

**Approved
August 25, 2008**

REGULAR MEETING
OF THE COUNCIL
CITY OF SOUTHFIELD

July 7, 2008

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MINUTES
July 7, 2008

The meeting of the Council convened at 6:30 p.m. in the Council Chambers of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan, with Council President Joan Seymour in the Chair. PRESENT: Council Members: Donald Fracassi, Myron Frasier, Sylvia Jordan, Sidney Lantz, Bill Lattimore, Joan Seymour and Kenson Siver. ALSO PRESENT: City Clerk Nancy Banks, City Administrator James Scharret and City Attorney Jack Beras. There being a quorum, Council was in session. The meeting began with the Pledge of Allegiance.

The first item on the agenda was Public Hearing "A"; Hearing of Confirmation for Special Assessment Project SW:1171, 2008 Sidewalk Repair Program, Sections 23 & 25.

Gary Mekjian, Public Works Director, stated that on June 2, 2008, Council adopted Special Assessment Resolution No. 4 scheduling tonight's Hearing of Confirmation to confirm the special assessment roll. Letters were sent to 729 commercial and residential property owners in the Special Assessment District informing them of the proposed sidewalk repairs and providing them an opportunity to request additional work and a re-inspection of assessable repairs. The City pays for repairs necessitated by damage from tree roots of City owned trees in the public right-of-way. Assessments are payable in annual installments over ten years with 6% interest on the unpaid balance. The City is recommended reducing the interest rate to 3%. The interest rate would be subject to review on all future sidewalk repair programs.

The public hearing was declared open. There being no one wishing to speak, the public hearing was closed.

2008.141 Motion by Fracassi; seconded by Frasier.

RESOLVED: that the Council of the City of Southfield does hereby adopt Special Assessment Resolution No. 5 in connection with Special Assessment Project SW:1171, the 2008 Sidewalk Repair Program, thereby confirming the final special assessment roll and authorizing the Engineering Department to proceed with the construction of the project (SAD Project SW:1171, City Job No. 0801SFLD).

Motion passed unanimously.

Next on the agenda was Administrator’s item #3-A; Receipt of Bids for Special Assessment Project SW:1171; 2008 Sidewalk Repair Program (Section 23 & 25) (Job No. 0801SFLD).

Mr. Scharret stated that seven bids were received. The acceptable low bid was submitted by C & L Enterprizes, Inc. of Shelby Township, Michigan in the amount of \$431,292.80. The total cost of the program including engineering, inspection and testing is \$514,962.00

2008.142 Motion by Siver; seconded by Frasier.

BE IT RESOLVED: that the Council of the City of Southfield does hereby award the 2008 Sidewalk Repair Program, S.A.D. SW:1171 to C & L Enterprizes, Inc. of Shelby Township, Michigan, for their acceptable low bid of \$431,292.80, subject to City Council’s confirmation of the Special Assessment Project SW:1171 roll for the 2008 Sidewalk Repair Program; and

BE IT FURTHER RESOLVED: that funding for the program is to be allocated as follows:

Low Bid Amount	\$431,292.80
Engineering, Inspection, Testing (19% of Bid)	<u>\$ 83,669.20</u>
Total Project Amount	\$514,962.00

BE IT FURTHER RESOLVED: that funding for the District share of SW:1171 shall be provided from the Local Improvement Revolving Fund; and for the City share from the 2008-09 Local Street Fund Operating Budget (Account No. 203-452-4525-49740) in the following amounts:

<u>LIRF</u>	<u>Local Street</u>	<u>Total Amount</u>
\$253,497.35	\$261,464.65	\$514,962.00

BE IT FURTHER RESOLVED: that the Mayor and City Clerk are hereby authorized to execute the appropriate contract documents on behalf of the City with C & L Enterprizes, Inc. which have been reviewed and approved as to form by the City Attorney; and

BE IT FINALLY RESOLVED: that should this project be deemed eligible for Federal financial participation through an accelerated public works program, it is the intent of the City to maximize the use of its resources by applying for such Federal assistance.

Motion passed unanimously.

Next on the agenda was Administrator's item #3-B; Local Lock Up Management Agreement.

Mr. Scharret stated that the City has received local lockup services from Oakland County for many years. The City had expected a 3% cost increase for 2008-09, however, the County requested a 150% increase and indicated it was non-negotiable. The City looked at other options. Police Chief Joseph Thomas, Lieutenant Eric Hawkins, Purchasing Agent Rae Townsel and other personnel researched the various options. The findings were presented to the full Council at the Committee-of-the-Whole Meeting of June 2, 2008. The consensus of Council was to move forward with the staff's recommendation to hire Wackenhut Corporation of Livonia, Michigan. The City will continue to explore a regional lockup.

Councilman Lantz stated that the Sheriff's Department ran the jail for many years and there were never any problems. The City received a request for a prohibitive increase. On June 30th the County came and took everything out of the jail. He resents their actions. He blamed the County Commissioners. He indicated that he would like to ask Wackenhut Corporation some questions.

Mr. Scharret replied that the County only took property that belonged to them. Chief Thomas, Sue Ward and Rae Townsel are available to answer questions.

