

Southgate City Council Agenda

Council Chambers

Wednesday September 18, 2019

6:30pm **Work Study Session**

1. Officials Reports
2. Discussions regarding agenda item:
Ordinance 676.038 Possession By Minors

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7:00 pm **Regular Meeting**

Pledge of Allegiance

Roll Call: Colovos, Farrah, George, Graziani, Rauch, Rollet, Zamecki.

Minutes:

1. Work Study Session Minutes dated September 4, 2019.
2. Regular City Council Meeting Minutes dated September 4, 2019.

Scheduled Persons in the Audience:

Consideration of Bids:

Scheduled Hearings:

Communications "A" –

1. Letter from Goodfellows; Re: Newspaper Sales November 29-30, 2019
2. Letter from Mayor; Re: Waiver of Bid – 2 Leaf Vacuums

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Communications "B" – (Receive and File)

Ordinances:

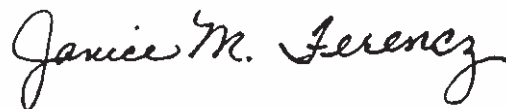
Old Business:

New Business:

Unscheduled Persons in the Audience:

Claims & Accounts: Warrant #1385 \$1,031,357.98

Adjournment:



Janice M. Ferencz, City Clerk

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate

- CITY COUNCIL -

JOHN GRAZIANI
Council President

MARK FARRAH

KAREN E. GEORGE

BILL COLOVOS

DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: Dustin Lent, City Administrator

Date: September, 12, 2019

Re: Vaping Ordinance

Effective September 2nd the State of Michigan passed new vaping laws for minors. Please find the attached ordinance language to update our current ordinance to be in compliance with the new laws and regulations.

Administration is requesting the council wave the 2nd reading and adopt the current ordinance language drafted by our city Attorney.

Please do not hesitate to contact me with any additional questions.

**PROPOSED RESOLUTION
SOUTHGATE CITY COUNCIL**

MOVED:

SUPPORTED:

RESOLVED, that "AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SOUTHGATE BY REPEALING SECTION _____, OF CHAPTER _____, AND REPLACING IT WITH A NEW SECTION _____ ENTITLED POSSESSION BY MINORS."

THE CITY OF SOUTHGATE ORDAINS:

That Chapter the Codified Ordinances be amended by repealing and replacing Section _____ of Chapter _____ as follows:

676.038 POSSESSION BY MINORS

Possession of tobacco products, vapor products and alternative nicotine products by Minors

- (a) It shall be unlawful for any minor under the age of 18 years to have in his possession any cigars, cigarettes papers or tobacco, and any person furnishing such minors with any of the articles mentioned in section _____ of this section shall be deemed guilty of a violation of this article.

- (b) A person shall not sell, give, or furnish a tobacco product, vapor product, or alternative nicotine product to a minor, including, but not limited to, through a vending machine. A person who violates this subsection (b), or subsection (f) is guilty of a misdemeanor punishable by a fine as follows:
 - i. For a first offense, not more than \$100.00.

 - ii. For a second or subsequent offense, not more than \$500.00.

- (c) It is an affirmative defense to a charge under subsection (b) that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of tobacco products, vapor products, or alternative nicotine products, as applicable under this section and PA 18 of 2019, to persons under 18 years of age and that the defendant enforced and continues to enforce the policy. A defendant who proposes to offer evidence of the affirmative defense described in this subsection shall file notice of the defense, in writing, with the court and serve a copy of the notice on the prosecuting attorney. The defendant shall serve the notice not less than 14 days before the date set for trial.

- (d) A prosecuting attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (c) shall file a notice of rebuttal, in writing, with the court and serve a copy of the notice on the defendant. The prosecuting attorney shall serve the notice not less than 7 days before the date set for trial and shall include in the notice the name and address of each rebuttal witness.
- (e) Subsection (b) does not apply to the handling or transportation of a tobacco product, vapor product, or alternative nicotine product by a minor under the terms of the minor's employment.
- (f) Before selling, offering for sale, giving or furnishing a tobacco product, vapor product, or alternative nicotine product to an individual a person shall verify that the individual is at least 18 years of age by doing 1 of the following:
- i. If the individual appears to be under 27 years of age, examining a government-issued photographic identification that establishes that the individual is at least 18 years of age.
 - ii. For sales made by the internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is 18 years of age or older.
- (g) Minors and tobacco: subject to subsection (l), a minor shall not do any of the following:
- i. Purchase or attempt to purchase a tobacco product.
 - ii. Possess or attempt to possess a tobacco product
 - iii. Use a tobacco product in a public place.
 - iv. Present or offer to an individual a purported proof of age that is false fraudulent or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product.

