

Council Agenda

August 27, 2007, 6:30 p.m., Council Chamber

ROLL CALL:

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided on Monday)

REMARKS OF COUNCIL:

PETITIONS:

07-21 Requesting that the City of Saginaw establish, per P. A. 146 of 2000, an Obsolete Property Rehabilitation District to include the following properties: 303 Adams, and 300-302 Cass Street.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES:

1. Certifying the votes for the August 7th election.

APPOINTMENT OF BOARDS AND COMMISSIONS MEMBERS:

1. Consideration of reappointing William A. Ewald to the Saginaw Arts and Enrichment Commission with a term to expire August 27, 2010.
2. Consideration of appointing Wasyl F. Czerewko to the City Planning Commission with a term to expire August 27, 2010.

REPORTS FROM MANAGER:

Management Update:

Recommended Actions:

1. Recommending approval of the request from GARB-KO, Inc. to add Chad Richards as co-licensee on 2007 SDM licensed business located at 803 Wheeler, Saginaw, MI.
2. Recommending acceptance of the offer from TBF Graphics to extend the same pricing for 2006-07 through June 30, 2008 for the printing and mailing of water/sewer bills. The total cost is \$64,800.00. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Sewer and Water Operation Fund Account Nos. 590 5311 711 8005 (\$32,400.00) and 591 5310 711 8005 (\$32,400.00).
3. Recommending acceptance of the low bid and issuance of a purchase order to Green Bay Lead, Inc. of Green Bay, WI in the amount of \$6,500.00 for the clean up of the Small Arms Range at the Saginaw Police Department. This vendor meets all requirements of the contract compliance provisions. Funds are budgeted in the Police Administrative Services Other Services/Operating Services Account No. 101 3012 721 8005.
4. Recommending acceptance of the sole bid and issuance of a purchase order to CMP Distributors, Detroit, MI, in the amount of \$8,315.00 for the purchase of duty and practice ammunition for the police department's range. This vendor meets all requirements of the contract compliance provisions. Funds are budgeted in the Police Administrative Services Parts and Supplies Account No. 101 3012 721 7330.
5. Recommending that a purchase order be approved and issued to Bentley Systems, Inc. in the amount of \$5,460.00 for the annual GIS Software renewal maintenance fee. This vendor meets all requirements of the contract compliance provisions. Funds are available in the GIS Operating Services Account No. 650 1738 781 8005.
6. Recommending that payment be made to State Electronics Company, Inc. in the amount of \$8,538.00 for an emergency purchase order issued on July 12, 2007 for the purchase of antennas, cabling, hardware and installation, in conjunction with the Gratiot Road Pump Station project. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Sewer and Water Operation and Maintenance Instrumentation and Process Controls Account Nos. 591-4715-851.80-01 (\$2,350.00), 590-4815-851-8001 (\$2,350.00), 591-4715-851-9705 (\$1,919.00) and 590-4815-851-9705 (\$1,919.00).

7. Recommending approval of the Agreement with SolarBee, Inc. and issuance of a purchase order to them in the amount of \$47,990.00 for the purchase of a solar-powered reservoir circulator to be used by the Water Treatment Division. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Water Capital Surplus Account No. 577 4740 881 9741.
8. Recommending approval of the Standard Streetlighting Authorization for Change Contract with Consumers Energy. These changes are the result of the City making improvements to Johnson Street. Approval of the Contract will allow the City to efficiently respond to requests for additions and improvements to the existing lighting system for fiscal year 2007-08. Further recommend that any future changes to the Standard Streetlighting contract for fiscal year 2007-08 be approved and that the proper city officials be authorized to execute changes on behalf of the city.
9. Recommending approval of the Cost Agreement for traffic signal maintenance at the intersection of M-46 and the Fordney Fire Station. The City's portion of the yearly maintenance cost will be \$158.00. Funds are available in the Major Streets Fund Traffic Engineering Account No. 202 4621 791 8005.
10. Recommending approval of the Settlement and Release Agreement in the amount of \$170,000.00 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.

INTRODUCTION OF ORDINANCES:

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to amend §52.33, "Charge for premises within City," and §52.34, "Charge for premises outside City" of Chapter 52, "Water" of Title V, "Public Works," of the Saginaw Code of Ordinances, O-1.

