

COUNCIL AGENDA

For

February 6, 2006, 6:30 p.m., Council Chamber

PLEASE NOTE: There will be a Committee of the Whole meeting today beginning at 5:00 p.m. in the Council Chamber. Darnell Earley, Interim City Manager, and staff will present information on the public safety millage.

ROLL CALL:

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided on Monday after 1:30 p.m.)

REMARKS OF COUNCIL:

PETITIONS:

06-02 From Alexander Brackett, requesting that the property abutting the alley bounded by Sixth, Federal, Janes and 7th is vacated.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES:

APPOINTMENT OF BOARDS AND COMMISSIONS MEMBERS:

Consideration of reappointing Robert Andreotti to the Human Planning Commission, with a term to expire 02-06-08.

REPORTS FROM MANAGER:

A. Management Update

Saginaw Bay Underwriters presentation.

B. Recommended Actions

1. Recommending payment in the amount of \$10,727.00 to Saginaw Bay Underwriters for adjustments to the City's Property, Machinery and Equipment insurance policies in FY 2005-2006. Funds for insurance premiums are budgeted in various departmental budgets.
2. Recommending acceptance of the low bid in the amount of \$28,950.00 and that a contract be awarded to Boyle Constructors for the removal and replacement of defective sidewalks at various locations. 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 the General Fund Engineering Construction Projects – Fund Account No. 101-4611-781-8047. The agreement has been approved by the City Manager as to substance and the City Attorney as to form.
3. Recommending acceptance of the proposal and issuance of a purchase order to Tetra Tech MPS in the amount of \$40,118.00 for the development and distribution of a 2005 Regional "Consumer Confidence Report" for the Water Treatment Division. 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 the Water Operation and Maintenance Engineering Services Account No. 591-4730-861-8002. The agreement has been approved by the City Manager as to substance and the City Attorney as to form.
4. Recommending that purchase orders be approved and issued to Exercise Express in the amount of \$23,116.80; Sourceling in the amount of \$25,500.00; and Lifefitness in the amount of \$7,738.96 for a total of \$56,355.76 for the purchase of exercise equipment to be used at four stations of the Fire Department. These vendors meet 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 the Sewer Surplus Capital Repairs and Replacement Account No. 576-4840-881 97-20.

5. Recommending approval of the insurance proposals with Chubb Group Insurance Companies and Cincinnati Insurance Company in the total amount of \$293,621.00 for Deluxe Property Coverage, Equipment Coverage, Bridges Coverage, and Machinery & Equipment Coverage. Further recommending the City Manager and/or his designee be authorized to execute any and all insurance documents under the plans and be allowed to make adjustments to said policies, as necessary, throughout the term effective February 1, 2006 to February 1, 2007. The agreements have been approved by the City Manager as to substance and the City Attorney as to form.
6. Recommending approval of the Lead Inspector Agreement between the City of Saginaw and the Saginaw County Department of Public Health (DPH), wherein the DPH will pay the City a total of \$68,750.00 for a city inspector to perform Visual Lead Based Paint Hazard Inspections pursuant to a DPH referral. The term of the agreement is for one year. The agreement has been approved by the City Manager as to substance and by the City Attorney as to form.
7. Recommending approval of the contract between the City of Saginaw and the School District for the City of Saginaw for purposes of conducting elections. The term of the contract will commence upon execution and will terminate on December 31, 2010, with an option to renew. The agreement has been approved by the City Manager as to substance and by the City Attorney as to form.

INTRODUCTION OF ORDINANCES:

CONSIDERATION AND PASSING OF ORDINANCES:

RESOLUTIONS:

1. Recommending approval of the "Performance Resolution for Governmental Bodies" and that various city administrators be authorized to make application for "permits" to the Michigan Department of Transportation (MDOT) on behalf of the city for miscellaneous operations within the State Trunk Line Rights of Way. The agreement has been approved by the City Manager as to substance and by the City Attorney as to form.
2. Recommending approval of the Resolution Approving the Ballot Language for a Public Safety Millage.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Motion to go into closed session to (1) discuss specific pending litigation on a pension matter and (2) discuss pending litigation on a civil rights claim.

