



APPROVED

**CITY OF YPSILANTI
SPECIAL COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197**

**FRIDAY, APRIL 26, 2013
7:30 A.M.**

I. CALL TO ORDER –

The meeting was called to order at 7:35 a.m.

II. ROLL CALL –

Council Member Moeller	Absent	Council Member Robb	Absent
Council Member Jefferson	Present	Council Member Vogt	Absent
Council Member Murdock	Present	Mayor Schreiber	Present
Mayor Pro-Tem Richardson	Present		

4 Present; 3 Absent

Council Member Murdock moved, supported by Mayor Pro-Tem Richardson to excuse the absences. On a voice vote the motion carried and the absences were excused.

III. INVOCATION –

The Mayor asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

VI. INTRODUCTIONS –

None

VII. AUDIENCE PARTICIPATION -

Eric Maes thanked the Mayor and City Council for their action on this item. He said the Friends of Rutherford Pool (FORP) have been working on this project for a while and are now approaching \$1 million dollars in funds. He said he is looking forward to the new pool.

VIII. RESOLUTIONS/MOTIONS/DISCUSSIONS -

1. Resolution 2013-071, to approve Memorandum of Understanding with Baruzzini General Contractors regarding Rutherford Pool.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the Friends of the Rutherford Pool, Inc (Friends) have worked with the City to develop a plan to rebuild the Rutherford Pool, and

Whereas the Friends, with the City have secured a state grant to partially fund the rebuild, and the Friends have secured additional donations, that together will finance the rebuild, and

Whereas the City with the Friends issued a request for proposal for the rebuild, that contained a provision to consider alternate proposals, and

Whereas Baruzzini General Contractors (Baruzzini) submitted a bid with alternate proposal that would save approximately \$100,000 in construction costs, and

Whereas the City and Friends have carefully considered all the bids and would like to accept the alternate proposal, and Baruzzini is willing to do additional work on the alternate proposal, at their own cost, to make it ready for submission for review and approval by the State of Michigan, City and Friends, provided, that if accepted, the bid would be approved and their alternate bid be accepted by the City and Friends, and

Whereas the City, Friends and Baruzzini have prepared a memorandum of understanding setting forth the agreement,

NOW THEREFORE, City Council approves the said memorandum of understanding and authorizes the mayor and city clerk to sign the memorandum of understanding for and on behalf of the City, subject to the approval of the city attorney.

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Mayor Pro-Tem Richardson

Background

In 2011, the City of Ypsilanti applied for and received a Natural Resources Trust Fund grant for the Reconstruction of the Rutherford Pool, in collaboration with the Friends of the Rutherford Pool. In 2012, the City and the Friends entered into an operating agreement and lease, whereby the FORP would collaborate with the City on the reconstruction of the pool, but maintain responsibility for fundraising and successive operation of the pool.

The Friends of the Rutherford Pool went out to bid for design services and selected the team of Kadushin architects and WTI engineering to design the pool and prepare all required site and building plans as well as bid documents. That team had submitted plans for site plan and building department review, as well as the DEQ and DNR. Once approved, the team created bid documents, all in conjunction with the city.

A pre-bid meeting was conducted on March 19, 2013, and the bid documents accepted on March 26th at 4 p.m. by the City Clerk's office. The City received four bids, including one alternate proposal (attached).

The FORP and the City were interested in finding out more about the alternate, so followed up with Baruzzini Construction Co. on more detail, and included a short meeting with them the same day as the review team met. On March, 28, 2013 bids were reviewed by a team consisting of Ralph Lange, City Manager, Stan Kirton, Public Services Director, Teresa Gillotti, Community Development, Chris Allen, Kardushan & Associates, Brian Tell, FORP.

The team decided to follow up on the alternate, which would include use of a vacuum sand filtration technology that would be installed in the ground, with a cedar fence for separation rather than inside the building per the original bid/building plan specifications (see attached review from WTI and response from Baruzzini for more detail.) The alternate would provide a savings of just over \$100,000 of other base prices submitted, although for a different filtration system.

