

## Council Agenda

October 11, 2010 6:30 p.m., Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE

ROLL CALL

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

September 27, 2010 regular Council meeting.

ANNOUNCEMENTS:

PUBLIC HEARINGS:

Albee Township Urban Cooperation Agreement

PERSONAL APPEARANCES:

REMARKS OF COUNCIL:

PETITIONS:

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

Council Boards and Commissions:

1. Consideration of reappointing Elsenia L. Porterfield to the Human Planning Commission with a term to expire October 11, 2012.
2. Consideration of reappointing Emilie R. Truax to the Human Planning Commission with a term to expire October 11, 2012.
3. Consideration of appointing Joel Tanner to the Income Tax Board of Review to serve an indefinite term.

REPORTS FROM MANAGER:

Management Update:

1. Medical Marijuana Update by Tom Fancher, City Attorney.

2. Review of Saginaw Police Department Review Panel's Report.

Recommended Actions:

1. Recommending acceptance of the State bid and issuance of a purchase order to Ikon Office Solutions in the amount of \$48,818.12 for the lease and purchase of copy machines. Of this amount, \$7,418.76 will be annual payments for five years on lease options for the City Manager's Office (\$2,030.88), City Clerk's Office (\$2,952.60), Cemeteries (\$764.40) and Inspections (\$1,670.88). The remaining balance of \$11,724.32 will be utilized to purchase copy machines for the Community Development Block Grant/SEDC Division (\$8,322.32) and the Wastewater Treatment Plant (\$3,402.00). Funds for this purchase are available in following General Fund Operating Services Accounts - City Manager's Office - 101-1710-701-8005, City Clerk's Office -101-1730-701.8005, Cemeteries - 101-1747-821.8005, and Inspections 101-3865-761.8005. Likewise, funding for the purchase of copier machines are available in the Community Development Block Grant Fund – SEDC Capital Outlay/Office Equipment Account, No. 282-8570-761.9760 (\$8,322.32) and Sewer Operations and Maintenance Fund– Wastewater Treatment and Pumping Division – Capital Outlay/Office Equipment Account, No. 590-4830-861.9760 (\$3,402.00).
2. Recommending that a purchase order be approved and issued to Novell, Inc. in the amount of \$12,276.00 for the renewal of annual licensing and support. Funds are budgeted in the Department of Technical Services - Information Services Fund – Operating Services Account, No. 658 1720 711 8005.
3. Recommending acceptance of the low bid and issuance of a purchase order to Michigan Office Design in the amount of \$2,802.40 for the purchase of five ergonomically correct chairs for the City Clerk's Office. Funds are budgeted in the Workers Compensation Fund – Administration Division's Capital Outlay/Less than \$5,000 Account, No. 678 1750 701 9705.
4. Recommending approval of an agreement between the City of Saginaw and Cambridge Integrated Services Group, Inc. Further recommend that the City Manager or his designee be authorized to sign all documents. This company provides for third-party administration of the City's self-insured workers compensation program. The contract provides a three-year rate guarantee with an annual 3% escalator. The first year flat service is \$28,900.00. Funds are budgeted in the Workers Compensation Fund – Administration Division's Professional Services Account, No. 678 1750 701 8001.
5. Recommending approval of a citywide Cost Allocation Plan Agreement between the City of Saginaw and Maximus, Inc. This agreement would provide for a cost allocation plan that would be utilized in the 2012 fiscal year, with an optional two-year extension for fiscal years 2013 and 2014. The total cost for the agreement

is \$41,250.00 (FY 2012 - \$13,500.00), (FY 2013 - \$13,750.00) and (FY 2014 - \$14,000.00). Funding for this agreement is available in the General Fund through the Professional Services accounts in the Fiscal Services – Administration, 101-1740-711.80-01 (FY2012, \$3,427.00), (FY2013, \$3,490.00), and (FY2014 \$3,554.00); Police Department - Patrol Division 101-3011-721.80-01 (FY2012 \$2,627.00), (FY2013 \$2,676.00), and (FY2014 \$2,724.00); and Fire Department - Fire Suppression Division 101-3751-751.80-01 (FY2012 \$2,627.00), (FY2013 \$2,676.00), and (FY2014 \$2,724.00); Rubbish Collection Fund – Rubbish Collection Division 226-4582-841.80-01 (FY2012 \$509.00), (FY2013 \$518.00), and (FY2014 \$528.00); the Sewer Operations and Maintenance Fund – Administration 590-4810-851.80-01 (FY2012 \$1,776.00), (FY2013 \$1,809.00), and (FY2014 \$1,842.00); and the Water Operations and Maintenance Fund – Administration 591-4710-851.80-01 (FY2012 \$2,534.00), (FY2013 \$2,581.00), and (FY2014 \$2,628.00).

