

**PROPOSED MINUTES
CITY COUNCIL MEETING
CITY OF ST. CLAIR SHORES
27600 JEFFERSON CIRCLE DRIVE
ST. CLAIR SHORES, MI 48081**

Tuesday, July 6, 2009

PRESENT:

Mayor
Council Members

Robert A. Hison
Matthew S. Ahearn
Ronald J. Frederick
Beverly McFadyen
Mark J. Moffitt
David J. Rubello
Kip C. Walby

ALSO PRESENT:

City Manager
City Clerk
City Attorney
Communications Director
Recording Secretary

Kenneth R. Podolski
Mary A. Kotowski
Robert D. Ihrle
Mary Jane D'Herde
Raluca Munteanu

1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Hison called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll with a quorum present. The Pledge of Allegiance was led by Eagle Scout Ian Michael Love.

2. PROCLAMATIONS & PRESENTATIONS

a. Ian Love Eagle Scout

Mayor Hison presented Ian Michael Love with a proclamation for earning his Eagle Scout rank with Boy Scout Troop 1984. Mr. Love is currently a senior at South Lake High School, a member of the swim team, soccer team, and golf team. He developed, supervised and assisted a team of volunteers to build and repair benches for the South Lake Swim Team as his Eagle Scout leadership project. Mr. Love discussed his project and his future plans.

b. Michigan Association of Municipal Clerks – City Clerk of the Year Mary Kotowski

Mayor Hison announced that Ms. Mary Kotowski is the 2009 City Clerk of the Year for Michigan and presented her with a proclamation for outstanding dedication and integrity to her profession. Ms. Kotowski has been employed by the City of St. Clair Shores since 1999 and has held positions at the County, Township and City level during her 26 year career. Ms. Kotowski saved the City thousands of dollars by implementing cost saving procedures, moving three local school districts annual Elections to November, and was the first City Clerk in Michigan to purchase the City's current voting system.

Mayor Hison presented Ms. Kotowski a Certificate of Tribute from Governor Granholm in recognition of the award received and her willingness and dedication to her vocation.

Mayor Hison also presented Ms. Kotowski a Certificate of Special Congressional Recognition from the Congress.

Michael Boyle and William Crouchman, of Macomb County Board of Commissioners, congratulated and acknowledged Ms. Kotowski for being the City Clerk of the Year and presented her with a resolution.

Ms. Kotowski thanked the Mayor, Council and City Manager for the support and help throughout the years and to a great Presidential Election in 2008.

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT)

David Gloede, 24724 Cubberness, commented on items 7L and 7p. He disagreed that GPS tracking is necessary on City's vehicles in such a small community. Mr. Gloede inquired about water meters being purchased and replaced; from his experience, he was told his water meter had to be replaced, but it was working fine.

Bryan Murphy, 23400 Recreation, spoke on item 7d; he stated that S&B Seasonal Services came as the low bidder for the Snow Removal Contract. They are residents of the City, worked with other communities, have 125 lawn accounts and 60 snow removal accounts.

Chris Vitale, 28701 Grant, commented on agenda item 5 and urged City Council to be aware of expiring contracts ahead of time to be able to make proper decisions and have enough time for the bid process.

Candice Rusie, 23149 N. Rosedale Ct., thanked City Council for discussing item 5 and talked about the history of purchasing practices.

4. REQUEST FROM THE LAKE ST. CLAIR SYMPHONY ORCHESTRA TO HOLD THE 11TH ANNUAL NAUTICAL NIBBLE FEST ON JULY 21, 2009 FROM 6:00 P.M. TO 9:00 P.M. AT BLOSSOM HEATH INN

Ms. Lillian Zinski, 23014 Carolina, represented the Lake St. Clair Symphony Orchestra and announced their upcoming 11th Annual Nautical Nibble Fest, which will take place Tuesday evening July 21, 2009 inside Blossom Heath Inn. The event will be held in conjunction with the Nautical Mile Merchants Association's Aqua Fest. There will be food from various restaurants, musicians and a cash bar. Tickets will be \$25 in advance and \$30 at the door.

Mr. Frederick questioned their liability insurance. Ms. Kotowski replied that the insurance requirement is still outstanding. Ms. Zinski added that the City should have it because it carried over from last year.

Motion by McFadyen, seconded by Walby to approve the request for the Lake St. Clair Symphony Orchestra to hold their 11th Annual Nautical Nibble Fest on Tuesday, July 21, 2009 from 6:00 p.m. to 9:00 p.m. at Blossom Heath Inn.

Ayes: All (7)

5. REQUEST FROM CITY COUNCIL MEMBERS FOR CONSIDERATION OF A CHARTER AMENDMENT DISCUSSION INVOLVING PURCHASING PRACTICES

Mr. Walby requested the item to be brought up for discussion because many professional services in the community are being awarded without bid requirements. Mr. Walby suggested looking at the rules and becoming consistent. Mr. Walby cited ordinance 12.451 Purchasing Policies, Section H Procurement of Professional Services which states that professional services shall not require bidding and he would like to amend the wording in this section to read shall require bidding.

