

COUNCIL AGENDA

For

December 4, 2006, 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 after 1:30 p.m.)

REMARKS OF COUNCIL:

PETITIONS:

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES:

APPOINTMENT OF BOARDS AND COMMISSIONS MEMBERS:

1. Consideration of reappointing David Kessel, Dale Deibel, and Denny M. Whalen to the Downtown Development Authority with a term to expire 12/31/10.
2. Consideration of reappointing Andrew Joseph Dominowski to the Saginaw Economic Development Authority with a term to expire June 30, 2009.

REPORTS FROM MANAGER:

Management Update

Recommended Actions

1. Recommending approval of the Business Internet Service Agreement and Service Order between the City of Saginaw and CC VII Operating, LLC. This agreement sets terms for the installation of a high-speed Internet line and Internet service at the Forest Lawn Cemetery Office. The line installation fee is \$99.99 and the monthly charge for the Internet service will be \$49.99. Further

- recommend that the Information Services Director, Jay Beelman, be authorized and directed to execute the agreement on behalf of the City.
2. Recommending approval of the Assignment of Claim in the Delphi Bankruptcy case to Argo Partners in exchange for an immediate payment of 85% of the claim amount and for authorization of the City Manager or his designee to execute all documents related to this.
 3. Recommending that the offer from Owens Contracting to extend our current pricing for demolition services through June 30, 2007 be accepted and that a purchase order be issued to them in the amount of \$290,000.00. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Community Development Block Grant Fund Account No. 275 6511 761 8025.
 4. Recommending that the offer from Kone, Inc. to extend our current elevator maintenance through December 31, 2007 be accepted and that a purchase order be issued to them in the amount of \$7,434.00. This vendor meets all requirements of the contract compliance provisions. Funds are available in the following accounts: Police Building Maintenance Account No. 101 3014 721 8005 (\$1,666.00), City Hall Building Maintenance Account No. 101 7575 821 8005 (\$1,666.00), Parking System Fund Account No. 516 7510 761 8005 (\$1,666.00), Public Works Building Operation Fund Account No. 641 4439 811 8005 (\$1,666.00) and Water Operation and Maintenance Fund Account No. 591 4730 861 8005 (\$770.00)
 5. Recommending that a purchase order be approved and issued to Spartan Distributing, Inc. in the amount of \$9,794.15 for a replacement mower to be used by the Water Treatment Plant. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Water Operations and Maintenance Account No. 591 4730 861 9741.
 6. Recommending approval of a contract and issuance of a purchase order to Tetra Tech, Inc. in the amount of \$32,000.00 for engineering design services for an Ethernet based radio system for the Wastewater Treatment Plant, including the seven combined sewer overflow basins. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Instrumentation and Process Controls Division Account No. 590 4815 851 8001.
 7. Recommending acceptance of the low bid and that a contract be awarded to Geiersbach Construction, Inc. in the amount of \$284,685.00 for the Birch Run Booster Pump Station Upgrades. This project will upgrade the existing pump station as to fire flows and firm pumping capacity as mandated by the Department of Environmental Quality and outlined in the Water Distribution System Reliability Study. This vendor meets all requirements of the contract

compliance provisions. Funds are available in the Water Surplus Repairs and Replacement Fund Account No. 577 4740 881 9720.

INTRODUCTION OF ORDINANCES:

1. An Ordinance to amend Section 91.30, and to add Section 91.32, of Chapter 91, "Cemeteries and Parks," of Title I, "General Regulations," of the City of Saginaw Code of Ordinances, O-1.

CONSIDERATION AND PASSING OF ORDINANCES:

RESOLUTIONS:

1. Appointing Jeanette Best, Superintendent of Wastewater Treatment and Thomas Darnell, Director of Public Services as the designated representatives to conduct transactions, including the signing of any and all documents related to securing the funds for the grant administered by the United States Environmental Protection Agency.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Motion to go into closed session to discuss pending litigation in two employment cases.