Darnell Earley
Interim City Manager

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RESOLUTION APPROVING THE BALLOT LANGUAGE

FOR A PUBLIC SAFETY MILLAGE

Manager's Recommendation: **Approval of the resolution as follows:**

Council _____ offered and moved the adoption of the following resolution:

WHEREAS, the Council of the City of Saginaw, pursuant to the authority granted by Act No. 33 of the Public Acts of 1951, as amended, proposes that a special assessment district be created and an assessment be determined, with the proceeds dedicated to pay for the costs of police and fire protection for the City of Saginaw.

NOW, THEREFORE, BE IT RESOLVED, that creation of the proposed assessment district, the amount and duration of the proposed assessment be submitted for approval of the electors in the special assessment district. The suggested district is the entire City of Saginaw, the amount is six mills of the taxable value of the real property, and the duration is five years.

AND BE IT FURTHER RESOLVED, that the form of the ballot shall be as follows:

PROPOSED CREATION OF A SPECIAL ASSESSMENT DISTRICT FOR POLICE AND FIRE SERVICES.

Shall the City Council be authorized to create a special assessment district consisting of the entire City of Saginaw and levy up to six (6) mills on the taxable value of all real property in the district for a period of five (5) years, from 2006 through 2010 inclusive, to fund police and fire services for the City of Saginaw, which levy would collect estimated revenues of \$3,635,449, in the first year, if approved and levied?

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Yes _____

No _____

BE IT FURTHER RESOLVED, that the proposed police and fire millage shall be and the same is hereby ordered to be submitted to the qualified electors of the City at a special election to be held in the City on the 2nd day of May, 2006, and the City Clerk is hereby directed to give notice of the election and notice of the registration therefore in the manner prescribed by law;

BE IT FURTHER RESOLVED, that the ballot proposal shall be published in full at least once in The Saginaw News not less than ten (10) days prior to the election of May 2, 2006, and that a copy of the ballot proposal be posted in a conspicuous place in each polling place during said election.

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From: The City Manager

Subject: 2005 Consumer Confidence Report

Manager's Recommendation:

I recommend acceptance of the proposal and issuance of a purchase order to Tetra Tech MPS in the amount of \$40,118.00. The proposal has been approved by me as to substance and by 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 project are available in the Water Operation and Maintenance Engineering Services Account No. 591-4730-861-8002.

Justification:

On December 29, 2005, the City received a proposal from Tetra Tech MPS, Ann Arbor, MI, to provide professional services for the development and distribution of a 2005 Regional "Consumer Confidence Report" for the Water Treatment Division. This report is a requirement of the 1996 Amendments to the Safe Drinking Water Act, which gives consumers more information about their drinking water and provides opportunities to get involved in protecting their source water. All community water systems are required to prepare and provide their customers with an annual water quality report or "CCR". The proposal includes development, assembly, printing, mail house services, and postage for the 2005 report. An approach recommended by the Michigan Department of Environmental Quality District Engineer, and successfully employed the last two years, involves a Saginaw Regional Water Quality Report "CCR". The report will be developed and distributed to City of Saginaw customers and all of the

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communities served by our water system. This has been shown to be in the best interest of all involved. This approach reduces the expense of production of the report, mailing costs, City of Saginaw staff time required, and waste created in multiple mailings. The City of Saginaw will coordinate the development of the report with Tetra Tech MPS. The individual communities will sign participation agreements and will reimburse the City of Saginaw for their share of the costs incurred. Tetra Tech MPS has agreed to indemnify the City for all claims resulting from its negligence in performance of the contract up to \$2,000,000.00. This will be the eighth year that we have worked with Tetra Tech MPS. Due to their highly professional approach, their creative, on-going, efforts to reduce costs, and their great success in coordinating the Regional CCR, proposals were not sought from other firms. The quoted price represents a \$118.00 increase in cost for the City of Saginaw compared to last year's cost for the same services.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Michigan Department of Transportation (MDOT) Performance Resolution For Governmental Bodies.

