

Revised Council Agenda

September 12, 2011 6:30 p.m.

Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE

ROLL CALL

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

August 22, 2011 regular Council meeting

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

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

REMARKS OF COUNCIL:

PETITIONS:

11-12 From Marsha Braun, Anderson Enrichment Center, requesting approval to erect banners located at the 300 block of South Michigan for the purpose of promoting the Hollyday Fair at the Anderson Enrichment Center. Time period requested is November 8, 2011 through December 7, 2011.

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

From the Planning Commission:

1. Explaining ordinance No. 1 listed under the regular order of business, which amends the official City map by vacating a portion of Johnson Street at Water Street.

REPORTS FROM MANAGER:

Management Update:

1. Recycling Program Update
2. Public Safety Millage Update
3. City Attorney Contract
4. City Hall Update

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Recommended Actions:

1. Recommending authorizing City Manager to contract with Andre R. Borrello of Gilbert, Smith, and Borrello, P.C., for professional legal services in the capacity of City Attorney as a result of organizational restructuring.
2. Recommending approval of Purchase Agreement with James & Norita Worrell to purchase property located at 714 S. Franklin, for the sum of \$37,000, using HUD grant funds.
3. Recommending approval of Purchase and Development Agreement with St. Mary's of Michigan.
4. Recommending approval of the Exchange Agreement for parcels of land to be transferred between the City of Saginaw and St. Mary's of Michigan.
5. Recommending approval of the agreement with KMG Prestige, Inc. and the City of Saginaw to provide additional police services for Bridgton Place Townhomes.
6. Recommending that the low bid from Mike's Wrecker Service be accepted and a three-year agreement approved to provide impound towing, inside and outside storage, and parts removal services for the Community Public Safety Police. Mike's Wrecker Service will provide the City of Saginaw with 70% of the storage fees from the impounded vehicles.
7. Recommending approval of the Grass Cutting Administrative Services and Monitoring Intergovernmental Agreement with the Saginaw County Land Bank Authority at a monthly flat fee of \$3,500 for seventeen months, retroactive to July 1, 2011 in the total amount of \$59,500.
8. Recommending a purchase order be approved and issued to IBM Corporation for annual payment to renew the City's Lotus Notes Software subscription in the amount of \$15,780.26.
9. Recommending approval and issuance of a purchase order to Kessler's Equipment Co. for repairs of hoist equipment located in the Municipal Garage in the amount of \$2,753.
10. Recommending that the low bid from Sabiston Builders Supply be accepted and a purchase order be issued to them in the amount of \$5,880 for the annual supply of 700 bags of Portland cement for use in the Maintenance and Service Division for construction and repair of the Water and Sewer Systems.

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11. Recommending that the low bid from SLC Meter Service be accepted and that a purchase order be approved and issued to them in the amount of \$41,808.67 for the annual supply of over 5,000 brass water parts for use in the Maintenance and Service Division for the construction and maintenance of Water Distribution and Transmission Systems.
12. Recommending low bid from Martin Edwards be accepted to grind and pile 55,000 yards of leaves and grass clippings at the City's Compost Site and a purchase order be issued to them in the amount of \$53,900.
13. Recommending that the low bid from Waste Management be accepted for City Wide Trash Pickup Services and a purchase order be issued to in the amount of \$6,492 for FY'12, \$13,308, FY'13 and \$13,644 for FY'14, totaling \$33,444.
14. Recommending bid from Office Max be accepted and respective purchase orders be approved and issued for various office supplies for the remainder of FY'12 through June 30, 2014, with two optional one-year extensions for 2015 and 2016. City Wide volume averages \$94,000 a year.
15. Recommending low bid from Mike's Wrecker Service be accepted for a three-year agreement with the City of Saginaw to provide towing services for all City Vehicles.
16. Recommending approval of the Proposal and Contract Agreement from Dixon Engineering Inc., and that a purchase order be approved and issued to them in the amount of \$1,700 for the maintenance inspections to the steel elevated storage tank located at the Water Treatment Plant.
17. Recommending sole bid from Wesco Distribution, Inc. be accepted for sewage pumps at Weiss Street Retention Treatment Basin, and that a purchase order be issued to them in the amount of \$2,580.34 for FY'12.
18. Recommending that a purchase order be approved and issued to Telvent for Weather Monitoring Software in the amount of \$3,504 for FY'12, \$3,504 for FY'13 and \$3,504 FY'14.
19. Recommending that a purchase order be approved and issued to Pumps Plus, Inc. in the amount of \$8,202.15 for replacement parts needed for the grit removal system. This manufacture is a sole source provider for replacement parts.

INTRODUCTION OF ORDINANCES:

1. An ordinance to amend the official City map to vacate a portion of Johnson Street at Water Street, located in the City of Saginaw and to retain therein an easement for

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public utilities, cable TV and telecommunications, to be added to the table of special ordinances, Section II, Alley Vacations of the Saginaw Code of Ordinances.

2. An ordinance to amend section §92.20 "International Fire Code", of Chapter 92, "Fire Protection and Public Safety", of Title IX "General Regulations" of the City of Saginaw, Code of Ordinances, O-1.
3. An ordinance to amend §12.15(A)(1) "Board of Fire Appeals" of Chapter 12 "Boards and Commissions" of Title I "Administrative Code" of the City of Saginaw Code of Ordinances O-1.

CONSIDERATION AND PASSING OF ORDINANCES:

RESOLUTIONS:

1. Declaring the City's intent to amend the official City map to vacate a portion of Johnson Street at Water 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, Section II, Alley Vacations of the Saginaw Code of Ordinances.
2. Authorizing the ownership transfer of an escrowed 2011 Class C License with Dance-Entertainment Permit, located at 220 N. Hamilton, Saginaw, MI 48602, Saginaw County from Saginaw Comedy, Inc. to Court Street Grill LLC; transfer location to 100 S. Michigan, Suite #2, Saginaw, MI 48602, Saginaw County & transfer classification to Tavern License.
3. Authorizing the Director of Development and/or his designee to sign commitment letters, development agreements, regulatory agreements and other documents awarding NSP2 Funds for the Construction of Multi-Family dwellings.
4. Authorizing the sale of alcoholic beverages on Morley Plaza, during the opening celebration for the Saginaw Spirit Hockey season, to be held on September 30, 2011 through October 1, 2011.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

1. To go into closed session to discuss legal opinion.
2. To go into closed session to discuss Tentative Agreements with POAM and COAM.

Darnell Earley
City Manager

From: The City Planning Commission

Subject: Amend the Official City Map by vacating a portion of Johnson Street at Water Street.

Planning Commission Recommendation:

It is recommended that the official City map be amended by vacating a portion of Johnson Street at Water Street, subject to a standard easement for public utilities, cable television and telecommunications.

Justification:

This proposed vacation is designed to remove from the Johnson Street right of way land already used as a parking lot by the Morley Building. This will also align the street vacation in that area with the land already vacated for the Saginaw Club parking lot. The street vacation will be for the benefit of the City, which is the current title owner of the parking lot. However, this vacated portion will then be added to the parking lot parcel that the City will deed to the Saginaw Foundation, the new owner of the Morley Building.

The petition was referred to the Planning Commission ("Commission") for investigation and a report with recommendations. The Commission held a public hearing on the request on August 23, 2011, and all interested persons were heard. The Commission found in favor of the petition to vacate a portion of Johnson Street at Water Street.

Council Action:

Council _____ moved that the report from the Planning Commission be received and filed.

From: The City Manager

Subject: Contract with Gilbert, Smith & Borrello, P.C. for Legal Services

Manager's Recommendation:

I recommend authorizing the City Manager to contract with Andre Borrello of Gilbert, Smith and Borrello, P.C. for professional legal services in the capacity of City Attorney as a result of organizational restructuring. John Clark, of Giamarco, Mullins, and Horton, P.C. will prepare the contract.

