



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

735 Randolph
Detroit, Michigan 48226
(313) 224-4704 Office
dwsd.legistar.com

Wednesday, February 19, 2020

2:00 PM

5th Floor Board Room, Water Board Building

BOWC Meeting

1. CALL TO ORDER

Chairman Einheuser called the meeting to order at 2:00 p.m.

2. ROLL CALL

Present: 6 - Commissioner Linda Forte, Commissioner Michael Einheuser, Commissioner Mary Blackmon, Commissioner Jane Garcia, Commissioner John Henry Davis and Commissioner Jonathan Kinloch

Absent: 1 - Commissioner Lane Coleman

3. APPROVAL OF AGENDA

Chairman Einheuser requested approval of the agenda.

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Jonathan Kinloch that the agenda be approved. The motion carried by a unanimous vote.

4. APPROVAL OF MINUTES

Chairman Einheuser requested approval of the minutes of January 15, 2020. Corrections were duly noted and made.

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner John Henry Davis that the minutes be approved as amended. The motion carried by a unanimous vote.

5. PUBLIC COMMENTS (3 minutes per speaker)

1. Russ Bellant came before the Board to ask for an analysis, review and justification of the 83/17 ruling. Director Brown encouraged him to express his concern to the GLWA board at its next meeting.
2. Beulah Walker came before the board to speak about 1) closing of the east and west customer service center; 2) opposing lease agreement to pewabic society; and 3) Hydrate Detroit clients that need water service restored.
3. Ricky Reynolds came to the board about a water bill.
4. LaKenya Robinson came before the board about restoring water service.

6. COMMUNICATIONS

A. [20-0054](#) Receipt of Correspondence

Sponsors: Pospiech

Attachments: [FOIA REQUESTS - JANUARY 2020](#)

A motion was made by Commissioner John Henry Davis, seconded by Commissioner Mary Blackmon that this Communication or Report be received and filed. The motion carried by a unanimous vote.

B. [20-0055](#) Receipt of Correspondence

Sponsors: Phillips

Attachments: [Eric & Verladia Blount 01.17.2020.#1](#)
 [Eric Blount 1.15.2020.#2](#)
 [Jerina Cleveland 1.15.2020](#)
 [Eugene Cochran 02.10.2020](#)
 [Rachel Hesse 2-11-2020](#)
 [Maggie Hinton 1.15.2020](#)
 [Karen Miller 2-11-2020](#)
 [Gwendolyn Taylor 1.15.2020](#)
 [Mayda Taylor 1.15.2020](#)
 [Bernadette Williams 1.15.2020](#)

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Jonathan Kinloch that this Communication or Report be received and filed. The motion carried by a unanimous vote.

7. ITEMS FROM THE COMMISSIONERS

Joshua Ronnebaum of 19410 Lucerne-Pending
Ali G. Chegito of 10500 Lanark Street-Pending
Kwaku Atara of 5830 Conner-Pending
Sonja Davis of 14200 Faust-Pending
Michele Emerson of 14189 Faust-Pending
Cheryl Minnifield of 14000 Faust-Pending
Gary Little of 11302 Mckinney-Pending

8. UNFINISHED BUSINESS

There was none.

9. NEW BUSINESS**A. APPROVAL OF CONSENT AGENDA (Items A1-VII)**

A motion was made by Commissioner John Henry Davis, seconded by Commissioner John Henry Davis that the Consent Agenda be approved. The

motion carried by a unanimous vote.

I. [20-0026](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to approve **DWSD Amendment No. 2 to a contract with T & N Services for repair clamps; the amendment adds \$240,000 in funding for a total amended contract not-to-exceed amount of \$817,247, and extends the term for an additional 6 months** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Burgi

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner John Henry Davis that this Contract Amendment be approved. The motion carried by a unanimous vote.

II. [20-0028](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **approve DWSD Amendment No. 1 to a contract with Motor City Pipe & Supply Company for critical gate box parts; the amendment adds \$64,000 in funding for a total amended contract not-to-exceed amount of \$233,048.05, and extends the term for an additional 6 months.** The BOWC also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Burgi

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner John Henry Davis that this Contract Amendment be approved. The motion carried by a unanimous vote.

III. [20-0030](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to approve **DWSD Amendment No. 1 to Contract No. 6002159, with Groundwork0, LLC for the Parallel Network Project, to add \$250,000 in funding and a total amended contract not-to-exceed amount of \$500,000 and extend the contract term by 1 year.** The BOWC also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Burgi

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner John Henry Davis that this Contract Amendment be approved. The motion carried by a unanimous vote.

IV. [20-0032](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director **to utilize a MiDeal cooperative contract with Verizon Wireless for Automatic Vehicle Location hardware devices,**

software and monthly services for Fleet vehicles, for a total contract amount not-to-exceed \$256,110 and a term of 3.75 years. The BOWC also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Burgi

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner John Henry Davis that this Contract be approved. The motion carried by a unanimous vote.

V. [20-0038](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department **recommends adoption of the “Resolution Relating To Issuance By The Great Lakes Water Authority Of Water Supply System Revenue Bonds For The Benefit Of The Detroit Local Water Supply System,”** and also authorizes the Chief Financial Officer and the Director to take such other action as may be necessary to accomplish the intent of this vote. The resolution also contains language necessary to permit DWSD to use bond proceeds to reimburse itself for capital expenses incurred up to 60 days prior to the adoption of the resolution.

Sponsors: Naughton

Attachments: [FINAL Resolution- FY2021/2022 Water Bonds\(35183914_2\)](#)

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner John Henry Davis that this Resolution, Finance be adopted. The motion carried by a unanimous vote.