Mr. Ihrle explained that the City Charter calls to have a purchasing policy, which is an ordinance passed by City Council. He added that all purchases, services and contracts over \$10,000 must be approved by City Council, whether they are bid out or not. Usually, when a service is not bid out, it's in the favor of the taxpayers, because in some instances bidding will be unprofitable. Mr. Ihrle listed the following exceptions accepted for waiver of the bid requirement: best interest of the City, sole source procurement, and if lower prices can be obtained without soliciting competitive bids.

Mr. Ihrle added that City Council always has the power to decide on purchases. The Purchasing Policies ordinance outlines every condition and gives Council the opportunity to make a decision in the City's best interest. Mr. Ihrle pointed out that by amending Section H, Council's options will be limited.

Mayor Hison reminded Council that when a contract was presented as an extension, the contract was initially bid out and it was approved by Council's majority votes.

Mr. Frederick disagreed to amend Section H and stated that the Staff is hired to recommend to Council what's best for the City. The Purchasing Policies ordinance is an elaborate document that covers numerous opportunities to change the bidding process when it does not make sense to bid out.

5. REQUEST FROM CITY COUNCIL MEMBERS FOR CONSIDERATION OF A CHARTER AMENDMENT DISCUSSION INVOLVING PURCHASING PRACTICES cont'd.

Mr. Rubello noted that when businesses compete, they will bring better quality and price. He suggested giving bidders more time to turn in bids, because a lot of companies never find out there is a project out for bid. Mr. Rubello added that the City Charter recommends Council to look into the ordinance and update it from time to time.

Mayor Hison asked Mr. Walby to clarify his request and motion. Mr. Walby responded that before the item was discussed, he thought the Charter has to be amended; however, Mr. Ihrie's explanations clarified that an amendment to the Purchasing Policies ordinance is needed.

Mayor Hison announced that each department should think of purchasing for profit, should look into cost savings and their bid process. For purchases and services, the City takes into consideration cost, time, work relations and quality. More people are now looking for advertisements on the internet, and the City will look into improving the purchasing procedures to incorporate the web.

Motion by Walby, seconded by Rubello to adopt an amendment to Ordinance 12.451 Purchasing Policies, Section H Procurement of Professional Services be amended to read *shall require bidding*.

A roll call vote was taken.

Ayes: Walby, Rubello, Moffitt

Nays: Ahearn, Frederick, McFadyen, Hison

Motion failed.

6. REQUEST FROM CITY COUNCIL MEMBERS FOR DISCUSSION OF THE AR-4 AGREEMENT

Mr. Walby requested discussion on the AR-4 Agreement because of a recent report on the General Employees Pension System of the City's contribution. Within the next five years, the contribution would double to \$3.6 million. Mr. Walby added that it might not increase the taxes, but money will be shifted and not used for parks, roads and other uses to the taxpayers. He understands that the pension plan can not be changed for current employees, but changes need to be made for future employees. The number of sick and vacation hours that can be added into the final average compensation must be changed.

Mr. Ihrie explained that the AR-4 is an agreement between the City and the AR-4 members, and not a collective bargaining union agreement.

Mayor Hison stated that the City looks at agreements as they expire and does not feel comfortable negotiating without the Human Resources Director's assistance. The AR-4 is not a union because of good working relations between the Directors. He added that the City is aware of the economic situation and as contracts expire, they are examined and negotiated.

Mr. Podolski noted that the AR-4 agreement is tied with the PEA contract to make parity, which was the group they supervised, and expires in 2010. There have been major changes to their agreement already such as new hires would be in a defined contribution pension.

Mr. Smith, Human Resources Director, stated that usually negotiations start sixty days before the contract's expiration. However, this time Mr. Smith will send out letters next week to start discussing negotiations. The City's goal is to finish negotiations before the current agreement expires. Mr. Smith explained that the arbitrators' report used a 4% wage increase, which is an assumption done before the current economy catastrophe. The size of payroll and personnel has stayed constant.

Mr. Walby suggested changing the number of vacation and sick hours an employee can cash out in their final count. Mr. Smith replied that currently they can cash out 1,950 hours and no changes can be made to what has been cashed out already.

Mr. Frederick stated that employees do contribute 5% to their pension funds and questioned the legality of this conversation at the table. Mr. Ihrie responded that because AR-4 is not a union, the Open Meeting Act prohibits discussing this agreement in a Closed Session.

Mayor Hison restated the City's goal of having a new agreement settled before the current contract expires; however, there are three other bargaining units that will negotiate around the same time, which creates a

6. **REQUEST FROM CITY COUNCIL MEMBERS FOR DISCUSSION OF THE AR-4 AGREEMENT cont'd.**

challenge. He suggested staggering them in the future, so they don't expire the same year. Mayor Hison agreed that more discussion needs to take place to control the rising pension costs.