Manager's Recommendation:

I am recommending acceptance of the attached "Performance Resolution For Governmental Bodies" and that the following City administrators by title be authorized to make application for "permits" to MDOT on behalf of the City for miscellaneous operations within State Trunk Line Right Of Way's:

Director of Public Services

Deputy Director of Public Services

City Engineer

Transportation Engineering Assistant

Utilities Field Operations Manager, Maintenance/Service Division

Chief Foreman, Maintenance/Service Division

Superintendent of Streets and Bridges

Chief Foreman of Streets and Bridges

The Resolution has been approved by me as to substance and the City Attorney as to form.

Justification:

On December 20, 2004, City Council approved the original Performance Resolution. It was revised to conform to City standards. Recently, the Michigan Department of Transportation (MDOT) informed the City that it must use the official MDOT Performance Resolution form. The Performance Resolution is required by the

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Michigan Department of Transportation (MDOT) for purposes of issuing to a municipal utility an “Individual Permit for use of State Trunkline Right of Way” or an “Annual Application and Permit for Miscellaneous Operations Within State Trunk Line Right of Way”. The resolution is good for a period of ten years and will allow the City of Saginaw to make application for permits for various activities involving State Trunk Lines without having to approve a new resolution with each application. Recently, the Michigan Department of Transportation (MDOT) informed the City that it must use the official MDOT Performance Resolution form and it must be approved by Council. Attached is a copy of the official MDOT form.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Contract with School District for Conducting Elections

Manager's Recommendation:

I recommend approval of the contract between the City of Saginaw and the School District for the City of Saginaw for purposes of conducting Elections.

The agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

On March 9, 1971, the School District and the City entered into an agreement for purposes of the City conducting the School District's elections. Due to changes in the Election Law and events which occurred during the November 2004 General Election, the parties agreed to enter into a new agreement to set forth the obligations, responsibilities and understandings between the parties for conducting all Elections within the City of Saginaw.

With regard to the use of School District's buildings the parties have agreed as follows:

- School District will attempt to provide the use of the school gymnasium or a room or space of adequate size and accessibility and the parties will review the designated areas prior to each election.
- School District will provide ample handicap and parking spaces, store election equipment and supplies, have the buildings accessible at 6:00 a.m., have tables and chairs for precinct workers and heat the buildings.

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- School District agrees to remove the snow from parking lots and walkways. However, if School District's crews are unavailable to remove the snow and overtime for its crews are incurred, City will reimburse School District for the additional expense, or in the alternative, may use City crews to remove the snow.
- School District will attempt to prevent the scheduling of athletic activities and any other major school activities on Election Days.

The parties further agreed to coordinate efforts with regard to emergencies, signage, handicap accessibility and will meet subsequent to each election to review and discuss concerns and issues. City will reimburse the School District for the cost of providing security at the High Schools and Middle Schools.

School District and City have agreed to each indemnify the other with regard to any possible claims.

The term of the contract will commence upon execution and will terminate on December 31, 2010, with an option to renew. At that time, the parties will review the terms and conditions and make modifications, if needed, prior to renewal. In all other events, each party has agreed to give the other 12-months written notice to terminate the contract.

Council Action:

Council _____ moved that the recommendation from the City Manager be approved.

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From: The City Manager

Subject: Sidewalk Replacement 2005 - 2006

Manager's Recommendation:

That the low bid from Boyle Constructors of Bay City, MI in the amount of \$28,950.00 be accepted and a contract awarded them in that amount; that contract documents forwarded herein (City Clerk's File _____), which have been signed by the contractor, be approved; and that the proper City officials be authorized and directed to execute the same on behalf of the City. This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

This Contract has been approved by me as to substance and by the City Attorney as to form.

Funds for this service are available in General Fund Engineering Construction Projects - Fund Account No. 101-4611-781-8047 (\$28,950.00).