Justification:

The City has an existing contract with the law firm of Gilbert, Smith & Borrello, P.C., which will expire on July 10, 2012. The City has entered into agreements with various law firms in the past to provide legal services when there has been a conflict of interest, specific expertise is required, and to handle work overflow.

Effective October 1, 2011, the City will contract for general legal services provided by the City Attorney's Office as part of the organizational restructuring. Andre Borrello of Gilbert, Smith and Borrello, P.C., as City Attorney, will provide general legal services, on an as needed basis, to carry out the duties and functions required by State Law, and the Charter and Code of Ordinances of the City of Saginaw. The City Attorney will be available a minimum of ten hours per week at City Hall to address legal issues. The City Attorney will also be available to attend meetings as directed by the City Manager.

The contract will set the hourly rate for services at one hundred dollars (\$100.00), plus reimbursement for actual expenses related directly to the duties and responsibilities of the position.

Council Action:

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

From: The City Manager

Subject: Purchase of Property Using Grant Funds

Manager's Recommendation:

I recommend that the Purchase Agreement between the City of Saginaw and James and Norita Worrell be approved and that the City Manager or his designee be authorized to execute all documents necessary. The purchase agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

The City of Saginaw ("City") has been negotiating with James and Norita Worrell, St. Mary's of Michigan ("St. Mary's") and the United States Department of Housing & Urban Development ("HUD") regarding this project. The City proposes to purchase property located at 714 S. Franklin, near St. Mary's, and owned by James and Norita Worrell for the sum of \$37,000, using HUD grant funds. In a separate agreement and deed, the City plans to convey the property to St. Mary's. This will provide additional parking and green space around the hospital, freeing up other land for development and increasing the prospects of the hospital maintaining and expanding operations in the City. HUD has provisionally agreed to this plan. The purchase agreement is contingent upon full HUD approval, title and satisfactory resolution of environmental issues.

Council Action:

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

From: The City Manager

Subject: Purchase and Development Agreement with St. Mary's

Manager's Recommendation:

I recommend that the Purchase and Development Agreement between the City of Saginaw and St. Mary's of Michigan be approved and that the City Manager or his designee be authorized to execute all documents necessary. The Purchase and Development agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

The City of Saginaw ("City") has been negotiating with James and Norita Worrell, the owners of 714 S. Franklin, St. Mary's of Michigan ("St. Mary's") and the United States Department of Housing & Urban Development ("HUD") to use federal grant money to assist St. Mary's in retaining jobs. In a separate deed and agreement, the City proposes to purchase property located at 714 S. Franklin, near St. Mary's, and owned by James and Norita Worrell for the sum of \$37,000, using HUD grant funds. In this agreement and deed, the City plans to convey the property to St. Mary's. This will provide additional parking and green space around the hospital, freeing up other land for development and increasing the prospects of the hospital maintaining and expanding operations in the City. St. Mary's will enter into a purchase and development agreement confirming these development plans and also agreeing not to reconvey the property without the approval of the City.

Council Action:

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

From: The City Manager

Subject: Approval of Exchange Agreement with St. Mary's of Michigan

Manager's Recommendation:

I recommend approval of the exchange agreement for parcels of land to be transferred between the City of Saginaw and St. Mary's of Michigan and that the City Manager or his designee be authorized to execute this agreement, the relevant deeds and all related documents. The agreement has been approved by the City Manager as to substance and by the City Attorney as to form.

Justification:

The City of Saginaw ("City") owns and operates a Tea House and related gardens at 1651-1667 S. Washington. St. Mary's of Michigan ("St. Mary's") owns and operates a medical clinic at the adjoining property at 1647 S. Washington. The City, with the permission of St. Mary's, constructed its driveway approach to the Tea Gardens on a portion of St. Mary's Property. The City would like to acquire title to this small portion of the St. Mary's property so that the City will have ownership and responsibility for its own driveway. In exchange, the City will convey to St. Mary's its property located at the rear of 1647 S. Washington, allowing the St. Mary's property to extend to Lake Linton. This is a parcel that is not part of the Tea Gardens and has not been used by the City.

Council Action:

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

From: The City Manager

Subject: Approval of Police Services Agreement with KMG Prestige, Inc.

Manager's Recommendation:

I recommend approval of the agreement between KMG Prestige, Inc. and the City of Saginaw to provide additional police services and that the City Manager or his designee be authorized to execute this agreement and all related documents. The agreement has been approved by the City Manager as to substance and by the City Attorney as to form.

Justification:

KMG Prestige, Inc. ("KMG") is a management firm that is responsible for Bridgton Place Townhomes, formerly known as St. Paul Townhomes. They are associated with the new owner and developer of the townhomes. In 2010, The City of Saginaw ("City") enacted a PILOT ordinance for this project as well as a separate contract for public safety services. That contract provided for payment, in addition to the PILOT fees, of between \$7,500 and \$15,000 a year due to the traditionally high demand for services at the location.

KMG would now like to obtain specific additional police services which the City is willing and able to provide. These additional services will be arranged well in advance and their cost paid by KMG, at an additional \$60.00 per hour. The agreement also provides for mutual indemnification and insurance coverage, and may be terminated by the parties with five days notice.

Council Action:

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

From: The City Manager

Subject: Three-Year Agreement with Mike’s Wrecker Service

Manager’s Recommendation:

I recommend that the low bid from Mike’s Wrecker Service be accepted for a three-year agreement with the City of Saginaw to provide impound towing, inside and outside storage, and parts removal services for the Community Public Safety Police. 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.

Justification:

The City of Saginaw receives revenue for storage fees for vehicles impounded at the request of the Community Public Safety Police. The three-year agreement with Mike’s Wrecker Service will provide the City of Saginaw with 70% of the storage fees from the impounded vehicles.

On August 2, 2011 the City received bids for towing services for the Community Public Safety Police for FY 2012-2014. Following is a tabulation of the bids received and viewed by the Purchasing Committee:

FY2011-2012 Costs	Mike’s Wrecker, Saginaw, MI	Kreager Towing, Saginaw, MI
Impounds-Wheel Lift Up	\$70.00	\$75.00
Impounds-Flat Bed	\$80.00	\$85.00
Impounds-Medium Duty	\$90.00	\$100.00
Impounds-Heavy Duty	\$105.00/hr.	\$120.00
Winching	\$50.00	\$60.00
R&R Transmission Linkage	\$20.00	\$20.00
Dollies	No Cost	No Cost
R&R Drive Shafts	\$30.00	\$25.00
Fuel Surcharge	8%	10%
All Vehicles	\$15.00	No Cost

FY2012-2013 Costs	Mike’s Wrecker, Saginaw, MI	Kreager Towing, Saginaw, MI
Impounds-Wheel Lift Up	\$73.00	\$79.00
Impounds-Flat Bed	\$83.00	\$89.00
Impounds-Medium Duty	\$95.00	\$110.00
Impounds-Heavy Duty	\$110.00/hr.	\$125.00
Winching	\$60.00	\$63.00
R&R Transmission Linkage	\$20.00	\$20.00
Dollies	No Cost	No Cost
R&R Drive Shafts	\$30.00	\$25.00
Fuel Surcharge	10%	11%

All Vehicles	\$18.00	No Cost
FY2013-2014 Costs	Mike's Wrecker, Saginaw, MI	Kreager Towing, Saginaw, MI
Impounds-Wheel Lift Up	\$76.00	\$84.00
Impounds-Flat Bed	\$86.00	\$94.00
Impounds-Medium Duty	\$100.00	\$115.00
Impounds-Heavy Duty	\$115.00/hr.	\$125.00
Winching	\$65.00	\$67.00
R&R Transmission		
Linkage	\$20.00	\$20.00
Dollies	No Cost	No Cost
R&R Drive Shafts	\$30.00	\$25.00
Fuel Surcharge	12%	12%
All Vehicles	\$20.00	No Cost

