
REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, JULY 13, 2009, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Councilman Bill Scharffe offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Joyce Seals called the meeting to order. The following Councilpersons were present: Gregory Branch, Larry Coulouris, Amanda Kitterman-Miller, Amos O'Neal, Bill Scharffe, Paul Virciglio, Andrew Wendt and Mayor Joyce Seals-8.

Absent: Councilperson Daniel Fitzpatrick -1.

PUBLIC HEARINGS

City Clerk Diane Herman announced the public hearing on the Community Development Block Grant-R Program. Mayor Seals called for public comment three times. No one was heard.

Councilman O'Neal moved to declare the hearing closed, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

City Clerk Diane Herman announced the public hearing on the Homeless Prevention – Rapid ReHousing Program. Mayor Seals called for public comment three times. No one was heard.

Councilman O'Neal moved to declare the hearing closed, seconded by Councilman Scharffe.

Adopted unanimously.

PERSONAL APPEARANCES

Earl Jesse, 310 S. Harrison, spoke on General Motors requesting a reduction in personal property taxes. Suggested Council allow the City Manager to make a quick decision before GM's money runs out.

Dale R. Kent, President and founder of Stroll Through Life Free Health Screening Service, 1700 Mary Ct. #4, Alma, Michigan, made the public aware of several free health screening clinics his company offers throughout Saginaw County.

David R. Ortega, 1330 N. Washington, complained about the cost of The Saginaw News and what you get for your money. Cancelled his newspaper and urged others to do the same. Also criticized the City for raising his water bill by 400% of the past few years. Questioned why the Saginaw Township residents pay less.

Ruben Vasquez, II, President of the Saginaw Police Officers Association, 612 Federal, brought Council a proposal to change the Police pension system. Compared the current system to the new proposal and said it would save the City money.

Gail Decaire, 1714 Delaware, spoke on General Motors' white-collar crime in Michigan. Explained how GM outsourced healthcare in 1986, which resulted in a gross breach of working standards. Believes there is a big cover up.

REMARKS OF COUNCIL

All Councilpersons thanked the City Manager and staff for the prior Saturday's Strategic Planning Session. Said it was productive and showed a great deal of preparation. Noted the financial forecast was gloomy but felt the right people were in leadership.

Councilman O'Neal added Saginaw is moving forward, particularly in comparison to other cities and counties in the state. The City is doing its best to downsize and increase efficiency.

Councilman Coulouris responded to Mr. Ortega on the water bill increase. Noted that several years prior the federal government demanded the City build retention basins and gave no financial assistance. Noted that only 25% of the bill was for water, the remainder was the "readiness to serve" charge. Mentioned road construction projects throughout the City. Advised citizens the projects were financed by either the Michigan Department of Transportation or federal government, at no cost to the City. Repairs to utilities are coordinated with the construction projects, to reduce costs.

Mayor Seals commended the Saginaw Area Fireworks Committee for the great display on July 4th, which is financed by fundraisers. The City supports the event through in-kind services only. Noted the demolition of Andersen Water Park and said construction of the new facility would start soon. Mentioned a couple of events she recently attended. Noted a memorial would soon be placed at Veterans Memorial Park to honor Lawrence McKinney. Said the City balked when told by the Federal Government it had to build CSO retention basins, due to lack of funds, and in return was threatened with heavy fines if the City did not comply. As such, it was necessary to raise bills to pay the City's debt.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND
APPOINTMENT OF BOARDS AND COMMISSIONS MEMBERS

Councilman O'Neal announced the City/County/School Liaison Committee would meet July 23, 2009 at 5:30 p.m. in the Saginaw Board of Education office. Safe Routes to School, the Job Fair and "Hot Times in the Summer" would be discussed.

Councilman Scharffe reported the SEDC had started a new marketing campaign where it would loan up to \$220,000 to new or expanding businesses. The SEDC's new motto is "Investing in Your Success," which includes the success of businesses in the City.

Mayor Seals said she heard from another City at the Cities of Promise meeting about a grass that only grew 12 inches. Requested the City Manager review the data provided at the meeting and see if it would be a realistic option for Saginaw.

