

## Council Agenda

September 24, 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:

07-27 From Pharrington Douglass, President of Urban Youth Tennis Foundation, requesting a Resolution recognizing the Urban Youth Tennis Foundation as a non-profit charity operating in the City of Saginaw.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES:

APPOINTMENT OF BOARDS AND COMMISSIONS MEMBERS:

1. Consideration of appointing Nels M. Andersen to the City Planning Commission with a term to expire September 24, 2010.
2. Consideration of appointing Mollyanna Denise Sheltraw to the Human Planning Commission with a term to expire September 24, 2009.
3. Consideration of reappointing Susanne M. Smokoska to the Human Planning Commission with a term to expire September 24, 2009.
4. Consideration of reappointing Valerie Ann Hoffman to the STARS Board with a term to expire September 24, 2010.
5. Consideration of reappointing Christine M. Parsons to the Housing Board of Appeals with a term to expire September 24, 2009.

REPORTS FROM MANAGER:

Management Update:

1. Andre Borrello will discuss the status of the water contracts.
2. Presentation on the Andersen Water Park Task Force's proposed recommendation for repurposing of the Andersen Water Park.

Recommended Actions:

1. Recommending approval of the settlement of claim no. P134-07-00239-01 in the amount of \$3,397.00. Funds are available in the City's Self Insurance Fund Account No. 677-1762-711.80-74.
2. Recommending the City deny Patrick Shaltry's Freedom of Information Act ("FOIA") appeals and not provide the requested documents, which do not exist.
3. Recommending issuance of a purchase order to NetSource One, Inc., for renewal of the Lotus Notes software subscription for annual maintenance and license fees to operate the City of Saginaw's e-mail and calendar system, in the amount of \$13,595.40. This vendor meets all requirements of the contract compliance provisions. Funds are budgeted in the Information Services Operating Services Account No. 658-1720-711.80-05.
4. Recommending approval of the lease agreements with Daimler Chrysler to lease two (2) vehicles for the Police Department, and issuance of a purchase order to Martin Chevrolet Chrysler in the amount of \$7,335.85 for FY 2007/2008, \$10,266.88 for FY 2008/2009, \$10,266.88 for FY 2009/2010 and \$2,567.22 for FY 2010/2011. This vendor meets all requirements of the contract compliance provisions. Funds are budgeted in the Police Building Management Account No. 101-3014-721.80-50.
5. Recommending that various adjustments be made to the 2007/2008 Approved Budget.
6. Recommending that a purchase order be approved and issued to Herbert Roofing in the amount of \$11,990.00, for a new roof for the Hess Street Fire Station. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Fire Department Capital Outlay-Repairs and Replacements Account No. 101-3751-751.97-20.
7. Recommending approval and issuance of a purchase order to National Safe Home Foundation, Inc., for smoke detectors in the amount of \$2,600.00. Funds received through a FEMA grant for fire prevention materials were earmarked for

- this purchase. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Fire Prevention Fund Account No. 101-3753-751.73-30.
8. Recommending approval and issuance of a purchase order to Save-A-Shake in the amount of \$20,000, for the replacement of the cedar shake roof on the Japanese Teahouse. Also recommending the purchase order to Vondette Roofing, approved June 5, 2006, be revoked for non-performance. This vendor meets all requirements of the contract compliance provisions. Funds are available in the General Fund Japanese Teahouse Repair and Replacement Account No. 101-7534-811.97-20.
  9. Recommending approval of the Contract and issuance of a purchase order to Gerace Construction, Inc., in the amount of \$4,825,000.00 for the Waste Water Treatment Plant Preliminary Treatment Improvements Phase C project. This vendor meets all requirements of the contract compliance provisions. The Sewer Bond Fund's 2008 Bond Construction Account No. 595-4843-881.80-47, will increase by \$1,450,000.00, resulting in an increase of budget expenditures which will be offset by an increase in the Sewer Fund 2008 Bond Construction Revenue Account No. 595-0000-606-67.35 of \$1,450,000.00. The revenue will be made available by the State of Michigan Revolving Fund in the form of a loan.
  10. Recommending approval of the Contract and issuance of a purchase order to Dell Computer Corporation in the amount of \$4,718.56, for the purchase of two laptop computers to be used for programming of the Water and Wastewater Treatment Plant Supervisory Control and Data Acquisition (SCADA) Systems. The Contract has been approved by the City Manager as to substance and by the City Attorney as to form. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Water and Sewer Operation and Maintenance Fund Account Nos. 591-4715-851.97-05 (\$2,359.28) and 590-4815-851.97-05 (\$2,359.28).
  11. Recommending approval and issuance of a purchase order to Underwriters Laboratories, Inc., in the amount of \$9,000.00 for FY 2007/2008 and \$18,000.00 for FY 2008/2009, for Total Trihalomethane and Haloacetic Acid Analysis. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Water Treatment Operations Account No. 591-4730-861.80-05, and will be budgeted in the same fund in FY 2008/2009.
  12. Recommending approval and issuance of a purchase order to Etna Supply in the amount of \$36,340.94, for the purchase of an annual supply of ductile iron water pipe to be used by the Public Services Dept. Right of Way Division. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Water Operations Account No. 591-4721-861.73-30 and Water Inventory Account No. 591-0000-171.11-30.