Justification:

On September 27, 2005, the City received bids for Sidewalk Replacement 2005 - 2006. The work includes the removal and replacement of defective sidewalk in various locations within the City of Saginaw. The cost of the repair is billed to the owner. According to City of Saginaw Code of Ordinances. The owner has the option to pay or to have the cost placed as a special assessment on the property taxes for a period of five years. Following is a tabulation of the bids that were received:

Boyle Constructors Bay City, MI	\$28,987.00 **
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Allen Contracting Service Saginaw, MI (out-city)	\$28,960.00
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Tri-City Ground Breakers Pinconning, MI	\$35,471.00
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**Should be \$28,950.00, change due to rounding error.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

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From: The City Manager

Subject: Lead Inspector Agreement

Manager's Recommendation:

I recommend that the Lead Inspector Agreement with the Saginaw County Department of Public Health ("DPH") be approved. The Agreement has been approved by me as to substance and the City Attorney as to form.

Justification:

The DPH has proposed that a City inspector be paid by it to conduct lead inspections. The purpose of the position is to reduce lead hazards and potential lead hazards found in rental property units within the City of Saginaw. The selected inspector will provide Visual Lead Based Paint Hazard Inspections pursuant to a DPH referral. DPH will pay the City a total of Sixty-Eight Thousand Seven Hundred and Fifty Dollars and 00/100 (\$68,750.00) for an inspector to perform the work. The term of the agreement is for one year.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

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From: The City Manager

Subject: Insurance proposals for the City's Deluxe Property Coverage, Business Income, Machinery & Equipment, Bridges and Crime Coverage.

Manager's Recommendation:

I recommend approval of the insurance proposals with Chubb Group Insurance Companies for Deluxe Property Coverage, Equipment Coverage and Bridges Coverage, and Cincinnati Insurance Company for Machinery & Equipment Coverage, effective February 1, 2006 to February 1, 2007, for a total cost of \$293,621; and that I, and/or my designee, be authorized to execute any and all necessary insurance documents under the plans. I further recommend that I or my designee be allowed to make adjustments to said policies, as necessary throughout the policy term, in removing and/or adding coverage on equipment, machinery and buildings, as the City acquires and/or disposes of same.

Coverage documents, policy changes and contracts to implement the new insurance are subject to the City Manager's approval as to substance and the City Attorney's approval as to form.

Justification:

Recently, Saginaw Bay Underwriters received proposals for the City's Property Coverage, Business Income, Machinery & Equipment and Bridges Coverage to be effective February 1, 2006 to February 1, 2007. Upon receipt and review of the proposals received by Saginaw Bay Underwriters, the following insurance policies are being recommended:

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DELUXE PROPERTY COVERAGE

Chubb Group of Insurance Companies, policy which includes coverage for Blanket Building and Personal Property, Business Income, Earthquake, Flood, Computer Hardware, Computer Software, Computer Extra Expense and Business Income, Valuable Papers, Accounts Receivable, Miscellaneous Inland Marine (Animals in Petting Zoo), Personal Property at Undescribed Premises, Personal Property in Transit, Appurtenant Buildings and Structures, Claim Data Expense, Debris Removal, Expediting Expense, Fine Arts, Newly Constructed or Acquired Property, Ordinance or Law and Outdoor Property for a premium of \$198,968. The Chubb Group is being recommended over St. Paul's Travelers (last year's insurance) because the Chubb Group offers a \$50,000 deductible instead of the current \$75,000 deductible from St. Paul's and the quote was \$6,641 less. The Chubb Group also provides broader coverage in some areas. Due to the City electing to increase the value of its property by 3%, the premium is \$5,352.00 more than the premium for the same coverage in FY 2005-2006.

EQUIPMENT FLOATER POLICY

Chubb Group Insurance Companies, policy which includes Radio, Equipment and Machinery, Employee Tools, Rental Cost Reimbursement, Leased/Rented from others, Floating Docks, Debris Removal, Fire Department Service Charges, Inventory or Appraisals, Pollutant Clean-up, Fire Protection and Equipment Refill for a premium of \$19,749. (\$1,000-\$5,000 deductible, with the exception of the Floating Docks which carries a \$25,000 deductible.) This is an increase in premium of \$568.