REPORTS FROM CITY MANAGERManagement Update

City Manager Darnell Earley spoke briefly on the matters discussed at the Strategic Planning Session. Thanked City staff for their preparation and input on matters reviewed at the session.

Pastor Rufus Bradley, New Life Ministries, 1401 Janes, shared with Council his church's *Mission in the City* program and the site plan for its long-term goal to build a safe house. Said the church is currently buying adjacent parcels and building a campus. It is working on programs and activities that will move into the safe house when it is complete which will provide intellectual, physical, spiritual and social development. Those individuals

interested in assisting or sending a donation were directed to www.newlifelcm.com.

City Assessor Lori Brown gave an update on the General Motors Property Tax Appeal for nine parcels in the City of Saginaw, Saginaw Metal Castings, 1629 N. Washington and Malleable Iron at 77 West Center Avenue. She advised Council of the process, the taxable value in contention, and the impact in revenue it would have on the City. General Motors would be responsible to continue paying taxes owed, during the appeal process.

Economic Development Director Odail Thorns clarified the Neighborhood Stabilization Program items to be approved that evening, which included a land bank and land management program where the City would partner with the County for property acquisition, development, maintenance and demolition.

Recommended Actions

Subject: Approval of Confidentiality and Indemnification Agreement

Manager's Recommendation: I recommend approval the Confidentiality and Indemnification Agreement with the members of the Saginaw Police Department Review Panel.

Justification: The City Manager has created a five-member panel to review the internal investigative policies of the Saginaw Police department. That process may concern sensitive personal details of officers as well as information about pending criminal investigations and police operations. For that reason the parties have agreed to enter into this confidentiality agreement so that the members will report this information only to the City Manager.

Also, the City recognizes that this volunteer panel should not risk individual liability for their actions, and the City agrees to indemnify and hold them harmless for their work in this panel.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Cities of Promise Grant

Manager's Recommendation: I recommend approval the grant agreement between the Michigan State Housing and Development Authority ("MSHDA") and the City and that the Mayor be authorized to execute this Agreement and all related documents. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification: MSHDA is providing a \$10,000 grant to the City, to be matched by a \$10,000 contribution by the Dow Corporation. It will be used by the First Ward Community Center to fund recreational activities at the Civitan Center. The Cities of Promise panel recommended the grant allocation and use.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Neighborhood Stabilization Program (NSP) Amended Grant Agreement

Manager's Recommendation: I recommend that City Council approve the NSP Amended Grant Agreement to carry out the substantially amended 2008-2009 program year and for the 2009-2010 program year and that the proper City officials be authorized to execute the same. The agreement is subject to the approval of the City Manager as to substance and the City Attorney as to form.

Justification: The City of Saginaw has received an Amended Grant Agreement from the Michigan State Housing Development Authority to carry out the substantially amended 2008-2009 program year and for the 2009-2010 program year for the Neighborhood Stabilization Program (City Clerk's File No. _____). The funding agreement is in the amount of \$1,840,000.00.

The City will use this grant to help acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within it's communities and to demolish blighted structures.

In accepting this grant agreement, the City agrees to comply with all terms and conditions of the agreement, applicable laws, regulations and all other requirements of MSHDA now or hereafter in effect pertaining to the assistance provided. The agreement is for a period that began March 17, 2009 and will terminate June 30, 2010.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Neighborhood Stabilization Program 2 (NSP2) Saginaw County Land Bank Authority / City of Saginaw Partnership Agreement

Manager's Recommendation: I recommend approval of the partnership agreement between the Saginaw County Land Bank Authority and the City of Saginaw subject to review by the City Manager as to substance and the City Attorney as to form. Furthermore, it is recommended that the mayor be authorized to execute the agreement and any related documents.

