

Council Agenda
May 9, 2011, 6:30 p.m., Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE

ROLL CALL

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

April 18, 2011 regular Council meeting

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

REMARKS OF COUNCIL:

PETITIONS:

11-08 from PBW2 LLC requesting creation of an industrial development district for future PA 198 Personal Property Tax Abatement for the property at 2124 S. Michigan.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARD AND COMMISSION MEMBERS:

REPORTS FROM MANAGER:

Management Update:

Recommended Actions:

1. Recommending payment be made to Creditron Corporation in the amount of \$5,495.09 for the renewal of annual software and hardware maintenance. The maintenance covers the Creditron system which processes and images payments and checks received by the Fiscal Services Department, Treasurer's Division. Funds for this payment are budgeted and available in Technical Services Operating Services Account Number 658-1720-711.80-05.
2. Recommending that the bid from the State of Michigan be accepted and that a purchase order be issued to Ikon Office Solutions in the amount of \$6,600.00 for the lease of a copy machine for the Saginaw NSP2 Program. The lease cost

includes copier maintenance, supplies, and new model switch out program. Funds are budgeted in the NSP Other Services/ Equipment Rental No. 279-6551-761-8050.

3. Recommending approval of the 2011-2016 Consolidated Plan and 2011-12 Annual Action Plan and that it be submitted to HUD for approval.
4. Recommending that a purchase order be approved and issued in the amount of \$7,500.00 to Wade Trim Associates, Inc. for the preparation of the 2011-12 Annual Action Plan. Funds are budgeted in the CDBG Program Administration Account, No. 275 6510 761 80 01.
5. Recommending approval of the contract with Century 21 to provide real estate services to the Neighborhood Stabilization Program 2 (NSP2). The term of the Contract is for thirty-two months. The Agreement is retroactive to June 2010 and will terminate on February 10, 2013, which is the ending date for the NSP2 Program. HUD regulations require all professional services that will exceed \$100,000.00 must be procured. Funds are budgeted in the Neighborhood Stabilization Program Professional Services Account, No. 279-6551-761-8001.
6. Recommending approval of a one-year contract with Meggitt Training Systems, Inc. in the amount of \$1,695.00 to repair the shooting range at the Police Department and to authorize the City Manager or his designee to execute this and all related documents. The agreement has been approved by the City Attorney as to form and the City Manager as to substance. Funds are budgeted in the Police Department Building Management Parts and Supplies Account, No. 101 3014 721 73-30.
7. Recommending approval and issuance of a purchase order to Compass Com Software Corporation in the amount of \$16,800.00 for the purchase of Automatic Vehicle Location (AVL) Equipment for police vehicles. Funds for this purchase are available in the Local Law Enforcement Grant Fund's Capital Outlay/Office Equipment Account, No. 263 3321 741 97 60.
8. Recommending that the low bid from Wirt Saginaw Stone Dock be accepted and a purchase order be issued to them in the amount of \$8,257.50 for the purchase of stone mix, which is used to repair the roadway around the biosolids tanks at the Waste Water Treatment Plant. Funds for this purchase are budgeted in the Sewer and Road Materials Account, No. 590 4830 861 7340.
9. Recommending consideration of a request from WKCQ for in-kind service, in lieu of payment, for one half of the special event fees for the Country Music Fest Free Concert scheduled for June 18, 2011 on Ojibway Island.

10. Recommending acceptance of the bid from Marshall Campbell, a City of Saginaw based business, and issuance of a purchase order to them in the amount of \$8,910.00 for the purchase of (6) light poles for use by the Traffic Engineering Division. Funds for this purchase are available in the General Fund – Street Lighting Division’s Parts and Supplies Account, No. 101 4620 791 7330.
11. Recommending acceptance of the low bid and issuance of a purchase order to Rathco Safety Supply in the amount of \$17,377.50 for the purchase of steel signposts for the Traffic Engineering Division. Funds for this purchase are available in the Major Streets Fund – Traffic Engineering Division’s Sign Supplies Account, No. 202 4621 791 7350.
12. Recommending approval of an agreement between the City of Saginaw and The Wash Boys for weed abatement services and that the City Manager or his designee be authorized to execute this and any related documents. The Saginaw County Landbank provides a \$60,000 contribution to assist the City with its weed abatement program. Funds are available in the Saginaw County Weed Abatement Account, No. 101 0000 571 6707.

INTRODUCTION OF ORDINANCES:

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to amend §94.44, Violations, of Chapter 94, “Nuisances, Health and Safety,” of Title IX, “General Regulations, “ of the City of Saginaw Code of Ordinances, O-1.

RESOLUTIONS:

1. Permitting the sale alcoholic beverages on public property during the Brew at the Zoo Fundraiser to be held on June 16, 2011.
2. Permitting the sale alcoholic beverages on public property during the Friday Night Live Concerts at the Downtown Morley Plaza on July 15, July 22, July 29, Aug 5, Aug 12 and Aug 19, 2011.
3. Authorizing the city to actively seek SAFETEA-LU Transportation Enhancement funds to construct said streetscape project and is willing to participate in its funding and implementation.

