, "Consolidated Process Control System Upgrades for Wastewater System", with Emerson Process Management, at a cost not-to-exceed \$3,364,834.45 for a duration of 1,095 calendar days**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Latimer

Attachments: [PC-773D BOWC Letter](#)

A motion was made by Commissioner Williams, seconded by Commissioner Blackmon, that this Contract be approved. The motion carried by the following vote:
approved

Aye: 6 - Chairperson Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Kenoyer and Commissioner Williams

7. DIRECTOR'S REPORT

[13-0289](#)

Director's Report-April 2013.

Sponsors: McCormick

Attachments: [April 24, 2013 - Director's Report.pdf](#)

8. COMMENTS BY COMMISSIONERS

Commissioner Williams requested that the minutes reflect the news release regarding the Flint/KWA plan from Oakland County Water Resources Commissioner Jim Nash, and the news release from Oakland County Executive L. Brooks Patterson and Wayne County Executive Robert Ficano.

[13-0293](#)

Wayne County and Oakland County responses to the Flint/KWA Plan.

Sponsors: Williams

Attachments: [Oakland County News Release.pdf](#)

[Wayne County News Release.pdf](#)

9. COMMENTS BY THE CHAIR

Chairperson Fausone noted that the Board's May workshop discussion will be determined at a later date.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:05 P.M.