After review of references, and further follow up with Baruzzini Construction Co., city staff and the FORP would like to request approval of Baruzzini Construction Co. for the Rutherford Pool reconstruction in 2013 subject to the following conditions:

- As the alternate would require changes to site and building plans, Baruzzini Construction Co. would be responsible for redrafting and resubmitting the plans for approval with the City of Ypsilanti, Michigan DEQ and Michigan DNR.
- Baruzzini Construction Co. would have 50 calendar days for the signing of the agreement to receive approvals from relevant agencies.
- If approval is not granted, the City will revisit the bids and may proceed with another contractor using the previously approved building plans.

Architect Chris Allen, Kadushin Associates, was present to answer questions from Council. He added that Baruzzini is an excellent company with a good reputation. He said EMU had a good experience with them and he visited the City of Wayne, who has the same system being proposed, and it was impressive. He said he is excited that the FORP can move forward since the proposal is within their budget.

Brian Tell, 408 Huron and member of FORP gave an overview on fundraising efforts and said they have raised \$1 million so far. He said this has been an amazing experience for him.

Planner Teresa Gillotti explained that there is no contract for approval at this time because the original bid specifications were different from the alternate system that is being proposed so the new alternative needs to be submitted to the DEQ for approval. She said Baruzzini will change the plans but wanted the city's approval before moving forward. She added that if the DEQ doesn't approve, Baruzzini will go back to the original proposal.

Eric Maes asked for clarification on the details of the alternate plan.

Chris Allen said he wasn't able to explain the technical differences in the plans.

Mayor Schreiber asked about the trade-offs between the systems.

Mr. Allen said the original system is more costly. He said both systems are great and would work very well, however one is more expensive and self-contained.

Mayor Schreiber commented that pressure systems are mostly preferred now for newer pools.

Mr. Allen said both are currently being used. He said WTA is a pool expert so he would forward all technical questions to them.

City Manager Lange said WTA originally had some reservations but due to the reputation of the company they were persuaded. He said the existing plan saves over \$100,000 from the second lowest bid. He said time is of an essence and he is 100% sure that Baruzzini will get the job done on time. He added that the quality of the company is excellent.

Mayor Schreiber asked what happens after the State approves.

Ms. Gillotti answered the plans would go through the Building Department for approval and then a contract would come before City Council for approval.

City Attorney John Barr explained that the memo says if Baruzzini receives approval from the City Council today it shows approval of the concept and that is the purpose of the Letter of Intent.

Mayor Schreiber asked about the indemnity clause.

City Attorney Barr said the indemnity clause is boiler plate language that is used in all city contracts. He said Baruzzini has indicated they have adequate insurance and once he reviews it and confirms there is no problem the contract goes forward.

Mayor Schreiber asked if there is a project schedule.

Mr. Tell said there is a June 17th deadline for all of the needed approvals then the item will come back to Council for approval and then building will begin in 90 days, hopefully June or July.

Mayor Schreiber asked if Labor Day is the target date.

Mr. Tell replied yes or sooner.

Council Member Murdock asked if this is a CUB agreement required project.

Mr. Allen answered yes.

Mr. Tell said the CUB agreement has been discussed and is understood.

Fred Vigal asked if the contractor has read and understands what the CUB agreement means.

Mr. Allen replied yes, they are fully aware.

Mr. Vigal asked if Union workers will be used for this project.

Mr. Allen replied the contractors are aware of the CUB stipulations.

Attorney Barr clarified that the CUB agreement does apply and said he confirmed it with the bidder.

On a roll call, the vote to approve Resolution No. 2013-071 was as follows:

Council Member Moeller	Absent	Council Member Robb	Absent
Council Member Jefferson	Yes	Council Member Vogt	Absent
Council Member Murdock	Yes	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes		

VOTE:

Yes: 4 No: 0 Absent: 3 (Moeller, Robb, Vogt) Vote: Carried

IX. REMARKS BY THE MAYOR -

Mayor Schreiber thanked everyone for their hard work on the pool project.

X. ADJOURNMENT –

Resolution No. 2013-072, adjourning the Special Council Meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Mayor Pro-Tem Richardson

On a voice vote the motion carried and the meeting adjourned at 7:59 p.m.