

## Council Agenda

January 7, 2008, 6:30 p.m., Council Chamber

### PRAYER AND PLEDGE OF ALLEGIANCE

### ROLL CALL:

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

September 24, 2007 regular Council meeting, September 29, 2007 Special Strategic Planning Session and October 8, 2007 regular Council meeting.

### PUBLIC HEARINGS:

1. Vacating a portion of the alley lying between South Mason Street, Van Buren Street, South Woodbridge Street and Mackinaw Street.
2. Vacating a portion of the alley lying between Webber Street, Oakwood Avenue, Hiland Street and Sheridan Avenue.

### ANNOUNCEMENTS:

### PERSONAL APPEARANCES:

*(A list will be provided on Monday)*

### REMARKS OF COUNCIL:

### PETITIONS:

07-34 from Tom Miller, Jr., Saginaw Future, submitting a request for an Obsolete Property Rehabilitation District for the property located at 110 Florence.

### REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES:

### APPOINTMENTS OF BOARDS AND COMMISSION MEMBERS:

### REPORTS FROM MANAGER:

Management Update:

Recommended Actions:

1. Recommending approval of the Agreement with Trivalent Group in an amount not to exceed \$7,500.00. Pursuant to a prepaid block of hours, Trivalent will provide specialized assistance with the installation of a new server. This vendor meets all requirements of the contract compliance provisions. Funds are budgeted and available in the Information Services Operating Services Account No. 658 1720 711 8005.
2. Recommending approval of the Agreement for Professional Legal Services with Peter C. Jensen, PLLC. This contract has been approved by the City Manager as to substance and the City Attorney as to form.
3. Recommending acceptance of the low bid and issuance of a purchase order to Supply Pro in the amount of \$3,580.85 for the purchase of custom length floor mats for use at the Water Treatment Plant. This vendor meets all requirements of the contract compliance provisions. Funds are budgeted in the Water Treatment Operations Capital Outlay/Office Equipment Account No. 591 4730 861 9760.
4. Recommending that the Blanket Purchase Order (No. 34165) issued to Alro Steel be increased by \$2,500.00 for a total not to exceed \$4,400.00. Due to a greater number of repairs being made to ready the fleet trucks for winter plowing activities, it is necessary to increase the annual blanket for steel to make these repairs. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Motor Equipment Parts and Supplies Account No. 661 4480 841 7330.
5. Recommending acceptance of the low bid and issuance of a purchase order to ABH Tooling & Machinery in the amount of \$14,646.00 for the purchase of a clausing lathe to be used by the Water Treatment Plant. This vendor meets all requirements of the contract compliance provisions. Funds are budgeted in the Water Treatment Operations Account No. 591 4730 861 9741.
6. Recommending that a purchase order be issued to Michigan Cat in the amount of \$81,914.00 for the purchase of a 2008 430E Caterpillar Backhoe. Michigan Cat is the sole source for this equipment in the state of Michigan. This vendor meets all requirements of the contract compliance provisions. Funds are budgeted in the Water & Sewer Surplus Account Nos. 577 4740 881 9741 (440,957.00) and 576 4840 881 9741 (\$40,957.00).

INTRODUCTION OF ORDINANCES:

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to vacate a portion of the alley lying between South Mason Street, Van Buren Street, South Woodbridge Street, and Mackinaw Street, located in the City of Saginaw, and to retain therein an easement for public utilities, cable TV and telecommunications to be added to the Table of Special Ordinances II of the Saginaw Code of Ordinances.
2. An Ordinance to vacate a portion of the alley lying between Webber Street, Oakwood Avenue, Hiland Street, and Sheridan Avenue, located in the City of Saginaw, and to retain therein an easement for public utilities, cable TV and telecommunications to be added to the Table of Special Ordinances II of the Saginaw Code of Ordinances.

RESOLUTIONS:

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS:

1. Motion to go into closed session to consult with its attorney regarding settlement strategies in pending litigation in (1) a sidewalk slip and fall case, and (2) an employee discharge matter.
2. Recommending approval of the Settlement and Release Agreement in the amount of \$170,000 to resolve a pending lawsuit against the City and other individuals filed by Karen Lawrence Webster.

Darnell Earley  
City Manager

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Settlement of Employee Claim

**Manager's Recommendation:**

I recommend approval of the Settlement and Release Agreement in the amount of \$170,000 to resolve a pending lawsuit against the City and other individuals filed by Karen Lawrence Webster. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

Ms Webster's employment was terminated in August, 2004. She has made a number of claims regarding the propriety of that discharge. While many of the claims have been dismissed, one remains for a trial. The dismissed claims may also be the subject of appeals. The Self-Insurance Retention ("SIR") for this insured claim is \$150,000, of which slightly over \$105,000 has already been spent. The total exposure of the City for the remainder of the litigation is approximately \$45,000. It is likely that this would be exhausted even if the City were to entirely prevail at trial and on appeal.

The insurance carrier has expressed its desire to resolve this matter for the amount of \$170,000, the bulk of which it will be responsible for paying. In order to avoid the expense and uncertainties of litigation and resolve this matter, the City has negotiated this payment. The claimant has provided a full and complete release of liability.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Trivalent Group Block Time Agreement

**Manager's Recommendation:**

I recommend that the Agreement with Trivalent Group ("Trivalent") be approved in an amount not to exceed Seven Thousand Five Hundred Dollars and 00/100 (\$7,500.00). Pursuant to a prepaid block of hours, Trivalent will provide specialized assistance with the installation of a new server. This Agreement was approved by 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 payment are budgeted and available in the Information Services Operating Services Account No. 658-1720-711.80-05.