Motion by Walby, seconded by Moffitt to open the AR-4 Agreement for discussions now.

A roll call vote was taken

Ayes: Walby, Moffitt, McFadyen, Rubello, Hison

Nays: Ahearn, Frederick

7. **BIDS/CONTRACTS/PURCHASE ORDERS**

a. **Request to extend Honeywell Contract**

Mayor Hison announced that the Honeywell Contract had been discussed at the June 22, 2009 Study Session.

Ms. Sandra Wolny, Building Maintenance Director, stated that Honeywell's Contract will expire in August this year. The system is proprietary and it is cost prohibitive to replace the control system. An independent study, conducted by a mechanical engineering firm, estimated the cost to replace the system at \$545,000. In the last few years, the City saved \$127,000 in energy savings and \$38,000 in parts savings with Honeywell. Ms. Wolny recommended extending the Honeywell Contract and as parts of the system break, the City will look into taking them off the proprietary system.

Mr. Walby requested an updated Service Locations and Scope Matrix every six months.

Motion by Frederick, seconded by Walby to approve extension of Honeywell Contract for one year.

Ayes: All (7)

b. **Request to award bid for 2009 Clean Ups (bids opened 6/16/09)**

Ms. Wolny discussed the four Code Enforcement bids that were opened on June 16, 2009. The bid proposals were analyzed and three bidders were disqualified because they did not qualify under the specifications provided. Ms. Wolny stated she had met with the three bidders on their reasons for disqualification.

The low bidder for Clean Ups was Landscape Services and the bid specifications stated that it could be an up to three year contract.

Mr. Rubello questioned the work load of this contract. Ms. Wolny replied that the workload has decreased as more banks hire companies to maintain foreclosed homes. Mr. Ihrie explained that if a vendor does not comply with a contract, such as poor quality, the City gives them a second change to remedy, and if still not satisfied, the City can break the contract.

Mayor Hison stated that locking in a rate and working with the same company for multiple years is an advantage to the City.

Mr. Moffitt inquired about the equipment needed to accomplish Clean Ups. Ms. Wolny recommended large companies with more than four employees because the work has to be done quickly.

Motion by Frederick, seconded by Rubello to award a three year contract for Clean Ups to the low bidder, Landscape Services.

Ayes: All (7)

c. **Request to award bid for 2009 Rodent Control (bids opened 6/16/09)**

Ms. Wolny stated that the City received bids from Great Lakes and Landscape Services and the low bid was submitted by Landscape Services, which is the City's current vendor.

c. Request to award bid for 2009 Rodent Control cont'd.

Mr. Rubello questioned why the only local business, Tri County Pest, was not aware of the bid. Ms. Wolny replied that ads were published in the local paper and our website, and the City has used Tri County Pest previously and replaced them for poor work quality.

Mr. Frederick pointed out that only two bids were received out of the thirty companies which were invited to bid. Mr. Podolski added that the silence says it all; some businesses will not risk their business reputation.

Mr. Walby clarified that the City's policies created the chaos with snow citations, not the vendor.

Mayor Hison stated that a Study Session will be held in August to discuss the snow issue.

Motion by Moffitt, seconded by McFadyen to award a three year contract for Rodent Control to the low bidder, Landscape Services.

Ayes: Moffitt, McFadyen, Ahearn, Frederick, Walby, Hison

Nay: Rubello

d. Request to award bid for 2009/2010 Snow Removal (bids opened 6/16/09)

Ms. Wolny recommended awarding the bid to the low bidder, Landscape Services. She added that the specs described what needed to be shoveled, which will not change, only the process may change after the Study Session.

Mr. Walby inquired whether it's possible to divide out portions of the contract. Ms. Wolny responded that there is only one support staff and she will not be able to handle more than one vendor. Mr. Podolski explained that other bids can be split between qualified bidders. In this case, S&B Seasonal Services does not have enough equipment and staff, and therefore does not qualify.

Mr. Frederick quoted the Purchasing Policies ordinance which allows splitting a contract between two or more vendors if such alternatives are stated in the bid specifications. Ms. Wolny responded that the initial Code Enforcement bid had contract division as an option because all services were combined into one bid; however, the current bids did not specify division as an alternative.

Motion by Moffitt, seconded by McFadyen to award a three year contract for Snow Removal to the low bidder, Landscape Services.

Ayes: Moffitt, McFadyen, Ahearn, Frederick, Hison

Nays: Rubello, Walby

e. Request to award bid for 2009 Weed Control (bids opened 6/16/09)

Ms. Wolny introduced GTJ Consulting, of Roseville, the lowest qualified bidder for Weed Control. A multi year agreement is not recommended because this is a new vendor.

Mr. Moffitt suggested awarding a multi year contract to be consistent with the other bids presented.

Motion by McFadyen, seconded by Ahearn to award a three year contract for Weed Control to the low bidder, GTJ Consulting, subject to meeting the conditions of the contract.