UNFINISHED BUSINESS:

1. Ordinance to add Paragraph (H) to § 94.04, "Animals, Birds, and Bees," of Chapter 94, "Nuisances: Health and Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1.
2. An Ordinance to add §94.11-§94.17, "Dangerous Dogs" to Chapter 94, "Nuisances: Health and Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1.

MOTIONS AND MISCELLANEOUS BUSINESS:

Motion to go into closed session to discuss the City Manager's evaluation.

Darnell Earley
City Manager

COUNCIL COMMUNICATION

From: The City Manager

Subject: 2011-2016 Consolidated Plan and 2011 Annual Action Plan

Manager's Recommendation:

I recommend approval of the 2011-2016 Consolidated Plan and 2011-12 Annual Action Plan and that it be submitted to HUD for approval.

Justification:

Transmitted herewith for Council approval is the City's Consolidated Plan (City Clerk's File No. _____) for fiscal year 2011-12 through 2015-16 and 2011-12 Annual Action Plan. On January 24, 2011, City Council approved a contract with Wade Trim Associates, Inc. to complete a Consolidated Plan and Annual Action Plan for the City of Saginaw. Wade Trim has completed the Consolidated Plan and Annual Action Plan and is ready for Council approval and follow-up submission to HUD.

HUD requires that CDBG entitlement communities develop and submit five-year Consolidated Plans. The City's current five-year Consolidated Plan will expire on June 30, 2011. The new Plan that has just been completed will run for the next five fiscal years beginning July 1, 2011 and ending June 30, 2016.

HUD requires that Consolidated Plans be developed to estimate needs in various categories of rental and homeowner households; non-housing community development needs; needs of homeless families and individual needs of special need population; lead-based paint needs; assisted housing needs and inventory; and an inventory of various types of assisted and non-assisted housing.

The City's 2011-2016 Consolidated Plan provides broad guidance for CDBG, ESG, NSP, and HOME expenditures during the upcoming five years. In general, it

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facilitates broad assistance to housing, public facilities, economic development, public services and homeless activities. The Plan can be amended as we proceed during the next five years.

The Five Year Consolidated Plan will not only bring the City of Saginaw in compliance with HUD regulations, but with the passage of the Plan, priorities will be established for the expenditure of CDBG, ESG, NSP, and HOME funds. This expenditure of funds will be in accordance with HUD guidelines, the City's Strategic Plan, and the City's Master Plan, which is anticipated to be adopted later this year.

Council Action:

Council _____ moved that the communication from the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Annual Creditron Corporation Software and Hardware maintenance renewal payment

Manager's Recommendation:

I recommend that payment be made to Creditron Corporation (dba Purepay) in the amount of \$5,495.09 for the renewal of annual software and hardware maintenance. The maintenance covers the Creditron system which processes and images payments and checks received by the Fiscal Services Department, Treasurer's Division.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting and Selling Procedure," of Chapter 14, "Financing and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this payment are budgeted and available in Technical Services Operating Services Account Number 658-1720-711.80-05.

Justification:

The City annually renews our maintenance fees for the Creditron system. This annual renewal of maintenance fees is for a 12-month period.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Authorization to Allow the Sale of Alcoholic Beverages at the Children's Zoo at Celebration Square

Manager's Recommendation:

I recommend approval of the attached resolution authorizing the sale of alcoholic beverages at the Children's Zoo at Celebration Square ("Zoo") during the "Brew at the Zoo" fundraiser, to be held June 16, 2011, from 5:00 p.m. to 10:00 p.m.

Justification:

On June 16, 2011, the Zoo is hosting a fundraiser. The Zoo has requested that the City allow it to sell alcoholic beverages to its guests during the fundraiser. Title XIII, Section 132.01(C) of the Saginaw Code of Ordinances states that City Council can authorize the sale of alcoholic beverages on public property if the vendor provides the following to the City:

- (1) The precise location where said beverages are to be sold and consumed;
- (2) The dates and times for said activities;
- (3) A proper state license for the sale and consumption of alcoholic beverages at the place and times listed in subsection (1) and (2) above;
- (4) Adequate public liability and property damage insurance for the benefit of the City with a company licensed to sell insurance by the state;
- (5) Such other insurance as the City Council deems adequate for the benefit of the City;
- (6) Adequate personnel to control the premises where the alcoholic beverages are to be sold and consumed; and
- (7) Such other reasonable requirements as City Council deems appropriate.

Saginaw Valley Zoological Society ("Society") will be providing the alcoholic beverages at the "Brew at the Zoo" fundraiser. The Society must submit the proper documents to the City by June 1, 2011. If the Society fails to provide the documentation, it will not be allowed to sell alcoholic beverages during the fundraiser at

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the Zoo on June 16, 2011. The City will set insurance requirements and all insurance certificates must be reviewed and approved by the City Attorney.

Council Action:

This Council Communication is for explanation of the resolution and requires no separate approval.

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

PERMITTING THE SALE OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the Children's Zoo ("Zoo") at Celebration Square plans to host a fundraiser;

WHEREAS, the Zoo has requested that it be allowed to sell alcoholic beverages to its guests during the fundraiser;

WHEREAS, City Council can provide authorization for the sale of alcoholic beverages on public property; and

WHEREAS, the Zoo must provide certain documents prior to the event.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the sale of alcoholic beverages on public property during the "Brew at the Zoo" fundraiser to be held on June 16, 2011, at the Zoo, provided that it submits the mandatory information listed in Title XIII, Section 132.01(C) of the Saginaw Code of Ordinances, no later than June 1, 2011, to the proper City officials.