**Justification:**

On October 25, 2007, a 6-year-old City server had a critical failure. This server held documents and configurations that are essential to the operations of most of the City Departments, and an internal tape drive used to create back up tapes for most of the City's servers. It was determined that an attempt to restore the server would not be practical because of its age and concerns about dependability. Documents and configurations were restored to a temporary file storage system to allow City Department's access. The server and tape system are an important piece of the City's information technology configuration and a new server and tape drive were purchased as a replacement. Trivalent has assisted with the installation of the new server. The requested purchase order is for prepayment of a block of Trivalent Group support hours that will be used to pay for support service already rendered and also to assist City Information Services Technicians with the completion of the installation of the new server and tape drive. By purchasing a prepaid block of hours, the City will receive an additional \$600 of services credit at no cost.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Alro Steel P.O. Increase

**Manager's Recommendation:**

I recommend that blanket purchase order no. 34165 issued to Alro Steel be increased by \$2,500.00, for a total not to exceed \$4,400.00.

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 are available in Motor Equipment Parts and Supplies Account No. 661-4480-841.73-30.

**Justification:**

Due to a greater number of repairs being made to ready the fleet trucks for winter plowing activities, it is necessary to increase the annual blanket for steel needed to make repairs to this equipment. This increase will ensure there are adequate funds for the additional materials for the remainder of the fiscal year.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Clausing Lathe

**Manager's Recommendation:**

I recommend that the low bid from ABH Tooling & Machinery be accepted and a purchase order be approved and issued to them in the amount of \$14,646.00 for purchase of a clausing lathe to be used at the Water Treatment Plant.

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 budgeted in the Water Treatment Operations Account No. 591-4730-861.97-41.

**Justification:**

On December 4, 2007, the City received three bids for the purchase of a new lathe for use in the Water Treatment Plant's maintenance department. This lathe will replace an old worn model and is capable of machining to much closer tolerances. With the older equipment utilized at the Water Plant, some parts are unavailable. A new lathe will enable us to machine some of these unavailable parts on site, extending the life of equipment and saving on the cost of repairs. There is no cost comparison available for this item. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

	<u>Total Bid</u>
AHB Tooling & Machinery Saginaw, MI	\$ 14,646.00
Vander Zeil Machinery Sales Alto, MI	\$ 14,850.00
Huron Industrial Supply Cass City, MI	\$ 15,333.00

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Floor Matting

**Manager's Recommendation:**

I recommend that the low bid from Supply Pro be accepted and a purchase order be approved and issued to them in the amount of \$3,580.85 for the purchase of custom length floor mats.

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 budgeted in the Water Treatment Operations Capital Outlay/Office Equipment Account No. 591-4730-861.97-60.

**Justification:**

On December 4, 2007, the City received three bids for the purchase of custom length floor mats to be used as runners. The mats will replace the old floor runner material that was aged and immovable. The new mats can be rolled up and moved when work is being done in an area. The floor mats are used to protect the red tile floor of the Pump Room. There is no cost comparison available for this item. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

	<u>Total Bid</u>
Supply Pro Saginaw, MI (in-City)	\$ 3,580.85
MSC Industrial Supply Co. Melville, NY	\$ 3,731.78
Northern Industrial Supply Saginaw, MI (in-City)	\$ 3,998.94

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Caterpillar Backhoe Purchase

**Manager's Recommendation:**

I recommend that a purchase order be issued to Michigan Cat in the amount of \$81,914.00 for the purchase of a Caterpillar Backhoe. Michigan Cat is the "sole source" for this equipment in the state of Michigan.

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 budgeted in the Water & Sewer Surplus Account Nos. 577-4740-881-9741 (\$40,957.00) and 576-4840-881-9741 (\$40,957.00).

**Justification:**

This 2008 430E model is a scheduled replacement for a 1998 JCB Backhoe. It is the only machine that is compatible with our newest breaker and compactor that are used for construction and repair of the City's distribution and transmission water mains and sewage collection systems.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Approval of Agreement with Peter C. Jensen, PLLC for Legal Services

**Manager's Recommendation:**

I recommend approval of the Agreement for Professional Legal Services with Peter C. Jensen, PLLC. This contract has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

The City has entered into agreements with local law firms to provide legal services to the City. These services are necessary in the areas of conflict of interest, expertise and work overflow. These contracts are five years in duration, but either party may elect to terminate the contract upon sixty days notice. There is no minimum amount of work guaranteed or promised to any law firm. The purpose of the contracts is to provide a pre-existing framework for assignments sent to the various firms. The contracts set the hourly rate for services and the amount of expenses charged.

The City has for many years used the services of Peter C. Jensen, a local attorney with extensive experience in municipal law and general litigation. Mr. Jensen was associated with the law firm of Miller, Canfield, Paddock & Stone, PLC, and the prior contract had been with that firm. Mr. Jensen is opening his own office and a new contract must be executed with that new firm. This contract is for an additional five years at the same rates, terms and conditions as the existing one with Miller Canfield, PLC.

**Council Action:**

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