CITY OF BURTON
COUNCIL OF THE WHOLE MEETING MINUTES
JANUARY 5, 2011 AT 3:00 P.M., COUNCIL CHAMBERS
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The Meeting was called to order by President Steven Heffner at 3:14 P.M.

Members Present: Heffner, Haskins, Smith, Wells, Ellenburg and Martinbianco.

Members Absent: None.

Others Present: Mayor P. Zelenko, Fire Chief D. Halstead and L.Young, Clerk Typist.

PURPOSE OF THE MEETING: Discussion and possible action regarding Items #6 through #10 that were removed from the December 20, 2010 Regular Council Meeting agenda.

PRESENTATION:

Chief Halstead explained that they are presenting the construction bids for the building of Fire Station #2 and the renovations of Fire Stations #1 and #3.

AUDIENCE PARTICIPATION:

Rick Fuhst, 1208 S. Genesee Rd. voiced his concerns regarding the violation of the rights of non-union workers and insisted that the City Council accept the bids how they were placed. He also stated that the City couldn't afford any more delays on these projects.

COUNCIL DISCUSSION:

Mr. Smith asked Craig Stefanko from DCC Construction, about their bid for Champion Bus and if they had any cost overruns.

Mr. Stefanko explained that there were not any cost overruns, but additions to the contract because of expansions within the plant. He explained that the additions were made by the owner and were not omissions and errors by DCC.

Mr. Smith asked if they were able to come within the bid amount.
Mr. Stefanko said that they were able to come within the bid amount. Also, they projected a six-month turn around on a 90,000 square foot facility but completed the manufacturing portion, which was 77,000 square foot in 10 weeks, which was completed in October 2010.

Mr. Smith asked if there were any time constraints in the contract.
Mr. Stefanko stated that there was no time constraints and they met all requirements within the contract.

Mrs. Ellenburg stated that she called on the McLaren job and spoke with Bob Walsh and he said he was very satisfied with DCC. She asked if the bid that they put in for the project was for prevailing wages and would a PLA raise the price of the bid on this job.

Mr. Stefanko explained that it depends on how the PLA ends up.

Mrs. Ellenburg said that she feels that the PLA is an important aspect to protect the job, the workers and the jobs in Genesee County.

Mr. Stefanko stated that 80% of the jobs are in Genesee County, 25% live in Burton, and 65% are union contractors without PLA.

Mr. Heffner asked for Mayor Zelenko's thoughts on the PLA.

Mayor Zelenko stated that she submitted a draft document of the PLA agreement to the Trades Council. She added that it is the goal to not add to the cost of the project at all and explained that the PLA will avoid work stoppages and will also give both the City and the Trades Councils the right to review the certified payroll to ensure that the prevailing wage is being paid. Mayor Zelenko expressed her hope that during this project and negotiations with the building trades, that they can formulate a policy. She stated, after being in contact with the Michigan Municipal League, there are not many examples of PLAs that they are aware of, but did find one in Ingham County that she used as an example to follow in conjunction with the sample PLA that the labor guys submitted. Mayor Zelenko explained that they have the preliminary document and are in the process of negations. She expressed her confidence that the project cost will not exceed the amount previously determined.

Mr. Wells asked Mr. Stefanko what his company did with the savings on labor when they completed the project in 10 weeks.

Mr. Stefanko explained that many of the employees worked double shifts and overtime so they were able to compress everything as tight as they could while keeping the contracts the same for all the sub-contractors.

Mr. Wells asked if Mr. Stefanko had any qualms with getting the project completed on time.
Mr. Stefanko replied that he would like to get the project done sooner.

Mr. Wells asked who would be approving a cost overrun should it occur.

Mr. Stefanko explained that their company submits the bids and that the subcontractors are responsible to get the job done within the perimeters that they have previously set. If the subcontractors overrun on the cost of the budget comes out of their pocket and if DCC has an overrun, it comes out of their pocket.

Mr. Wells asked if Mr. Stefanko has the authority to approve without coming to the Mayor or City Council.

Mr. Stefanko explained that it is part of their responsibility to scope the subcontractors.

Mr. Wells asked how familiar his company is with the sub-contractors that the company has on their list.

Mr. Stefanko stated that their company is familiar with most of the sub-contractors, but there are a few that they have not worked with before.

Mr. Wells asked if the buildings would be ADA compliant.

Mr. Stefanko said that any existing codes, ordinances or laws would be handled through the inspection process. If they made a mistake, their company will be responsible to correct it at their own expense.

Mr. Wells wanted to know who would be responsible for unforeseen costs to the project.

Chief Halstead explained that the City would be responsible for unforeseen costs, which would be handled through its contingency funds that are set-aside in the City's budget for the project.

Mr. Martinbianco asked Jeff Bennett, architect with THA Architect Engineers, what kind of warranty that they are going to get from the components.

Mr. Bennett stated that it is to be assured that quality is designed into the project. He explained that they were able to use the Vienna Township Fire Station to use as an example for the quality standards and lessons to be learned from their mistakes. The goal was to provide a facility that is going to have long lasting capabilities and made with quality materials. THA will be overseeing the construction on a regular basis, the sub-contractor's superintendent will be there everyday and his company will be there a couple times a week to ensure they are providing quality materials and construction techniques that match what his company has specified. He added that the City of Burton would also have inspection rights.

Mr. Martinbianco asked if there was a 1-year warranty on all components.