RESOLUTIONS:

1. Authorizing Family First Credit Union to update the signatures for the City's Visa card as follows: Darnell Earley, City Manager, and Diane Snowden, Administrative Assistant to the City Manager.
2. Authorizing the City of Saginaw to apply for the designation of Saginaw as a Preserve America Community.
3. Approving Consumers Energy Standard Streetlighting Authorization for Change Contract.
4. Approving MDOT Cost Agreements for maintenance of traffic signal.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS:

Darnell Earley
City Manager

COUNCIL COMMUNICATION

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

Council _____ offered and moved adoption of the following resolution:

WHEREAS, Since 1987, the City Manager's Office has utilized a Visa credit card issued by the Saginaw Municipal Employees Credit Union (now Family First Credit Union) for city purchases only; and

WHEREAS, In December 1998, auditors from the State of Michigan ordered the Credit Union to have on file a listing of authorized users of the card.

NOW THEREFORE BE IT RESOLVED, the City Council for the City of Saginaw authorizes the Family First Credit Union to update the signatures for the card as follows:

Darnell Earley, City Manager

Diane Humphrey-Snowden, Administrative Assistant

COUNCIL COMMUNICATION

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

PRESERVE AMERICA COMMUNITY DESIGNATION

Council _____ offered and moved adoption of the following resolution:

WHEREAS, Preserve America is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U. S. Department of the Interior, and the U. S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, designation as a Preserve America Community will improve our community's ability to protect and promote its historical resources; now

THEREFORE, be it resolved that the Saginaw City Council will apply for the designation of Saginaw as a Preserve America Community; and be it further

RESOLVED, that Saginaw will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Emergency Purchase for Gratiot Road Pump Station Project

Manager's Recommendation:

I recommend that payment be made to State Electronics Company, Inc. in the amount of \$8,538.00 for an emergency purchase order issued on 7/12/07 for the purchase of antennas, cabling, hardware and installation, in conjunction with the Gratiot Road Pump Station project.

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 the Sewer and Water Operation and Maintenance Instrumentation and Process Controls Account Nos. 591-4715-851.80-01 (\$2,350.00), 590-4815-851-8001 (\$2,350.00), 591-4715-851-9705 (\$1,919.00) and 590-4815-851-9705 (\$1,919.00).

Justification:

On July 12, 2007, an emergency purchase order was issued to purchase two antennas, cabling, hardware and labor to install the antennas on Saginaw County's Mosquito Control Tower, enabling communication between the Saginaw Water Treatment Plant and it's Gratiot Road Pump Station and upgrading communication between the Wastewater Treatment Plant and seven combined sewer overflow basins. An emergency purchase order was required to keep the Gratiot Road Pump Station project on schedule for completion. State Electronics Company, Inc. was selected because they currently service Saginaw County's equipment on the control tower.

Council Action:

Council_____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Board of Canvassers

Subject: City Board of Canvassers Certified Election Results from City of Saginaw Charter Revisions Special Election held August 7, 2007

City Board of Canvassers Recommendation:

The City Board of Canvassers met on August 9, 2007, after which they requested the Clerk prepare a report for submission to the City Council including the tabulation of votes as canvassed to be received and filed.

Justification:

The City Clerk called the meeting to order and the following members were present: George C. Bush, E. Louis Ognisanti and Mary C. Washington.

The City Clerk presented the Statement of Votes polled from the City of Saginaw Precincts #1 through #20 and the Absent Voter Counting Board (AVCB) Precinct #21 for the Charter Revision Special Election held August 7, 2007. Upon examination, it was found that the number of ballots cast for each precinct equaled the number of voters in the Poll Book and the number of ballots tabulated, therefore, all ballots were accounted for.

E. Louis Ognisanti offered and moved the adoption of the following resolution:

WHEREAS, the Statement of Votes polled from the City of Saginaw Precincts #1 through #20 and the Absent Voter Counting Board (AVCB) Precinct #21 for the City of Saginaw Charter Revision Special Election held August 7, 2007, were examined and considered by said Board; and

WHEREAS, the City Clerk advised no provisional challenge and/or envelope ballots were received by any of the precincts.

COUNCIL COMMUNICATION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Canvassers of the City of Saginaw does hereby determine and certify that total votes casts for the following City of Saginaw Proposal was 6,843, according to the Precinct Reports, Summary Report, and Canvassers Certification:

CITY OF SAGINAW PROPOSAL

Shall the city charter proposed by the city charter commission be adopted?