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BRIDGES POLICY

Chubb Group of Insurance Companies policy which includes coverage on the Douglas Schenck, Frank Andersen, Holland, Genesee Avenue, Johnson Street, Norman Street, C&O RR Grade Crossing, Ojibway Island (South End) and Ojibway Island Pedestrial (North & South End) Bridges for a premium of \$61,660. This is the same insurance the City carried the prior year with no cost increase. (\$50,000 deductible)

MACHINERY & EQUIPMENT

Cincinnati Insurance Company policy, which includes coverage on Electric Generators, Miscellaneous Electrical Apparatus, Recip. Eng. Internal Combustion, Transformers, Water Damage, Expediting Expenses, Ammonia Contamination and Hazardous Substance, for a premium of \$13,244. This is the same insurance the City carried the prior year with no cost increase. (\$1,000-\$5,000 deductible). The Chubb Group actually quoted \$12,945 for this policy, however, the Cincinnati Insurance is being recommended because the insurance adjuster is housed locally and prior claims for this policy have been expeditiously handled.

CRIME COVERAGE

Travelers Insurance Company, the City's current policy, which provides coverage for Employee Dishonesty, Forgery, Alteration, Theft, Disappearance and Destruction (inside and outside the premises) and Computer Fraud has given the City an extension until March 1, 2006, to find alternate coverage.

Funds for all insurance premiums are budgeted in the various departmental budgets.

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Council Action:

Council _____ moved that the recommendation from the City Manager be approved.

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From: The City Manager

Subject: Additional Insurance Coverage and Premiums under existing Policies.

Manager's Recommendation:

I recommend approval of payment to Saginaw Bay Underwriters in the amount of \$10,727.00 for adjustments to the City's Property, Machinery and Equipment insurance policies in Fiscal Year 2005-2006.

Justification:

The City's insurance policies for property, machinery and equipment coverage are renewed each year on February 1st. Throughout the fiscal year, the City may dispose of or acquire additional property thereby altering the policies and increasing the policy premiums. In the current fiscal year, the City acquired a 2005 Komatsu Wheel Loader, a Skid Steer Loader, the Floating Docks, pavilion and playground equipment on Ojibway Island and playground equipment at Germain Park. These additional items to be insured have increased the City's insurance premium by \$10,727.00.

Funds for insurance premiums are budgeted in the various departmental budgets.

Council Action:

Council _____ moved that the recommendation from the City Manager be approved.

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From: The City Manager

Subject: Fire Department Exercise Equipment

Manager's Recommendation:

I recommend that purchase orders be approved and issued to Exercise Express in the amount of \$23,116.80, Sourceling in the amount of \$25,500.00, and Lifefitness in the amount of \$7,738.96 totaling \$61,854.96 for the purchase of exercise equipment to be used by four stations of the Fire Department

These vendors meet all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Eighty percent (80%) of the total cost (\$49,483.97) will be paid from proceeds received from the Federal Assistance to Firefighters Grant. The balance is available in the Saginaw Fire Department Capital Outlay Repairs and Replacements Account No. 101-3752-751-9720 (\$12,370.99).

Justification:

On November 22, 2005 and November 29, 2005 the City of Saginaw accepted bids for various pieces of exercise equipment for the four fire stations. Following is a tabulation of the bids received:

Astute Advance, LLC Saginaw (out-city)	\$67,804.00
Sourceling Saginaw (out-city)	\$40,280.00
Exercise Express Saginaw (out-city)	\$67,044.87
Old Towne Gym Saginaw, MI	\$51,506.00

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Aegis Fitness Solution Saginaw, MI	\$22,388.00
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Lifefitness Saginaw, MI	\$ 7,738.96
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(NOTE: Lifefitness was the only bidder for exercise bikes)

Because all vendors did not bid on all items and many substitutions were made, it was decided to split the bids and accept parts of Exercise Express, Sourceling and Lifefitness bids.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.