(h) An individual who violates subsection (g) is guilty of a misdemeanor punishable by a fine of not more than a \$50.00 for each violation. Pursuant to a probation order, the court may also require an individual who violates subsection (1) to participate in a health promotion and risk reduction assessment program, if available. In addition, an individual who violates subsection (g) is subject to the following:

- i. For the first violation, the court may order the individual to do 1 of the following:
 - a. Perform not more than 16 hours of community service.**
 - b. Participate in a health promotion and risk reduction assessment program.****
- ii. For a second violation, in addition to participation in a health promotion and risk reduction assessment program, the court may order the individual to perform no more than 32 hours of community service.**
- iii. For a third or subsequent violation, in addition to participation in a health promotion and risk reduction assessment program, the court may order the individual to perform not more than 48 hours of community service.**

(i) Minors and vapor products or alternative nicotine products: subject to subsection (l), a minor shall not do any of the following:

- i. Purchase or attempt to purchase a vapor product or alternative nicotine product.**
- ii. Possess or attempt to possess a vapor product or alternative nicotine product .**
- iii. Use a vapor product or alternative nicotine product in a public place.**
- iv. Present or offered to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a vapor product or alternative nicotine product.**

(j) An individual who violates subsection (i) is responsible for a civil infraction or guilty of a misdemeanor as follows:

- i. For the first violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. The court may order the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may order the individual to perform not more than 16 hours of community service.**
 - ii. For a second violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. The court may order the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may order the individual to perform not more than 32 hours of community service.**
 - iii. If a violation of subsection (i) occurs after 2 or more prior judgments, the individual is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each violation. Pursuant to a probation order, the court may also require the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may order the individual to perform not more than 48 hours of community service**
- (k) An individual who is ordered to participate in a health promotion and risk reduction assessment program under subsection (g) or (i) is responsible for the cost of participating in the program.**
- (l) Subsection (g) and (i) do not apply to a minor participating in any of the following:**
- i. An undercover operation in which the minor purchases or receives a tobacco product, a vapor product, or alternative nicotine product under the direction of the miner's employer and with the prior approval of the local prosecutor's office as part of an employer sponsored internal enforcement action.**
 - ii. An undercover operation in which the minor purchases or receives a tobacco product, a vapor product, or alternative nicotine product under the direction of the state or local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product, vapor product, or alternative nicotine product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.**
 - iii. Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth**

tobacco access requirements, if the compliance checks are conducted under the direction of a substance abuse disorder coordinating agency in with the prior approval of the state or a local police agency.

(m) Subsections (g) and (i) do not apply to the handling or transportation of a tobacco product, vapor product, or alternative nicotine product by a minor under the terms of the minor's employment.

(n) This section does not prohibit an individual from being charged with, convicted of, or sentenced for any other violation of law that arises out of the violation of subsection (g) or (i).

(o) Definitions: the following words, terms, and phrases when used in this section, shall have the following meanings ascribed to them:

- i. "Alternative nicotine product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.
- ii. "Minor" means an individual who is less than 18 years of age.
- iii. "Person who sells vapor products or alternative products at retail" means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products or alternative nicotine products.
- iv. "Person who sells tobacco products at retail" means a person whose ordinary course of business consists, in whole or in part, of a retail sale of tobacco products subject to state sales tax.
- v. "Public place" means a public street, sidewalk, or part or any area open to the general public in a publicly owned or operated building or public place of business.
- vi. "Tobacco product" means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, non-cigarette

smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the tobacco products Tax Act, 1993 PA 327, MCL 205.422, and a cigar.

- vii. "Use a tobacco product, vapor product, or alternative nicotine product" means to smoke, chew, suck, inhale, or otherwise consume a tobacco product, vapor product, or alternative nicotine product.

- viii. "Vapor product" means a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

YES:

NO:

ABSTAINED:

**PROPOSED RESOLUTION
SOUTHGATE CITY COUNCIL**

MOVED:

SUPPORTED:

RESOLVED, that "AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SOUTHGATE BY ADDING A NEW SECTION _____ TO CHAPTER _____ – SAFETY, SANITTION AND HEALTH, ENTITLED TOBACCO PRODUCTS, VAPOR PRODUCTS ANDD ALTERNATIVE NICOTINE PRODUCTS ON SCHOOL PROPERTY, PENALTY".

THE CITY OF SOUTHGATE ORDAINS:

That the Codified Ordinances be and are hereby amended by adding a new Section _____ of Chapter _____ as follows:

676.040 Tobacco products, vapor products and alternative nicotine products on school property, penalty.

- (a) Except as otherwise provided in subsection (d), a person shall not possess or use a tobacco product, vapor product, or alternative nicotine product on school property or public property within 100 feet of school property
- (b) A person who violates subsection (a) is guilty of a civil infraction, punishable by a fine of \$50.00.