Ayes: McFadyen, Ahearn, Frederick, Moffitt, Walby, Hison

Nay: Rubello

f. Request to award bid for 2009 Bituminous Resurfacing Project (bids opened 6/23/09)

Mr. Bryan Babcock, Assistant City Engineer, stated that on June 23, 2009 the City received bids for the 2009 Bituminous Resurfacing Project. The low bidder is Pro Line Asphalt Paving Corp., of Washington Township, at \$459,016.40. The project consists of pavement repairs and asphalt resurfacing on Francis, from Harper to Greater Mack. In addition, the project includes topping with an asphalt cap the existing stone base along the alley on the west side of Harper, from 12 Mile to 400' north of Waldron.

f. Request to award bid for 2009 Bituminous Resurfacing Project cont'd.

Total cost for the project is \$573,770, which is over what was budgeted (\$513,000). Therefore, the difference will be funded from paving projects that came in under budget and/or decrease the amount of work to be done on the alley.

Motion by Moffitt, seconded by McFadyen to award bid for 2009 Bituminous Resurfacing Project to Pro Line Asphalt, in the amount of \$459,016.40, for Francis pavement repairs and asphalt resurfacing from Harper to Greater Mack and topping with an asphalt cap on the west side of Harper, from 12 Mile to 400' north of Waldron.

Ayes: All (7)

g. Request to award bid for Auctioneer Services (bids opened 6/23/09)

Mr. Curt Dumas, DPW Director, and Mr. Sean Houtekier, Assistant DPW Director, introduced twelve bids for annual purchases made by the Department of Public Works. These items are usually blanket purchases, but the City decided to bid out some of these items. Mr. Dumas stated the bidding process was long but efficient. No company was contacted specifically, but the word was out and ads were published in the local paper and on our website. Mr. Dumas received several requests from online business reference companies interested in our bid specifications to pass on to their members.

The City received one bid for Auctioneer Services on June 23, 2009 from Mid Thumb Auctioneering Services. The City has used this vendor since 2005 and they have done a great job. They've done both on and off site auctions with great success.

Motion by Ahearn, seconded by McFadyen to award bid for Auctioneer Services in 2009-10 Fiscal Year to Mid Thumb Auctioneering Services.

Ayes: All (7)

h. Request to award bid for Automotive Parts (bids opened 6/23/09)

Mr. Dumas recommended awarding the bid for Automotive Parts for the next year to George's Auto Parts. The City has used George's Auto Parts in the past, as has the Golf Course and South Lake School System. References were provided and all current customers are very happy with their performance. They have adequate staff and supply to service an account our size.

Motion by Ahearn, seconded by Walby to award bid for Automotive Parts purchases in 2009-10 Fiscal Year to George's Auto Parts.

Ayes: All (7)

i. Request to award bid for Build Up of Police Vehicles Including Fabrication of and Installation of Necessary Parts (bids opened 6/23/09)

Mr. Dumas explained that due to the massive amount of technology installed in the new Police vehicles, it is necessary to utilize outside assistance when switching over Police vehicles.

The bid was advertised as prescribed by Charter and only one bid was received and recommended awarding the bid to Industrial Truck Service of St. Clair Shores. The City has used Industrial Truck Service for years to order, fabricate, install, design or transfer equipment into new Police vehicles.

Mr. Dumas stated that the service costs are part of the previously approved purchase price of the Police vehicles.

Motion by Frederick, seconded by Rubello to award bid for build up of Police Vehicles including fabrication of and installation of necessary parts in 2009-10 Fiscal Year to Industrial Truck Service, Inc.

Ayes: All (7)

j. Request to award bid for Fire Vehicle Repair Services (bids opened 6/23/09)

Mr. Dumas noted that because of the specialized nature of the Fire vehicles and State mandated inspections, it is necessary to hire licensed/certified experts to assist our mechanics with certain aspects of Fire vehicles maintenance.

The City has spent an average of \$18,000 annually with the current vendor. The City received three bids; however, two were disqualified for not meeting the minimum specification of being "Sutphen certified", which is vital because most of our equipment is Sutphen brand. Mr. Dumas recommended awarding the bid for Fire vehicle repair services for this fiscal year to Apollo Fire Equipment.

Mr. Walby noted that Apollo Fire Equipment does not seem to be the lowest bidder. Mr. Dumas replied that not all services and items were listed on the bid specifications because it is unknown what will break, but overall they are the lowest bidder and they are "Sutphen certified."

Motion by McFadyen, seconded by Frederick to award bid for Fire Vehicle Repair Services in 2009-10 Fiscal Year to lowest qualified bidder, Apollo Fire Equipment.

Ayes: All (7)

k. Request to award bid for Police Vehicle Equipment (bids opened 6/23/09)

Mr. Dumas stated that the new Police vehicles need to be customized to meet the Police Department's specifications. The cost is \$37,000 per vehicle and has been previously approved and included in the capital purchase price.