BE IT FURTHER RESOLVED, if the Zoo does not provide the documents by the stated date, it will not be allowed to sale alcoholic beverages during the event on June 16, 2011.

BE IT FURTHER RESOLVED, that the City will set all insurance requirements and all insurance certificates must be reviewed and approved by the City Attorney.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Authorization to Allow the Sale of Alcoholic Beverages on the Downtown Morley Plaza

Manager's Recommendation:

I recommend approval of the attached Resolution authorizing the sale of alcoholic beverages on the Downtown Morley Plaza, a public property, during the annual PRIDE Friday Night Live concerts to be held on July 15th, July 22nd, July 29th, August 5th, August 12th, and August 19th, 2011.

Justification:

On July 15th, July 22nd, July 29th, August 5th, August 12th and August 19th, 2011, PRIDE will host its annual Friday Night Live concerts on the Downtown Morley Plaza, a public property. The sponsor has requested that the City allow it to sell alcoholic beverages during these special events on July 15th, July 22nd, July 29th, August 5th, August 12th and August 19th, 2011. Title XIII, Chapter 132, Section 132.01(C) of the Saginaw Code of Ordinances states that City Council can authorize the sale of alcoholic beverages on public property if the vendor provides the following to the City:

- (1) The precise location where said beverages are to be sold and consumed;
- (2) The dates and times for said activities;
- (3) A proper state license for the sale and consumption of alcoholic beverages at the place and times listed in subsections (1) and (2) above;
- (4) Adequate public liability and property damage insurance for the benefit of the City with a company licensed to sell insurance in the State of Michigan;
- (5) Such other insurance as the City Council deems adequate for the benefit of the City;

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- (6) Adequate personnel to control the premises where the alcoholic beverages are to be sold and consumed; and
- (7) Such other reasonable requirements as said City Council deems appropriate.

The vendor will provide the proper documents to the proper City officials. If the vendor fails to provide the documentation by June 27, 2011, it will not be allowed to sell alcoholic beverages on the Downtown Morley Plaza. The City will set insurance requirements and all insurance certificates must be reviewed and approved by the City Attorney.

Council Action:

Council _____ moved the recommendation of the City Manager be approved and that a Resolution be adopted.

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

PERMITTING THE SALE OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY

Council _____ offered and moved adoption of the following resolution:

WHEREAS, PRIDE plans to sponsor its annual Friday Night Live concerts on the Downtown Morley Plaza on July 15th, July 22nd, July 29th, August 5th, August 12th and August 19th, 2011; and

WHEREAS, the event sponsor has requested that it be allowed to sell alcoholic beverages on the Downtown Morley Plaza on July 15th, July 22nd, July 29th, August 5th, August 12th, August 19th, 2011; and

WHEREAS, City Council can provide authorization for the sale of alcoholic beverages on public property; and

WHEREAS, the vendor must provide certain documents prior to the event.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the sale of alcoholic beverages on public property during PRIDE's annual Friday Night Live concerts to be held on July 15th, July 22nd, July 29th, August 5th, August 12th, August 19th, 2011, on the Downtown Morley Plaza, provided that the event sponsor provides the mandatory information listed in Title XIII, Chapter 132, Section 132.01(C) of the Saginaw Code of Ordinances no later than June 27, 2011, to the proper City officials.

BE IT FURTHER RESOLVED, if the event sponsor does not provide the documents by the time specified above, it will not be allowed to sell alcoholic beverages on the Downtown Morley Plaza during its annual summer concert series.

BE IT FURTHER RESOLVED, that all insurance requirements be set by the City and all insurance certificates must be reviewed and approved by the City Attorney.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Ikon Office Solutions Copy Machine Lease

Manager's Recommendation:

I recommend that the bid from the State of Michigan be accepted and that a purchase order be issued to Ikon Office Solutions in the amount of \$6,600.00. This amount consists of a 22-month lease option for the Saginaw NSP2 program.

Further, that the lease agreement between the City of Saginaw and Ikon Office Solutions be approved and the Director of Technical Services be authorized and directed to execute it and any associated documents on behalf of the City. This agreement has been approved by the City Manager as to substance and by the City Attorney as to form.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted in the NSP Other Services/Equipment Rental No. 279-6551-761-8050.

Justification:

The State of Michigan solicited bids for copy machines of which Ikon Office Solutions was the successful bidder. The lease cost includes copier maintenance, supplies, and new model switch out program. The 22-month lease is recommended as the NSP2 terminates on February 10, 2013.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Century 21 Real Estate Services Contract

Manager's Recommendation:

I recommend approval of the Contract with Century 21 to provide real estate services to the Neighborhood Stabilization Program 2 ("NSP2"). The term of the Contract is for thirty-two months. The Agreement is retroactive to June 2010 and will terminate on February 10, 2013, which is the ending date for the NSP2 Program.

I have approved the Contract as to substance and the City Attorney as to form. It is further recommended that the Director of Development and/or his designee be authorized to sign the Contract.

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted in the Neighborhood Stabilization Program Professional Services Account No. 279-6551-761-8001.

Justification:

In May 2010 Requests for Qualifications ("RFQ") were issued to obtain real estate services for the NSP 2 program. The services of a real estate firm are needed to identify foreclosures for acquisitions, negotiate the purchase of foreclosed properties, market the rehabbed homes, list the properties on the MLS and prepare contract documents. HUD regulations require all professional services that will exceed \$100,000.00 must be procured. Two real estate firms submitted responses to the RFQ.

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Staff reviewed both responses and determined that the City should award the bid to Century 21 based upon its extensive knowledge of the Saginaw real estate market.

Pursuant to the terms of the contract, commission will be based upon the following:

1. Commission on any acquisition will be paid out of the Seller's commission with no charge to the City;
2. Commission on the listing of any residential property will be 7% and be split with the selling office;
3. Commission on the listing of any commercial property will be 7% and be split with the selling office;
4. In the event the property is under \$25,000.00, the commission will be a flat rate of \$2,000.00 to be split with the selling office.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Agreement with Meggitt Training Systems Inc. for shooting range repairs and maintenance

Manager's Recommendation:

I recommend that the City approve a one-year contract with Meggitt Training Systems, Inc. in the amount of \$1,695.00 to repair the shooting range at the Police Department and to authorize the City Manager or his designee to execute this and all related documents. The agreement has been approved by the City Attorney as to form and the City Manager as to substance.

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are available in the General Fund Police Department – Building Maintenance Division's Parts and Supplies Account, No. 101 3014 721 73-30.

Justification:

The firing range at the police department was damaged by a lighting strike in March 2011. In-house attempts to repair the damage have proven unsuccessful. Two of the five ranges are now functional, but April is MCOLES qualification month for officers and emergency repairs are needed. Meggitt Training Systems, Inc. is a nationally recognized vendor in this area and would be able to have the facilities operational in time for the qualification testing. They are the only approved vendor for the Casewell system, in use by the City. The price is \$1,695.00 per visit and it expects that one visit per year is needed. This is a one-year contract that the City may choose to extend after this year depending upon its satisfaction with the services.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: WKCQ Country Music Fest Free Concert

Manager's Recommendation:

I recommend consideration of a request from WKCQ for in-kind service, in lieu of payment, for one half of the special event fees for the Country Music Fest Free Concert scheduled for June 18, 2011 on Ojibway Island.

Justification:

On February 8, 2011, the Public Services Department received a special event application from WKCQ for the Country Music Fest Free Concert on June 18, 2011. WKCQ has requested that we extend payment terms of half cash and half in-kind advertising for payment of city services and facility use fees.

An ordinance became effective on August 19, 2004 to add Chapter 99, "Special Events Regulations" to Title IX, General Regulations of the City of Saginaw Code of Ordinances O-1. Section §99.5 of this ordinance states that fees and insurance will not be waived under any circumstances. The fees would not be waived in this instance, but another form of payment would be accepted.

Council Action:

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

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From: The City Manager

Subject: Stone Mix

Manager's Recommendation:

I recommend that the low bid from Wirt Saginaw Stone Dock be accepted and a purchase order be issued to them in the amount of \$8,257.50.

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1

Funds for this purchase are budgeted in the Sewer Operations and Maintenance Fund -Treatment and Pumping Division's Street and Road Materials Account No. 590-4830-861.73-40.

Justification:

On April 12, 2011, sealed bids were opened for materials to repair the roadway around the biosolids tanks. The roadway around the underground biosolids holding tanks is gravel. The trucks removing biosolids for land application use this road. The road has become rutted and is in need of resurfacing. This bid is for materials to resurface the road. Plant staff will complete the work. Following is a tabulation of the bids received:

Wirt Saginaw Stone Dock Saginaw, MI	\$ 8,257.50
Bourdown Trucking Saginaw, MI	\$ 8,587.50
LaFarge North America Saginaw, MI	\$ 8,925.00
Champagne & Marx Excavating Saginaw, MI	\$ 9,337.50

Council Action

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

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From: The City Manager

Subject: Police Automatic Vehicle Location (AVL) Equipment

Manager's Recommendation:

I recommend approval and issuance of a purchase order to Compass Com Software Corporation, Centennial, CO in the amount of \$16,800.00 for the purchase of Automatic Vehicle Location (AVL) Equipment for police vehicles.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting and Selling Procedure," of Chapter 14, "Financing and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Local Law Enforcement Grant Fund's Capital Outlay / Office Equipment Account, No. 263-3321-741.97-60.

Justification:

On June 1, 2009, the City of Saginaw and the Saginaw County Road Commission entered into a software sharing agreement that allowed the City to use the Road Commission's Automatic Vehicle Location (AVL) server software. AVL tracking uses GPS technology, helping to reduce operational costs, increasing productivity and safeguarding drivers and vehicles. GPS is the latest advance in AVL technology and will allow the community public safety officials who need a reliable, 24-hour method of accurately locating vehicles during routine and disaster operations a new tool.

This is a no bid purchase as we have already entered into an agreement with the Road Commission and will be utilizing the 911 GPS receivers that are currently installed on each of the patrol cars.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: 2011-12 Annual Action Plan

Manager's Recommendation:

I recommend that a purchase order be issued in the amount of \$7,500.00 to Wade Trim Associates, Inc. for the preparation of the 2011-12 Annual Action Plan

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted in the CDBG Program Administration Account, No. 275 6510 761 80 01.

Justification:

City Council approved the qualified proposal from Wade Trim Associates, Inc. to prepare the 2011-16 Consolidated Plan and the 2011-12 Annual Action Plan at the January 24, 2011 meeting, and issued a purchase order in the amount of \$22,400.00. The purchase order in the amount of \$22,400.00 was for the preparation of the 2011-16 Consolidated Plan only. There is an additional charge of \$7,500.00 to prepare the 2011-12 Annual Action Plan.

The Consolidated Plan needs to be prepared every five years, and the Annual Action Plan yearly, to follow HUD guidelines and is a requirement for HUD funding. A panel reviewed the RFP's and determined the bid should be awarded to Wade Trim Associates, Inc.

Council Action:

Council_____ moved that the recommendation from the City Manager be received and filed.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Traffic Engineering, Steel Signposts

Manager's Recommendation:

I recommend acceptance of the low bid and issuance of a purchase order to Rathco Safety Supply in the amount of \$17,377.50 for the purchase of steel signposts.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure", of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Major Streets Fund - Traffic Engineering Division's Sign Supplies Account, No. 202-4621-791.73-50. These items will be added to the Traffic Engineering inventory and expensed as they are used.

Justification:

The Traffic Engineering Division is required to maintain and replace, when necessary, approximately 25,000 street signs within the City of Saginaw. This purchase is for the materials needed to continue making these repairs.

On April 12, 2011, the City received bids for 1050 steel signposts. These posts are necessary to stock signing needs.

Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

Rathco Safety Supply Portage, MI	\$ 17,377.50
Dornbos Sign Charlotte, MI	\$ 17,450.00

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Tapco Brown Deer, WI	\$ 17,603.50
Newman Signs Jamestown, NA	\$ 18,722.98
Vulcan Signs Franklin Park, IL	\$ 19,510.00
MD Solutions Plain City, OH	\$ 20,435.50
Florida Transcor, Inc Jacksonville, FL	\$ 22,037.00 (alternate)
Florida Transcor, Inc Jacksonville, FL	\$ 28,147.00

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Application for Transportation Enhancement Funds

Manager' Recommendation:

I recommend that the City actively seek Transportation Enhancement funds and participate in the proposed streetscape project on Fordney Street between Rust Avenue (M-46) and Ezra Rust Drive. Michigan Department of Transportation (MDOT) requests, as part of the application process, that a resolution be adopted by City Council indicating their support of the enhancement project.

Justification

The Michigan Department of Transportation has announced its call for applications for Transportation Enhancement funds for proposed non-motorized enhancements/beautification improvements. The City is proposing to install streetscape amenities on Fordney Street from Rust Avenue (M-46) to Ezra Rust Drive. The streetscape items include decorative streetlights, colored stamped sidewalk and crosswalks, benches and landscaping including trees. The streetscape enhancements will be constructed in conjunction with the reconstruction of Fordney Street from Rust Avenue (M-46) to Ezra Rust Drive. The reconstruction of Fordney Street is scheduled for the 2013 construction season. The current two lane cross section will be reconstructed to a three lane concrete cross section with a continuous center-turn lane. In an effort to enhance and beautify Fordney Street, the City of Saginaw is applying for funding through the MDOT's Transportation Enhancement Program. The City is submitting a request for funding from MDOT's Transportation Aesthetics Category in the total amount of \$490,000.00, which

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requires matching funds of at least 20% (\$98,000.00) of the project costs. Transportation Enhancement along Fordney Street will compliment recent investments and expansion of the recreation and cultural offerings in the heart of the City. The proposed roadway improvements will improve vehicular traffic flow and both vehicular and pedestrian safety.

The total estimated cost of this project is \$1,690,000.00; of which, \$400,000.00 is the estimated cost of the water main improvements, \$800,000.00 is the estimated cost of the roadway improvements and \$490,000.00 is the estimated cost of the streetscape improvements. City Water Surplus or bond funds will be used to fund the water main improvements. Federal STP Urban funds will be used to pay for \$640,000.00 of said road improvements. Transportation Enhancement funds, if approved by the State of Michigan, will pay for \$392,000.00 of enhancement/streetscape items. The required City match monies (\$258,000.00) for this project may come from ACT 51 funds, Community Development Block Grant funds or Water surplus funds. Should the State not approve the project for Transportation Enhancement monies, the project scope will be drastically reduced to eliminate many of the enhancement items and project estimate. The City of Saginaw will provide full design engineering and construction administration services for the project.

Council Action

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

COUNCIL COMMUNICATION

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

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the federal legislation known as Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), offers special funding known as Transportation Enhancement which are set aside for non-motorized transportation needs; and

WHEREAS, these funds are eligible for streetscape projects in communities such as Saginaw; and

WHEREAS, the City proposes to procure Transportation Enhancement funds for the purpose of beautifying and enhancing Fordney Street from Rust Avenue (M-46) to Ezra Rust Drive as outlined in its application; now

THEREFORE, BE IT RESOLVED, that the City of Saginaw is actively seeking SAFETEA-LU Transportation Enhancement funds to construct said streetscape project and is willing to participate in its funding and implementation.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Traffic Engineering, Street light poles

Manager's Recommendation:

I recommend that the bid from Marshall Campbell, a City of Saginaw based business, be accepted and a purchase order be approved and issued to them in the amount of \$8,910.00.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure", of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the General Fund - Street Lighting Division's Parts and Supplies Account, No. 101-4620-791-73-30.

Justification:

The Traffic Engineering Division is required to maintain and replace, when necessary, approximately 7,200 streetlights within the City of Saginaw. This purchase is for the materials needed to continue making these repairs.

On April 19, 2011, the City received bids for six (6) light poles. According to Purchasing Ordinance #14.26 regarding Preference For Local Bidders, Marshall Campbell can be awarded the bid if they agree to match the low bidders bid, and they agreed to do so. These poles are necessary to replace poles that have been destroyed in traffic accidents.

Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

Graybar Electric Walker, MI	\$ 8,910.00
Marshall Campbell Saginaw, MI (In City bid preference)	\$ 8,947.00

Council Action:

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

COUNCIL COMMUNICATION

Council _____ introduced an ordinance entitled and reading as follows, seconded by Council _____:

AN ORDINANCE TO ADD PARAGRAPH (H) to § 94.04, "ANIMALS, BIRDS, AND BEES," OF CHAPTER 94, "NUISANCES: HEALTH AND SAFETY," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under the Charter provision.

COUNCIL COMMUNICATION

AMENDED

From: The City Manager

Subject: Animals, Birds & Bees Ordinance Amendment

Manager's Recommendation:

It is recommended that Paragraph (H) be added to §94.04, "Animals, Birds and Bees," of Chapter 94, "Nuisances: Health and Safety," of Title IX, "General Regulations" of the Saginaw Code of Ordinances O-1. An Ordinance has been prepared and appears under the regular order of business.

Justification:

In May 2010, Mayor Branch appointed an Ad Hoc Committee to develop an enforceable ordinance to help reduce the issue of unlicensed dogs, dog bites and dog attacks in the City of Saginaw. As part of the process, the Committee also reviewed the City's current "Animals, Birds and Bees" ordinance, which provides general regulations for all animal owners with the City limits. The Committee believed that certain regulations for "Dangerous" Dogs should also apply to all dogs, such as type and use of leashes, tethering and confinement conditions. In addition, the Committee recommended there be a limit of three (3) dogs per household over the age of four (4) months. The limit would not apply to those homeowners currently possessing more than three (3) dogs at the time of enactment of the ordinance and to lawful animal care or control facilities, humane societies, rescue groups, certain service and hunting dog breeders, or registered animal foster homes.

Council Action:

This Council Communication is for explanation purposes only of the ordinance to be introduced.

COUNCIL COMMUNICATION

Council _____ moved that an ordinance introduced May 9, 2011 entitled and reading as follows, be taken up and enacted,

AN ORDINANCE TO ADD PARAGRAPH (H) to § 94.04, "ANIMALS, BIRDS, AND BEES," OF CHAPTER 94, "NUISANCES: HEALTH AND SAFETY," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Paragraph (H) shall be added to § 94.04, "Animals, Birds, and Bees," of Chapter 94, "Nuisances: Health and Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1, and shall read as follows:

(H) In the case of dog(s), the following standards shall apply:

(1) *Leash.* No person shall permit a dog to go outside its kennel, pen, or fenced yard, unless such dog is securely leashed with a leash of adequate strength to restrain the dog.

(2) *Tethering.* Dogs cannot be tethered as a primary means of confinement. Tethers can be used as a secondary means of control within a fenced yard or pen.—Such tethering devices must not cause harm or injury. Owners who tether for a secondary measure subject themselves to other local, state or federal regulations designed to prevent cruelty to the animal or harm to humans or other animals. Tethering is only allowed at the residence of a dog owner without a properly fenced yard when the owner is present or nearby in the yard or residence to render assistance or further control of the dog.

(3) *Confinement.* All dogs shall be securely confined indoors or in a securely enclosed outside structure maintained in such a manner as to effectively

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prevent the dog(s) from escaping the confines of the enclosure, except when leashed **or tethered** as above provided. Such pen or kennel shall not be constructed to interfere or obstruct access to any metering device provided by the City or other public agencies. All such structures must be adequately lighted and ventilated.

(4) *Confinement Indoors.* No dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

(5) *Limit on Ownership.* No person shall own, possess, control, or otherwise have charge or custody of more than three (3) dogs over the age of four (4) months at any time regardless of breed. If a person owns, possesses, controls or has custody of more than three (3) dogs at the time of the enactment of this ordinance, that person may maintain such specific dogs, but may not own, possess, control or have custody of any other or additional dog that would raise this number above three (3). This limit does not apply to lawful animal care or control facilities, humane societies, rescue groups, certain service and hunting dog breeders, or registered animal foster homes. A person may not operate a commercial dog breeder or broker operation without first registering with the City Clerk and receiving a business license.

Section 2. This ordinance shall become effective June 2, 2011.

Enacted: May 23, 2011.

COUNCIL COMMUNICATION

AMENDED

From: The City Manager

Subject: Dangerous Dog Ordinance

Manager's Recommendation:

It is recommended to add §94.11-§94.17, "Dangerous Dogs" to Chapter 94, "Nuisances: Health and Safety," of Title IX, "General Regulations" of the Saginaw Code of Ordinances O-1. An Ordinance has been prepared and appears under the regular order of business.

Justification:

In May 2010, Mayor Branch appointed an Ad Hoc Committee to develop an enforceable ordinance to help reduce the issue of unlicensed dogs, dog bites and dog attacks in the City of Saginaw, which included members of City Council, City staff, Saginaw County Animal Control, U.S. Postal Service and utility providers. Through extensive research in reviewing ordinances developed by cities and communities across the State of Michigan and the United States, the Committee drafted an ordinance that is both effective and enforceable.

The ordinance provides for both a general description for "dangerous dogs," in addition to a "top 5" list consisting of Pit Bull, Rottweiler, German Shepherd, Bull Mastiff and Presa Canario, and further includes any dog that by physical appearance, temperamental characteristics or behaviors appears to be a mix of any of the breeds listed. Guide/Service Dogs, Law Enforcement Dogs, Veterinarian Offices, Animal Control Centers, Humane Society/Animal Shelter Facilities, Dog Obedience Schools and Pet Shops are excluded from the provisions of the ordinance.

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AMENDED

The ordinance requires all dangerous dogs 4-months or older to be registered with the City Clerk and pay a registration fee of \$20.00. A separate registration is required for each dog. The City Clerk will then issue a license and provide a “Dog on Premises” sign, which the owner shall prominently display on the front of his/her premises visible from the street. The ordinance also provides for certain requirements with regard to leashes, tethering and confinement conditions.

Owners will be required to report if their dog or dogs have escaped, attacked a human being or other animal, is sold, given or transferred permanently to another person or address within the City, has died, has an offspring, or permanently leaves the City.

Violations of the ordinance shall be deemed a Class D Municipal Civil Infraction with fines of \$100.00 for the first offense, \$200 for the first repeated offense and \$400.00 for second or any subsequent repeat offense.

Council Action:

This Council Communication is for explanation purposes only of the ordinance to be introduced

COUNCIL COMMUNICATION

Council _____ introduced an ordinance entitled and reading as follows, seconded by Council _____:

AN ORDINANCE TO ADD § 94.11-§ 94.17, "DANGEROUS DOGS" TO CHAPTER 94, "NUISANCES: HEALTH AND SAFETY," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under the Charter provision.

COUNCIL COMMUNICATION

Council_____ moved that an ordinance introduced May 9, 2011, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO ADD § 94.11-§ 94.17, "DANGEROUS DOGS" TO CHAPTER 94, "NUISANCES: HEALTH AND SAFETY," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. § 94.11-§ 94.17, "Dangerous Dogs" of Chapter 94, "Nuisances: Health and Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1, is hereby added to read as follows:

DANGEROUS DOGS

§ 94.11 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply. Words used in the present tense include the future, words used in the plural number include the singular number and words in the singular number include the plural number.

DANGEROUS DOG

(A) Any dog with a propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals;
or

(B) Any dog that attacks, attempts to attack or that, by its actions, gives indication that it is liable to attack a human being or other domestic animal one or more times without provocation; or

(C) Any dog of a breed that appears consistently in the top five (5) of the breeds on credible, analytical listings of "Most Dangerous Dogs" as verified and supplemented by local data and records for Saginaw County. The "list" shall include any dog that by physical appearance could be believed by any reasonable person to have sufficient physical or temperamental characteristics or behaviors to be a "mix" of any of the breeds listed or a "mix" with a non-listed dog where the mixture exhibits the dominant physical appearance of a dog on the list, and any other dog that has the substantial physical characteristics and appearance of those breeds on the list. Such

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list shall be updated annually and available on the City's website and in the City Clerk's Office.

GUIDE/SERVICE DOGS

Any guide dog, signal dog, or other dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

LAW ENFORCEMENT DOG

A dog trained to aid the police, in duties such as tracking, disabling or detaining criminals or detecting controlled substances.

§ 94.12 REGISTRATION.

(A) *Registration Required.* It shall be unlawful to keep, harbor, own, or in any way possess within the corporate limits of the City of Saginaw, any dangerous dog four (4) months of age or older, without first registering the dog with the City Clerk, paying the registration fee of \$20 and obtaining the necessary sign.

(B) *Registration Form.* Registration for Dangerous Dogs shall be made on a form provided by the City Clerk and shall include the following information:

- (1) Name, breed and Saginaw County license number of dog.
- (2) Name, address and phone number of owner.
- (3) Name, address and phone number of landlord/property owner if different from above.
- (4) Detail of any prior attacks or attempted attacks by the dog.

Such registration shall require the signature of the owner of the dangerous dog. A separate registration shall be required for each dog. Upon receipt of a registration application for a dangerous dog, the City Clerk shall issue the applicant a license permitting the applicant to own, harbor or possess the dangerous dog under the terms of this subsection. The owner of the dog must at all times be able to present the license upon request.

§ 94.13 EXCLUSIONS

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The following are excluded from complying with the terms and conditions of this ordinance:

(A) Guide/service and law enforcement dogs, however, the owner of such dog, upon request, must provide pictured identification certifying that the dog was trained by a qualified organization or trainer.

(B) Veterinarian Offices.

(C) Animal Control Centers.

(D) Humane Society and/or Animal Shelter Facilities, provided the dog(s) are securely contained.

(E) Dog obedience schools.

(F) Pet shops.

§ 94.14 STANDARDS.

The keeping of such dog(s), and any other dangerous dog(s), is subject to the following standards:

(A) *Leash.* No person shall permit a dangerous dog to go outside its kennel, pen, or fenced yard, unless such dog is securely leashed with a leash of adequate strength to restrain the dog. No person shall permit such a dog to be kept on a chain, rope or other type of leash outside its kennel, pen or fenced yard, unless a person is in physical control of the leash. Dogs outside their kennel, pen or fenced yard may not be leashed to inanimate objects such as trees, posts, buildings, etc.

(B) *Confinement.* All dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed as above provided. Such pen, kennel or structure must have secure sides of at least 4' feet in height above ground. All structures used to confine such dogs must be locked with a key or combination lock when such dog(s) are within the structure. Such structure must be constructed and at all times maintained in such a manner as to effectively prevent the dog(s) from escaping the confines of the enclosure. Such pen or kennel shall not be constructed to interfere or obstruct access to any metering device provided by the City or other public agencies. All structures erected to house such dogs must comply with

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all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(C) *Confinement Indoors.* No registered dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

(D) *Signs.* All owners, keepers or harborers of dangerous dogs within the City shall within five (5) days of registration display one (1) sign provided by the City Clerk at the time of registration, which shall be mounted in a prominent place on the front of the premises visible from the street. The charge for the signs shall be included in the registration fee at no additional cost to the applicant. A fee of ten (\$10.00) dollars shall be incurred by the licensee for the replacement of any sign due to loss or damage.

§ 94.15 REPORTING REQUIREMENTS

All owners, keepers or harborers of dangerous dogs must notify the City Clerk's Office within one (1) business day of the occurrence of any one of the following events:

- (A) The dog(s) have escaped;
- (B) The dog(s) have attacked a human being or other animal;
- (C) The dog(s) have been sold, given or transferred permanently to another person or address within the City;
- (D) The dog(s) have died;
- (E) There has been a birth of an offspring of the dog(s); or
- (F) The dog(s) are permanently leaving the City of Saginaw.

§ 94.16 AUTHORITY TO DEPUTIZE.

The City Manager may deputize and authorize any person of his/her choosing to write and issue citations for violations of this ordinance.

§ 94.17 VIOLATIONS

(A) No person shall violate any law of the State of Michigan nor any rule or regulation adopted by any duly authorized agency of the State of Michigan pertaining to dogs.

(B) *Municipal civil infraction.* A person who violates any provision of the *Dangerous Dogs* provisions is responsible for a Class D municipal civil infraction,

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subject to payment of a civil fine as set forth in § 37.07, plus costs and other sanctions for each infraction. Repeat offenses shall be subject to increased fines as provided by § 37.07. The following is a schedule of fines for a Class D offense:

First Offense: \$100.00

First Repeat Offense: \$200.00

Second or any Subsequent Repeat Offense: \$400.00

Section 2. This ordinance shall become effective June 2, 2011.

Enacted: May 23, 2011.

COUNCIL COMMUNICATION

From: The City Manager

Subject: City of Saginaw Weed Abatement Contract

Manager's Recommendation:

I recommend approval of an agreement between the City of Saginaw and The Wash Boys for weed abatement services and that the City Manager or his designee be authorized to execute this and any related documents. This agreement is subject to approval by the City Manager as to substance and the City Attorney as to form.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are available in the Saginaw County Weed Abatement Account No. 101-0000-571-6707.

Justification:

This agreement is a collaborative effort between the City of Saginaw, Saginaw County Landbank Authority, and NSP II. The City of Saginaw is responsible for the weed abatement applications on privately owned parcels of land within the city limits. The Saginaw County Landbank provides a \$60,000 contribution to assist the City with its weed abatement program due to the large number of properties that are turned over to the Landbank due to tax foreclosures.

The Saginaw County Landbank solicited quotes for this purpose in March, 2011. Three quotes were received and evaluated by a review committee consisting of City of Saginaw and Landbank staff. It was determined at that time the scope of the bid solicitation only included NSP II properties. It is requested that this scope be amended

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to include properties in any location in the city without re-bidding. This is a slight variance from the strict application of the purchasing ordinance, however the ordinance allows such a variance provided it is in the best interest of the City. This variance is recommended for the following reasons:

1. The City will benefit through intergovernmental cooperation with the County to create efficiencies in carrying out the responsibilities of weed abatement and lot maintenance.
2. The City and Landbank will meet or exceed its Section 3 obligations through this agreement.
3. Utilizing a single contractor for weed cutting services will minimize the level of management oversight required for this function.
4. The recommended contractor is located within the City limits, with business investment in the City's Saginaw Economic Development Corporation loan program.

The evaluation committee has determined that of the three qualified respondents which included The Wash Boys, Life Line Coalition, and Habitat for Humanity, that The Wash Boys was the best choice in this case to meet the goals of the City, the Land Bank and NSPII. The criteria in making this decision included price and demonstrated capacity to perform the work.

Council Action:

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