Darnell Earley
City Manager

COUNCIL COMMUNICATION

From: The City Manager

Subject: City Wide Elevator Maintenance

Manager's Recommendation:

I recommend that the offer from Kone, Inc. to extend our current pricing for elevator maintenance through December 31, 2007 be accepted and that a purchase order be issued to them in the amount of \$7,434.00.

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 available in the following respective accounts: Police Building Maintenance Account No. 101-3014-721-8005 (\$1,666), City Hall Building Maintenance No. 101-7575-821-8005 (\$1,666), Parking System Fund No. 516-7510-761-8005 (\$1,666), Public Works Building Operation Fund No. 641-4439-811-8005 (\$1,666) and Water Operation and Maintenance Fund No. 591-4730-861-8005 (\$770.00).

Justification:

The last bids for Elevator Maintenance were opened on June 17, 2003. The period of coverage originally approved by council was from July of 2003 through June 30, 2006. Kone has offered to extend their current pricing through December 31, 2007, at which time we will bid the service out again.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Demolition Services Extension

Manager's Recommendation:

I recommend that the offer from Owens Contracting to extend our current pricing for demolition services through June 30, 2007 be accepted and that a purchase order be issued in the amount of \$290,000.00.

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

Funds are available in the Community Development Block Grant Fund Account No. 275-6511-761-8025.

Justification:

The last bids for demolition services were opened on June 29, 2004. The period of coverage was from July 1, 2004, through June 30, 2006, with the option for a one-year extension. Owens Contracting has offered to extend their current pricing through June 30, 2007, at which time we will bid the service out again.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Geiersbach Construction Inc. Contract

Manager's Recommendation:

I recommend that the low bid from Geiersbach Construction, Inc. in the amount of \$284,685.00 be accepted and a contract awarded to them in that amount and that the 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. The contract is subject to the approval of the City Manager as to substance and the City Attorney as to form.

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

Funds for this service are available in Water Surplus Repairs and Replacement Fund Account No 577-4740-881.97-20.

Justification:

On October 31, 2006, the City received bids for the Birch Run Booster Pump Station Upgrades 2006-2007. This project will upgrade the existing pump station as to fire flows and firm pumping capacity as mandated by the Department of Environmental Quality and outlined in the Water Distribution System Reliability Study.

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

Geiersbach Construction Inc. Freeland, MI	\$ 284,685.00
Heystek Contracting Montrose, MI	\$ 333,000.00

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Charter Business Internet Service Agreement

Manager's Recommendation:

I recommend approval of the Business Internet Service Agreement and Service Order between the City of Saginaw ("City") and CC VII Operating, LLC ("Charter"). This agreement sets terms for the installation of a high-speed Internet line and Internet service at the Forest Lawn Cemetery Office. I further recommend that the Information Services Director, Jay Beelman, be authorized and directed to execute the agreement on behalf of the City. The agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

This Internet service will be used by the staff at the Forest Lawn Cemetery Office to access the City computer network primarily for the purpose of access to the new Cemetery Management system. The line installation fee is \$99.99 and the monthly charge for Internet service will be \$49.99.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Water Treatment Replacement Mower Purchase

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Spartan Distributing Inc. in the amount of \$9,794.15 for a replacement mower to be used by the Water Treatment Plant.

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

Funds for this purchase are available in the Water Operations and Maintenance Account No. 591-4730-861.97-41.

Justification:

Spartan Distributing has offered a reasonable price on a 2006 Toro 597-D, Z-Master, zero turn, demonstrator mower. The mower is diesel powered with ~50 hours of use and is in like new condition. This mower will be used to replace an existing Toro 345 mower. This versatile mower will improve efficiency due to its maneuverability and mulcher deck. This equipment is used in the grounds maintenance of the City's Water Treatment Plant and Remote Pump Stations. This demonstrator is offered at a \$1,465.60 discount from State Bid pricing.