Yes _____

No _____

BE IT FURTHER RESOLVED, that the Board of Canvassers of the City of Saginaw does hereby determine and certify according to law that there were 1,082 votes cast in favor of adopting the City Charter proposed by the Charter Commission and 5,761 votes cast against adopting the City Charter proposed by the Charter Commission. The majority of electors having voted against adoption of the proposed City Charter, the proposal is hereby certified to have lost. (See attached.)

Adopted unanimously.

Council Action:

Council _____ moved that the report from the City Board of Canvassers be received and filed.

COUNCIL COMMUNICATION

The votes cast for and against the proposal are as follows

			CHARTER REVISION		
#	PRECINCT	BALLOTS CAST	YES	NO	
1	ST. JOSEPH EDUCATION CENTER	138	7	131	Formatted
2	ARTHUR EDDY ACADEMY	156	4	152	Formatted
3	HEAVENRICH SCHOOL	327	4	323	Formatted
4	MAPLEWOOD MANOR	298	19	279	Formatted
5	CENTRAL MIDDLE SCHOOL	199	12	187	Formatted
6	AUDRA FRANCIS RECREATION CENTER (Temporarily moved to Saginaw High)	178	7	171	Formatted
7	WEBBER ELEMENTARY	193	13	180	Formatted
8	SAGINAW HIGH SCHOOL	330	16	314	Formatted
9	JESSE ROUSE SCHOOL	207	9	198	Formatted
10	NEW MT CALVARY MISSIONARY BAPTIST	136	6	130	Formatted
11	HANDLEY SCHOOL (Temporarily moved to Arthur Hill High School)	433	77	356	Formatted
12	KEMPTON SCHOOL	216	31	185	Formatted
13	SAGINAW CAREER COMPLEX	381	71	310	Formatted
14	FAITH HARVEST CHURCH	250	61	189	Formatted
15	HERIG ELEMENTARY SCHOOL	446	108	338	Formatted
16	STAFF DEVELOPMENT CENTER	554	126	428	Formatted
17	ST. STEPHEN'S SCHOOL	354	80	274	Formatted
18	ROSIE TOWERS	334	103	231	Formatted
19	JEROME SCHOOL	456	101	355	Formatted
20	MERRILL PARK SCHOOL	269	53	216	Formatted
21	ABSENT VOTER COUNTING BOARD	988	174	814	Formatted
	TOTALS	6,843	1,082	5,761	Formatted

COUNCIL COMMUNICATION

From: The City Manager

Subject: Bentley Water GEMS Annual GIS Software Maintenance Fee

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Bentley Systems, Inc. in the amount of \$5,460.00 for the annual GIS Software renewal maintenance fee. 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 the GIS Operating Services Account No 650-1738-781.80-05.

Justification:

Water GEMS software will provide capabilities ranging from analysis and design to management function such as fire flow assessment, pump scheduling, water quality improvement, emergency planning, leakage reduction and security enhancement. In addition to purchasing the software, an annual renewal maintenance fee is required to receive all new upgrades for the software licenses and the right to call the Bentley help desk for all software related questions and/or problems.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Liquor License for 803 Wheeler

Manager's Recommendation:

I recommend approval of the request from GARB-KO, Inc. to add Chad Richards as co-licensee on 2007 SDM licensed business located at 803 Wheeler, Saginaw, MI, 48602, Saginaw County.

Justification:

On or about May 21, 2007, the City received notice from the Michigan Liquor Control Commission of the request from GARB-KO, Inc. to add Chad Richards as co-licensee on 2007 SDM licensed business located at 803 Wheeler, Saginaw, MI 48602, Saginaw County.

The City of Saginaw Fire Prevention, City Building Inspections Division and the Michigan Department of Agriculture have completed the necessary inspections and have approved 803 Wheeler for the license as required by Chapter 110, "General Provisions," of Title XI, "Business Regulations" of the Saginaw Code of Ordinances. Under Chapter 111, "Alcoholic Beverages," §111.11, "Application for License," the City Manager is to review all applications and departmental reports and give his recommendation to City Council of his approval or disapproval of the license. Since the necessary requirements have been met by GARB-KO, I hereby recommend approval of the addition of Chad Richards as co-licensee on 2007 SDM licensed business located at 803 Wheeler.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Printing of water bills

Manager's Recommendation:

I recommend acceptance of the offer from TBF Graphics to extend the same pricing for 2006-07 through June 30, 2008 for the printing and mailing of water/sewer bills. The total amount will be \$64,800.00.