Council Action:

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

From: The City Manager

Subject: Saginaw County Land Bank Authority Grass Cutting Administrative Services and Monitoring Intergovernmental Agreement

Manager's Recommendation:

I recommend that the Grass Cutting Administrative Services and Monitoring Intergovernmental Agreement ("Agreement") between the City of Saginaw ("City") and the Saginaw County Land Bank Authority ("Land Bank Authority") be approved. The Land Bank Authority will pay the City a monthly flat fee of Three Thousand, Five Hundred Dollars and 00/100 (\$3,500.00). The term of the Agreement is for seventeen months and is retroactive back to July 1, 2011. The total amount of the Agreement is Fifty Nine Thousand Five Hundred Dollars and 00/100 (\$59,500.00). The Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

The Land Bank Authority desires to enter into an Agreement with the City. Specifically, the City's Technical Services Department GIS Division will provide administrative and monitoring services to the Land Bank Authority for NSP2 grass cutting services. Specifically, designated GIS personnel will provide administrative services such as providing work orders to the NSP2 grass cutting vendor. In addition, GIS personnel will monitor the grass cutting activities of the NSP 2 grass cutting vendor by verifying that NSP2 lots were cut in a timely manner. In 2010, GIS staff assisted the Land Bank Authority with administrative and monitoring grass cutting services related to non NSP lots.

Council Action:

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

From: The City Manager

Subject: Renewal of Lotus Notes Software Subscription

Manager's Recommendation:

I recommend approval and issuance of a purchase order to IBM Corporation in the amount of \$15,780.26, as an annual payment for the renewal of the City's Lotus Notes software subscription for maintenance coverage and license fees to operate the City of Saginaw's e-mail, calendar and workflow system.

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 are budgeted and available in the Technical Services Operating Services Account No. 658-1720-711.80-05 for this purchase.

Justification:

Lotus Notes is the e-mail and calendar software used by the City of Saginaw. The annual subscription provides support, upgrades and license coverage for Lotus Notes.

Council Action:

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

From: The City Manager

Subject: Hoist Repairs

Manager's Recommendation:

I recommend that a purchase order be issued to Kessler's Equipment Co. in the amount of \$2,753.00 for repairs of hoist equipment located in the Municipal Garage.

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 payment are available in the Motor Pool Operation Fund – Garage Division's General Repairs Account Number 661-4480-841.80-40.

Justification:

Occupational Safety Health Administration (OSHA) requires an inspection of hoist equipment in the Municipal Garage on an annual basis. In August 2011, the Garage received quotes from Kessler's Equipment Company, Saginaw, MI (in-city) and Allied Incorporated, Ann Arbor, MI, two (2) vendors that provide this inspection service. Kessler's Equipment Co. provided the lowest inspection quote at \$267.60 compared to Allied Incorporated at \$646.00; A purchase order was issued to Kessler Equipment for \$267.60 to provide the inspection of the hoists. Upon completion of the OSHA required inspection it was determined that one (1) garage hoist was unsafe for use and tagged out of service until required parts replacement and repairs can be made. It was also determined that two (2) other hoists need replacement parts and repairs. The additional work that is required as a result of the inspection totals \$2,753.00. This additional work was not offered to the second vendor because of the additional cost of an inspection that would be charged by that vendor, which would have increased the cost by an additional \$646.00. It is important that the garage hoists remain operational in order to perform required vehicle and equipment maintenance and repairs.

Council Action:

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

From: The City Manager

Subject: Annual Supply of Portland Cement

Manager's Recommendation:

I recommend that the bid from Sabiston Builders Supply be accepted and a purchase order issued to them in the amount of \$5,880.00 for 700 bags of Portland Cement FY 2012.

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 budgeted in the Water Operation and Maintenance Fund - Maintenance and Service Division's Parts and Supplies Account Number 591-4721-861-73-30 (\$2,940.00) and Sewer Operation and Maintenance Fund - Maintenance and Service Division's Parts and Supplies Account Number 590-4821-861.73-30 (\$2,940.00) and will be accounted for in the Water Operation and Maintenance Fund - Water Inventory Account Number 591-0000-171.11-30.

Justification:

On Tuesday, August 2, 2011 bids were received for the annual supply of 700 bags of Portland cement for use in the Maintenance and Service Division for construction and repair of the Water and Sewer systems. The concrete is used for constructing catch basins and manholes, adjustments of catch basin and manhole castings, thrust blocking for hydrants, watermain bends and tees, etc. A cost comparison shows a 2% increase over last years purchase. Following is a tabulation of the bids submitted:

Sabiston Builders Supply Warren, MI.	\$5,880.00
Home Depot Saginaw, MI.	\$6,615.00
Airgas Great Lakes Saginaw, MI.	\$7,000.00

Council Action:

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

From: The City Manager

Subject: Annual Supply of Brass Water Parts

Manager's Recommendation:

I recommend that the bid from SLC Meter Service be accepted and that a purchase order be approved and issued to them in the amount of \$41,808.67 for FY 2012.

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 budgeted in the Water Operations and Maintenance Fund - Maintenance and Service Division's Parts and Supplies Account Number 591-4721-861.73-30, and will be accounted for through the Water Operations and Maintenance Fund - Inventory Account Number 591-0000-171.11-30.

Justification:

On Tuesday, August 2, 2011 bids were received for the annual supply of over 5000 brass water parts for use in the Maintenance and Service Division for the construction and maintenance of Water Distribution and Transmission systems. The brass water parts include but are not limited to the following items; curb stops, corporations stops, saddles, fittings, brass plugs, etc. Bids were received from four (4) vendors. A recent cost comparison shows an average increase of 8% over the previous years purchased. Following is a tabulation of bids received:

<u>Vendors</u>	<u>FY 2011</u>
SLC Meter Service Davisburg, MI	\$41,808.67
Michigan Meter Tech Group Madison Heights, MI	\$44,055.20
Etna Supply Grand Rapids, MI	\$44,386.44
Michigan Pipe and Valve Zilwaukee, MI	\$45,819.80

Council Action:

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

From: The City Manager

Subject: Compost Grinder Services

Manager's Recommendation:

I recommend a purchase order be issued to Martin Edwards in the amount of \$53,900.00 to grind and pile 55,000 yards of leaves and grass clippings at the City's Compost Site.

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 Rubbish Collection Fund - Composting Division's Operating Services Account Number 226-4587-841.80-05.

Justification:

On Tuesday, August 23, 2011 bids were received for the grinding of yard waste materials. The City's Compost Site receives almost 60,000 yards of material each year, and it is necessary that grinding take place on an annual basis. The City's grinder is twelve years old, currently inoperable and can no longer be repaired. The cost for a replacement grinder capable of handling the amount of volume at the City of Saginaw Compost facility is estimated at \$400,000. Due to the volume of new material expected during the annual leaf pickup season, it is necessary to hire a contractor to grind as much material as possible before the end of October. Following is a tabulation of bids received:

Martin Edwards Erwin, NC	\$0.98 per yard (\$53,900 Total)
Spurt Industries Zeeland, MI	\$1.79 per yard (\$98,450 Total)
I.E. Inc. Flint, MI	\$1.81 per yard (\$99,550 Total)

Council Action:

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

From: The City Manager

Subject: City Wide Trash Pickup Services

Manager's Recommendation:

I recommend that the low bid in the amount of \$6,492.00 (FY12), \$13,308.00 (FY13) and \$13,644.00 for (FY14) totaling \$33,444.00 be approved and a purchase order issued to Waste Management for City Wide Trash Pickup Services.

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 various Operating Services Accounts for Maintenance Service, Police, Water Treatment, Traffic Engineering, and Facilities Departments.