13. Recommending approval of the Water Service Agreement between the City of Saginaw and Saginaw Township. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.
14. Recommending approval of the Urban Cooperation Agreement between the City of Saginaw and Saginaw Township for the provision of treated water to Saginaw Township and for revenue sharing between the two communities. 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:

RESOLUTIONS:

1. Approving the City of Saginaw as recipient of grant funds for the Project Safe Neighborhoods Grant to supplement existing funds for additional activities.
2. Authorizing the City Manager to approve and execute the Uniform Video Service Local Franchise Agreement (Cable Franchise Agreement).

UNFINISHED BUSINESS:

1. Recommending approval of the request from White Star Liquor #3, LLC to transfer ownership of the 2007 SDD and SDM licensed business located at 1607 Bay, Saginaw, MI, Saginaw county, from McPhillips Enterprises, Inc.

MOTIONS AND MISCELLANEOUS:

1. Motion to go into closed session to discuss a written legal opinion.

Darnell Earley  
City Manager

# COUNCIL COMMUNICATION

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

**TITLE: RESOLUTION TO AUTHORIZE CITY MANAGER TO APPROVE CABLE FRANCHISE AGREEMENT**

Council \_\_\_\_\_ offered and moved adoption of the following resolution:

**WHEREAS**, Public Act 480 of 2006 (the "Act") requires video service providers to obtain a franchise from a municipality by means of a Uniform Video Service Local Franchise Agreement ("Uniform Franchise"); and

**WHEREAS**, the Michigan Public Service Commission ("MPSC") on January 30, 2007 issued an Order that provided a Uniform Franchise form; and

**WHEREAS**, the Act provides the City of Saginaw (the "Municipality") fifteen (15) business days from the date an application for a Uniform Franchise is filed with the Municipality to respond as to the completeness of the Uniform Franchise; and

**WHEREAS**, the Act provides the Municipality thirty (30) days from the submission date of a complete application for a Uniform Franchise in which to act to approve the Uniform Franchise; and

**WHEREAS**, the Municipality has determined that it must designate an official to whom it delegates the authority to respond to, complete, sign and approve Uniform Franchise applications in order to meet the deadlines under the Act, including establishing the video service provider franchise fees and fees to support public, educational and governmental access facilities and services provided for in Uniform Franchises, and taking all actions related thereto; and

**WHEREAS**, the Municipality desires to provide such official with guidance on such fees; and

**WHEREAS**, the Municipality wishes to memorialize that there were three (3) public, educational and governmental access channels in actual use on the incumbent video provider's system in the Municipality on the effective date of the Act, January 1, 2007; and

**WHEREAS**, the Municipality does not intend that by approving a Uniform Franchise that it shall be waiving rights, nor does it understand that the Act or the MPSC Order so requires.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the City of Saginaw designates and delegates to the City Manager full authority to respond to, complete and approve Uniform Franchise applications, and take all actions related thereto; and

# COUNCIL COMMUNICATION

**BE IT FURTHER RESOLVED** that such authority includes the City Manager having the authority to determine within the statutory deadlines whether the Uniform Franchise as submitted is complete, and having the authority to sign it indicating approval of the Municipality; and

**BE IT FURTHER RESOLVED** that a fee of five percent (5%) of gross revenues from video service providers is hereby established as the annual video service provider franchise fee, which is also the fee paid to the Municipality by Charter Communications, which is the incumbent and only video provider in Municipality, under its existing cable franchise with Municipality, with the City Manager having the authority to modify such fee, if appropriate; and