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 for this purchase are budgeted in the Sewer and Water Operation Fund Account Nos. 590-5311-711-8005 (\$32,400.00) and 591-5310-711-8005 (\$32,400.00).

Justification:

It would be more cost effective to have TBF Graphics print and mail the bills at last year's price than to have city staff perform this task.

Original bids for the printing of water/sewer bills were opened on August 16, 2005 and TBF Graphics was the only qualified bid received.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Police Duty and Practice Ammunition

Manager's Recommendation:

I recommend that the sole bid received from CMP Distributors, Detroit, MI, be accepted and a purchase order be issued to them in the amount of \$8,315.00 for the purchase of duty and practice ammunition for the Saginaw Police Department Range.

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 budgeted in the Police Administrative Services Supplies / Parts and Supplies, Account No. 101-3012-721-7330.

Justification:

On August 14, 2007, the City received one bid for the purchase of duty and practice ammunition for the Saginaw Police Department from CMP Distributors, Detroit, MI. The bid was received and reviewed by the Purchasing Committee.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Clean Up of the Small Arms Range-Saginaw Police

Manager's Recommendation:

I recommend acceptance of the low bid and issuance of a purchase order to Green Bay Lead, Inc. of Green Bay, WI in the amount of \$6,500.00 for the clean up of the Small Arms Range at the Saginaw Police Department.

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 budgeted in the Police Administrative Services Other Services / Operating Services, Account No. 101-3012-721-8005.

Justification:

On August 14, 2007, the City received bids for the environmental clean up (lead) of the Saginaw Police Department's Small Arms Range. Lead is a hazardous material and a known health risk. Lead is managed under OSHA standards Sec. 1910.1025 Lead. It can easily contaminate the facility in which it's housed, namely the Saginaw Police Department. As protection for the employees who use the facility, this has to be cleaned to reduce any health hazard.

Following is a tabulation of the bids received and viewed by the Purchasing Committee:

Green Bay Lead, Inc. Green Bay, WI	\$6,500.00
Success Enterprise Muskegon, MI	\$12,900.00
Technical Service Professionals, L.L.C. Livonia, MI	\$13,945.00

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: SolarBee Inc. Agreement

Manager's Recommendation:

I recommend that the Agreement with SolarBee, Inc. ("SolarBee") be approved and a purchase order be issued to them in the amount of \$47,990.00. This Agreement has been approved by me as to substance and the City Attorney as to form.

This vendor meets all the 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 Water Capital Surplus Account No. 577-4740-881.97-41.

Justification:

On June 19, 2007, the City of Saginaw received a price quote from SolarBee for a solar-powered 10,000 gal/minute lake circulator in the amount of \$47,990.00, which is an increase of 4.3% over the price paid by the City in June of 2006 for an identical unit. SolarBee also provided a letter certifying that they are a sole source for this technology and no competitive products exist, to their knowledge.

The Water Treatment Division wishes to purchase a SolarBee solar powered reservoir circulator to improve cost efficiency and raw water quality in our Lake Linton storage reservoir located adjacent to the Water Treatment Plant facilities. The unit reduces blue-green algae blooms, which cause taste and odor problems, by circulating and oxygenating the reservoir water. The unit also has manifolds for improved copper sulfate addition to the reservoirs. Copper sulfate is a chemical added to control algae.

COUNCIL COMMUNICATION

More chemicals are required during taste and odor episodes. Water Treatment Plant staff currently add copper sulfate regularly using a boat in an attempt to control taste and odor causing blue-green algae. This is an expensive and labor-intensive process. The re-circulation unit will either greatly reduce these costs or eliminate them entirely and result in an overall improvement in raw water quality in the reservoir.

There is a satisfaction guarantee in which 70% of the original purchase price would be refunded if the City is not satisfied with the product one year after purchase. The unit has a 20 year expected service life. Last year, the City purchased two SolarBee units for the Kochville Raw Water reservoirs.

