

COUNCIL AGENDA

For

May 1, 2006, 6:30 p.m., Council Chamber

ROLL CALL:

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

January 6 and January 7, 2006 special Council meetings; January 9, January 23 and February 6, 2006 regular Council meetings; and February 13, 2006 special (single subject) Council meeting.

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided on Monday after 1:30 p.m.)

REMARKS OF COUNCIL:

PETITIONS:

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES:

From the Planning Commission

1. Explaining the Ordinance listed under the regular order of business that vacates the unused portion of North Fourth Street lying between vacated Water Street and the C & O Railroad subject to a standard easement reservation for public utilities, cable TV and telecommunications.

APPOINTMENT OF BOARDS AND COMMISSIONS MEMBERS:

1. Consideration of appointing Gilberto Guevaro to the City Board of Canvassers with a term to expire December 31, 2007 to fill the vacancy created by Patricia Miles; and consideration of reappointing Mary Washington and Emil Louis Ognisanti to the City Board of Canvassers with terms to expire December 31, 2010.
2. Consideration of appointing James Doane to the Saginaw-Midland Water Supply Corporation with a term to expire December 31, 2010 to fill the vacancy created by Andre Borrello.

REPORTS FROM MANAGER:

A. Management Update

B. Recommended Actions

1. Recommending approval of an agreement with Service Express for hardware maintenance coverage for the City of Saginaw's Email Service. The annual cost for maintenance coverage is \$1,320.00. The agreement has been approved by the City Manager as to substance and the City Attorney as to form. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Information Services Operating Services Account No. 658 1720 711 8005.
2. Recommending that a purchase order be approved and issued to Trivalent Group in the amount of \$2,233.80 for the purchase of spyware licenses, updates and annual maintenance for all City servers, personal computers and laptops. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Information Services Account No. 658 1720 711 8005.
3. Recommending approval a 2-year service contract with Miller Consultations & Elections, Inc. for maintenance and service of the City's Optech Insight Optical Scan Voting Tabulators. The contract has been approved by the City Manager as to substance and the City Attorney as to form. The cost of the 2-year contract is \$270.00/machine (22 machines) totaling \$5,940.00. This vendor meets all requirements of the contract compliance provisions. Funds are available in the City Clerk Elections Operating Services Account No. 101 1731 701 8005.
4. Recommending that the previously approved purchase order issued to Front Line Services be increased by \$20,000.00 for a total of \$72,000 for preventative maintenance and emergency repairs on Fire Department apparatus. This vendor meets all requirements of the contract compliance provisions. Funds are

available in the Fire Department Motor Vehicle Repairs Account No. 101 3754 751 8042.

5. Recommending that a purchase order be approved and issued to Zehnder Chevrolet in the amount of \$35,106.29 for the purchase of a Chevrolet Tahoe to be used by the Fire Department. Further recommend that the Fire Chief be authorized to execute all contracts on behalf of the City. Under the terms of the policy, the City will receive \$5,448.00 in exchange for the damaged vehicle. This purchase is necessary to restore emergency vehicles to adequate levels. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Motor Pool Fund Account No. 661 4480 841 9770.
6. Recommending approval of the Agreement with Spicer Group to lease parking spaces in Parking Ramp No. 1. Under the terms of the Agreement, Spicer Group will pay the City \$8,586.00 per quarter to lease 106 parking spaces in the City's Municipal Parking Ramp No. 1 located at 220 S. Franklin St. The total amount of the Agreement is \$34,344.00 and the term is for one year.

INTRODUCTION OF ORDINANCES:

1. An Ordinance to vacate the unused portion of North Fourth Street between vacated Water Street and the C & O Railroad, located in the City of Saginaw, and to retain therein an easement for Public Utilities, cable TV and telecommunications to be added to the Table of Special Ordinances II of the Saginaw Code of Ordinances.

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to vacate the entire alley lying between Federal Avenue and South Sixth Street, Janes Street and South Seventh Street, located in the City of Saginaw, and to retain therein an easement for Public Utilities, Cable TV and Telecommunications to be added to the Table of Special Ordinances II of the Saginaw Code of Ordinances.

RESOLUTIONS:

1. Approving the application of Dornbos Printing Impressions for an Industrial Facilities Exemption Certificate for a period of 12 years.
2. Establishing an Industrial Development District for Prints Plus, Inc., 2301 N. Michigan.

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3. Declaring the City's intent to vacate the unused portion of North Fourth Street lying between vacated Water Street and the C & O Railroad in the City of Saginaw.
4. Adopting the National Incident Management System in the City of Saginaw.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Darnell Earley
Interim City Manager

COUNCIL COMMUNICATION

From: The City Manager

Subject: Service Express Hardware Maintenance Agreement

Manager's Recommendation:

Transmitted for your approval is an agreement with Service Express for hardware maintenance coverage for the City of Saginaw's Email Server. The annual cost for maintenance coverage is One Thousand Three Hundred Twenty Dollars and 00/100 (\$1,320.00), which was approved as part of the FY 2005-2006 budget process. The agreement has been approved by me as to substance and the City Attorney as to form.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the Information Services Operating Services Account No. 658-1720-711-8005.

Justification:

This agreement covers monthly hardware maintenance for the Lotus Notes Server. Approval of this agreement allows the City to realize a decrease in cost over previous years, while maintaining the necessary level of maintenance. Previously, this maintenance was paid annually at a cost of Three Thousand Six Hundred Sixty-Five Dollars and 00/100 (\$3,665.00), which is significantly greater than the annual cost covered by this agreement. This will be a thirty-six (36) month agreement with Service Express, renewable upon monthly payments that will be budgeted in the appropriate account each fiscal year. This agreement can be terminated with thirty (30) days written notice.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

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Manager's Recommendation: Approval of the resolution as follows:

Council _____ offered and moved adoption of the following resolution:

WHEREAS, Dornbos Printing Impressions, Inc. did on March 17, 2006, file its application for an Industrial Facilities Exemption Certificate as provided by Act 198, P.A. of 1974, as amended, hereinafter referred to as the Act, receipt of said application having been reported to City Council on March 24, 2006, and said application being on file in City Clerk's File 06-09; and

WHEREAS, the Council has carefully considered said application and all information pertinent thereto.

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby finds and determines as follows:

1. The Council of the City of Saginaw on October 27, 1986, on the petition of Dornbos Press, Inc. did lawfully establish in the City of Saginaw, an Industrial Development District pursuant to the Act, said district comprising that certain piece or parcel of land in the State of Michigan, County of Saginaw and City of Saginaw under the City of Saginaw Tax Roll No. 07 0048 00000, commonly known as 1131 E. Genesee Avenue, Saginaw, Michigan.

2. Upon receipt of the above-mentioned application for an Industrial Facilities Exemption Certificate from Dornbos Printing Impressions, the City Clerk did notify in writing the Assessor of the City of Saginaw and the legislative body of each taxing unit which levies ad valorem property taxes in the City of Saginaw, this being the governmental unit in which the facility for an Industrial Facilities Exemption Certificate is

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sought to be located, said taxing units being the Intermediate School District, the School District of the City of Saginaw, the County of Saginaw, Hoyt Library, Delta College and Saginaw Transit Authority Regional Services, enclosing a copy of the above-described application for Industrial Facilities Exemption Certificate and notifying each that it would be given an opportunity to be heard on this matter by the Council at its regular meeting.

3. The Council has on April 17, 2006 afforded Dornbos Printing Impressions, the Assessor of the City of Saginaw, and a representative of each affected taxing unit an opportunity for a hearing on the above-mentioned application for Industrial Facilities Exemption Certificate, and the Council has given due consideration to all information presented at said hearing.

4. The City Assessor has heretofore determined and furnished to the Council the value of the property to which the above-mentioned application pertains, the aggregate state equalized valuation of real and personal property which would be exempt from ad valorem taxes under the Act in the City of Saginaw after granting the above-petitioned Industrial Facilities Exemption Certificate and the sum of the state equalized valuation of the City of Saginaw and the aggregate state equalized valuation of real and personal property exempt from ad valorem taxes under the Act in the City of Saginaw.

5. Construction of the facility or installation of machine and equipment, which is the subject of the above-mentioned application, was not begun earlier than six (6) months before the filing of the application for the Industrial Facilities Exemption Certificate.

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6. The application filed for the certificate indicates one to two (1-2) new jobs will be created and nine (9) current jobs will be retained, in the City of Saginaw, this being the community in which the facility is situated.

7. The aggregate state equalized valuation of real and/or personal property exempt from ad valorem taxes under the Act in the City of Saginaw after granting the Industrial Facilities Exemption Certificate applied for will exceed 5 percent of an amount equal to the sum of the state equalized valuation of real and/or personal property exempt from ad valorem taxes under the Act in the City of Saginaw.

8. Irrespective of the findings in paragraph 7 above, granting of the Industrial Facilities Exemption Certificate considered with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act. No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of local government or impairing the financial soundness of any unit of local government.

9. The aforementioned application complies in all respects with the applicable provisions of the Act, and all actions and proceedings necessary for the approval of said application by the Council of the City of Saginaw have been accomplished as required by said public act.

BE IT FURTHER RESOLVED, that the Council of the City of Saginaw does hereby approve the above-described application of Dornbos Printing Impressions for an Industrial Facilities Exemption Certificate for a period of 12 years.

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Manager's Recommendation: Approval of the resolution as follows:

RESOLUTION ESTABLISHING INDUSTRIAL DEVELOPMENT

DISTRICT FOR 2301 N. MICHIGAN

Council _____ offered and moved adoption of the following resolution:

WHEREAS, Prints Plus, Inc./Norman W. LaBrenz did heretofore on November 3, 2005, file with the City Clerk a communication/petition (City Clerk's File No. 06-08) requesting the City Council to establish an Industrial Facilities Exemption District pursuant to the authority found in Act 198, P.A. of 1974, as amended; and

WHEREAS, the Council at its regular meeting of April 3, 2006, directed that a Public Hearing on said request be held in the City Council Chamber at 6:30 p.m. on April 17, 2006, and that the Clerk give Notice of said Hearing as required by law; and

WHEREAS, Prints Plus, Inc./Norman W. LaBrenz represents that they are the owner of 75 percent or more of the property in the proposed Industrial Development District; and

WHEREAS, written notice by certified mail was given to the owner of the property within the proposed Industrial Development District and the Notice of Hearing was published once in The Saginaw News, the official newspaper of the City; and

WHEREAS, at the time and place stated in the Notice of Hearing, the public hearing was held and the owner of the real property in the proposed district and all residents and taxpayers of the City of Saginaw desiring to be heard on the matter were given the right to appear, and those who did so appear were heard; and

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WHEREAS, the Council has carefully considered the petition and all matters presented to it at the above-referenced public hearing and finds that the City of Saginaw is qualified as a local government unit authorized to create an Industrial Development District pursuant to the Act 198, P.A. of 1974, as amended.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Saginaw hereby establishes in the City of Saginaw an Industrial Development District pursuant to Act 198, P.A. 1974, as amended, said District to comprise of that piece or parcel of land in the City of Saginaw, County of Saginaw, State of Michigan, described as follows:

2301 N. MICHIGAN AVENUE, SAGINAW, MICHIGAN

TAX ROLL NO. 13 0391 00000

LOTS 1 & 2, S 20 FT OF LOT 3, LOT 10 EXC N 20 FT OF W 20 FT, BLK 16,
DAVENPORT FARM

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RESOLUTION OF INTENT TO VACATE

Planning Commission Recommendation: Approval of the resolution as follows:

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the City Planning Commission held a public hearing on March 28, 2006, on a proposal to vacate the unused portion of North Fourth Street lying between vacated Water Street and the C & O Railroad; and

WHEREAS, after a duly advertised public hearing, the Commission found that the public and private interests would be best served by vacating the unused portion of the street as requested; now

THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby declares its intent to vacate the unused portion of North Fourth Street lying between vacated Water Street and the C & O Railroad, in the City of Saginaw.

BE IT FURTHER RESOLVED, that the City Council will meet on June 5, 2006 at 6:30 p.m., in the Council Chambers at City Hall to hear any objections to the proposed unused street vacation.

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Council _____ moved that an ordinance introduced May 1, 2006, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO VACATE THE UNUSED PORTION OF NORTH FOURTH STREET LYING BETWEEN VACATED WATER STREET AND THE C & O RAILROAD, LOCATED IN THE CITY OF SAGINAW, AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS TO BE ADDED TO THE TABLE OF SPECIAL ORDINANCES II.

The City of Saginaw Ordains:

Section 1. That the unused portion of North Fourth Street lying between vacated Water Street, be and same is hereby vacated.

Section 2. That there is hereby reserved in the unused street vacation an easement for public utilities, cable TV and telecommunications.

Section 3. The official map of the City of Saginaw is hereby amended accordingly.

Section 4. This ordinance shall take effect on June 15, 2006.

Enacted: June 5, 2006.

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From: The City Planning Commission

Subject: Vacation of the unused portion of North Fourth Street between vacated Water Street and the C & O Railroad

Planning Commission Recommendation:

It is recommended that the unused portion of North Fourth Street lying between vacated Water Street and the C & O Railroad, be vacated subject to a standard easement reservation for public utilities, cable TV and telecommunications.

Justification:

The City of Saginaw Department of Public Services request for the vacation of the unused portion of North Fourth Street lying between vacated Water Street and the C & O Railroad was referred to the City Planning Commission for investigation and a report with recommendation. The Commission held a public hearing on this request on March 28, 2006 at 7:00 p.m. in the Council Chambers at City Hall and all interested persons were heard.

From investigation and review of evidence presented at the hearing, the Commission found that the unused portion of North Fourth Street that is proposed to be vacated is 30 feet wide and approximately 390' in length. All adjacent property owners and all utilities have been notified. The unused street vacation will enable Rifkin Steel, Inc. to implement its plan to relocate to these parcels. The Commission found that this unused portion of North Fourth Street is no longer needed for public street purposes. Therefore, it is recommended that this unused street be vacated subject to a standard reservation for public utilities, cable TV, and telecommunications.

Council Action:

Council _____ moved that the report from the Planning Commission be received and filed and that a resolution be adopted declaring City Council's intention to vacate this unused street.

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Council____ _____ introduced an ordinance entitled and reading as

follows:

AN ORDINANCE TO VACATE THE UNUSED PORTION OF NORTH FOURTH STREET BETWEEN VACATED WATER STREET AND THE C & O RAILROAD, LOCATED IN THE CITY OF SAGINAW, AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS TO BE ADDED TO THE TABLE OF SPECIAL ORDINANCES II OF THE SAGINAW CODE OF ORDINANCES.

Laid over under the charter provision.

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Manager Recommendation: Approval of the resolution as follows:

Adopting the National Incident Management System in the City of Saginaw, Michigan

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the City Council of the City of Saginaw, Michigan, does hereby find as follows:

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management system it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive

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resource management, and designated incident facilities during emergencies or disasters;
and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the city's/county's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes,

WHEREAS, the Incident Command System components of NIMS are already an integral part of various city incident management activities, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of the City of Saginaw, Michigan, that the National Incident Management System (NIMS) is established as the City standard for incident management.

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From: The City Manager

Subject: Purchase of McAfee Virusscan

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Trivalent Group in the amount of Two Thousand Two Hundred Thirty Three Dollars and 80/100 (\$2,233.80) for the purchase of spyware licenses, updates and annual maintenance for all City servers, PC's and laptops.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the Information Services Operating Services Account No. 658-1720-711.80-05.

Justification:

The City received a proposal for the purchase of licenses and annual maintenance for spyware software to protect the Citywide network for a period of one year. The sealed bid process was not used because this purchase was covered under pricing for the State of Michigan. By purchasing through the State of Michigan's pricing structure, the City realizes a substantial savings over standard pricing of the software and maintenance. The total cost for this purchase is \$2,233.80.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

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From: The City Manager

Subject: Agreement with Spicer Group to Lease Parking Spaces

Manager's Recommendation:

I recommend that the Agreement with Spicer Group to lease parking spaces in Parking Ramp Number 1 be approved. The Agreement has been approved by me as to substance and the City Attorney as to form.

Justification:

Transmitted herewith is a Standard Group Rate Parking Agreement between the City of Saginaw and Spicer Group. Under the terms of the Agreement, Spicer Group will pay the City eight thousand five hundred eighty six dollars and 00/100 (\$8,586.00) per quarter to lease one hundred six (106) parking spaces in the City's Municipal Parking Ramp Number 1 located at 220 South Franklin Street. The total amount of the Agreement is \$34,344.00 and the term is for one year.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

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From: The City Manager

Subject: Miller Consultation & Elections, Inc. Service Contract

Manager's Recommendation:

I recommend approval of a 2-Year service contract with Miller Consultations & Elections, Inc. for maintenance and service of the City's Optech Insight Optical Scan Voting Tabulators.

The contract has been approved by the City Manager as to substance and the City Attorney as to form.

The cost for a 1-Year Service Agreement is \$160 per machine (22 machines x \$160 = \$3,520). A 2-Year Agreement is \$270 per machine (22 machines x \$270 = \$5,940). As such, the City would save \$1,100 by entering into the 2-Year Agreement.

This vendor meets all of the requirements of the Contract Compliance Provisions, Title I, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the City Clerk Elections Operating Services Account No. 101 1731 701 80 05.

Justification:

On June 16, 2003, the City purchased Optech Insight Optical Scan Voting Tabulators from Miller Consultations & Elections, Inc. (MC&E). Service and maintenance of the machines were included in the purchase price. It was noted at that time that it would be necessary for the City to enter into a service agreement by fiscal year 2006.

Under the service contract, MC&E shall supply all labor and/or parts necessary to maintain the Insights in good working condition. All preventative maintenance shall be done at the City's site.

MC&E's liability for losses or damages of any nature except for personal injury, whether direct, indirect or incidental, arising from its performance of the contract is limited to the aggregate amount of the fees paid by the City unless such damages are directly caused by the negligence of MC&E's representatives. In addition, MC&E is not liable for any incidental, special or consequential damages of any nature including, but not limited to, loss of anticipated revenues or profits, or for any claim or demand against customer by any third party, in connection with or arising out of MC&E's performance

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under the contract, unless such damages are directly caused by the negligence of MC&E's representatives.

The contract is not assignable by either party without the written consent of the other party.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

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From: The City Manager

Subject: Fire Apparatus Repairs and Maintenance

Manager's Recommendation:

I recommend that the previously approved purchase order to Front Line Services be increased by \$20,000 for a total of \$72,000 for preventative maintenance and emergency repairs on Fire Department apparatus.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds are available in the Fire Department Motor Vehicle Repairs Account No. 101-3754-751.80-42.

Justification:

On August 23, 2005, City Council approved a purchase order in the amount of \$32,000 to Front Line Services for preventative maintenance and emergency repairs on Fire Department apparatus. This was one of three purchase orders approved and issued at the same time to different vendors for this service for a total of \$96,000. The purchase order to Front Line Services was increased to \$52,000 on February 9, 2006 by transferring funds from the other two vendors purchase orders. This request will also constitute a transfer of funds from those other two purchase orders. Over the past several months, it has become apparent that we will be using this vendor more than anticipated for the required apparatus maintenance and repairs.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

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From: The City Manager

Subject: Saginaw Fire Department Vehicle Purchase

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Zehnder Chevrolet in the amount of \$35,106.29 for the purchase of one 2007 Chevrolet Tahoe. Further recommend that the Fire Chief be authorized to execute all contracts on behalf of the City.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44 of the Saginaw Code of Ordinances.

Funds for this purchase are available in the Motor Pool Fund Account No. 661-4480-841-9770 (Capital Outlay/Vehicles).

Justification:

On April 3, 2006 the Battalion Chief's vehicle, a 2000 Ford Excursion, was involved in an accident. Our insurance provider declared the vehicle a total loss. Under the terms of the policy, the City will receive \$5,448 in exchange for the damaged vehicle.

This purchase is necessary for the Fire Department to restore emergency vehicles to adequate levels. Because of the aggravated circumstances and the critical nature of the Battalion Chief's vehicle within Fire Department emergency operations, it is necessary to waive the bidding process in order to expedite procurement. Quotes received from various companies are as follows:

Zehnder's Chevrolet Frankenmuth, MI	\$35,106.29
Martin Chevrolet Saginaw, MI	\$38,133.00
Draper Chevrolet Saginaw, MI	\$39,121.33

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.