(c) As used in this section:

- i. School property means a building, facility or structure and other real estate owned, leased, or otherwise controlled by a school district.
- ii. Tobacco product means **a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.432, and a cigar.**
- iii. "Vapor product" means a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a

vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

iv. "Alternative nicotine product" Means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug administration under 21 USC 351 to 360fff-7.

(d) Subsection (a) does not apply to that part of school property consisting of outdoor areas including, but not limited to, an open-air stadium, during either of the following time periods:

i. Saturdays, Sundays, and other days on which there are no regularly scheduled school hours.

ii. After 6:00 p.m. on days during which there are regularly scheduled school hours.

(e) The Chief of Police may appoint an deputize security officers who need not be regular employees of the city to enforce this section on school property.

i. Security officers appointed pursuant to this section are hereby made an empowered as special police officers for the purpose of enforcement of this section and they shall have the power and authority to issue citations for violations of this section. When an enforcement action or measures are taken pursuant to this section, security officers shall be subject to the supervision and control of the Police Department.

YES:

NO:

ABSTAINED:

City Council

Work Study Session

September 4, 2019

An Informal Meeting of the Council of the City of Southgate was held on September 4, 2019 at 6:30 P.M. in the Council Chambers of the Municipal Building, 14400 Dix-Toledo Highway, Southgate, Michigan.

Present: Bill Colovos, Mark Farrah, Karen George, John Graziani, Dale Zamecki

Absent: *Philip Rauch, *Christopher Rollet, *Excused

Also Present: Mayor Joseph G. Kuspa, City Administrator Dustin Lent, City Attorney Brandon Fournier, City Clerk Jan Ferencz, City Treasurer Jim Dallos, City Engineer John Hennessey, Public Safety Director Jeff Smith, Building Inspections Director Bob Casanova, Director of Public Services Bob Tarabula and Parks & Recreation Director Julie Goddard.

Mayor Kuspa presented Gateway Church of Christ with a plaque commemorating their 75th year. He also spoke of the many helpful groups that their church holds to help the residents of Southgate and downriver.

Discussion took place on the following item scheduled for action at the regular meeting:

- Boy Scout Troop 1783 annual Christmas wreath sales
- Closed session on the case of James Franklin v. City of Southgate
- Local Pavement Warranty Program with MDOT
- Dog Park Welcome Center

This meeting ended at 6:53 pm.

City of Southgate Regular City Council Meeting September 4, 2019

A Regular Meeting of the Council of the City of Southgate was held in the Municipal Council Chambers, 14400 Dix-Toledo Highway, Southgate, Michigan on Wednesday, September 4, 2019 and was called to order at 7:00 PM by Council President John Graziani.

This meeting began with the Pledge of Allegiance, followed by roll call.

Present: Bill Colovos, Mark Farrah, Karen George, John Graziani, Dale Zamecki

Absent: *Phillip Rauch, *Christopher Rollet, *Excused

Also Present: Mayor Joseph G. Kuspa, City Administrator Dustin Lent, City Attorney Brandon Fournier, City Engineer John Hennessey, City Clerk Janice Ferencz, City Treasurer James Dallos, Public Safety Director Jeff Smith, Building Inspections Director Bob Casanova, Director of Public Services Bob Tarabula and Parks & Recreation Director Julie Goddard.

Minutes:

Moved by Colovos, supported George, RESOLVED, that the minutes of the City Council Work Study Session dated August 21, 2019 be approved as presented. Carried unanimously.

Moved by Zamecki, supported by Farrah, RESOLVED, that the minutes of the Regular City Council Meeting dated August 21, 2019 be approved as presented. Carried unanimously.

Scheduled Persons in the Audience:

1. Jennifer Lopez – Boy Scout Troop 1783 moved by George, supported by Colovos, RESOLVED that the Southgate City Council hereby waives any associated fees and approves the request of Boy Scout Troop 1783 to hold a Christmas wreath sale at the Southgate Shopping Center on the dates of November 29, 30 and December 1, plus December 7 & 8, 2019.

Motion carried unanimously.

Communications A:

1. Memo from Administrator; Re: James Franklin v. City of Southgate moved by Zamecki, supported by George, RESOLVED that the Southgate City Council hereby authorizes the settlement agreement for James Franklin v. City of Southgate, et al. on behalf of the City.

Motion carried unanimously.