**BE IT FURTHER RESOLVED** that in addition to the preceding fee, a video service provider shall pay to the Municipality an annual fee as support for the cost of public, education, and government access facilities and services, not less than that as determined by Municipality's cable franchise with Charter Communications, with the City Manager having the authority to modify such fee, if appropriate; and

**BE IT FURTHER RESOLVED** that it is hereby memorialized that there were three (3) public, educational and governmental access channels in actual use on the incumbent video provider's system in the Municipality on the effective date of the Act, January 1, 2007; and

**NOW THEREFORE, BE IT FINALLY RESOLVED** that no approvals, deemed approvals under the Act or signature of the City Manager on a Uniform Franchise shall be construed or understood to be a waiver by the Municipality of its police powers; rights it may possess under the Act, Michigan law, the Michigan Constitution, or federal law; or right to challenge or modify a Uniform Franchise if the Act in whole or in part is amended by the legislature or overturned by the courts.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Settlement of Claim for Damages to Parked Car

**Manager's Recommendation:**

I recommend approval of the settlement of claim no. P134-07-00239-01 and payment to claimant in the amount of \$3,397.00, for a loss which occurred on August 11, 2007. This settlement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

On August 11, 2007, the owner of a 2001 Ford Focus experienced damage to her vehicle when a City fire truck struck the legally parked vehicle while making a right hand turn. Under Michigan's No-Fault insurance act, (Act 218 of 1956), the City is responsible for the damage caused to the claimant's vehicle. Claimant provided the City with three (3) estimates, the lowest being \$3,227.71 from Draper Chevrolet Body Shop. Draper's has indicated it will take one (1) week to repair claimant's vehicle. The City is also responsible for rental fees in the amount of \$169.99, while claimant's vehicle is being repaired. Claimant will be required to sign a release, releasing the City from any and all further liability on this claim, prior to issuance of payment.

Funds to pay these claims are available in the City's Self Insurance Fund Account No. 677-1762-711-8074.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Renewal of Lotus Notes Software Subscription

**Manager's Recommendation:**

Transmitted for your approval is a request from the Information Services Department to renew the Lotus Notes software subscription for annual maintenance coverage and license fees to operate the City of Saginaw's e-mail and calendar system. The cost for renewal of the software maintenance coverage and license fee is \$13,595.40.

I recommend that a purchase order be approved and issued to NetSource One, Inc., as our designated Lotus Notes Development Corporation reseller, in the amount of \$13,595.40.

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 budgeted and available in the Information Services Operating Services Account No. 658-1720-711.80-05 for this purchase.

**Justification:**

Lotus Notes is the e-mail and calendar software used by the City of Saginaw. The annual subscription provides support, upgrades and license coverage for Lotus Notes. The cost of the subscription did not increase from last year.

**Council Action:**

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



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Water Service Agreement with Saginaw Township

**Manager's Recommendation:**

I recommend approval of the Water Service Agreement between the City of Saginaw and Saginaw Township. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

The Water Service Agreement continues the City's policy of securing new long term water agreements with wholesale customers within the context of revenue sharing. The Water Service Agreement conditions the sale of water on securing an Urban Cooperation Agreement whereby the City will receive connection payments for new residential and non-residential developments requiring new water mains. An additional requirement is the payment of Revenue Sharing Fees. The Saginaw Township Board of Trustees approved the Water Service Agreement on September 10, 2007.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Approval of Urban Cooperation Agreement with Saginaw Township

**Manager's Recommendation:**

I recommend Council approve an Urban Cooperation Agreement between the City of Saginaw and Saginaw Township for the provision of treated water to Saginaw Township and for revenue sharing between the two communities. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

The City of Saginaw has water treatment and transmission facilities which it uses to supply potable water services to various wholesale customers, including Saginaw Township. Saginaw Township requires a secure source of water service into the future to serve its residents and assist development in its municipality. The City of Saginaw and Saginaw Township have negotiated an Agreement, pursuant to the Urban Cooperation Act, being MCL 124.501, et seq., to provide water services and share revenue produced by the economic development created by those water services.