Justification:

On August 30, 2011, sealed bids were opened for City Wide Trash Pickup Services for the balance of fiscal year 2012 thru June 30, 2014 and the results were as follows:

THRU 6/30/2012

TRASH PICKUP (Approx. 6 mo.)	WASTE MGT	REPUBLIC SERVICES	BILLY'S CONTRACTING	TRINITY ENVIRONMENT
	\$6,492.00	\$6,672.12	\$8,604.00	\$9,970.68

THRU 6/30/2013

TRASH PICKUP (12 months)	Waste Mgt	Republic Services	Billy's Contracting	Trinity Env.
	\$13,308.00	\$13,890.12	\$17,208.00	\$19,941.40

THRU 6/30/2014

TRASH PICKUP (12 months)	Waste Mgt	Republic Services	Billy's Contracting	Trinity Env.
	\$13,644.00	\$14,409.60	\$17,808.00	\$19,941.40
TOTAL thru 2014	\$33,444.00	\$34,971.84	\$43,620.00	\$49,853.50

Council Action:

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

From: The City Manager

Subject: City Wide Office Supplies

Manager's Recommendation:

I recommend that the bid from Office Max be accepted and respective purchase order numbers be approved and issued to them for various Office Supplies for the remainder of Fiscal Year 2012 through June 30, 2014, with two optional one (1) year extension for 2015 and 2016. Although the total annual usage will vary, our City Wide volume averages \$94,000.00 a year

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 budgeted in the various accounts of each department.

Justification:

Office Max currently has the State of Michigan Contract for Office Supplies as well as the "America Saves" agreement with Oakland County. Additionally, The City of Saginaw will be part of the newly formed "Mid Michigan Co-op" which will join forces with other area entities both public and private to take advantage of volume discount purchasing by pooling our usage for various items together into one buying unit. All other aspects of the agreement regarding delivery, payment, etc. are handled by each respective entity. Three main advantages in joining this program are 1) it allows us the opportunity to create a "favorites list" of items we commonly use here at the City. 2) The volume rebates afforded to our City are based on the total volume of the cooperative and not just on our own volume thus yielding a higher rebate and 3) This move serves to address the Governor's initiative for local units to consolidate and cooperate on services.

Council Action:

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

From: The City Manager

Subject: City Wide Towing Services

Manager's Recommendation:

I recommend that the low bid from Mike's Wrecker Service be accepted for a three-year agreement with the City of Saginaw to provide towing services for all City Vehicles.

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 various Operating Services Accounts for each respective department.

Justification:

On August 02, 2011, sealed bids were opened for City Wide Vehicle Towing Services for the balance of fiscal year 2012 thru June 30, 2014 and the results were as follows:

TOWING SERVICES:

THRU 6/30/2012 (first year)	MIKES WRECKER	KREAGER TOWING
Passenger Vehicles	\$44.00	\$45.00
Light Trucks	\$60.00	\$65.00
Heavy Duty Trucks	\$95.0/hr	\$95.00/hr
Heavy Duty Low Boy Trucks	\$95.00/hr	\$125.00/hr
TIRE CHANGING SERVICES		
Passenger Vehicles	\$32.00	\$30.00
Light Duty Trucks	\$55.00	\$40.00
Heavy Duty Trucks	\$75.00/hr	\$80.00/hr
LOCKOUT SERVICES		
All Vehicles	\$28.00	\$25.00
FUEL DELIVERY SERVICE		
All Vehicles	\$28.00 + fuel	\$25.00 +fuel

TOWING SERVICES:

THRU 6/30/2013 (second year)	MIKES WRECKER	KREAGER TOWING
Passenger Vehicles	\$46.00	\$48.00
Light Trucks	\$66.00	\$68.00
Heavy Duty Trucks	\$100.00/hr	\$100.00/hr
Heavy Duty Low Boy Trucks	\$100.00/hr	\$130.00/hr
TIRE CHANGING SERVICES		
Passenger Vehicles	\$34.00	\$34.00

Light Duty Trucks	\$60.00	\$44.00
Heavy Duty Trucks	\$80.00	\$85.00
LOCKOUT SERVICES		
All Vehicles	\$30.00	\$27.00
FUEL DELIVERY SERVICE		
All Vehicles	\$30.00 + fuel	\$27.00 + fuel

TOWING SERVICES:

THRU 6/30/2014 (third year)	MIKES WRECKER	KREAGER TOWING
Passenger Vehicles	\$48.00	\$51.00
Light Trucks	\$72.00	\$71.00
Heavy Duty Trucks	\$105.00/hr	\$104.00/hr
Heavy Duty Low Boy Trucks	\$105.00/hr	\$135.00/hr
TIRE CHANGING SERVICES		
Passenger Vehicles	\$36.00	\$37.00
Light Duty Trucks	\$65.00	\$47.00
Heavy Duty Trucks	\$85.00/hr	\$90.00/hr
LOCKOUT SERVICES		
All Vehicles	\$32.00	\$29.00
FUEL DELIVERY SERVICE		
All Vehicles	\$32.00 + fuel	\$29.00 + fuel

Council Action:

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

From: The City Manager

Subject: Dixon Engineering Proposal and Contract Agreement

Manager's Recommendation:

I recommend that the Proposal and Contract Agreement from Dixon Engineering, Inc., be accepted and that a purchase order be approved and issued to them in the amount of \$1,700.00. The Proposals and Contract Agreements have 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 Water Treatment Operations and Maintenance Fund, Treatment and Pumping Division's Engineering Services, Account Number 591-4730-861.80-02.

Justification:

The steel elevated storage tank used for filter washing at the Water Treatment Plant is due for its maintenance inspection. These inspections are required on a periodic basis by the MDEQ to insure proper maintenance of the tanks. Proposals for the inspection work were sought from the two qualified engineering firms in the state, Dixon Engineering and Nelson Tank and Engineering. Both of these firms are well known and respected in the industry. Following is a tabulation of the quotes received:

	<u>Total Quote</u>
Dixon Engineering Inc. Lake Odessa, MI	\$1,700.00
Nelson Tank Engineering and Consulting Inc. Lansing, MI	\$1,750.00

Council Action:

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

From: The City Manager

Subject: Motor Protection Relay Purchase

Manager's Recommendation:

I recommend that the sole bid from Wesco Distribution, Inc. be accepted and that a purchase order be issued to them in the amount of \$2,580.34 for Fiscal Year 2012.

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 - Remote Facilities' Parts and Supplies Account No. 590-4835-861.73-30.

Justification:

On August 23, 2011, the sole bid from Wesco Distribution was received for motor protection relays. The influent sewage pumps at the Weiss Street Retention Treatment Basin have motor protection relays. One of the Cuttler Hammer relays has failed and needs to be replaced to assure proper operation of the pump.

Council Action:

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

From: The City Manager

Subject: Meteorological Services Agreement

Manager's Recommendation:

I recommend that the Subscription Agreement with Telvent be approved and a purchase order issued to them in the amount of \$3,504.00 for the Water Treatment Plant for Fiscal Year 2012, \$3,504.00 for Fiscal Year 2013 and \$3,504.00 for Fiscal Year 2014. The Agreement has been approved by me 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 for this service are budgeted in the Water Operations and Maintenance Fund, Instrumentation and Process Controls Division's Subscription/Reference Account No. 591-4715-851.80-68 for Fiscal Year 2012 and will be budgeted in the same account number for Fiscal Year 2013 and Fiscal Year 2014.

Justification:

On June 6, 2011, the City of Saginaw received a Subscription Agreement for 3 years of service to provide Meteorological Services for the Water Treatment Plant. This service allows Water Treatment Plant staff to track in-coming storms and properly assess the need for emergency power generation. Generators are run when storms approach to help maintain proper water pressure. Telvent is the sole provider of this service.