The City received only one bid, Cruisers, Inc., and this is probably due to the specialized nature of the requirements and limited market for our customization. Mr. Walby commented on the fact that the ad was in the local paper only. More bids might have been received if they were aware of it.

Mr. Houtekier added that other municipalities have an in-house mechanic specialized to do all the customizing. Mr. Dumas stated that Cruisers, Inc. did all the customization to the previously purchased Dodge Chargers and the current bid price is comparable to the previous price for the Chargers.

Motion by McFadyen, seconded by Frederick to award bid for Police Vehicle Equipment purchases in 2009-10 Fiscal Year to Cruisers, Inc.

Ayes: McFadyen, Frederick, Ahearn, Moffitt, Rubello, Hison

Nay: Walby

l. Request to award bid to Provide and Install GPS Tracking Devices in Certain City Vehicles (bids opened 6/23/09)

Mr. Dumas announced that GPS tracking is needed to assist the City with resident services on a daily basis. Location, speed, idle time, as well as engine functions and alarms in "real time" can be tracked. This is a new technology that will greatly assist the City, its residents and employees. A box will be mounted in certain City vehicles, like sweepers, snow plows, etc. The system tracks where the vehicle is turned on every time and leaves a trail of exactly where the vehicle has been and how fast it's been going for the last three years. Parameters can be set up to contact a supervisor's phone if the vehicle goes somewhere it's not supposed to. It will also inform us when a vehicle is left idling for longer than a certain period of time and vehicle diagnostics. The GPS system reports everything via a computer screen in real time, 24/7.

Mr. Dumas recommended awarding the bid to provide and install GPS tracking devices in certain City vehicles to Teletrac.

Mr. Rubello disagreed that GPS tracking is an immediate need to purchase such expensive equipment during these times.

Mr. Frederick questioned how this purchase will save the City money. Mr. Dumas responded that this system will interface with our current fuel system and a Motorpool software program that will tell the mechanics when a vehicle is not getting proper gas mileage and it's due for an oil change. The City will also take advantage of this system and prove to residents exact time the streets were plowed. Mr. Dumas added

I. Request to award bid to Provide and Install GPS Tracking Devices in Certain City Vehicles cont'd.

that the systems are portable and can be mounted on different City vehicles.

Mayor Hison suggested installing the new systems on half of the vehicles to test the investment and come back in six months for the rest.

Mr. Frederick suggested 25% of the City vehicles.

Mr. Houtekier stated that it will cost a little under \$1,000 per vehicle, \$60,000 has been budgeted and the first year of maintenance contract is included in the price.

Mr. Smith stated that this issue has been discussed before. Another similar issue was the time and attendance program. At first, people were skeptical, but it has been more than paid for. The GPS tracking devices will provide an increase in profitability as well.

Mr. Frederick questioned the legality of these tracking devices. Mr. Ihrle replied that similar equipment is used for the Fire and Police. It is legal and it could help in case of litigation confirming correct information.

Mayor Hison announced that DPW should try 25 vehicles for four months and if they work out well, purchase the remainder at the October 6, 2009 meeting.

Motion by McFadyen, seconded by Frederick to award bid for providing and installing GPS Tracking Devices in certain City Vehicles in 2009-10 Fiscal Year to Teletrac, Inc. for 25 City vehicles, subject to four months trial.

Ayes: McFadyen, Frederick, Ahearn, Moffitt, Hison

Nays: Rubello, Walby

m. Request to award bid to Provide U.P.M. Asphalt Patching Material (bids opened 6/23/09)

Mr. Dumas explained that U.P.M. Asphalt is the "cold patch" material used to fill pot holes throughout the City. The City only received one bid from Barrett Paving Materials who is our current vendor. Through the bid process, they've lowered their prices from last year and they continue to commit to 24 hour emergency service, if necessary.

Motion by Ahearn, seconded by Walby to award bid for U.P.M. Asphalt Patching Material purchases in 2009-10 Fiscal Year to Barrett Paving Materials, Inc.

Ayes: All (7)

n. Request to award bid for Tires (bids opened 6/23/09)

Mr. Dumas said the Motorpool typically utilizes a single vendor to supply a majority of the tires used. The City received bids from two large vendors and there was no clear winner in this bid because each was the low bidder for half of the items listed on the specs. Mr. Dumas recommended splitting the bid for tires between Belle Tire and Tire Wholesalers, the current vendor.

Mr. Walby suggested rejecting all bids and re-bid to include division of bids in the specs.

Ms. McFadyen clarified that the bidders were not informed that the bid will be split.

Mr. Ihrle explained that unless the option to split the bid was described in the bid specifications, the bid can not be split between two or more vendors. However, it is possible to ask the low bidder to change the prices for the other items to meet the other bidder. The Purchasing Policies ordinance gives the City the opportunity to do that, but that can only be done to the low bidder.