Regular City Council Meeting September 4, 2019

2. Letter from Hennessey Engineers; Re: Local Pavement Warranty Program moved by Farrah, supported by Zamecki, RESOLVED that the Southgate City Council adopts the following resolution with the Michigan Department of Transportation:

a) To Implement a Local Pavement Warranty Program

WHEREAS, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the City of Southgate adopted the Michigan Local Agency Pavement Warranty Program on this the 4th day of September 2019;

WHEREAS, the City of Southgate agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds;

WHEREAS, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the City of Southgate agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which the City of Southgate's adopted Implementation Policy defines the City of Southgate's intent of its pavement warranty program;

NOW THEREFORE BE IT RESOLVED, the City of Southgate hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

Motion carried unanimously.

b) To Adopt a Local Pavement Warranty Program

Moved by Farrah, supported by George, RESOLVED THAT the Southgate City Council hereby adopts the following resolution with the Michigan Department of Transportation:

WHEREAS, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the City of Southgate adopted the Michigan Local Agency Pavement Warranty Program on this the 4th day of September 2019;

WHEREAS, the City of Southgate agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds;

WHEREAS, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the City of Southgate agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which the City of Southgate's adopted Implementation Policy defines the City of Southgate's intent of its pavement warranty program;

Regular City Council Meeting September 4, 2019

NOW THEREFORE BE IT RESOLVED, the City of Southgate hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

Motion carried unanimously.

c) Pass Through Warrant Contract

Moved by Farrah, supported by Zamecki, RESOLVED that the Southgate City Council adopts a resolution approving the Pass Through Warranty Contract with the Michigan Department of Transportation.

Motion carried unanimously.

d) Pass Through Warranty Bond

Moved by Farrah, supported by George, RESOLVED that the Southgate City Council adopts a resolution approving the Pass Through Warranty Bond with the Michigan Department of Transportation.

Motion carried unanimously.

e) Michigan Local Agency Special Provision for Hot Mix Asphalt and Concrete Pavement Warranty

Moved by Farrah, supported by Colovos, RESOLVED that the Southgate City Council adopts a resolution approving the Michigan Local Agency Special Provision for Hot Mix Asphalt and Concrete Pavement Warranty with the Michigan Department of Transportation.

Motion carried unanimously.

f) Michigan Local Agency Special Provision for Pavement Warranty Information

Moved by Farrah, supported by Zamecki, RESOLVED that the Southgate City Council adopts a resolution approving the Michigan Local Agency Special Provision for Pavement Warranty Information with the Michigan Department of Transportation.

Motion carried unanimously.

g) Michigan Local Agency Special Provision for Warranty Work Requirements for Jointed Plain Concrete Pavement

Moved by Farrah, supported by George, RESOLVED that the Southgate City Council adopts a resolution approving the Michigan Local Agency Special Provision for Warranty Work Requirements for Jointed Plain Concrete Pavement with the Michigan Department of Transportation.

h) Michigan Local Agency Special Provision for Warranty Work Requirement for Hot Mix Asphalt Pavements

Moved by Farrah, supported by Zamecki, RESOLVED that the Southgate City Council adopts a resolution approving the Michigan Local Agency Special Provision for Warranty Work Requirement for Hot Mix Asphalt Pavements.

Motion carried unanimously.

Regular City Council Meeting
September 4, 2019

3. Letter from Administrator; Re: Dog Park Welcome Center/Washroom moved by Farrah, supported by Zamecki, RESOLVED that the Southgate City Council hereby awards the bid for the Dog Park Welcome Center /Washroom to Sole' Building Company (5940 Commerce Dr., Westland, MI 48185) in the amount of \$197,650 with a 15% contingency. BE IT FURTHER RESOLVED THAT funds for this project are available from the Parks and Recreation Millage.

Discussion took place.

Motion carried unanimously.

Claims and Accounts:

Moved by Farrah, supported by Zamecki, RESOLVED, that Claims and Accounts be paid as outlined on Warrant # 1384 in the amount of \$25,852,902.44.

Motion carried unanimously.

Adjournment:

Moved by George, supported by Colovos, RESOLVED, that this Regular Meeting of the Southgate City Council be adjourned at 7:25 P.M. Carried unanimously.

John Graziani
Council President

Janice M. Ferencz
City Clerk

SOUTHGATE GOODFELLOWS

14400 Dix Toledo
Southgate, MI 48195

September 12, 2019

The Honorable City Council
14400 Dix-Toledo
Southgate, MI 48195

Dear Mayor Kuspa & Honorable City Council Members


Last year, the Southgate Goodfellows provided help to 72 children and 32 families who cannot afford a Christmas for their children. The Southgate Goodfellows rely on charitable contributions, which in the past were mainly derived from the annual sale of their newspaper, to provide toys, food and sundry items to less fortunate families. Southgate Police and Fire Fighters sell the newspapers on busy thoroughfares in the city.