Council Action:

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

COUNCIL COMMUNICATION

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

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the City of Saginaw has been appropriated a grant from the United States Environmental Protection Agency in the amount of \$964,300.00 for sewer infrastructure improvements; and

WHEREAS, the City of Saginaw is in the process of completing the required paperwork that must be submitted to obtain the grant monies; and

WHEREAS, the grant documents require that the City appoint representatives to conduct transactions, including the signing of any and all documents related to securing the funds for the grant administered by the United States Environmental Protection Agency;

NOW, THEREFORE, BE IT RESOLVED, that the City of Saginaw hereby appoints Jeanette Best, Superintendent of Wastewater Treatment and Thomas Darnell, Director of Public Services as the designated representatives.

COUNCIL COMMUNICATION

Council _____ moved that an ordinance introduced December 4, 2006, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND SECTIONS 91.30 and to add SECTION 91.32, OF CHAPTER 91, "CEMETERIES AND PARKS", OF TITLE IX, GENERAL REGULATIONS OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Subsection C, of Section 91.30 "Littering in Parks." of Chapter 91 "Cemeteries and Parks" of Title IX, General Regulations of the City of Saginaw Code of Ordinances, O-1, is hereby repealed.

Section 2. Section 91.32 "Violations." of Chapter 91 "Cemeteries and Parks" of Title IX, General Regulations of the City of Saginaw Code of Ordinances, O-1, is hereby added, to read as follows:

§ 91.32 Violations.

(A) *Municipal Civil Infraction.* A person who violates any provision of subchapter 91.30 or 91.31 is responsible for a Class C municipal civil infraction, subject to the payment of a civil fine as set forth in Chapter 37, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by Chapter 37.

(B) *Authorized City Official.* The Director of Public Services, the Chief of Police and/or their designees are hereby designated as the authorized City officials, as defined by Chapter 37 of the code, to issue municipal civil infraction citations or municipal civil violation notices as provided by Chapter 37.

Section 11. This ordinance shall become effective December 28, 2006.

Enacted: December 18, 2006.

COUNCIL COMMUNICATION

Council _____ introduced an ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND SECTION 91.30, and to add SECTION 91.32, OF CHAPTER 91, "CEMETERIES AND PARKS", OF TITLE I, "GENERAL REGULATIONS", OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under the Charter provision.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Assignment of Delphi Claim to Argo Partners

Manager's Recommendation:

I recommend approval of the Assignment of Claim in the Delphi Bankruptcy case to Argo Partners in exchange for an immediate payment of 85% of the claim amount and for authorization of the City Manager or his designee to execute all documents related to this.

I have approved this contract as to substance and the City Attorney has approved it as to form.

Justification:

The City of Saginaw has filed claims against Delphi Automotive Systems LLC ("Delphi") in connection with Delphi's Chapter 11 bankruptcy case. The City of Saginaw's has claims totaling \$138,659.00. Argo Partners has offered to purchase an assignment of these claims for the total payment of \$117,860.41, amounting to 85% of the total claims.

The advantage to the City is that it would receive payment of its claims at an earlier date and without the risk of nonpayment if the bankrupt debtor were unable to pay its claims. The disadvantage to the City is that it would lose out on the potential to recover the full payment on its claims.

The City has previously declined offers ranging between 50% and 70%. The economic advantage of this offer is sufficient to justify the recommendation to accept it.

Council Action:

Council____ moved that the recommendation from the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Tetra Tech, Inc. Contract

Manager's Recommendation:

I recommend that a contract with Tetra Tech, Inc. be approved in the amount of Thirty Two Thousand dollars (\$32,000) and that a purchase order be issued to them for this amount. This agreement has been approved by the City Manager as to substance and the City Attorney as to form.

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

Funds are available in the Instrumentation and Process Controls Division Account No. 590-4815-851.80-01.

Justification:

Tetra Tech, Inc. submitted a proposal in the amount of Thirty Two Thousand dollars and 00/100 (\$32,000.00) for engineering design services for an Ethernet based radio system for the Wastewater Treatment Plant, including the seven combined sewer overflow basins, which will allow for faster and more reliable transmission of data during rain events. Proposals were not solicited from other vendors as the Ethernet radio system is the main network for the Supervisory Control and Data Acquisition (SCADA) system and Tetra Tech, Inc. was the design engineer for this system.

Council Action:

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