

## CITY COUNCIL AGENDA

JANUARY 5, 2004, 6:30 P.M., COUNCIL CHAMBER

### PLEASE NOTE:

A Committee of the Whole meeting will be held today beginning at 5:00 p.m. in the Council Chamber. Tom Darnell, Interim Director of Public Utilities, will discuss the water rate study.

### ROLL CALL:

### CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

### ANNOUNCEMENTS:

### PUBLIC HEARING:

### PERSONAL APPEARANCES:

1. Jack O. Schmidt, USA, regarding a violent crime.
2. Andrew Thibodeau, 719 Kendrick, regarding visual blight and water/sewer bills.

### REMARKS OF COUNCIL:

### PETITIONS:

### REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES:

### REPORTS FROM THE MANAGER:

1. Recommending that the bid be split and the low bid received from Vance's Outdoors, Inc. be accepted and a purchase order issued to them in the amount of \$1,340.08 for the purchase of duty and practice ammunition and that the low bid received from Duncan's Outdoor Shop be accepted and a purchase order be issued to them in the amount of \$2,842.00 for the purchase or duty and practice ammunition. These vendors meet all requirements of the contract compliance provisions. Funds are available in the General Fund Account No. 101 3012 721

7330 (\$3,144.08) and the Police Training Fund Account No. 261 3323 741 7330 (\$1,038.00).

2. Recommending approval of the contract and issuance of a purchase order to Dell Computers in the amount of \$4,518.00 for the purchase of two servers to be used in recording plant equipment maintenance records for the Water Treatment and Wastewater Treatment Plants. This vendor meets all requirements of the contract compliance provisions. Funds are available in Water Operation & Maintenance Fund Account No. 591 4715 851 7330 (\$2,259.00) and Sewer Operation & Maintenance Fund Account No. 590 4815 851 7330 (\$2,259.00). This agreement has been approved by the City Manager as to substance and by the City Attorney as to form.
3. Recommending acceptance of the bid and issuance of a purchase order to Core Technology Corporation in the amount of \$12,200.00 for the purchase of software, support and installation services for the City's Law Enforcement Information Network (LEIN) access. Core Technology Corporation is the sole provider of the software and service, which is to be used by the Police Department for continued access and the ability to enter data into the LEIN network. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Information Services Fund Account Nos. 658 1720 711 7325 (\$7,500.00) and 658 1720 711 8005 (\$4,700.00).
4. Recommending acceptance of the low bid and issuance of a purchase order to Cook Chevrolet in the amount of \$38,049.00 for the purchase of three (3) pickup trucks to be used in the Maintenance and Service Division. This vendor meets all requirements of the contract compliance provisions. Funds are in the Motor Pool Operations Fund Account No. 661 4480 841 9770.
5. Recommending approval of the Sponsorship Agreement for the 2004 Shiver on the River Walleye Fishing Contest. The parties to the Agreement are the City of Saginaw, the Saginaw News, Gander Mountain and Pride of Saginaw, Inc. This agreement is subject to the approval by the City Manager as to substance and the City Attorney as to form.

INTRODUCTION OF ORDINANCES

CONSIDERATION AND PASSING OF ORDINANCES:

RESOLUTIONS:

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

1. Motion to go into closed session to discuss a pending civil rights litigation case.

Deborah Kimble  
City Manager

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Pickup truck purchase

**Manager's Recommendation:**

I recommend acceptance of the low bid from Cook Chevrolet and issuance of a purchase order to them in the amount of \$38,049.00 for the purchase of three (3) pickup trucks.

**Justification:**

The Maintenance and Service Division requires three pickup trucks to replace old equipment used in their daily operations.

On November 25, 2003, the City of Saginaw accepted bids for three units. The bids received are as follows:

Cook Chevrolet Vassar, MI	\$38,049.00
Martin Chevrolet Saginaw (out-city)	\$39,100.00
Labadie Auto Bay City, MI	\$41,986.74
Draper Chevrolet Saginaw (out-city)	\$46,781.55
Champion Chevrolet Howell, MI	\$56,590.50

This vendor meets all the requirements of the Contract Compliance Provisions, Title1, Chapter 14 §14.35-14.44, of the Saginaw Code of Ordinances.

Funds are available in the Motor Pool Operations Fund Account No. 661-4480-841-9770.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Purchase of Maintenance Servers

**Manager's Recommendation:**

I recommend that the City approve a contract with Dell Computers for the purchase of two servers and that a purchase order be issued to them in the amount of \$4,518.00 for the purchase of the servers to be used in recording plant equipment maintenance records for the Water Treatment and Wastewater Treatment Plants.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35 – 14.44, of the Saginaw Code of Ordinances.

Funds for these items are available in Water Operation & Maintenance Fund Acct. No. 591-4715-851-7330 (\$2,259.00) and Sewer Operation & Maintenance Fund Acct. No. 590-4815-851-7330 (\$2,259.00).

This agreement has been approved by me as to substance and by the City Attorney as to form. While the contract contains terms that are not favorable to the City, it is recommended that we accept the agreement in its present form as these terms and conditions are understood to be standard in the industry.