Mr. Frederick inquired about the amount spent on tires yearly and whether this purchase can be covered by a blanket purchase or off the State bid. Mr. Dumas responded that \$25,000 is spent for tires purchases yearly. The City can compare prices with the State, who's also in this business, and cover it under a blanket purchase. Mr. Ihrle confirmed that it is possible to utilize the State for price perimeters.

n. Request to award bid for Tires cont'd.

Mr. Rubello asked if the three local tire businesses were contacted and invited to bid. Mr. Dumas contacted HABA, NMMA, and 9 Mack Merchants Association so they can post it on their websites.

Mr. Ihrie said that if the bid is rejected, the City loses the ability to go back and negotiate with the low bidder. Mr. Walby added that at this time, it is hard to figure out which one of the two is the low bidder.

Motion by Walby, seconded by Frederick to TABLE awarding bid for Tire purchases in 2009-10 Fiscal Year to August 3, 2009 Council meeting.

Ayes: All (7)

o. Request to award bid for Tree Removal (bids opened 6/23/09)

Mr. Dumas stated that the City continues to fight the Emerald Ash Borer and its effect on City owned trees makes it necessary to call in assistance with tree removal for safety reasons and for residents' satisfaction. The City currently has 175 Ash trees on the waiting list for removal (they are taken down based on priority/safety) and because of the back up, DPW had to outsource stumping for the last several years. The low bidder is Dittman Tree Service and all references spoke highly of the service provided by them. The prices provided by the bidder are per diameter edge, rather than per tree.

Motion by Ahearn, seconded by Frederick to award bid for Tree Removal Services in 2009-10 Fiscal Year to Dittman Tree Service.

Ayes: All (7)

p. Request to award bid for Water Meters (bids opened 6/23/09)

Mr. Houtekier announced that the low bidder for the Water Meters purchase did not meet the specification. Independent studies have shown that the piston type meter the City is currently using is superior under a wider range of conditions, it reads more accurately, is more dependable and lasts longer than the nutating disc type meter quoted. Further investigation with surrounding municipalities utilizing the less expensive meters, have found recurring problems with compatibility to the electronic sending device that we've already spend ¾ of a million dollars installing. Mr. Houtekier stated that DPW met with the representative of the nutating disc type meters, and they could not guarantee that this would not happen in St. Clair Shores as well. Based on these facts, DPW recommended to award the bid to the lowest qualified bidder, SLC/Hydro Meter, who is has been our vendor for the last twelve years.

Mr. Frederick requested a clarification of why water meters are being purchased. Mr. Houtekier responded that this purchase order is to replace inventory for the next fiscal year's usage. DPW replaces about six to seven broken water meters per day under normal maintenance and repairs. In addition, monthly billing can be done if a whole district has been converted to the electronic water meters. So far, all commercial properties have been converted, except fifty vacant properties that were not accessible.

Mr. Podolski noted that monthly billing can be requested by residents, but it will be based on estimates. Currently, residents that are on a monthly plan are the ones falling behind on payments or have had their water turned off in the past.

Mr. Frederick clarified that water meters are being replaced because of the water being lost between the interior and the exterior water meters.

Mr. Dumas said that DPW replaces about 600 to 800 water meters a year under normal replacement.

Mr. Rubello asked what happens if a resident refuses to replace his/her water meter. Mr. Houtekier responded that the water meters are controlled by the City, and if we believe they should be replaced, then they will be replaced.

Motion by Ahearn, seconded by Frederick to award bid for Water Meters and KP Brand electronic meter systems purchases in 2009-10 Fiscal Year to SLC/Hydro Meter Systems.

Ayes: All (7)

q. **Request to award bid for Water and Sewer Utility Excavation Debris Disposal and Backfill Materials (bids opened 6/23/09)**

Mr. Dumas noted that DPW has dealt with more than one company in the past and so recommended awarding the bid for delivery of Class II sand and topsoil and removal of excavated spoil, leaves and sweepings/vacuum machine debris to Hernden Trucking and award delivery of 21AA and 3" crushed concrete backfill material to Clancy Excavating.

Mayor Hison responded that if the bid specifications did not state the option of splitting the bid, then it should not be allowed to divide it.

Motion by Frederick, seconded by Rubello to reject all bids and re-bid Water and Sewer Utility Excavation Debris Disposal and Backfill materials to include the City's right to divide the bid award.

Ayes: All (7)

r. **Request to award bid for Water and Sewer Utility Repair Materials (bids opened 6/23/09)**

Mr. Houtekier recommended splitting the bid for water and sewer utility repair materials between HD Supply and East Jordan Iron Works.

Motion by Frederick, seconded by Rubello to reject all bids and re-bid Water and Sewer Utility repair materials purchases to include the City's right to divide the bid award.