6. Recommending approval of the amendment to the existing Subgrantee Funding Agreement with the United Way of Saginaw County for the Homelessness Prevention and Rapid Re-Housing Program and that the City Manager be authorized to execute the amendment and all related documents.
7. Recommending approval of the Indemnification Agreement with Rohde Bros. Excavating, Inc. and that the City Manager or his designee be authorized to execute it and any related documents.
8. Recommending approval of the Water Service Agreement between the City of Saginaw and Albee Township. The Water Service Agreement continues the City's policy of securing new long-term water agreements with wholesale customers within the context of revenue sharing. The Albee Township Board of Trustees has approved the Water Service Agreement.
9. Recommending approval of the Urban Cooperation Agreement with Albee Township. This Agreement is a revenue sharing component of the Water Service Agreement between the two communities, to be executed on the same date. The Albee Township Board of Trustees has approved this Agreement.
10. Recommending that payment be made to Joseph M. Day Company in the amount of \$3,280.00 for repairs to the Kochville Raw Water Pump Station boiler. The Joseph M. Day Company was chosen based on their knowledge of the boiler system as the company that performs routine maintenance on the Water System's many boilers and heating systems. Funds are budgeted in the Water Operations and Maintenance Fund – Treatment and Pumping Division's Capital Outlay/Repairs and Replacement Account, No. 591 4730 861 9720.
11. Recommending acceptance of the quote and issuance of a purchase order to Pumps Plus, Inc. in the amount of \$7,994.80 for the purchase of a replacement

- grit snail belt and parts to repair the old one. Pumps Plus is the representative for Eutek, manufacturer of the grit snail, and the sole source for replacement parts. Funds are available in the Sewer Operations and Maintenance Fund – Treatment and Pumping Division's Parts and Supplies Account, No. 590 4830 861 7330.
12. Recommending acceptance of the low bid and issuance of a purchase order to Detroit Pump & Mfg. In the amount of \$12,060.77 for the purchase of repair parts for the Boerger pumps at the Wastewater Treatment Plant. Funds are available in the Sewer Operations and Maintenance Fund – Treatment and Pumping Division's Parts and Supplies Account, No. 590 4830 861 7330.
  13. Recommending approval of the low bid to MAP Mechanical in the amount of \$90,768.00 for replacement of the Wastewater Treatment Plant boiler, and that a contract be awarded to them in that amount. Funds are budgeted in the Sewer Operation and Maintenance Fund – Surplus Division's Repairs and Replacements Account, No. 590 4840 881 9720.
  14. Transmitted herewith is a parking lease agreement between the City of Saginaw and the Aleda E. Lutze VA Medical Center (VAMC) to enter into a parking lease agreement. The lease is for six (6) months beginning October 1, 2010 through March 31, 2011. The agreement provides for annual rent of \$500.00 to be paid to the City and for a 60-day notice of cancellation of the lease by either party. At this time, the VAMC and the City of Saginaw are exploring options to improve the parking area. This six-month extension will give both parties time to write a long-term agreement.
  15. Recommending approval of the parking agreement with Meredith Corporation d/b/a WNEM TV5 to lease parking spaces in Lot No. 23. Under the agreement, TV5 will pay the City \$2,736.00 per quarter to lease 38 parking spaces in the City's Municipal Parking Lot No. 23 located at 124 North Franklin. The term of the agreement is for one year.
  16. Recommending acceptance of the quote and issuance of a purchase order to Jack Doheny Supply in the amount of \$4,420.00 for the purchase of a hydraulic saw to be used by the Right of Way Division. Jack Doheny is the sole source for this specialized equipment. Funds are budgeted in the Water Operations and Maintenance Fund – Right of Way Maintenance and Service Division's Capital Outlay/Repairs and Replacement Account, No. 591 4721 861 9720.
  17. Recommending acceptance of the low bid and issuance of a purchase order to Rapid Water Recovery in the amount of \$13,569.41 for fiscal year 2011 and \$13,569.41 for fiscal year 2012 for annual water meter testing. Also included in this purchase order is an additional \$2,000.00 for repair parts that may be needed to restore the meters accuracy. Funds for this purchase are budgeted in

the Water and Sewer Operations and Maintenance Fund - Right Of Way Meter Maintenance and Service Division's Other Services/Operating Services Account Nos. 591-4720-861.80-05 (\$6,784.71) and 590-4820-861.80-05 (\$6,784.70) for fiscal year 2011 and will be budgeted in the same account numbers in the same amount for fiscal year 2012.