Council Action:

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

From: The City Manager

Subject: Grit Slurry Cup Parts

Manager's Recommendation:

I recommend that the quote from Pumps Plus Inc. of Farmington Hills, MI be accepted and that a purchase order be issued to them in the amount of \$8,202.15 for Fiscal Year 2012.

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 budgeted in the Sewer Operations and Maintenance Fund -Treatment and Pumping Division's Parts and Supplies Account No. 590-4830-861.73-30.

Justification:

On August 25, 2011, we received a quote from Pumps Plus for replacement parts for our grit slurry cup. The grit slurry cup is part of our grit removal system and is in service, however our maintenance staff has determined that these parts will need replacement in the near future. Pumps Plus Inc. is the manufacturer's representative for Eutek and a sole source for replacement parts.

Council Action:

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

Council _____ introduced an ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND THE OFFICIAL CITY MAP TO VACATE A PORTION OF JOHNSON STREET AT WATER 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, SECTION II, ALLEY VACATIONS OF THE SAGINAW CODE OF ORDINANCES.

Laid over under the charter provision.

Council _____ moved that an ordinance introduced September 12, 2011, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND THE OFFICIAL CITY MAP TO VACATE A PORTION OF JOHNSON STREET AT WATER 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, SECTION II, ALLEY VACATIONS OF THE SAGINAW CODE OF ORDINANCES.

The City of Saginaw Ordains:

Section 1. That a portion of Johnson Street at Water Street, as described herein, be and same is hereby vacated, that portion being described as follows:

A parcel of land in part of Lot 13, Block 5 and part of vacated Water Street, of Hoyts Plat, City of East Saginaw, now the City of Saginaw, recorded in Liber 38 on Page 303, being a part of Section 24, T.12 N.-R.4 E., City of Saginaw, Saginaw County, Michigan described as follows:

To fix the Point of Beginning, commence at the intersection of the centerlines of Washington Avenue and Johnson Street; thence N.75°-56'-46"W., on the centerline of said Johnson Street, 317.93 feet; thence S.13°-28'-09"W., on a line which is parallel with and 28.00 feet, measured at right angles, Westerly of the West line of Block 17 of said Hoyt's Plat and its Northerly extension, 57.00 feet to the point of beginning of this description; thence continuing S.13°-28'-09"W., 26.24 feet; thence N. 75°-58'-02"W., on a line which is parallel with and 10.00 feet, measured at right angles, North of the South line of Lot 12 and its Easterly extension, 130.90 feet; thence N.13°-28'-09"E., 26.24 feet; thence S.75°-58'-02"E., 130.90 feet to the point of beginning, containing, 0.080 acre of land.

Section 2. That there is hereby reserved in the alley vacated an easement for public utilities, cable TV and telecommunications to the same extent as though said alley had not been vacated and no structure shall hereafter be erected thereon without the prior written consent of the City of Saginaw.

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

Section 4. This ordinance shall take effect October 20, 2011.

Enacted: October 10, 2011.

From: The City Manager

Subject: 2009 International Fire Code

Manager's Recommendation:

I recommend approval of the ordinance introduced under the regular order of business, that amends §92.20, "International Fire Code," of Chapter 92, "Fire Protection and Public Safety", of Title IX "General Regulations" of the City of Saginaw Code of Ordinances O-1.

Justification:

This ordinance amendment would adopt the International Fire Code 2009 Edition by reference, with amendments. The International Fire Code 2000 Edition is repealed to the extent it is in conflict with the new 2009 Edition. The International Fire Code prescribes regulations regarding the storage, handling and use of hazardous substances, materials and devices, use or occupancy of buildings or premises.

An updated fee schedule is included with the amendments, along with the new ability to issue notices of violations and citations for civil infractions. No open burning in fire pits will be allowed.

Council Action:

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

Council _____ introduced an Ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND SECTION 92.20 "INTERNATIONAL FIRE CODE", OF CHAPTER 92 "FIRE PROTECTION AND PUBLIC SAFETY", OF TITLE IX "GENERAL REGULATIONS" OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH".

Laid over under the Charter Provisions.

Council _____ moved that an ordinance introduced, September 12, 2011, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO ADOPT SECTION 92.20 "INTERNATIONAL FIRE CODE", OF CHAPTER 92 "FIRE PROTECTION AND PUBLIC SAFETY", OF TITLE IX "GENERAL REGULATIONS" OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH".

The City of Saginaw Ordains:

92.20(A)(1) That a certain document on file in the Office of the City Clerk of the City of Saginaw (City Clerk's File) being marked and designated as "International Fire Code 2009 Edition" and Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, Appendix I, Appendix J and to include all charts, tables, and indexes affixed thereto, published by the International Code Officials, hereinafter referred to in its entirety as the "International Fire Code" or "this Code", be and the same is hereby adopted as the Fire Regulations of the City of Saginaw and made a part hereof as if fully set out in this ordinance.

(2) That a printed copy of said International Fire Code, 2009 Edition, shall be kept in the Office of the City Clerk, available for inspection by and distribution to the public at all times.

(3) That the International Fire Code 2000 Edition, D-1750, in conflict herewith, to the extent of such conflict is hereby repealed.

92.20(B) That Section 101.1,(page 2) Chapter 1, of the International Fire Code, 2006 Edition, (City Clerk's File) hereinafter referred to as the International Fire Code, or "this code" is hereby amended to read as follows:

Fire Prevention Division

Sec. 103.1 A Fire Prevention Division is established within the Fire Department under the direction of the Fire Chief, which shall consist of a Fire Marshal, and such number of Deputy Fire Marshals as may be assigned thereto by the Fire Chief. The function of this Division shall be to assist the Fire Chief in the administration and enforcement of the Fire Prevention provisions of this code.

92.20(C) That Section 105.1,(page 4) Chapter 1 of this Code is hereby amended to read as follows:

Permits or License Required

Sec. 105.1

(a) Permit: A permit or license shall be approved by the Fire Prevention Division prior to engaging in any of the activities stated in Section 105.6, or other provisions of this Code and after payment of appropriate fees.

92.20(D): Section 105.6 (page 6), Chapter 1 is hereby amended to read as follows:

Section 105.6. Permit Required. A permit shall be obtained or approved of any license required herein from the Fire Prevention Division prior to engaging in the following activities, operations, practices, or functions:

(a) Automobile Wrecking Yard: Any person engaging in the business of dealing or processing for resale scrap metal, other scrap materials, used auto parts, or any form of goods commonly considered as junk, or assembling same in one (1) location for the purpose of sale, shall obtain a license as provided in Charter 110, Appendix 1. Application shall be filed at the Office of the City Clerk.

(b) Bowling Pin or Alley Refinishing: To conduct a bowling pin refinishing or bowling alley resurfacing operation involving the use and application of flammable liquids or materials. \$75.00 fee. See Chapter 15

(c) Combustible Material Storage: To store more than 2500 cubic feet of total volume of boxes, barrels, pallets, or similar containers of rubber or cork, or other similar combustible material inside building or outside in an open area. \$100.00 fee. See Chapter 23.

(d) Compressed Gases: To store, transport on site, dispense, use or handle at normal temperatures and pressures compressed gases in excess of the amounts listed in Table 105.6.9 \$125.00 fee. See Chapter 30

(e) Cryogen: Except where federal or state regulations apply and except for fuel systems of the vehicle to produce, store or handle cryogen in excess of the amounts listed in Table 105.6.11 \$150.00 fee. See Chapter 32.

(f) Dry-Cleaning and Dry Dyeing: Any person carrying on any business of dry-cleaning or dry dyeing shall obtain a license under Chapter 110, Appendix 1. Application shall be filed at the Office of the City Clerk. Also see Chapter 12.

(g) Explosives or Blasting Agents: For permits for explosives or blasting agents, see Chapter 33 \$150.00 Fee.

(h) Fireworks Outdoors: Fireworks utilized for pyrotechnic displays require a written permit from the City Council in accordance with the method prescribed by 92.09(b)(2).