Ayes: All (7)

8. **CONSENT AGENDA**

Motion by Moffitt, seconded by Ahearn to approve the Consent Agenda items as presented, which include the following:

a. **Bills**

June 25, 2009 \$1,796,075.35

To approve and release of checks in the amount of \$1,796,075.35, of the report that is 28 pages in length and of the grand total amount of \$1,796,075.35, \$0 went to other taxing authorities.

b. **Fees – none**

c. **Progress Payments**

D&M Contracting, Inc.	\$289,265.28
TR Pieprzak, Co.	\$98,906.94
Galui Construction Company, Inc.	\$72,295.75
Galui Construction Company, Inc.	\$111,311.47

To approve the above progress payments, subject to audit.

d. **Approval of Minutes**

To approve the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
City Council	June 15, 2009
City Council Study Session	June 22, 2009
City Council Special Meeting	June 22, 2009

e. **Receive & File Boards, Commissions & Committee Minutes**

To receive and file the following minutes:

8. CONSENT AGENDA cont'd.

<u>Minutes</u>	<u>Meeting Date</u>
Beautification Commission	April 8, 2009
Brownfield Redevelopment Authority	June 4, 2009
Tax Increment Finance Authority	June 4, 2009
Building / Property Maintenance Board of Appeals	June 8, 2009
Fence Arbitration Committee	May 20, 2009
Library Board	May 20, 2009
Planning Commission	May 12, 2009
Police & Fire Pension Board	May 28, 2009
Police & Fire Retiree Health Care Trust Board	May 28, 2009
Activities Committee	May 26, 2009

f. Approval of Blanket purchase orders for the 2009-10 Fiscal Year

To award blanket purchase orders to the following named vendors:

Ref.	Dept.	Description	Vendor	Account	Amount
BID ITEMS					
I	Fire	Turnout suits	Apollo Fire Equipment Co.	101-340-980.348	9,000.00
II	Fire	Medical supplies for ALS program	J&B Medical Supply, Inc.	101-340-750.340	20,000.00
III	Fire	Lifepack Defibrillators	Physio-Control	101-340-980.341	22,001.19
IV	Streets	Rock Salt	Detroit Salt Company	120-451-930	3,500 tons \$43.00 early fill, \$44.14 late fill
SINGLE SUPPLIER ITEMS					
V	Clerk	Programming voting equipment and memory cards	Election Systems Software	101-215-810	28,075.00
V	Clerk	Printing of ballots and election supplies	Printing Systems, Inc.	101-215-750	23,000.00
V	Clerk	Codification of City Ordinances	Municipal Code Corporation	101-215-900 101-215-930	5,500.00
VI	Golf	Resale merchandise	Callaway Golf	580-855-750.001	5,000.00
VI	Golf	Resale merchandise	FootJoy	580-855-750.001	5,000.00
VI	Golf	Resale merchandise	Titleist	580-855-750.001	5,000.00
VII	Golf	Greens fertilizer	Great Lakes Turf	580-855-750	25,000.00
VII	Golf	Fertilizer & Chemicals	Harrells	580-855-750	25,000.00
VII	Golf	Fertilizer & Chemicals	Turfgrass, Inc.	580-855-750	15,000.00
VII	Golf	Fertilizer & Chemicals	Lesco/John Deer Landscapes	580-855-750	10,000.00
VIII	Police	Uniform and leather gear	On Duty Gear, LLC.	100-300-750	4,900.00

g. Approval of Blanket purchase orders for DPW/Water for the 2008-09 Fiscal Year

To award blanket purchase orders for DPW/Water to the following vendors as approved in Item 7 bid awards:

- Barrett Paving \$40,000 120-451-930;
- Cruisers \$20,000 661-602-980;
- SLC / Hydro Meter \$200,000 590-860-930;

8. **CONSENT AGENDA cont'd.**

- **Hydro Designs \$30,000 590-860-810;**
- **George's Auto Parts \$20,000 661-602-930;**
- **Apollo Fire \$20,000 661-602-930;**
- **Industrial Truck \$10,000 661-602-980;**
- **Dittman Tree \$137,000 661-451-810;**

Ayes: All (7)

9. **UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING**

- **PCB's** – no updates.
- **City Primary Election** – Ms. Kotowski announced that the City Primary Election will be held August 4, 2009, the Close of Registration is July 7, 2009, and we are in the process of mailing Absentee Ballots this week. Ms. Kotowski reminded voters that the Clerk's Office will be open on August 1, 2009 from 8:00 a.m. to 2:00 p.m. for anyone still needing an Absentee Ballot at that time. Notifications for Greenwood Elementary School's voters will be mailed out a week before the Election, stating the change in voting location to Jefferson Middle School due to construction.
- **Fire Damaged House on Elmira Dr.** – Mr. Podolski announced that utilities have been shut off for the property and demolition is scheduled for July 20th, 2009.
- **Recent Storm** – Mayor Hison thanked the Staff for keeping residents safe and cleaning up the debris in a timely manner.
- **Chairman of SEMCOG** – Mr. Podolski congratulated Mayor Hison on becoming the Chairperson of SEMCOG and dedicating fifteen years to the committee.