However, according to Section 862.06 of the City Ordinance, no person licensed under these provisions shall have any exclusive right to any location in the public streets or right-of-way, nor shall he or she be permitted to operate in any congested area where his or her operations impede or inconvenience the public. For purposes of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

The Southgate Goodfellows is therefore, respectfully requesting that this year they be allowed to sell newspapers on November 29th and 30th to raise funds needed to provide help to the less fortunate at Christmas time.

Thank you for your time and attention to this matter.

Sincerely



Carol Kos
President, Southgate Goodfellows

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate

- CITY COUNCIL -

JOHN GRAZIANI
Council President

MARK FARRAH

KAREN E. GEORGE

BILL COLOVOS

DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

September 13, 2019

To the Honorable
City Council
Southgate, Michigan 48195

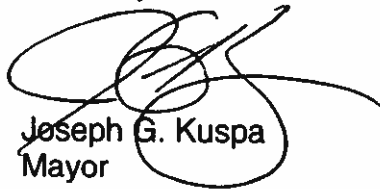
Re: Bid Waiver – 2 Leaf Vacuums

Ladies and Gentlemen:

It is recommended by the DPS Director and I concur, that the bid procedure be waived and to award the purchase of 2 Leaf Vacuums to Bell Equipment for the price of \$116,722.12 which includes the trade in of \$5,000.00 for our 1997 and 2005 Leaf Vacuums. This bid is through Sourcewell, a cooperative purchasing service.

Sufficient funds are budgeted and available in the Local Streets account.

Sincerely,



Joseph G. Kuspa
Mayor

JGK/law




City of Southgate

DEPARTMENT OF PUBLIC SERVICES

14719 Schafer Court • Southgate, Michigan 48195
Ph: (734) 258-3079 • Fax: (734) 246-1333

Memorandum

To: The Honorable Mayor and Members of City Council

From: Robert Tarabula, DPS Director 

Date: September 10, 2019

Re: Request for Waiver of Bid – 2 Leaf Vacuums

The Department of Public Services request that City Council waive the bid process and award the purchase of 2 Leaf Vacuums to Bell Equipment of 78 Northpoint Dr., Lake Orion, MI 48359 for \$116,722.12 which includes the trade in of \$5,000.00 for our 1997 and 2005 Leaf Vacuums. This is through Sourcewell (formally National Joint Power Alliance), A cooperative purchasing service representing over 50,000 government, education, and non-profit organizations. Old Dominion Brush has procured the bid through Sourcewell (contract #41217-ODB) and Bell is proctoring the bid locally. The finance Director has set aside funds for this purchase.

If you have any questions, please contact me. I would appreciate your favorable consideration of this request.

Enclosure

BT/sb

Bell *Since 1951*
Equipment Company
www.bellequip.com

Michigan Office:
 78 Northpointe Drive
 Lake Orion, Michigan 48359
 Phone: (248) 370-0000
 Fax: (248) 370-0011

Ohio Office:
 1045 Taylor Road
 Gahanna, Ohio 43231
 Phone: (614) 655-0022
 Fax: (614) 655-0023

Date: May 13, 2019

City of Southgate
 14400 Dix Toledo Road
 Southgate, MI. 48195-2598



Qty	Description	Your Price (each)	Total
1	ODB Xtreme-Vac Model XV550 TM20 Leaf Collector		\$58,162.00
	John Deere diesel engine		Included
	Painted School Bus yellow		\$988.00
	Heavy duty rubber suction hose		\$780.00
	Fluid coupler in lieu of clutch		\$4,082.00
	Heavy duty suction impellor with 1/2" blades		<u>\$1,430.00</u>
	List price		\$65,442.00
	Less 7% Sourcewell/NJPA discount		<u>-\$4,580.94</u>
	Delivered price for (1) unit before trade-in		\$60,861.06
	Total for (2) units before trade-in		\$121,722.12
	Trade value for 1997 unit-\$1,500.00, trade value for 2005 unit-\$3,500.00		<u>-\$5,000.00</u>
	Net Purchase Price after trade		\$116,722.12

Plus any applicable taxes

Delivery:
 F.O.B.

If you wish to proceed with the quote provided, please sign and return.

Authorized Signature: _____

Thank you for considering Bell Equipment Company for your equipment needs.

Clark R. Bushman, Vice President/Sales
 Cell: 248-705-1353

Prices are as of this date. Buyer should confirm pricing after 30 days.