The revenue to be paid the City for additional water services in economic development projects includes payment of connection fees for new residential and commercial developments which occur outside the Township's Census Designated Places, pursuant to the City's Water Contract Policy. Also, payment of connection fees will be required for all new industrial or manufacturing developments which occur anywhere in Saginaw Township. These fees range from \$2,000 in the first year for a small residential connection to \$94,263 for the largest non-residential connection in the last year of the Agreement. An additional requirement is the payment of annual revenue sharing fees,

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which start at \$20,000 and end at \$47,131 in the last year of the Agreement. These payments, which are guaranteed and are not dependent on development occurring, substitute for what would be speculation on whether a development would occur that would qualify for a Conditional Land Transfer under the City's Water Contract Policy. Upon careful review of developable areas and the applicable zoning rules and regulations, along with the Township's master plan, it is apparent that a qualifying development is unlikely to occur. Therefore, pursuant to the City's Water Contract Policy, the guaranteed annual payments under this Agreement clearly inure to the benefit of the City as an alternative to the unlikelihood of a qualifying Conditional Land Transfer development occurring.

The revenue sharing payments alone guarantee nearly \$1 million under this Agreement. Connection payments will add to that total as development occurs. The Saginaw Township Board of Trustees approved the Urban Cooperation Agreement on September 10, 2007.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Total Trihalomethane and Haloacetic Acid Analysis

**Manager's Recommendation:**

I recommend that the bid from Underwriters Laboratories, Inc. be accepted and a purchase order be approved and issued to them in the amount of \$9,000.00 for FY 2007/2008 and \$18,000.00 for FY 2008/2009.

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 services are available in the Water Treatment Operations Account No. 591-4730-861.80-05 for FY 2007/2008 and will be budgeted in the same account number for FY 2008/2009.

**Justification:**

On March 21, 2006, the City received bids for laboratory services from July 1, 2006 through June 30, 2008, for Total Trihalomethane (TTHM) and Haloacetic Acid (HAA<sub>5</sub>) Analysis. A one-year extension of pricing was confirmed in writing. The analyses must be performed as a part of the new Stage 2 Disinfection Byproducts Rule Standard Monitoring and must be performed by laboratories that are Michigan Department of Environmental Quality (MDEQ) certified in the approved method. The one-year sampling period will begin April 1, 2008 and end March 31, 2009. A bid was requested for additional samples although extra samples may not be necessary. The bid price of \$200.00 per paired sample is an increase of 2.6 % over the price currently paid for similar

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services during FY 2007/2008. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

	<u>Per Test</u>	<u>Total Bid</u>
Underwriters Laboratories, Inc. South Bend, IN	\$200.00	\$27,000.00
National Testing Laboratories, Ltd. Cleveland, OH	\$230.00	\$31,050.00

**Council Action:**

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

# COUNCIL COMMUNICATION

**From: The City Manager**

**Subject:** Roof Replacement/Hess Street Fire Station

**Manager's Recommendation:**

I recommend acceptance of the bid and issuance of a purchase order to Herbert Roofing in the amount of \$11,990.00 for a new roof for the Saginaw Fire Department Hess Street Fire Station.

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 and available in the Fire Department's Capital Outlay – Repairs and Replacements Account No. 101-3751-751-9720.

**Justification:**

The roof at the Hess Street Fire Station has been having problems with leaks for some time. It has been patched several times but the patches don't last. Every time it rains it leaks in areas where the computers and furnace are located. There is also the possibility of mold infestation. To prevent further damage to the structure and for the health and safety of personnel it's imperative that a new roof be installed.

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

Herbert Roofing Saginaw, MI (out City)	\$11,990.00
Beyer Roofing Saginaw, MI (out City)	\$14,550.00
Buchinger Roofing Reese, MI	\$18,000.00

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Brandle Roofing \$20,340.00  
Midland, MI

Mid Michigan Roofing \$44,386.00  
Saginaw, MI (out City)

**Council Action:**

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

# COUNCIL COMMUNICATION

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

Title: Project Safe Neighborhoods Grant

Council \_\_\_\_\_ offered and moved adoption of the following resolution:

WHEREAS, the City of Saginaw is the recipient of grant funds for Project Safe Neighborhoods programs; and

WHEREAS, the federal Bureau of Justice Assistance requires various certifications from recipients in order to receive these funds;

NOW THEREFORE BE IT RESOLVED, that the funds received will not be used to supplant state or local funds, but rather to supplement existing funds for additional activities, and it is

FURTHER RESOLVED that the City will comply with all rules regarding lobbying, debarment, suspension and a drug-free workplace, and it is

FURTHER RESOLVED that the City will comply with all other requirements of the grant and, where applicable, assure that all participants also comply, and it is

FURTHER RESOLVED that the City Manager or his designee be authorized to execute all documents providing this certification and as otherwise needed for this grant.