Fireworks Indoors: Fireworks utilized for pyrotechnic indoor displays, see Chapter 33, Section 3308

Supervision Fee: A fee shall be charged to help defray the cost incurred by the city of Saginaw to determine and maintain compliance with all safety and fire regulations. All cost associated with such fire and life safety inspection shall be borne by the owner, operator or other person responsible for said, indoor or outdoor, public, or

private display. The cost for on-site inspection to determine compliance with all safety and fire regulations at a rate of \$47.402 per hour. See Chapter 33, Section 3301.5.

(i) Flammable or Combustible Liquids and Tanks:

1. To store, handle or use Class I liquids in excess of ten (10) gallons inside a building, except that a permit is not required for the following:

A. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the Fire Chief or his or her designee, would cause an unsafe condition.

B. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting, or similar purposes for a period of not more than thirty (30) days. \$75.00 fee.

2. To store, handle, or use Class II or Class III-A liquids in excess of 25 gallons in a building or in excess of 60 gallons outside a building, except for fuel oil used in connection with oil-burning equipment. \$75.00 fee.

3. To remove Class I and Class II liquids from underground storage tanks used for fueling motor vehicles by means other than the approved, stationary on-site pumps normally used for dispensing purposes. \$100.00 fee.

4. To change the type of contents stored in any flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed. \$50.00 fee. See Chapter 34

(j) Hazardous Materials: To store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.21 or to install, repair, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Table 105.6.21. \$100.00 fee.

(k) Highly Toxic Pesticides: To store any amount of high toxic pesticides. \$100.00 fee. See Chapter 17 and Chapter 27.

(l) High-Piled Combustible Stock: To use any building or portion thereof exceeding 2,500 square feet for the storage of high-piled combustible stock. (See definition). A floor plan showing the dimensions and location of the stockpiles and aisles shall be submitted with the application for such permits. See Chapter 23

Fees:	<u>Class of Commodity</u>	<u>Amount</u>
	I & II	\$ 75.00
	III	\$ 75.00
	IV & V	\$150.00

(m) Liquefied Petroleum: Except for portable container of less than 120 gallons water capacity, a permit is required to install or maintain any LP gas container. Where a single container or the aggregate capacity of interconnected containers is over 1,200 gallons water capacity, the installer shall submit plans for such permits. See Chapter 38.

Fees:	<u>Water Capacity</u>	<u>Amount</u>
	121 - 1,200	\$100.00
	1,201 - 5,000	\$150.00
	5,000 & over	\$200.00

(n) Oil and Natural Gas Wells: To drill, own, operate, or maintain an oil or natural gas well. See Chapter 34. \$100.00 fee.

(o) Tents and Air-Supported Structures: No tent exceeding 120 square feet in area shall be erected, maintained, operated, or used except under a license issued in accordance with 92.14. See Chapter 24. Application shall be filed at the Office of the City Clerk.

(p) Tire Storage: To store in excess of 2500 cubic feet gross volume of used or new tires. \$100.00 fee.

92.20(E) That Section 108.1 (page 11), Chapter 1 of this Code is hereby amended to read as follows:

Board of Appeals

Sec. 108.1

(a) In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of this Code, the Board of Fire Code Appeals, created and empowered as provided in 12.15 shall, upon application, hear and determine any written appeal made to it by a person considering himself aggrieved by any action or decision of any official acting under the provisions of this Code. Service of an appeal shall be made on the Secretary of the Board within ten (10) days after such action or decision appealed from. The Board shall adopt reasonable rules and regulations for conducting its investigations pursuant hereto and shall render all decisions in writing to the Fire Chief with the duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent herein.

(b) Reconsideration: The Board of Fire Code Appeals is without jurisdiction to reconsider an appeal; therefore no petition to grant reconsideration of an appeal will be entertained by the Board.

(c) The Board of Fire Appeals will not entertain an appeal asking for relief that has been denied by the Board within five (5) years unless there has been a relevant change in this Code or in conditions since the original hearing.

92.20(F) That Section 109.3 (page 12), Chapter 1 of this Code be amended to read as follows:

Penalties

Sec. 109.3.

(a) Any person who shall violate any of the provisions of this Code hereby adopted or fail to comply therewith, or shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Chief, his delegate, or by the Court, within the time fixed herein, or who shall fail to obey parking regulations as

they relate to fire lanes or fire safety, or who shall fail to obey housing regulations, shall be responsible for a Class C municipal civil infraction, subject to payment of a civil fine as set forth in Chapter 37 of the City of Saginaw General Code, O-1, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided in Chapter 37.

(b) The Fire Chief or any person delegated by him is designated as the authorized City official to issue municipal civil infraction citations or municipal civil infractions violation notices as provided by Chapter 37.

(c) The application of the above infraction procedure shall not be held to prevent the enforced removal of any prohibited condition or any other legal action to secure compliance with this Code.

92.20(G) That Section 202, Chapter 2 Chief of the Fire Prevention Division, Chapter 2, Definitions and Abbreviations (page 15) of this code is hereby amended to read as follows:

The Fire Marshall is the head of the Fire Prevention Division.

92.20(H) That Section 202, Fireworks, Chapter 2, Definitions and Abbreviations (page 19) of this Code is hereby amended to read as follows:

FIREWORKS is any combustible or explosive composition, or any substance or combination of substances or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, or toy guns in which candles, or other devices of like construction and any device containing any explosive or flammable compound, or any tablet or other device containing any explosive substance, except that the term "fireworks" shall not include any emergency signal device, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap and toy pistols, blank pistols, and cartridges specifically used for theater, dog training, signals in sports, and military use. Toy cans, toy guns or other devices used for such caps, sparklers containing not more than .0125 pounds (.2 ounces) of burning portion per sparkler, flitter sparklers in paper tubes not exceeding 1/8 inch in diameter, cone fountains, cylinder fountains not exceeding 75 grams and inside tube diameter not exceeding 3/4 inch, toy snakes of which the sale and use shall be permitted at all times.

92.20(I) That Section 202, (page 21) Chapter 2, Definitions and Abbreviations of this Code is hereby amended to read as follows:

Sec. 202: Jurisdiction

(a) Jurisdiction is the City of Saginaw, located in the County of Saginaw, State of Michigan.

(b) Jurisdictional area is within the territorial boundaries of the City of Saginaw, County of Saginaw, and State of Michigan.

92.20(J) That Section 307 (page 35) Chapter 3 is amended to read as follows:

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning.

92.20(K) That Section 603.1.1.1, (page 54) Chapter 6, is amended to read as follows:

Fuel-pumping equipment:

Sec. 603.1.1.1: Heating equipment using gas, oil, or solid fuel may be installed in the lubrication or service room where there is no dispensing or transferring of Class I or Class II liquid, if the equipment is installed not less than eight (8) feet above the floor.

Exception: Heating equipment separated from other use areas by construction having minimum one (1)-hour fire resistive rating.

92.20 (L) That Section 605.1, (page 58) of Chapter 6 of this Code is hereby amended to read as follows:

Abatement of Electrical Hazards:

Sec. 605.1: When any electrical hazards are identified, measures to abate such conditions shall be taken. All identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the City of Saginaw Electrical Inspector. If the conditions warrant, by order of the Fire Chief, the electrical service may be ordered disconnected immediately.

Electrical wiring, devices, appliances and other equipment which are modified or damaged and constitute an electrical shock or fire hazard shall not be used.

92.20(M) That Section 901.2.1, (page 75) Chapter 9 of this code is hereby amended to read as follows:

Approval and Testing

Sec. 901.2.1: Fire alarm systems, fire hydrant systems; fire-extinguishing systems, including automatic sprinkler systems and wet and dry standpipes; halon systems and other special types of automatic fire-extinguishing systems; and other fire protection systems and appurtenances thereto shall meet the approval of the fire department as to installation and location and shall be subject to such periodic tests as required by the Fire Chief.