VI. [20-0039](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to enter into **Lease Agreement LA-20-12520, “Lease of Property” with Pewabic Society, Inc. for a duration of five (5) years, beginning February 1, 2020** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Financial Services

Attachments: [Pewabic Lease Amendment \(01-29-2020\)](#)
[Pewabic Society Presentation](#)

Vice Chair Blackmon asked that the Director explain the reason for the lease agreement with Pewabic Society. Director Brown replied that the property was leased at a nominal cost to this historic business. The Department had an option to sell or lease the land. He said it was in our best interest to lease in case of a future need by the Department. It is a Detroit-based business that does a lot of community service and is a great partnership and opportunity for the City.

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner John Henry Davis that this Contract, Lease Agreement be approved. The motion carried by a unanimous vote.

- VII. [20-0045](#) The Board of Water Commissioners for the City of Detroit Water and Sewerage Department **authorizes the Director to enter into a Class Action Settlement Agreement between DWSD and a Class of Plaintiffs to be certified consisting of persons or entities who or which have paid or incurred the PFL Charges during the permitted time periods preceding the filing of the class action and/or at any time during the pendency of the above-captioned matter through June 30, 2020;** and authorizes the Director and General Counsel to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Pospiech

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner John Henry Davis that this Case Settlement, Other be approved. The motion carried by a unanimous vote.

- B. [20-0052](#) The Board of Water Commissioners for the City of Detroit Water and Sewerage Department **authorizes the Director to approve the “Performance Resolution for Governmental Agencies” form to facilitate the acquisition of DWSD’s 2020 MDOT Annual Permit,** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Mobley

Attachments: [20-0052.Performance Resolution](#)

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner Jane Garcia that this Resolution, BOWC be approved. The motion carried by a unanimous vote.

10. DIRECTOR'S METRICS

- A. [20-0057](#) Director's Metrics

Sponsors: Office of the Director

Attachments: [Board Report - Metrics - 02192020](#)

11. COMMENTS BY COMMISSIONERS

There were none.

12. COMMENTS BY THE CHAIR

There were none.

13. OTHER MATTERS

There were none.

14. CLOSED SESSION

- A. [20-0053](#) Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the Board of Water Commissioners votes to **approve a meeting with General Counsel in closed session pursuant to Sections 8(e) and (h) of the Michigan Open Meetings Act to discuss settlement strategy in pending litigation and a confidential attorney communication.**

Sponsors: Pospiech

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner Mary Blackmon to enter into this Request, Closed Session at 3:06 p.m. be approved. The motion carried by a unanimous vote.

- B. [20-0059](#) Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the Board of Water Commissioners votes to **approve a meeting with General Counsel in closed session pursuant to Section 8(h) of the Michigan Open Meetings Act to discuss memoranda subject to attorney-client privilege.**

Sponsors: Pospiech

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner John Henry Davis that this Request, Closed Session be approved. The motion carried by a unanimous vote.

- C. [20-0060](#) Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the Board of Water Commissioners for the City of Detroit Water and Sewerage Department (DWSD), by an affirmative roll call vote of 2/3 of the Board Members appointed and serving, hereby resolves to: **meet with legal counsel in closed session pursuant to Section 8(e) of the Michigan Open Meetings Act and Section 13(1)(g) of the Freedom of Information Act to consider material exempt from discussion or disclosure by state or federal statute, specifically a consultation with General Counsel regarding pending litigation.**

Sponsors: Pospiech

A motion was made by Commissioner John Henry Davis, seconded by Commissioner Jonathan Kinloch that this Resolution, Closed Session be approved. The motion carried by a unanimous vote.

- D. [20-0061](#) Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the Board of Water Commissioners votes to **approve a meeting with General Counsel in closed session pursuant to Sections 8(e) and (h) of the Michigan Open Meetings Act to discuss settlement strategy in pending litigation and a confidential attorney communication.**

Sponsors: Pospiech

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner John Henry Davis that this Request, Closed Session be

approved. The motion carried by a unanimous vote.

ROLL CALL VOTE

A motion was made that this be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Forte, Commissioner Einheuser, Commissioner Blackmon, Commissioner Garcia, Commissioner Davis and Commissioner Kinloch

15. OPEN SESSION

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner Mary Blackmon that this Request to return from Closed Session at 3:36 p.m. be approved. The motion carried by a unanimous vote.

NEW BUSINESS (CONTINUED)

- A. [20-0058](#) The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes **an increase to the Water Residential Assistance Program (WRAP) funding and the expansion of program eligibility criteria**, and authorizes the Director and Chief Financial Officer to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Pospiech

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner John Henry Davis that this Resolution, BOWC be adopted. The motion carried by a unanimous vote.

- B. [20-0062](#) The Board of Water Commissioners for the City of Detroit **approves the Resolution Requesting Aid from Michigan Municipal Legal Defense Fund**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Pospiech

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner John Henry Davis that this Resolution, BOWC be adopted. The motion carried by a unanimous vote.

- C. [20-0063](#) The Detroit Board of Water Commissioners (Board) **authorizes the Director to enter into a Settlement Agreement with Defendant DRSN Real Estate North, LLC in the matter of *Detroit Water and Sewerage Department v. DRSN Real Estate North, LLC* to settle all claims in the amount of \$200,000 for charges assessed against 18300 E. Warren Avenue; and the Board authorizes the Director and General Counsel to take such other action as may be necessary to accomplish the intent of this vote.**

Sponsors: Pospiech

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Jonathan Kinloch that this Resolution, BOWC be approved. The motion carried by a unanimous vote.

16. ADJOURNMENT

Chairman Einheuser requested a motion to adjourn.

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Jonathan Kinloch that this meeting be adjourned. The motion carried by a unanimous vote.

There being no further business, the meeting adjourned at 3:48 p.m.