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Japanese Tea House Roof Replacement

**Manager's Recommendation:**

I recommend that a purchase order be approved and issued to Save-A-Shake of Okemos, Michigan, in the amount of \$20,000 for the replacement of the cedar shake roof on the Japanese Tea House. I also recommend revoking the purchase order to Vondette Roofing, which was approved on June 5, 2006 for nonperformance.

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

The funds are available in the General Fund Japanese Tea House Repair and Replacement Account No. 101-7534-811-9720.

**Justification:**

The Tea House was constructed in 1986 as a joint venture between the City of Saginaw and its Sister City, Tokushima, Japan. The Tea House Board, which is part of a 501c3 non-profit organization that was formed to run the Tea House operation, received three quotes to have the roof replaced during the summer of 2005. Two of the quotes exceeded \$48,000; however, the quote from Vondette Roofing was \$28,455. The City of Saginaw has an agreement with Tokushima, in which Saginaw agreed to maintain the Tea House. The City of Saginaw has budgeted \$20,000 for this project and the Tea House Board has secured a grant for the remaining funds.

Vondette Roofing has had a purchase to re-roof the Tea House for 14 months. Several dates have been set up between Vondette and the Tea House staff, and Vondette has not shown up to do the required work. The Tea House staff board has secured a

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quote from Save-A-Shake for \$31,500 for the same project. Save-A-Shake comes well recommended from a member of the board that had work done at his home. It is anticipated that Save-A-Shake will complete the roofing project this fall. The City of Saginaw's costs in this project are anticipated to remain the same as with the last contractor.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Dell Computer Corporation Contract

**Manager's Recommendation:**

I recommend that the City approve a contract with Dell Computer Corporation ("Dell") for the purchase of two laptop computers. The total amount of the Contract is \$4,718.56. The Contract 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 purchase are available in the Water and Sewer Operation and Maintenance Fund Account Numbers 591-4715-851.97-05 (\$2,359.28) and 590-4815-851.97-05 (\$2,359.28).

**Justification:**

On May 25, 2007, the City received a quote from Dell for the purchase of two laptop computers for programming of the Water and Wastewater Treatment Plant Supervisory Control and Data Acquisition (SCADA) Systems. 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. Continuing to purchase Dell products enables the Instrumentation and Controls Technology Division ease of maintenance, consolidation of parts and identical maintenance agreements, which allows for more cost effective service.

The contract contains terms that are not favorable to the City as it limits Dell's liability. Dell disclaims all express and implied warranties of merchantability and fitness

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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 also disclaims incidental, special, punitive, incidental or consequential damages.

In addition, the contract states that the laws of the state of Texas govern this matter. Further, Dell limits the City's remedy to file a lawsuit by stating the parties must resolve all disputes through binding arbitration. It is recommended that the City accept the contract in its present form as these terms and conditions are understood to be standard in the industry.

There is no accurate cost comparison available due to different system configurations.

## **Council Action:**

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

# COUNCIL COMMUNICATION

From: The City Manager

Subject: Patrick Shaltry Freedom of Information Act Appeals

Manager's Recommendation:

I recommend that the City Council deny Patrick Shaltry Freedom of Information Act ("FOIA") appeals and not provide the requested documents.

Justification:

On August 6<sup>th</sup> and 7<sup>th</sup>, 2007, the Office of Employee Services received two Freedom of Information Act (FOIA) requests from Patrick Shaltry. The August 6, 2007 FOIA request sought the following:

1. I am requesting the total number of overall complaints involving hostile work environment or sexual harassment alleged to have happened within the Saginaw Police Department from July 26<sup>th</sup> 2002 till July 26<sup>th</sup> 2007. I am requesting that these statistics be divided on a yearly basis. Complaints received should include substantiated and unsubstantiated.
2. I am requesting more specifically a complete list detailing how many of these complaints were investigated further, how many resulted in any actions taken either during the investigation process or as a result of findings. I ask that these be divided on a yearly basis from the date of July 26<sup>th</sup> 2002 through July 26<sup>th</sup> 2007. I am requesting it be specific to individuals as follows example – IE Ofc. John Doe-1x complaint received, supervisor moved pending further investigation, unfound. Ofc. Jill Doe – 1x complaint received, willingly moved to different shift pending investigation, complaint founded, referred to legal department, etc.
3. I am requesting any and all policies, procedures, rules or guidelines governing hostile work environment or sexual harassment that the Saginaw Police Department has currently or has had previously from the date July 26<sup>th</sup> 2002 through July 26<sup>th</sup> 2007.