10. **COMMENTS BY INDIVIDUAL COUNCILPERSONS**

Council Member Ahearn congratulated Ms. Kotowski on receiving her award.

Council Member Moffitt inquired about the site maintenance on I-94 at 9 Mile because it looks bad. In addition, the bridges that have recently been rebuilt are all coming apart and asked if the City can contact MDOT to inspect them.

Council Member McFadyen questioned how to advise residents about loud fireworks complaints. Mayor Hison replied that residents should contact the Police Department and make a report. Mr. Ihrie stated that any fireworks that go in the air are illegal and should be reported, even though this law is hard to enforce.

Ms. McFadyen announced the Sweet Mountain Springs which will play gospel and folk songs every Tuesday night at the Selinsky Green Farmhouse Museum. Ms. McFadyen congratulated Ms. Kotowski and Mayor Hison on their accomplishments.

Council Member Rubello congratulated Mayor Hison and Ms. Kotowski and thanked Mr. Rayes for resolving residents' complaints. Mr. Rubello announced that anyone interested in donations or volunteering for disc golf should contact him.

Mr. Rubello revealed that the Beautification Awards have been chosen and there will be a show in prospect visiting the winners. He requested a comparison to last May's permits and revenues for buildings to get a gauge on the business community.

Mr. Rubello asked for figures and detailed description of Waste Management's gas surcharge. He inquired about Code Enforcement's list of properties to have their grass cut. Mr. Podolski responded that Code Enforcement only keeps a list of City owned properties. The other properties are cut as they are reported.

10. COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.

Mr. Rubello mentioned Waste Management's large brush pick up. He added that the City was picking up some of the branches after the last storm. Mr. Podolski replied that the City worked with Waste management to clean up the debris. Waste Management's trucks were full, and therefore were picking up only some branches out of residents' bundles.

Council Member Frederick announced that the Communication Commission is working out the technical aspects of delivering the signal to AT&T subscribers within the next two months. Mr. Frederick added that Concerts in the Park start July 8, 2009 and will continue for the next six weeks.

Mr. Frederick reminded the audience that the Military Re-enactment Weekend will take place July 25 – 26, 2009. Also, CABA has been awarded to St. Clair Shores once again and will start July 17, 2009.

Mr. Frederick congratulated Ms. Kotowski and commended all participants in the Fireworks event which was a great turnout. Anyone interested in donating for next year's fireworks can send a check payable to St. Clair Shores Activities Committee and drop it off at City Hall.

Council Member Walby congratulated Ms. Kotowski, Mayor Hison and the Activities Committee. Mr. Walby requested an update on the Gourmet House. Mr. Ihrle informed him that he is in the process of putting together a proposal for Council's review.

Mr. Walby asked for clarification on a Council member's ability to vote on an item when a Council member's employer is the bidder as the ruling by the City Attorney was not consistent. Mr. Ihrle responded that when he ruled he erred and used the State law which indicates that a member can vote in this instance; however, the City's Charter provision is stricter and does not allow voting or discussion participation. Our Charter is so strict that it may eliminate members to vote if they have a direct or indirect interest. The stricter Charter provision will be used which prohibits discussion and voting on an item if a Council member has any interest in the item.

Mr. Walby quoted the Standards of Conduct Ordinance 12.455 Section B, "Employees shall be prohibited from furnishing to any prospective bidder information that would give any vendor an unfair advantage over other prospective vendors." He reiterated the bidding process needs to be followed consistently and fairly.

Mayor Hison passed.

11. CITY MANAGER'S REPORT – none

12. AUDIENCE PARTICIPATION

John Czerkis, 22121 Mauer, commented on his disbelief of Public Act 312. He read a Detroit News article on Binding Arbitration for Police and Fire and mentioned an organization that disapproves Public Act 312 and wants to lobby the legislature for changes. Mr. Podolski stated that they met with the organization and they require membership fee. Recently, Mayor and Council adopted a resolution to the State Legislature asking for relief from the Binding Arbitration provision of PA 312 portions.

Peter Rubino, 22016 Shady Lane, expressed his concerns about bidding out contracts. He mentioned pay to play, bringing money to politics and receiving special treatments. He added that the economic situation should make the City bid out every contract.

Dennis Krasnicki, 23332 Brookdale, representing the Lake Shore Band Boosters, announced the July 11, 2009 Car Wash at Rogers Elementary School, 10:00 a.m. to 4:00 p.m.; \$5 donation for equipment for the band.

Chris Vitale, 28701 Grant, questioned why the second landscaping bid did not allow division and the gas surcharge charged by Waste Management. Mr. Vitale inquired if there is still a need for Waste Management's large brush services, as the City cleaned up after the storm.

13. ADJOURNMENT

Motion by Frederick, seconded by McFadyen to adjourn the meeting at 11:13 p.m.

Ayes: All (7)

(THE PRECEDING MINUTES ARE A SYNOPSIS OF A CITY COUNCIL MEETING AND DO NOT REPRESENT A VERBATIM RECORD.)

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK