

Revised Council Agenda

August 22, 2011 6:30 p.m. Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES OF PRECEDING SESSIONS

August 8, 2011

ANNOUNCEMENTS:

Presentation by Lori Brown, City Assessor, concerning Rubbish Fee.

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided on Monday after 1:00 p.m.)

REMARKS OF COUNCIL:

PETITIONS:

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

From the Council Boards and Commission Committee:

1. Recommending re-appointment of Susanne Marie Smokoska, to the Human Planning Commission Precinct 14, Saginaw Art Museum, with a term to expire September 24, 2013;
2. Recommending appointment of Susanna C. Sheltraw to the Human Planning Commission Precinct 4B, Maplewood Manor, with a term to expire August 22, 2013.
3. Recommending re-appointment of Michael Joseph Hanley, to the Downtown Development Authority, with a term to expire April 2, 2015.
4. Recommending appointment of Robert Sanford Drew, to the Saginaw Arts and Enrichment Commission, with a term to expire August 22, 2014.

Mayoral Appointment with Council Approval

5. Recommending appointment of Robert Sanford Drew, to the Saginaw Arts and Enrichment Commission, with a term to expire August 22, 2014.

REPORTS FROM MANAGER:

Management Update:

1. City Hall Open House in October (Off night, i.e. October 3 or 17, 2011).
2. Public Information Office.
3. Recreation Program Update, Sheila Braddock, 1st Ward Community Center.
4. Community Public Safety/Fire Status Report.
5. Departmental Reorganization Update.
6. Public Services Director Recruitment and Selection Update.

Recommended Actions:

1. Recommending approval and ratification of Interlocal Agreement with 10th Circuit Court authorizing use of the LEIN system to allow the Circuit Court to access the system to enter bench warrants, probation violation warrants, and cancel warrants as necessary.
2. Recommending approval of the First Ward Community Center, Year Round Recreation Program Agreement for the recreation program held at the Civitan Recreation Center for grades 9 – 12, and the summer day camp at the Cathedral District Youth Center for grades K-8, for the period of September 1, 2011 through August 31, 2013.
3. Recommending approval of Charter Communications Cable Service Agreement for basic cable service, public view, and governmental television access for Technical Services Department and Saginaw Governmental Television Division to monitor feed and provide viewing of council meetings in City Hall, in the amount of \$42/month (\$504 annually).

4. Recommending denial of a Freedom of Information Act Request appeal by Gus Burns of the Saginaw News, in accordance with state law which exempts attorney-client privilege communications, and does not require the City to create public records pursuant to request.
5. Recommending approval of purchase order with Bentley Systems, Inc. for Water GEMS annual GIS software maintenance fee, for the Technical Services Division to monitor the water distribution network, in the amount of \$6,000.
6. Recommending payment to BS&A Software to renew annual software maintenance/support for the Fiscal Services Department, Treasurer's Division, and Assessor's Division, for a 12-month period, in the amount of \$5,185.
7. Recommending approval of a purchase order with Novell, Inc., for renewal of annual licensing and support of the citywide network software, for a 12-month period, in the amount of \$12,276.
8. Recommending approval of Access Agreement with Tony Angelo Concrete Construction Company for the temporary use of city owned property located at 172 Davenport Avenue, for the purpose of operating a temporary concrete batch plant for a period of five months, with a one-time fee of \$5,000 for use of the property.

INTRODUCTION OF ORDINANCES:

CONSIDERATION AND PASSING OF ORDINANCES:

1. An ordinance amending Ordinance D-98, entitled "Authorizing the Execution of an Agreement between the City of Saginaw and the City of Midland, Michigan with respect to the acquisition and operation of a joint source of water supply for said cities" adopted July 22, 1946 and amended by Ordinance D-357 on April 25, 1955, to be added to a new table IX, entitled "Miscellaneous Ordinances," of the table of Special Ordinances, of the Saginaw Code or Ordinances.

RESOLUTIONS:

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Darnell Earley
City Manager

COUNCIL COMMUNICATION

From: The City Manager

Subject: Approval of LEIN Agreement with Circuit Court.

Date: August 22, 2011

Manager's Recommendation:

I recommended approval of the Interlocal Agreement between the City of Saginaw and the 10th Circuit Court authorizing use of the LEIN system, and authorizing execution of this and related documents by the Chief of Police. This agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

The 10th Circuit Court routinely enters into agreements with local jurisdictions for use of the Law Enforcement Information Network ("LEIN") system. This agreement will allow the Court to access the system to directly enter Circuit Court Bench Warrants and Probation Violation Warrants as well as canceling warrants once the defendant appears for arraignment.

In order to timely comply with audit requirements with the Police Department, the Circuit Court Administrator and the Police Chief entered into a preliminary version of this agreement on August 8, 2011. This approval will authorize and ratify that preliminary agreement.

Council Action:

Council_____ moved the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: First Ward Community Center Recreation Program Agreement

Date: August 22, 2011

Manager's Recommendation:

I recommend approval of the First Ward Community Center ("FWCC"), Year Round Recreation Program Agreement ("Agreement"). The Agreement has been approved by me as to substance and the City Attorney as to form.

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

Funds for this Agreement are available in the General Fund - Recreation Administration Division's Professional Services Account No. 101-7550-831.80-01.

Justification:

FWCC has provided a Year Round Recreation Program for the City of Saginaw since September 1, 2009. The current agreement will expire on August 31, 2011. The renewal period is from September 1, 2011 through August 31, 2013. The Year Round Recreation Program will be held at the Civitan Recreation Center for grades 9-12. Students will participate in a variety of activities including organized basketball leagues, table tennis, chess, field trips, character education, softball, skating, swimming, academic enrichment, substance abuse prevention, and violence prevention education. During the summer, students will participate in a multi-gender basketball development league.

In addition, the Year Round Recreation Program includes a ten-week summer day camp program at the Cathedral District Youth Center located at the Warren Avenue Presbyterian Church. The summer day camp at the Cathedral District Youth Center is for grades K-8, Monday through Friday. Students will participate in a variety of activities including, basketball, soccer, table tennis, billiards, board games, health and fitness activities, art and cultural classes, drug and violence prevention classes, Boy Scouts, Girl Scouts, summer reading programs and library and field trips. Students will be provided daily a free lunch and snack.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Charter Communications Cable Service Agreement

Date: August 22, 2011

Manager's Recommendation:

I recommend that the Agreement with Charter Communications ("Charter") to provide cable services to City Hall be approved. The Agreement is for a period of one year. It has been approved by me as to substance and the City Attorney as to form.

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

Funds for this Agreement are available in the General Fund - Saginaw Government Television Division's Operating Services Account No. 101-1711-701.80-05.

Justification:

On August 10, 2011 the City received a quote from Charter Communications in the amount \$42.00/month (\$504.00 annually) for basic cable service/public view/with governmental television access at City Hall. The service is utilized by the technical services department, saginaw governmental television division to provide viewing of council meetings on the first and second floor of city hall. The division also utilizes the service to monitor the outgoing feed of council proceedings.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager
Subject: Gus Burns Freedom of Information Act Appeal
Date: August 22, 2011

Manager's Recommendation:

I recommended that City Council deny Gus Burns' Freedom of Information Act ("FOIA") appeal and not provide the requested document(s).

Justification:

On July 25, 2011, the City Attorney's Office received a Freedom of Information Act ("FOIA") request from Gus Burns of the Saginaw News, requesting "a listing of all litigation the City of Saginaw is currently engaged that has not yet been resolved". This request came soon after the July 23, 2011 Strategic Planning Session during which the City Attorney provided Council a written Litigation Summary. In subsequent conversations, Mr. Burns explained that he was seeking a copy of that report or the creation of an alternate list of litigation. The FOIA request actually seeks all litigation, so that would include criminal and civil infraction prosecutions, bankruptcies, worker's compensation claims, DBO litigation, collection matters and other court action.

On August 4, 2011, the City Attorney's Office sent Mr. Burns a response letter denying the request pursuant to MCL 15.243(1)(g) and MCL 15.233(5). The first section states that information or records subject to the attorney-client privilege are exempt from disclosure. The Litigation Summary was provided Council by its attorney under attorney-client privilege, which privilege the Council has not waived. The second section provides that the public body is not required to create a new public record. The list sought, to the extent Mr. Burns is seeking something other than the Litigation Summary, does not exist and would require the city to create it.

On August 9, 2011, the FOIA coordinator received an appeal of that denial from Mr. Burns, pursuant to MCL 15.240(1)(a). This appeal is submitted to the head of the public body (City Council) for a decision. Within 10 days the head of the public body shall either reverse the disclosure denial, uphold the disclosure denial, or reverse the disclosure denial in part and uphold it in part. MCL 15.240(2).

The reasons for the denial remain valid and unchanged. As a result, I recommend that the FOIA appeal submitted by Mr. Burns be denied.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

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Subject: Bentley Water GEMS Annual GIS Software Maintenance Fee

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Date: August 22, 2011

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Bentley Systems, Inc., in the amount of \$6,000.00 for the annual renewal maintenance fee.

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 Technical Services GIS Operating Services Account No 650-1738-781.80-05.

Justification:

Water GEMS software will provide capabilities ranging from analysis and design to management function such as fire flow assessment, pump scheduling, water quality improvement, emergency planning, leakage reduction and security enhancement. In addition to purchasing the software, an annual renewal maintenance fee is required to receive all new upgrades for the software licenses and the right to call the Bentley help desk for all software related questions and/or problems.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Annual BS&A Software maintenance/support renewal payment

Date: August 22, 2011

Manager's Recommendation:

I recommend that payment be made to BS&A Software, in the amount of \$5,185.00, for the renewal of annual software maintenance/support. The maintenance covers the Tax, Special Assessment and Delinquent Personal Property systems used by the Fiscal Services Department, Treasurer's Division, and includes all support and updates to the software for one year.

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 the Technical Services Operating Services Account No. 658-1720-711.80-05.

Justification:

The City annually renews our maintenance and license fees for BS&A Software. This annual renewal of maintenance and license 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: Novell, Inc. annual licensing and support renewal payment.

Date: August 22, 2011

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Novell, Inc., in the amount of \$12,276, for the renewal of annual licensing and support.

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 the Technical Services Operating Services Account No. 658-1720-711.80-05.

Justification:

The City annually renews our license and support fees with Novell, Inc., the citywide network software. This renewal of license and support 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: Access Agreement with Tony Angelo Cement Construction Company and the City of Saginaw.

Date: August 22, 2011

Manager's Recommendation:

I recommend approval of the Access Agreement between Tony Angelo Concrete Construction Company and the City of Saginaw for the temporary use of the City owned property located at 172 Davenport Avenue to erect and operate a portable concrete batch plant. I further recommended that the City Manager or his designee be authorized to execute this and any related documents. I have approved the Agreement as to substance and the City Attorney as to form.

Justification:

Transmitted herewith for Council approval is an Agreement between the City of Saginaw ("City") and Tony Angelo Concrete Construction Company ("TA"). TA has requested permission to temporarily locate and operate a portable concrete batch plant at the referenced property. The intended use of the site is to produce concrete necessary to re-pave the I-675 freeway project between Warren Avenue and 6th Street within the City. Approximately two (2) acres of property will be affected by equipment and vehicles. TA is requesting a 76 day window beginning August 23, 2011 thru November 7, 2011 with approximately 15 days of actual paving time, weather permitting, beginning September 6, 2011. The term of the agreement is for 5 months, but TA expects to complete the entire project within three months. TA agrees to pay the City of Saginaw a one time fee of \$5,000.00 for use of this property. The property will be restored to the same or better condition upon completion. TA will provide a certificate of insurance and indemnify and hold harmless the City from wrongdoing occurring on the site that is a direct result of TA occupancy.

Council Action:

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