The City and Dell discussed the matter several times and Dell refuses to eliminate terms, which are not favorable to the City, and the department is willing to comply with the terms. Dell Computer Corporation disclaims all express and implied warranties of merchantability and fitness on the parts installed and limits the City's remedies to repair and replacement. By law, the City is entitled to a four-year warranty. Dell limits liability for third party claims to \$1,000.00 or 10% of the contract price, whichever is greater. Dell also disclaims incidental, special, punitive, incidental or

# COUNCIL COMMUNICATION

consequential damages. The City has its own insurance in the event third party liability was to occur, subject to its self-insured retention amount.

In addition, the contract restricts the statutory timeframe the City has to file a lawsuit based upon a breach of contract claim. By law, the statute of limitations for such a claim is six years. The contract reduces the time from six years to one year. It also states that the laws of the state of Texas govern this matter. In addition, the City only has thirty days to cancel the contract. Further, Dell limits the City's remedy to file a lawsuit by stating the parties must resolve all disputes through face-to-face negotiations or mediation. .

## **Justification:**

A quote was received from Dell Computer Corporation on October 21, 2003 for two PowerEdge 1600SC Servers. Quotes from other vendors were not solicited as all of the Instrumentation and Controls computers at the Water Treatment and Wastewater Treatment plants are Dell products. The contract terms are not favorable to the city; however, continuing to purchase Dell products enables the Instrumentation and Controls Division ease of maintenance, consolidation of parts and identical maintenance agreements, which allows for more cost effective service.

## **Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Camera Equipment for SPD Identification Bureau

**Manager's Recommendation:**

I recommend that the low bid received from National Graphics be approved and a purchase order be issued for camera equipment in the amount of \$2, 957.20. This vendor meets all requirements of Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the General Fund Infant Mortality Account No. 101-3013-721-7330, Project No. PDHD02.

**Justification:**

On November 4, 2003, the City received bids for the purchase of camera equipment for the Identification Bureau. Following is a tabulation of the bids received:

National Graphic Supply Albany, NY	\$2,957.20
Marks Photo & Video Grand Rapids, MI	\$3,037.70
Ritz Camera Beltsville, MD	\$3,098.95

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Ammunition

**Manager's Recommendation:**

I recommend that this bid be split and the low bid received from Vance's Outdoors, Inc. be accepted and a purchase order be issued to them in the amount of \$1,340.08 for the purchase of duty and practice ammunition. I further recommend that the low bid received from Duncan's Outdoor Shop be accepted and a purchase order be issued to them in the amount of \$2,842.00 for the purchase of duty and practice ammunition. These vendors meet all requirements of Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the General Fund Account No. 101-3012-721-7330 (\$3,144.08) and the Police Training Fund Account No. 261-3323-741-7330 (\$1,038.00).

**Justification:**

On December 9, 2003, the City received bids for the purchase of duty and practice ammunition for the Saginaw Police Department. Following is a tabulation of the bids received:

	<u>Duty</u>	<u>Practice</u>
Vance's Outdoors, Inc. Columbus, OH	976.08	364.00
Duncan's Outdoor Shop Bay City, MI	2,168.00	674.00
Michigan Police Equipment Charlotte, MI	3,809.50	1,137.00

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** 2004 Shiver on the River Sponsorship Agreement

**Manager's Recommendation:**

I recommend approval of the Sponsorship Agreement for the 2004 Shiver on the River Walleye Fishing Contest.

**Justification:**

The Saginaw News submitted a Sponsorship Agreement for the 2004 Shiver on the River Walleye Fishing Contest to formalize the duties and liabilities of each sponsoring agent. The parties to the Agreement are the City of Saginaw, the Saginaw News, Gander Mountain and Pride of Saginaw, Inc. All parties are asked to indemnify and hold harmless the other party for the responsibility of the other and list each other as additional insureds on their insurance policies. The City's obligations as well as the other parties are primarily commercial and promotional responsibilities (advertising, TV, radio). Indemnification does expose the City to its \$150,000.00 deductible per claim. The City is asked to share with The Saginaw News equally any expenses not covered by the revenues. It is estimated these costs will not exceed \$1,000.00. The City is also requested to provide services toward the event such as providing street banners, TV advertisements on SGTV Channel 12, The Mark employee newsletter and the City's website and obtain all licenses and permits.

This agreement is subject to approval as to substance by the City Manager and as to form by the City Attorney.

**Council Action:**

Council \_\_\_\_\_ moved the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Purchase of Software and Services for Police Department

**Manager's Recommendation:**

I recommend that the bid received from Core Technology Corporation be accepted and that a purchase order be issued to them in the amount of \$12,200. Further, that the Agreement between the City of Saginaw and Core Technology Corporation be approved and the appropriate officials be authorized and directed to execute it and that the Director of Information Services can execute any associated documents on behalf of the City. This Agreement is subject to the approval of the City Manager as to substance and the City Attorney as to form. This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the Information Services Fund Account Nos. 658-1720-711-7325 (\$7,500.00) and 658-1720-711-8005 (\$4,700.00).

**Justification:**

The City received a proposal and Agreement for the purchase of software, support and installation services for the City's Law Enforcement Information Network (LEIN) access. Core Technology Corporation is the sole provider of the software and service, which is to be used by the Police Department for continued access and the ability to enter data into the LEIN network. The proposal is as follows:

Software	\$ 7,500.00
Installation/Training	1,200.00
Support	<u>3,500.00</u>
Total	\$12,200.00

There is no cost comparison as this is a first-time purchase.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.