Council Action:

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

COUNCIL COMMUNICATION

Manager's Recommendation: Approval of the resolution as follows

RESOLUTION TO APPROVE CONSUMERS ENERGY STANDARD STREETLIGHTING AUTHORIZATION FOR CHANGE CONTRACT

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the Standard Streetlighting Authorization for Change Contract between Consumers Energy ("Consumers") and the City of Saginaw has been submitted to City Council for approval; and

WHEREAS, it is required by Consumers that the governing body of the municipality approve a resolution agreeing to the removal and installation of street lights; and

WHEREAS, additional changes in the Standard Streetlighting Contract between Consumers will be forth coming over fiscal year 2007-2008 as requests for improvements to existing lighting or for additional lighting are received and processed.

NOW, THEREFORE, BE IT RESOLVED, that City officials be authorized to execute said changes on behalf of the City.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Consumers Energy Standard Streetlighting Authorization for Change Contract

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Manager's Recommendation:

I recommend approval of the Standard Streetlighting Authorization for Change Contract with Consumers Energy ("Consumers"). The Contract has been approved by me as to substance and the City Attorney as to form.

Justification:

The City of Saginaw ("City") and Consumers entered into a standard streetlighting contract in 1978. City staff has determined that several streetlights should be removed at the following locations:

- 1) Remove 16 lights at Johnson Street between North Washington Avenue and North Warren Avenue
- 2) Remove 3 lights at Johnson Street between North Washington Avenue and North Jefferson Avenue

These changes are a result of City making improvements to Johnson Street. Approval of the Contract will allow the City to efficiently respond to requests for additions and improvements to the existing lighting system in the 2007-2008 fiscal year. It is also recommended that any future changes to the Standard Streetlighting contract for fiscal year 2007-2008 be approved and that City officials are authorized to execute said changes on behalf of the City.

Consumers requires that the City approve the Standard Streetlighting Authorization For Change Contract before it will remove or install streetlights. Approval of the Contract will allow the City to efficiently respond to requests for additions and improvements to the existing lighting system.

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

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: MDOT Cost Agreement for Maintenance of Traffic Signals

Manager' Recommendation:

I recommend the approval of the Cost Agreement for traffic signal maintenance at the intersection of M-46 (Gratiot Avenue) and the Fordney Fire Station. The Cost Agreement has been approved by me as to substance, and the City Attorney as to form. A resolution to approve the Agreement appears under the regular order of business for your consideration.

Justification:

Transmitted herewith is a Cost Agreement (City Clerk's File No. _____) with the Michigan Department of Transportation (MDOT) for traffic signal maintenance at the following location:

<u>Location</u>	<u>City %</u>	<u>MDOT %</u>	<u>Total</u>
M-46 (Gratiot Ave.) and Fordney Fire Station	33	67	\$480

The emergency traffic signal equipment at M-46 (Gratiot Avenue) and the Fordney Fire Station was replaced by MDOT earlier this summer. The City did not participate in the cost of installation, but is responsible for its portion of the maintenance costs. The City and MDOT estimate future yearly maintenance costs to be \$480.00, which will be shared according to the percentages as shown above. Therefore, the City's portion of the yearly maintenance cost will be \$158.00.

Funds for this Agreement are available in the Major Streets Fund Traffic Engineering Account, Number 202-4621-791-8005.

Council Action:

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

COUNCIL COMMUNICATION

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

RESOLUTION TO APPROVE MDOT COST AGREEMENTS FOR MAINTENANCE OF TRAFFIC SIGNALS

Council _____ offered and moved adoption of
the following resolution:

WHEREAS, Cost Agreements have been submitted by the Michigan Department of Transportation ("MDOT"), which requires the City of Saginaw to adopt a resolution demonstrating its willingness to participate in the cost of traffic signal maintenance at the following locations:

Locations

M-13 (Washington Ave.) @ M-46 (Rust Ave.)

M-13 (Washington Ave.) @ 250' N. of M-46 (Rust Ave.)

M-46 (Rust Ave.) @ 350' E. of M-13 (Washington Ave.)

M-46 (Holland Ave.) @ Cumberland

and

WHEREAS, future maintenance of the traffic signal equipment at these intersections will be shared between MDOT and the City; and

WHEREAS, said Cost Agreements have been approved by the City Manager as to substance and by the City Attorney as to form;

NOW, THEREFORE, BE IT RESOLVED, that City officials be authorized to execute said Agreements on behalf of the City of Saginaw.

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, some remain for a trial now scheduled for October, 2007. 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.