The August 7, 2007 request sought the following information:

1. I am requesting the total number of overall complaints involving any type of alleged behavior received against Saginaw Police Officers from July 26<sup>th</sup> 2002 till July 26<sup>th</sup> 2007. I am requesting that these statistics be divided on a yearly basis. Complaints received should include substantiated and unsubstantiated.
2. I am requesting more specifically a complete list detailing all written reprimands delivered to all Saginaw Police Department Officers,

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divided on a yearly basis from the date of July 26<sup>th</sup> 2002 through July 26<sup>th</sup> 2007. I am requesting it be specific to individuals as follows example – IE Ofc. John Doe-1x written reprimand 2004, 1x written reprimand 2006. Ofc. Jill Doe – 3x written reprimand 2003, Ofc. John Doe – 2x written reprimand 2002, etc.

3. I am requesting more specifically a complete list detailing all suspensions delivered to Saginaw Police Department Officers from the date July 26<sup>th</sup> 2002 through July 26<sup>th</sup> 2007. I am requesting it be specific to individuals as follows example – IE Ofc. John Doe – 1x 1 day suspension 2002, 1x 2 day suspension 2004, 1x 5 day suspension suspension 2007. Ofc. Jill Doe – 1x 1 day suspension 2005, etc.

The August 6, 2007, FOIA request was partially denied. Items 1 and 2 were denied and item 3 was provided to the requestor. The August 7, 2007, FOIA request was denied in its entirety. Due to the complex nature of the appeals, City Council extended the time to respond to both appeals by ten days.

After a thorough review of both appeals, it has been determined that they should be denied because the documents do not exist. The issues in both appeals are distinguishable from the Herald v. Bay City case. The Court stated in that case that municipalities must provide the information if the documents can be easily located. The information requested in the appeals are neither easily located or ascertainable. The documents are not ascertainable in terms of judgment or definition. Therefore, the appeals should be denied and the documents not provided.

## **Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Annual Supply of Ductile Iron Pipe

**Manager's Recommendation:**

I recommend that the bid from Etna Supply be accepted and a purchase order issued to them in the amount of \$36,340.94.

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

Funds for this purchase are available in Water Operations Account 591-4721-861.73-30 and will be accounted for through Water Inventory Account #591-0000-171.11-30.

**Justification:**

On July 17, 2007 the City received bids for an annual supply of ductile iron water pipe and various fittings to be used by the Public Services Dept. Right of Way Division for the construction and repair of water distribution and transmission systems. Following is a tabulation of the bids received:

**Vendor**

Etna Supply Grand Rapids, MI	\$36,340.94
Michigan Pipe and Valve Zilwaukee, MI	\$41,354.00

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Smoke Detectors

**Manager's Recommendation:**

I recommend the issuance of a purchase order to National Safe Home Foundation, Inc. in the amount of \$2,600.00 to purchase smoke detectors.

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 and available in the Fire Department's Fire Prevention Fund – Account No. 101-3753-751-7330.

**Justification:**

The Saginaw Fire Department ("Fire Department") received a grant from FEMA in the amount of \$195,600.00. The amount of \$2,600.00 was earmarked for the purchase of fire prevention materials. The Fire Department intends to use the \$2,600.00 solely for the purchase of smoke detectors due to the fact that our inventory is depleted. Furthermore, during the spring the City experienced multiple fire fatalities in a single-family dwelling. The Fire Department's investigation revealed there were no smoke detectors in the home. The purchase of additional smoke detectors will enable the Fire Department to provide smoke detectors to needy families. In addition, Fire Department personnel will install the smoke detectors and provide a home fire safety inspection.

**Council Action:**

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



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Daimler Chrysler Vehicle Lease Agreements

**Manager's Recommendation:**

I recommend approval of the lease agreements with Daimler Chrysler to lease two (2) vehicles for the Saginaw Police Department ("Police Department"). It is further recommended that a purchase order be issued to Martin Chevrolet Chrysler for the lease of the two vehicles. The lease agreements are subject to approval 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 the lease agreements are available in the Police Building Management Account Number 101-3014-721-8050.