Councilman Lantz stated that he would prefer to talk to Wackenhut personnel. The prisoners must be treated humanely. He questioned how they could provide meal service for \$2.09 per day. He asked how much the guards would be paid. The guards are civilians and the work is dangerous. He would like the issue investigated further. Transportation is not addressed in the contract.

Mr. Scharret assured Councilman Lantz that the meals would meet all nutrition standards. There is a contingency in the contract for adjustments such as food service.

Chief Thomas stated that once a person is arraigned the Sheriff is mandated to transport the prisoners to court. The City will not be transporting prisoners to and from Pontiac. Prisoners can not be held in the local lockup more than 72 hours. If the prisoner does not bond out within 72 hours, the prisoner becomes the property of the Sheriff's Department. The City is only responsible for feeding the prisoners for 72 hours.

Councilman Lantz questioned why the County Commission authorized such a large increase. The City needs to negotiate with the County. Chief Thomas replied that one of the Commissioner's attended the June 2nd meeting when the presentation was made. He spoke to Commissioner Vincent Gregory and the Undersheriff and was told the price was non-negotiable. He shares Councilman Lantz's concern but the City needs to move forward. Delaying the recommendation will not resolve the problem.

Councilman Lantz recommended postponing a decision until Council can meet with the County Commissioners.

Chief Thomas stated that the officers are sworn police officers, not security guards, based on the criteria set by the City. Wackenhut Corporation has laid off police officers, State Police and FBI personnel who are interested in working here.

Mr. Scharret stated that they are requesting the ability to engage in a contract not to exceed \$734,000 for the first year. There is a 4% contingency built in. The City will do what is appropriate in terms of meal service. If necessary, the amount spent on meal service will be increased. Proper nutrition will be written into the contract.

Chief Thomas added that the contract parallels the County's contract. The prices that are given are consistent within the law enforcement community.

Councilman Lattimore stated that he was very disappointed and appalled that Wackenhut Corporation representatives were not available to answer questions. Given the size of the contract he would expect someone to be in attendance. If Wackenhut wants the contract then someone needs to come to a Committee-of-the-Whole Meeting and answer Council's questions.

Councilwoman Jordan asked what effect a postponement would have on operations. Mr. Scharret replied that he is never opposed to discussing an issue. The City is temporarily using County employees on an overtime basis at close to the cost of the proposed increase. Postponing until the Committee-of-the-Whole Meeting of August 11, 2008 may be a problem, unless Council wants to do a Rule 10.

Council President Seymour suggested scheduling a Committee-of-the-Whole Meeting on July 21, 2008 prior to the Regular Meeting or schedule a meeting for July 14, 2008.

Mr. Scharret replied that a delay of a week or two is not a problem however each month on a temporary basis with the County is based on the higher rate. The City anticipates it taking until September 1, 2008 for the transition to take place.

Councilman Fracassi asked how the lockup was working if the County removed their property. Chief Thomas replied that the County removed items that are no longer needed such as mattresses, picnic tables, televisions and heaters.

Councilman Siver voiced his support for a study session to further discuss the issue. It was his understanding that the contract would be brought back at a later date.

Chief Thomas replied that he wasn't sure where the idea that the contract was being approved came from. Councilman Lattimore replied that the resolution contains the same language used for approval of other contracts.

Councilman Lantz asked that the County Commissioners be invited to the next meeting.

Mayor Lawrence asked if the City had looked at the cost of running the lockup with City employees. Mr. Scharret replied that option was included in their original presentation.

Mayor Lawrence stated that if Council adopted the recommended resolution, she would have been authorized to sign the contract without it coming back before Council.

2008.143 Motion by Lantz; seconded by Lattimore.

RESOLVED: that Council does hereby postpone approval of the Local Lockup Agreement until July 21, 2008 at 5:00 p.m.

Roll Call Vote was taken.

YEAS: Fracassi, Frasier, Jordan, Lantz, Lattimore, Seymour, and Siver.

NAYS: None

Motion passed.

Councilman Fracassi stated that the language in the resolution has been used many times. Let the Legal Department work out the terms of the contract. The Finance Committee reviewed the matter thoroughly and all questions were answered satisfactorily. The sidewalk contract was approximately \$500,000 and the contractor was not available to answer questions. The Administrator and City Attorney were given direction to work on the agreement details. He was unsure what would be accomplished by dragging the discussion out at another meeting. The only other option would be to have the County run the facility for an additional \$800,000 to \$900,000 per year. He has confidence in the staff's ability to handle the contractual details.

Council President Seymour noted that Lt. Hawkins made a detailed presentation on June 2, 2008. No one on Council asked to have Wackenhut Corporation come before Council to answer questions.

2008.144 Motion by Siver; seconded by Lattimore.

RESOLVED: that Council does hereby schedule a Regular Meeting (conducted as a Committee-of-the-Whole Meeting) for July 21, 2008 at 5:00 p.m. in the Council Conference Room.

There being no further business, the Regular Meeting of July 7, 2008, adjourned at 8:10 p.m., until the next Regular Meeting (conducted as a Committee-of-the-Whole) on July 7, 2008, in the Council Conference Room of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan.

Joan Seymour, Council President Pro Tem

Nancy L. M. Banks, City Clerk