Justification: The Michigan State Housing and Development Authority has provided the City of Saginaw with an opportunity to request funding under the NSP2 competitive grant program. The program requires an agreement between the local land bank authority and the local unit of government, which will ultimately facilitate property acquisition, development, maintenance, and demolition. Basically, this agreement will formalize what the City of Saginaw and the Saginaw County Land Bank Authority have already been doing, however, for the purposes of this application a formal agreement is warranted.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Andersen Water Park Development Project Agreement

Manager's Recommendation: I recommend that the Andersen Water Park Development Project Agreement ("Agreement") with the Michigan Department of Natural Resources ("DNR") be approved. The Agreement has been approved by me as to

substance and by the City Attorney as to form. Furthermore, it is recommended that I or my designee be authorized to execute the Agreement.

Funds from the Trust Fund will be deposited in the State Grants DEQ Account, Number 587-0000-511-5901.

Justification: The DNR oversees the Michigan Natural Resources Trust Fund ("Trust Fund"). The Trust Fund provides grants to municipalities for projects. The City has submitted several grant applications to the Trust Fund to obtain funds to demolish the slide and other facilities at the Andersen Water Park. On December 8, 2008, City Council approved the first Andersen Water Park Development Project Agreement. Pursuant to the terms of that agreement, the City was awarded a grant from the Trust Fund in the amount of \$51,800.00 for demolition costs. That amount equaled 75% of the costs for the demolition.

Under the terms of this Agreement, the Trust Fund will pay 64% of the construction costs, which equals \$480,000.00. In addition, the City must pay a local match of 36%, which equals \$270,000.00.

The Trust Fund requires the City to enter into an Agreement to accept the funds. However, there are terms that limit the actions of the City. According to the terms of the Agreement, the City must erect and maintain a plaque on the park entry sign, which designates the project as having been constructed with the assistance of the Trust Fund. The size, color and design of the plaque must be created according to DNR specifications.

In addition, the City currently plans not to charge a fee to park users. However, if the City decides to charge park users a fee, it must submit the fee schedule to the DNR for approval before implementing it. Finally, the terms of the Agreement states that City Council must approve a resolution approving the Agreement and submit it to the DNR. The resolution will be approved in a latter part of the agenda.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Anthony Lagalo Ojibway Island User Agreement

Manager's Recommendation: I recommend approval of the Ojibway Island User Agreement ("Agreement") between the City of Saginaw ("City") and Anthony Lagalo. The Agreement is approved by me as to substance and the City Attorney as to form.

Justification: On August 22, 2009, Anthony Lagalo will sponsor the "Support Your Scene Fest" on Ojibway Island ("Ojibway"). "Support Your Scene Fest" is an arts and music festival. Mr. Lagalo will pay the City a flat fee of One Thousand Nine Hundred and Eighty Dollars and 00/100 (\$1,980.00), for the three-day rental of Ojibway. Also, he will have exclusive use of Ojibway on August 22, 2009. However, Mr. Lagalo has nonexclusive use of Ojibway on August 21, 2009 for set up and August 23, 2009 for clean up.

Moreover, the parties agree that Mr. Lagalo will pay the City a service fee of One Dollar and 00/100 (\$1.00) per ticket. In addition, he will pay the City a deposit in the amount of One Thousand Dollars and 00/100 (\$1,000.00). Ten percent (10%) of the deposit is nonrefundable in the event the festival is cancelled. Furthermore, Mr. Lagalo must provide an insurance certificate and liquor liability license to the City. In addition, he must provide a liquor liability license to the City because alcoholic beverages will be sold to

participants.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Claims Service Contract with Alternative Service Concepts

Manager's Recommendation: I recommend approval of the Claims Service Contract with Alternative Service Concepts as the City's third party administrator for insurance claims for the period July 1, 2009 through June 30, 2010.

The contract is approved by me as to substance and by the City Attorney as to form.

Funds are available in the Self-Insurance Fund, Insurance Expense Account No. 677-1762-711-8006.

Justification: Alternative Services Concepts, LLC (ASC) has been the City's third party administrator since the City first switched insurance carriers in 1995. The third party administrator reviews all claims and loss reports arising under the City's insurance policy and investigates, adjusts, settles, or resists all losses and/or claims with specific prior approval of the City. The contract is for one year from July 1, 2009 to June 30, 2010. The minimum claims fee of \$41,000, plus administrative fees of \$3,000 and system fees of \$2,500 totals \$46,500, which is the same as last year. There also contains the same provision that at the end of the contract year, ASC will multiply the actual number of claims by the fee per claimant (approximately \$600 per claim depending on the type of claim) and if the actual number of claims is more than \$41,000, ASC will invoice the City for the difference between the actual fee and \$41,000. In fiscal year 2008-2009, ASC handled 60 claims on behalf of the City. As such, if the City had approximately the same amount of claims this fiscal year, (60 x \$600 = \$36,000) the minimum claim fee of \$41,000 would apply.

ASC will continue to indemnify and hold the City harmless for any claims asserted as a result of any errors, omissions, torts, intentional torts or other negligence on the part of ASC or its employees, unless the complained of actions of ASC were taken at the specific direction of the City.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Computer Reimbursement

Manager's Recommendation: I recommend that reimbursement be made to E. Dean Holland in the amount of \$2,394.00 for the purchase of six (6) Mobile Toughbook computers to be used in Saginaw Fire Department apparatus.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of "Title 1, General Provisions" of Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Saginaw Fire Department's Capital Account No. 101-3751-751-97-05.

Justification: Recently the Saginaw County Criminal Justice Coordinating Committee (SCCJCC) authorized the replacement of all mobile data computers utilized by

all law enforcement agencies in Saginaw County. Among the large number of used units were six (6) new Toughbook computers. Saginaw County listed the new units on Ebay to be sold as a single package. The units are not compatible with the new system being installed in law enforcement vehicles. Chief Holland placed a bid of \$2,394.00, \$399.00 each. The units have an approximate value of \$26,400.00. The units are to be installed on front line firefighting units and creates the opportunity to obtain vital firefighting, structural design, and hazardous materials information during an emergency.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Various Purchase Orders for Maintenance and Service Section

Manager's Recommendation: I recommend acceptance of the bids listed below and issuance of blanket purchase orders to them in the amounts listed for the purchase of meter parts, hand tools, safety gear, clothing and small engine supplies for the water and sewer shop for fiscal year 2010:

Clark Hardware Saginaw, MI	\$ 2,100.00
Michigan Pipe and Valve Saginaw, MI	\$ 2,500.00
Larry's Auto Supply Saginaw, MI	\$ 5,000.00
Granger Tools Saginaw, MI	\$ 7,000.00
Etna Supply Grand Rapids, MI	\$ 8,000.00

These vendors meet all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances 0-1.

Funds for these purchases are budgeted in the Water Operation and Maintenance Parts & Supplies Account No. 591-4721-861.73-30 (\$8,300.00), Sewer Operation and Maintenance Parts & Supplies Account No. 590-4821-861.73-30 (\$8,300.00), Water Meter Operation and Maintenance Parts & Supplies Account No. 591-4720-861.73-30 (\$4,000.00) and Sewer Meter Operation and Maintenance Parts & Supplies Account No. 590-4820-861.73-30 (\$4,000.00).

Justification: The Right of Way Division, Maintenance and Service Section, utilizes a variety of meter parts, hand tools, safety gear, clothing and small engine supplies for the water and sewer shop. It is in the City's best interest to establish blanket orders with these vendors rather than requesting a purchase order for every purchase, which would be

cumbersome.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Blanket Purchase Order For Electric Parts

Manager's Recommendation: I recommend that blanket purchase orders be approved and issued to the City's primary suppliers of electrical parts and supplies to the vendors listed below in the following amounts from July 1, 2009 through June 30, 2010.

*Marshall E Campbell Company Saginaw, MI	\$3,000.00
*Standard Electric Company Saginaw, MI	\$3,000.00
*Kendall Electric Saginaw, MI	\$3,000.00

This vendors meet all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted in the Traffic Engineering Parts and Supplies Account, Nos. 101-4620-791-7330 (\$4,500.00) and 101-4621-791-7330 (\$4,500.00).

Justification: Since June 26, 2000, City Council has approved a procedure for purchasing electrical parts for the Traffic Engineering section. The section requires the purchase of a vast array of electrical parts and supplies for maintaining the City's electrical devices such as traffic signals and streetlights. Because these are random repairs, there is no feasible means to predetermine quantities and type of parts that will be needed in any given time period. Issuing individual purchase orders for the many items purchased is costly and administratively time consuming. Traffic section personnel will price quote items and award purchases to the lowest and best vendor for each item. The parts and supplies will be ordered from the successful bidder and billed to the respective purchase order. Therefore, it is clearly in the best interest of the City to continue this procedure from July 1, 2009 through June 30, 2010.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Purchase of Whole Effluent Toxicity Testing

Manager's Recommendation: I recommend acceptance of the low bid received from Paragon Laboratories Inc. and issuance of a purchase order to them in the amount of \$4,830.00 for fiscal year 2010 and \$4,830.00 for fiscal year 2011 totaling \$9,660.00 for the purchase of whole effluent toxicity testing.

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedures," of Chapter 14, "Finance and Purchasing," of Title 1,

“General Provisions” of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Sewer Operation & Maintenance Operating Services Account No. 590-4830-861.80-05.

Justification: On June 16, 2009, the City received bids for the purchase of Whole Effluent Toxicity Testing for the Wastewater Treatment Division. This testing is a requirement of the plant’s National Pollutant Discharge Elimination System (NPDES) Permit. The bids received are as follows:

	<u>FY2008</u>	<u>FY2009</u>
Paragon Laboratories Inc. Livonia, MI	\$4,830.00	\$4,830.00
Environmental Resource Management Holland, MI	\$5,320.00	\$5,320.00
ASCI Corporation Duluth, MN	\$9,100.00	\$9,800.00
EA Engineering Science & Technology Sparks, MD	\$18,634.00	\$18,634.00

The cost for fiscal years 2010 and 2011 represents a 6% decrease over fiscal year 2009.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.
Adopted unanimously.

Subject: Motor Equipment Mechanic Allowance

Manager’s Recommendation: I recommend that a purchase order be approved and issued to Larry’s Auto Supply in the amount of \$4,900.00 for the purchase of new and specialized tools for the Right of Way Division.

This vendor meets all requirements of §14.23, “Vendors”, of “Purchasing, Contracting, and Selling Procedure,” of Chapter 14, “Finance and Purchasing, of “Title 1, “General Provisions” of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Motor Pool Equipment Parts and Supplies Account No. 661-4480-841.73-30.

Justification: The mechanics of the Right of Way Division, Motor Equipment Section, receive a tool allowance by union contract. This purchase order fulfills that agreement for the purchase of new and specialized tools required for changes in industrial materials, electronic computer software and manufactured specs, etc.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.
Adopted unanimously.

Subject: Miscellaneous Lawn Mower Equipment & Supplies

Manager’s Recommendation: I recommend that an annual purchase order be

approved and issued to Bader Brothers, Inc. in the amount of \$5,500.00 for miscellaneous lawn mower equipment and supplies.

This vendor meets all requirements of §14.23, " Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Parks & Facility Maintenance Parts and Supplies Account No. 101-7575-821.73-30.

Justification: Increased cutting demands and aging John Deere riding mowers have resulted in frequent breakdowns and, in many cases, the replacement of major and expensive parts. The Parks & Weed Abatement Division needs to maintain a reliable source of repair parts and supplies to keep the remaining mowers operational. No other quotes were received because Bader Brothers, Inc. is the only local authorized dealer in the area.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Blanket Purchase Order With Carrier & Gable

Manager's Recommendation: I recommend that a blanket purchase order be approved and issued to Carrier & Gable, Inc., Farmington Hills, MI, in the amount of \$6,000 to cover repair costs of traffic signal equipment from July 1, 2009 through June 30, 2010.

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for these services are budgeted in the Traffic Engineering Parts & Supplies Account No. 101-4621-791-7330 (\$3,000.00) and in the Major Streets Traffic Engineering Parts & Supplies Account No. 202-4621-791-7330 (\$3,000.00).

Justification: On February 6, 1996, City Council approved a procedure for repairing traffic signal controller equipment. City staff does routine repair and maintenance of these solid-state devices. Sometimes complex repairs must be done by the manufacture's authorized service representative. Carrier & Gable, Inc., is Michigan's authorized service representative and offers standard pricing for each type of repair. After sufficient experience with repairing these devices, city staff estimates annual cost for such services is \$6,000.00. Since this service is necessary to properly maintain the city's traffic signal system and because Carrier & Gable, Inc. is the only authorized repairer in the region, it is clearly in the best interest of the City to continue this procedure from July 1, 2009 through June 30, 2010.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Replace Drain Piping

Manager's Recommendation: I recommend acceptance of the only bid from William E. Walter Mechanical Inc. and issuance of purchase order to them in the amount of \$7,450.00 for the replacement of the sanitary drain piping at the Emerson retention basin.

This vendor meets all requirements of the requirements of, §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1

Funds for this service is budgeted in the Sewer Operation & Maintenance General Repairs Account No. 590-4835-861.80-40.

Justification: The old cast iron sanitary drain piping for the Emerson retention basin has corroded beyond repair and needs to be replaced. The contractor will remove all the corroded piping and replace it with plastic drain piping.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Emergency Repairs to 36" Raw Water Main

Manager's Recommendation: I recommend issuance of a purchase order and payment to American Excavating in the amount of \$16,990.89 for materials and services provided for the repair of a 36" raw water main.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this service are available in the Water Surplus Repairs and Replacements Account No. 591-4740-881.97-20.

Justification: On June 17, 2009, the Department of Public Services, Right of Way Division, had to perform emergency repairs on a section of the City of Saginaw's raw water main located at 5343 Three Mile Road in Bay County, Monitor Township. American Excavating supplied the operator's equipment and all materials except the special concrete pipe needed for the repairs.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Purchase of Sodium Hypochlorite

Manager's Recommendation: I recommend that the low bid from JCI Jones Chemicals, Inc. be accepted and a purchase order be issued to them in the amount of \$113,750.00 for fiscal year 2010 and for fiscal year 2011 in the amount of \$113,750.00, for a total of \$227,500.00 for the purchase of sodium hypochlorite.

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedures," of Chapter 14, "Finance and Purchasing," of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Sewer Operation and Maintenance Chemicals Account No. 590-4835-861.73-02.

Justification: On June 16, 2009, bids were received by the City of Saginaw for the annual supply of Sodium Hypochlorite for the Wastewater Treatment Division. Sodium Hypochlorite is used to disinfect stormwater discharged from the City's Retention Treatment Facilities. Jones Chemical Inc. is recommended as the supplier over KA Steel because they have guaranteed the bid price for two years. KA Steel did bid \$0.01 less per gallon of

Sodium Hypochlorite but would not guarantee the cost for a second year. The maximum cost savings, if 175,000 gallons of chemical were purchased, would be \$1,750.00 from KA Steel. Potential savings in the second year of the contract with a guaranteed price by Jones Chemical would undoubtedly outweigh the difference in the first year costs. Following is a tabulation of the bids that were received:

	<u>FY 2010</u>	<u>FY 2011</u>
JCI Jones Chemical Inc. Riverview, MI	\$113,750.00	\$113,750.00
KA Steel Chemical Inc. Lamont, IL	\$112,000.00	NO BID
Alexander Chemical Corp. Lisle, IL	\$115,500.00	NO BID
PVS Nolwood Chemicals Detroit, MI	\$148,750.00	\$148,750.00

The proposed cost is a 5% decrease from Fiscal Year 2009.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller. Adopted unanimously.

Subject: American Excavating, LTD - C-1586

Manager's Recommendation: I recommend that the only quote from American Excavating, LTD in the amount of \$142,737.50 be accepted and a contract awarded to them in that amount be approved. Contract documents (City Clerk's File A-7963) have been signed by the contractor. The contract is subject to approval by me as to substance and the City Attorney as to form.