Plans and specifications shall be submitted to the fire department for review and approval prior to construction. A review fee shall be paid to the City of Saginaw in the amount of \$50.00 and an additional amount of \$25.00 per sheet for plans exceeding one (1) sheet.

Condition of approval of halon systems shall be satisfactory passage of a test conducted in accordance with nationally recognized standards prior to final acceptance of the system.

92.20(N) That Section 901.5, (page 75) Chapter 9 of this Code is hereby amended to read as follows:

Installation of Fixed Fire Protection Systems

Sec. 901.5:

(a) General: All fire extinguishing systems required by this Code or the State Building Code shall be installed by a State of Michigan Certified Firm (Act #:144, P.A. 1982) and in accordance with the requirements of this article. Proof of Certification shall be submitted to the Fire Department on demand. The location of the fire department hose connections shall be approved by the Chief. All fire hose threads used in

connection with fire-extinguishing systems shall be National Standard Hose thread. In buildings used for high-piled combustible storage, fire protection shall be in accordance with the Code.

92.20(O) That Section 903.4, (page 83) Chapter 9 of this Code is hereby amended to read as follows:

Sprinkler and Fire Alarm Systems Supervision

Sec. 903.4:

(a) Automatic Sprinkler Systems: Automatic Sprinkler Systems shall be supervised by an approved central, proprietary, or remote station service, or a local alarm which will give an audible signal at a constantly attended location when the number of sprinklers is:

1. 20 or more in Group I, Division I occupancies.
2. 100 or more in other occupancies.

(b) Permit: A permit is required by this code and the City of Saginaw ordinance D-1681 (False Alarm, Chapter 90, General Code) and shall be obtained at the Office of the City Clerk.

92.20(P) That Section 907.2.8, Required Installations, (page 94) of Chapter 9, Group R, Division I Occupancies of this Code is hereby amended to read as follows:

Group R Occupancies

1. Approved Automatic Fire Alarm and Smoke Detection System:

An approved automatic fire alarm and smoke detection system shall be installed in common areas of:

A. All buildings which contain three (3) or more dwelling units or guest rooms or any combination thereof equal to three (3) or more and which are three (3) stories or more in height.

B. All buildings which contain fifteen (15) or more dwelling units or guest rooms or any combination thereof equal to fifteen (15) or more, regardless of height.

Exceptions: 1. An automatic smoke detection system need not be installed in buildings not over two (2) stories in height and all dwelling units are separated from each other including attic and crawl space or basements by at least one (1)-hour fire resistive occupancy separations and each individual dwelling unit or guest room has an exit directly to a public way, exit court, or exterior stairway.

2. An automatic smoke detection system need not be installed in buildings which are protected throughout by an approved supervised automatic sprinkler system with quick response residential standard sprinkler heads installed in all dwelling units and guest rooms in accordance with this code.

2. System Equipment and Installation: Fire alarm and automatic smoke detection systems and all component parts thereof, shall be constructed and installed in accordance with the standards set forth in this Code.

Such systems shall include provisions for smoke detection and manual pull stations in interior corridors or hallways and automatic detection in storage rooms, laundry rooms, furnace rooms, and all similar interior common areas.

Location requirements for automatic smoke and heat detectors shall be as specified in Section 1503, Chapter 14, Part VIII of the Housing Code of the City of Saginaw.

Exception: Manual pull stations need not be installed in occupancies containing less than fifteen (15) dwelling units or guest rooms or any combination thereof.

92.20(Q) That Section 2201.1.1, (page 209) of Chapter 22, of this Code is hereby added to read as follows:

Service Station:

Sec. 2201.1.1: This division applies to both automotive and marine service stations and in addition, no person shall fail to comply with the requirements of 114.15 et sege, or to 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 Service Stations.

92.20(R) That Section 2205.3, (page 211) Chapter 22, of this Code is hereby amended to read as follows:

(b) Crankcase Drainings: Crankcase drainings and flammable or combustible liquids shall not be dumped into sanitary or storm sewer systems. Crankcase drainings shall be stored in tanks or tight drums outside of buildings until properly removed from the premises.

92.20(S) That Chapter 25 (page 243), Tire-Rebuilding and Tire Storage is hereby amended as follows:

Storage of Rubber Tires:

Permits:

Sec. 2501.2: For permits to store rubber tires, see Section 105.8.

Storage Indoors

Sec. 2509.1: Storage of rubber tires when stored indoors shall comply with all other requirements of this Code and the provisions of NFPA 231D as to construction, separation, and fire protection systems.

See Chapter 25

92.20(T) That Section 2703.3.1.4, (page 262), Chapter 27 of this code is hereby amended to read as follows:

Unauthorized Discharges

Sec. 2703.3.1.4

Responsibility for Cleanup. The person, firm, or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the City of Saginaw. When deemed necessary by the Fire Chief, cleanup may be initiated at the direction of the Fire Marshal or other member of the fire department. All costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge to include but not limited to: personnel, apparatus, equipment, supplies, etc.

92.20(U): That Section 307 (page 35) Chapter 3, Section 1024 of Chapter 10 (Page 144), Section 1101.3 (Page 155) of Chapter 11, Section 1201.2 (Page 163) of Chapter 12, Section 1301.2 (Page 167) of Chapter 13, Section 1401.2 (Page 169) of Chapter 14, Section 1501.2 (Page 173) of Chapter 15, Section 1601.3 (Page 185) of Chapter 16, Section 1701.2 (Page 187) of Chapter 17, Section 1801.5 (Page 189) of Chapter 18, Section 1901.2 (Page 199) of Chapter 19, Section 2001.3 (Page 203) of Chapter 20, Section 2101.2 (Page 207) of Chapter 21, Section 2201.2 (Page 209) of Chapter 22, Section 2301.2 (Page 227) of Chapter 23, Section 2601.2 (Page 245) of Chapter 26, Section 2701.4 (Page 250) of Chapter 27, Section 2801.2 (Page 277) of Chapter 28, Section 2901.3 (Page 283) of Chapter 29, Section 3001.2 (Page 285) of Chapter 30, Section 3101.2 (Page 291) of Chapter 31, Section 3201.2 (Page 293) of Chapter 32, Section 3401.4 (Page 319) of Chapter 34, Section 3501.2 (Page 359) of Chapter 35, Section 3601.2 (Page 365) of Chapter 36, Section 3701.2 (Page 369) of Chapter 37, Section 3901.2 (Page 383) of Chapter 39, Section 4001.2 (Page 387) of Chapter 40, Section 4101.2 (Page 393) of Chapter 41, Section 4201.2 (Page 395) of Chapter 42, Section 4301.2 (Page 397) of Chapter 43, Section 4401.2 (Page 399) of Chapter 44, of this Code is hereby repealed.

92.20(V) That all proceedings pending and all rights and liabilities existing, acquired, or incurred under any ordinance hereby repealed at the time this ordinance takes effect are hereby retained, and such proceedings may be consummated under and according to the ordinance in force at the time such proceedings are or were commenced.

(2) It is the intent that this ordinance shall not be construed to alter, affect, or abate any pending prosecution or prevent prosecution hereinafter instituted under such ordinance or any section thereof for offenses committed prior to the effective date of this ordinance, and all prosecution instituted after the effective date of this ordinance may be continued or instituted under and in accordance with the provisions of the ordinance or sections thereof in force at the time of the commission of such offenses.

This ordinance shall take effect on October 6, 2011.

Enacted: September 26, 2011

Council _____ introduced an ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND § 12.15(A)(1) "BOARD OF FIRE CODE APPEALS" OF CHAPTER 12 "BOARDS AND COMMISSIONS" OF TITLE I "ADMINISTRATIVE CODE" OF THE SAGINAW CODE OF ORDINANCES O-1.