Mr. Bennett stated that each contractor would give a 1-year warranty on everything, including labor and materials. If there is anything that is wrong within that time, they will come out and make corrections. Other components such as rooftop units or a pump may have warranties that exceed 1 year. He explained that the more complex the equipment, the longer the warranty. Around 9 months after substantial completion, THA will come back and do a warranty check before the warranty expires.

Mr. Martinbianco wanted reassurance that once the project is complete they will be able to delineate all the major capital improvements and future expenditures.

Mr. Bennett stated that as part of the closeout documents, they would submit instructions for maintenance on the components, as well as a list of warranty expiration dates.

Mr. Wells asked if the project included the latest technology in energy and communication.

Mr. Bennett explained that the Fire Stations would have greater capabilities than they currently have, including an antennae system, which would provide the ability to communicate with each other. There are advanced security measures in place that will include a sophistication of the surveillance system and access to different parts of the buildings by different personnel.

Mr. Wells asked where the communication begins if they run into any cost overruns.

Mr. Bennett said that it oftentimes comes from different locations such as if an owner finds something that they want changed, which would then come back to the architect as the owner's representative, which would then make a drawing change and ask for pricing. Nothing gets decided until they have pricing on anything and then a decision is made. Many issues might be resolved with good communication. It is his goal to foresee any problems before they become issues. He guessed that the City might use up about 1% of the contingency fund. He further added that they are creating a state of the art, LEED certified facility, which will be fully operational during construction.

Mr. Wells asked Chief Halstead if they had looked into any other facilities out of which to operate during construction.

Chief Halstead explained that in 2007 they did look at other sites, but the cost of the infrastructure outweighed the extra cost to the project. They receive credit on their LEED certification for building on site.

Mr. Wells stated that the Rocky's building on Davison road came to mind for a location for the Fire Station.

Chief Halstead explained that the Fire Stations are strategically placed to ensure efficient response time to all calls.

Mr. Wells asked if everyone, including the Fire Fighters, were pleased with the plans for the projects.

Chief Halstead responded that everyone is satisfied with everything regarding the plans for the projects.

Mr. Martinbianco asked if upon the completion and dedication of Station #2, they were planning on moving the head of operations of the Fire Department to Station #2.

Chief Halstead replied that they were not planning on moving the head of operations.

Mr. Martinbianco referred to the furniture bids for Stations 1, 2 and 3 and stated that the low bidder was Space Inc. from Flint, which had a total bid of $56, 888.76, and that many of the other proposed bids proposed products, to be supplied by Space Inc., were in line with the bids specs, except there was a discrepancy in chair back height. The second bidder was Schaeffer's Office Source in Flint, with a total bid of $62,150.41, which has been approved and seconded. He suggested an amendment to approve and authorize a bid from Space Inc. with a total bid of $56,888.76 subject to the approval of THA and Associates in meeting the true bid specifications as written.

Chief Halstead stated that 90% of the equipment that is supplied by Schaeffer is built in Michigan, which was one of the key issues to be addressed. He added that a lot of the products that they have meet the specifications for LEED certification and most are made with at least some reprocessed material. He also explained that they have not had a good experience with Space Inc. and that they didn't meet specification, so he thought it would be best to go with Schaeffer.

Mr. Martinbianco said that he appreciated the Chief's input but he was trying to squeeze every nickel out of this project in case it is needed in the future. Mr. Martinbianco stated that he had an amendment on the floor. Amendment died due to lack of support.

Mr. Wells thanked Mr. Fuhst for his input.

Mayor Zelenko stated that about 10% of the cost is because it was bid prevailing wage, which translates into 80% of the work being done by local companies that will feed into the local economy.

Chief Halstead thanked the Council, and all parties involved, especially THA for their patience. He thanked everyone for his or her help on behalf of the Fire Department.

Mr. Haskins thanked the residents and applauded the Chief and Deputies.
Mr. Heffner thanked the residents for making the projects happen.

COUNCIL ACTION:

Haskins moved and Ellenburg seconded the following motion:

1. Approve and authorize the low bid of $3,132,000 subject to the sale of bonds, submitted by DCC Construction for the construction of Fire Station Number 2 at 1320 Belsay Rd.

Motion carried 6-0

Haskins moved and Martinbianco seconded the following motion:

2. Approve and authorize the Mayor and Clerk to sign contract with DCC Construction for the construction of Fire Station Number 2 at 1320 Belsay Road, subject to review of City Attorney.

Motion carried 6-0

Ellenburg moved and Haskins seconded the following motion:

3. Approve and authorize the low bid of $488,765 subject to the sale of bonds, submitted by Usztan LLC for the construction and improvements to Fire Stations 1 and 3 at 2033 East Bristol Road and 4515 East Davison Road.

Motion carried 6-0

Haskins moved and Martinbianco seconded the following motion:

4. Approve and authorize the Mayor and Clerk to sign contract with Usztan LLC for construction

and improvements to Fire Stations 1 and 3 at 2033 East Bristol Road and 4515 East Davison Road, subject to review of City Attorney.
Motion carried 6-0

Ellenburg moved and Haskins seconded the following motion:

5. Approve and authorize bid of Schaefer's Office Source of $62,150.41 subject to the sale of bonds, for furniture for Fire Stations 1, 2, and 3.

Motion carried 5-1, with Martinbianco voting No.

The meeting was adjourned at 4:07 p.m.

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