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this contract are available in the Sewer Surplus Repairs & Replacement Account No. 590-4840-881-97.20.

Justification: On June 24, 2009 the City received a quote from American Excavating, for the replacement of approximately 950-feet of combined sewer and its appurtenances, along with isolated pavement repair, located in the vacated Market Street right of way from Congress Avenue to W. Genesee Avenue and on Congress Avenue from Market Street east approximately 250-feet. The Market Street right of way property was vacated to adjoining property owners on October 12, 1965, but the City retained the ownership and responsibility of the water and sewer utilities within this vacated right of way. The Saginaw School District has recently contracted with American Excavating to reconstruct a portion of the existing combined sewer along Market Street to allow for the

construction of a building addition and site improvements for the Saginaw Arts and Sciences Academy. It was recently discovered by City of Saginaw personnel that remaining portions of this sewer are not draining properly and are in need of replacement prior to the new parking lots and building addition being constructed.

Bids were not taken due to the short turnaround time needed for this project in order for Saginaw Arts and Sciences Academy to complete their building addition and parking lot improvements this year. American Excavating is a qualified contractor and is able to perform this work, and is already the contractor on site. The City Engineer has reviewed the prices, and it has been deemed to be in the City's best interest to accept the quote and enter into the contract.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Annual Supply of Hot and Cold Asphalt

Manager's Recommendation: I recommend acceptance of the only bid and issuance of a purchase order to Saginaw Asphalt in the amount of \$408,700.00 for an annual supply of hot and cold asphalt.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in Local and Major Streets Road Materials Account Nos. 203-4651-841.73-40 (\$8,700.00) and 202-4651-841.73-40 (\$60,000.00) and Water and Sewer Road Materials Account Nos. 591-4721-861.73-40 (\$170,000.00) and 590-4821-861.73-40 (\$170,000.00).

Justification: The Department of Public Services, Right of Way Division, requires hot and cold asphalt for temporary and permanent repairs of streets and water and sewer excavations.

Council Action: Councilman Virciglio moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

All City Manager recommendations were adopted by general consent.

RESOLUTIONS

RESOLUTION TO ACCEPT THE TERMS OF THE MICHIGAN DEPARTMENT
OF NATURAL RESOURCES DEVELOPMENT PROJECT AGREEMENT

Councilman O'Neal offered and moved the adoption of the following resolution, seconded by Councilwoman Kitterman-Miller:

WHEREAS, the City of Saginaw applied to the Michigan Department of Natural Resources for a grant to construct facilities at the Anderson Water Park;

WHEREAS, the Michigan Natural Resources Trust Fund awarded the City a grant;

WHEREAS, the parties must enter into a Development Project Agreement ("Agreement") in order for the City to receive the grant funds;

WHEREAS, according to the terms of the Agreement, the Michigan Natural

Resources Trust Fund awarded the City a grant for 64% of the construction costs in the amount of \$480,000.00;

WHEREAS, the City agrees to appropriate all funds necessary to complete the project during the project period and to provide a local match in of 36% of the cost, which is \$270,000.00 to match the grant authorized by the Department of Natural Resources;

WHEREAS, the City agrees to maintain satisfactory financial accounts, documents and records. Furthermore, the City will make the documents available to the Department of Natural Resources for auditing at reasonable times;

WHEREAS, the City agrees to construct the project and provide such funds, services and materials as may be necessary to satisfy the terms of said Agreement;

WHEREAS, the City agrees to regulate the use of the facility constructed and reserved under the Agreement to assure the use thereof by the public on equal and reasonable terms; and

WHEREAS, the City agrees to comply with any and all terms of said Agreement, including all terms not specifically set forth in the foregoing portions of this Agreement; and

NOW THEREFORE BE IT RESOLVED, that the City of Saginaw, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources.

Adopted unanimously.

The following yea votes were recorded: 8

The following nay votes were recorded: 0

ADJOURNMENT

At 8:03 p.m., Councilman O'Neal moved to adjourn the meeting, seconded by Councilman Branch.

Adopted unanimously.

Diane M. Herman
City Clerk