Laid over under the Charter provision.

Council _____ moved that an ordinance introduced, September 12, 2011, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND § 12.15(A)(1) "BOARD OF FIRE CODE APPEALS" OF CHAPTER 12 "BOARDS AND COMMISSIONS" OF TITLE I "ADMINISTRATIVE CODE" OF THE SAGINAW CODE OF ORDINANCES O-1.

The City of Saginaw Ordains:

Section 1. § 12.15(A)(1), "Board of Fire Code Appeals" of Chapter 12, "Boards and Commissions", of Title I, "Administrative Code" of the City of Saginaw Code of Ordinances, O-1, is hereby amended and shall read as follows:

§ 12.15. FIRE COST REIMBURSEMENT.

(A) *Creation and membership.*

(1) The Board of Fire Code Appeals is hereby created. The members of the Board of Building Appeals shall also serve as members of the Board of Fire Code Appeals. In addition, the Mayor, with Council approval, shall appoint an experienced fire code official from another jurisdiction to serve as an additional member of the Board.

Section 2. That this Ordinance shall take effect on October 6, 2011.

Enacted: September 26, 2011.

From: The City Manager

Subject: Board of Fire Code Appeals

Manager's Recommendation:

I recommend approval of the ordinance introduced under the regular order of business, that amends §12.15(A)(1), "Board of Fire Code Appeals," of Chapter 12, "Boards and Commissions", of Title I "Administrative Code" of the City of Saginaw Code of Ordinances O-1.

Justification:

The member of the Board of Building Appeals also serve as the members of the Board of Fire Code Appeals. This is generally acceptable, but it would also be useful for a member of the board to have specific knowledge and experience with the fire code. This amendment would add as an additional member an experienced fire code official from another jurisdiction. This will be a valuable addition to the Board.

Council Action:

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

Planning Commission Recommendation: approval of the resolution as follows:

**RESOLUTION OF INTENT TO AMEND THE OFFICIAL CITY MAP TO VACATE A
PORTION OF JOHNSON STREET AT WATER STREET**

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the City Planning Commission held a public hearing on August 23, 2011, on a proposal to vacate a portion of Johnson Street at Water Street, in the City of Saginaw; and

WHEREAS, after a duly advertised public hearing, the Commission found that the public and private interest would best be served by the requested vacation of a portion of Johnson Street at Water Street, in the City of Saginaw; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby declares its intent to vacate a portion of Johnson Street at Water Street, in the City of Saginaw.

BE IT FURTHER RESOLVED, that the City Council will meet on October 10, 2011 at 6:30 p.m., in the Council Chambers, at City Hall to hear any objections to the proposed alley vacation.

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

RESOLUTION CONVERTING ESCROWED 2011 CLASS C LICENSE AT 220 N. HAMILTON TO A TAVERN LICENSE AT 100 S. MICHIGAN

Council _____ offered and moved adoption of the following resolution:

WHEREAS, on or about August 11, 2011 the City Clerk's Office received a Local Approval Notice from the State of Michigan Liquor Control Commission; and

WHEREAS, said notice requests to transfer ownership of escrowed 2011 Class C Licensed business with Dance-Entertainment Permit, located at 220 N. Hamilton, Saginaw, MI 48602, Saginaw County from Saginaw Comedy, Inc. to Court Street Grill LLC; transfer location to 100 S. Michigan, Suite # 2, Saginaw, MI 48602, Saginaw County & transfer classification to Tavern License; and

WHEREAS, State documentation identifies the seller's address as 200 Hamilton, with no direction specified. It has been verified that 220 N. Hamilton is the correct location that the license is being transferred from; however, the State has advised that the City cannot change the address in the resolution it provided; and

WHEREAS, the Saginaw County Health Department, City of Saginaw Fire Prevention, City Police Department and the City Building Inspections Division have approved 100 S. Michigan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Saginaw that the request to transfer ownership of escrowed 2011 Class C Licensed business with Dance-Entertainment Permit, located at 220 Hamilton, Saginaw, MI 48602, Saginaw County from Saginaw Comedy, Inc. to Court Street Grill LLC; transfer location to 100 S. Michigan, Suite # 2, Saginaw, MI 48602, Saginaw County & transfer classification to Tavern License be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

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

**RESOLUTION AUTHORIZING THE DIRECTOR OF DEVELOPMENT AND/OR HIS
DESIGNEE TO SIGN COMMITMENT LETTERS, DEVELOPMENT AGREEMENTS,
REGULATORY AGREEMENTS AND OTHER DOCUMENTS AWARDED NSP 2
FUNDS FOR THE CONSTRUCTION OF MULTI-FAMILY DWELLINGS**

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the Neighborhood Stabilization Program 2 ("NSP2") grant funds are used to purchase foreclosed and vacant properties to rehabilitate them and sell them;

WHEREAS, the NSP2 grant funds are used to purchase vacant lots for construction of new dwellings;

WHEREAS, there are seventeen (17) months left in the program, which will expire on February 10, 2013;

WHEREAS, the City intends to sell the building located at 505 Millard to a developer and provide NSP2 funds to assist with rehabilitating the property;

WHEREAS, the City also intends to provide NSP 2 funds to assist with the construction of a Senior Housing Development in the Covenant District;

WHEREAS, the Michigan State Housing Development Authority ("MSHDA") requires the City to submit a certified resolution approved by City Council that authorizes the Director of Development and/or his designee to sign the Commitment Letter and any other documents requested by MSHDA awarding NSP2 funds for multi-family projects;

NOW, THEREFORE, BE IT RESOLVED, that City Council authorizes the Director of Development and/or his designee to sign Commitment Letters and any other documents requested by MSHDA related to the awarding of NSP2 funds for multi-family projects including, but not limited to, Development Agreements and Regulatory Agreements;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to MSHDA.

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

**RESOLUTION TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES
ON MORLEY PLAZA**

Council _____ offered and moved adoption of the following resolution:

WHEREAS, PRIDE plans to hold an opening celebration on Morley Plaza for the Saginaw Spirit Hockey season on September 30, 2011 and October 1, 2011; and

WHEREAS, PRIDE requested that it be allowed to sell alcoholic beverages to participants between 4:00 p.m. and 7:00 p.m. on public property; and

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

WHEREAS, PRIDE 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 opening celebration for the Saginaw Spirit Hockey season to be held on September 30, 2011 through October 1, 2011, on Morley Plaza, provided that PRIDE provides the mandatory information listed in Title XIII, Section 132.01(C) of the Saginaw Code of Ordinances no later than September 23, 2011, to the proper City officials.

BE IT FURTHER RESOLVED, if PRIDE does not provide the documents by the stated date, it will not be allowed to sell alcoholic beverages during the event on September 30, 2011 and October 1, 2011.

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

From: The City Manager

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

Manager's Recommendation:

I recommend approval of a Resolution authorizing the sale of alcoholic beverages on Morley Plaza, which is public property, during the opening celebration for the Saginaw Spirit Hockey season, to be held on September 30, 2011 through October 1, 2011.

Justification:

On September 30, 2011 and October 1, 2011, PRIDE will sponsor the opening celebration for the Saginaw Spirit Hockey season on Morley Plaza. PRIDE has requested that the City allow it to provide alcoholic beverages between 4:00 p.m. and 7:00 p.m., to its guests for sale during this special event. Title XIII, Section 132.01(C) of the Saginaw Code of Ordinances states that City Council can authorize the consumption 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 said City Council deems appropriate.

PRIDE will provide the proper documents to the City by September 23, 2011. If it fails to provide the documentation by the date specified, PRIDE will not be allowed to sell alcoholic beverages on Morley Plaza on September 30, 2011 and October 1, 2011. The City has set insurance requirements and all insurance certificates must be reviewed and approved by the City Attorney prior to the event.

Council Action:

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