**Justification:**

The lease period has reached maturity for two (2) vehicles in the Police Department's motor vehicle fleet. As a result, the Saginaw Police Department has determined that it is necessary to lease vehicles for the Chief of Police and the Deputy Chief of Police.

The leases are for a period of 39 months for two (2) Chrysler 300's. The monthly lease amounts for each car is \$427.87 and the total amount of both leases is \$30,436.83. The total cost each fiscal year is as follows:

FY 2007/08	\$ 7,335.85 (includes documentation fee and title expenses)
FY 2008/09	\$10,266.88
FY 2009/10	\$10,266.88
FY 2010/11	\$ 2,567.22

Since vehicles are leased, no competitive bidding was needed because lease prices are set by the manufacturer not the dealership.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Gerace Construction Inc. Contract and Budget Adjustment

**Manager's Recommendation:**

I recommend that the low bid from Gerace Construction Inc. ("Gerace Construction") in the amount of \$4,825,000.00 be accepted and a contract awarded to them in that amount. The contract has been approved by me as to substance and the City Attorney as to form. It is also recommended that the 2007/2008 Approved Budget for this project be amended:

The Sewer Bond Fund's 2008 Bond Construction budget (Account No. 595-4843-881.80-47) of \$3,375,000.00 will increase by \$1,450,000.00, resulting in an increase of budgeted expenditures from \$3,375,000.00 to \$4,825,000.00. This increase will be offset by an increase in the Sewer Fund's 2008 Bond Construction Revenue budget (Account No. 595-0000-606.67-35) by \$1,450,000.00. The revenue will be made available by the State of Michigan Revolving Fund in the form of a loan.

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

**Justification:**

On July 24, 2007, the City received bids for the Waste Water Treatment Plant Preliminary Treatment Improvements Phase C project. This project includes construction of a Primary Influent Flow Splitter Box, two (2) new 100 foot diameter Primary Settling Tanks, a new Primary Sludge Pumping Station and a new Effluent Junction Chamber. In addition, the project includes replacement of five (5) existing

# COUNCIL COMMUNICATION

primary sludge pumps and refurbishment of various existing exterior Operations Building areas.

The following is a tabulation of the bids received and reviewed by the Purchasing Committee:

Gerace Construction Midland, MI	\$ 4,825,000.00
Sorensen Gross Flint, MI	\$ 4,874,000.00
RCL Construction Sanford, MI	\$ 4,977,000.00
Spence Brothers Saginaw, MI (In-City)	\$ 4,978,000.00
3S Construction Midland, MI	\$ 5,092,285.02
Graham Construction Saginaw, MI (Out-City)	\$ 5,305,815.00

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Various Budget Adjustments

**Manager's Recommendation:**

It is recommended that the 2007/2008 Approved Budget for the following funds be amended:

The General Fund's Fire Prevention Parts and Supplies line item (101-3753-751.73-30) will be increased from \$1,765.00 to \$5,112.00. This expenditure will be offset by an increase to the General Fund's Smoke Detector line item (101-0000-601.67-40) from \$0 to \$3,347.50.

The Block Grant Entitlement Revenue line item (276-0000-513.58-22) will be increased by from \$235,000.00 to \$762,390.00 as will the Block Grant – Loan Disbursement line item (276-6550-761.83-40) from \$100,000.00 to \$377,390.00 as well as Block Grant – Loan Disbursement (276-6540-761.83-40) from \$100,000.00 to \$350,000.00.

The Water Bond Construction Fund's Construction Project line item (598-4741-881.80-47) will be increased from \$9,108,000.00 to \$11,500,000.00. This amount will be offset by an increase in revenue through the Bond Proceeds (598-0000-606.67-35) line item by \$2,392,000.00.

**Justification:**

The City of Saginaw received monies from FEMA and Morley Company on 7/12/2007 and 8/02/2007, respectively, for the purchase of smoke detectors for the Saginaw Community.

# COUNCIL COMMUNICATION

For the Block Grant monies, carryover funds have not been shown as a receivable by the City of Saginaw, so budget adjustments are required as these funds are utilized. The Council adopted a budget for CDBG Fund on an overall basis but the revenues and expenditures for the budget as adopted only included the federal funding earmarked for the 2007/2008 fiscal year.

During the development of the 2007/2008 Approved Budget, the City anticipated the 2007 Water Revenue Bond to be approximately \$9,108,000.00. The bond was approved for \$11,500,000.00. City Council approved the bond resolution on April 16, 2007.

**Council Action:**

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