18. Recommending acceptance of the low bid and that a contract be awarded to Remer Plumbing, Heating and Air Conditioning, Inc. in the amount of \$60,600.00 to replace the northerly boiler and add a steam system automatic chemical treatment device for City Hall. Funds are available in the Department of Public Services – Energy Efficiency Block Grant Division's Construction Projects Account, No. 101 1790 701 8047.
19. Recommending acceptance of the low bid from Lois Kay Contracting and that a contract be awarded to them in the amount of \$476,789.83 for the 2010-11 CDBG-R Resurfacing. Work includes cold milling, street resurfacing, full depth pavement repairs and the installation of ADA compliant sidewalk ramps on Atwater Street from Howard Street to Sheridan Avenue, S. Warren Avenue from E. Holland Avenue to Hoyt Avenue and Houghton Avenue from N. Woodbridge to N. Harrison Street. Funds for this contract are available in the Community Development Block Grant (CDBG) Fund - Street Resurfacing Division Account, No. 275-6511-761-80.46 (\$476,789.83) in Fiscal Year July 1, 2010 to June 30, 2011, Project No. 11H086. The American Recovery and Reinvestment Act made \$635,600 available to the City of Saginaw in Fiscal Year July 1, 2009 to June 30, 2010, and the remaining \$339,134.68 was carried forward to Fiscal Year July 2010 to July 2011.

#### INTRODUCTION OF ORDINANCES:

1. An Ordinance to amend §90.02, "Permits," §90.05, "False Alarms," §90.06, "False Alarms: Fees," and Paragraph (B) of §90.09, "Defective Alarms," and to add §90.10, "Billing, Collection and Penalties," to Chapter 90, "Alarms" of Title IX, "General Regulations" of the Saginaw Code of Ordinances O-1.

#### CONSIDERATION AND PASSING OF ORDINANCES:

#### RESOLUTIONS:

1. Transferring 2010 Class C Liquor License with Dance Entertainment Permit at 118 N. Michigan Avenue.
2. Approving issuance of Hospital Revenue Refunding Bonds by the City of Saginaw Hospital Finance Authority for the benefit of Covenant Medical Center, Inc.

3. Asserting the right of the City Council to approve or reject the final version of the City of Saginaw Master Plan.
4. Declining the right of the City Council to approve or reject the final version of the City of Saginaw Master Plan.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

1. Consideration of going into closed session to discuss (1) a slip and fall case on public property and (2) defamation case.

Darnell Earley  
City Manager

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Boerger Pump Parts

**Manager's Recommendation:**

I recommend that the low bid from Detroit Pump & Mfg. be accepted and a purchase order be issued to them in the amount of \$12,060.77 for the purchase of repair parts for the Boerger pumps at the Wastewater Treatment Plant.

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

**Justification:**

On September 28, 2010, sealed bids were opened for repair parts for Boerger pumps. The Wastewater Treatment Plant has eight of these pumps, which are used to pump sludge. The bid is for parts to completely rebuild one pump and provide parts for inventory. Following is a tabulation of the bids received:

Detroit Pump & Mfg. Ferndale, MI	\$12,060.77
WW Grainger Inc. Northbrook, IL	\$13,996.91

**Council Action**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Grit Snail Belt and Parts

**Manager's Recommendation:**

I recommend that the quote from Pumps Plus, Inc., be accepted and a purchase order be issued to them in the amount of \$7,994.80 for purchase of a replacement grit snail belt, and parts to repair the old one.

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

Funds for this purchase are available in the Sewer Operations and Maintenance Fund -Treatment and Pumping Division's Parts and Supplies Account, No. 590-4830-861.73-30.

**Justification:**

On September 20, 2010 we received a quote from Pumps Plus, Inc., in the amount of \$7,994.80. Pumps Plus is the representative for Eutek, manufacturer of the grit snail, and the sole source for replacement parts. The grit snail is part of a process to remove grit from the plant influent and convey it to a dumpster. After maintenance disassembled and inspected the unit, it was determined that the belt is worn and parts would need to be replaced. During dry weather flows, the plant can operate with just one snail in service; however, during wet weather events both snails are needed to handle the increased volume of grit. We plan to replace the existing belt and repair the old one to keep as a spare.

**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.

**Manager's Recommendation:**

I recommend that a purchase order be approved and issued to Novell, Inc., in the amount of \$12,276.00, 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 Department of Technical Services - Information Services Fund 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:** Water Service Agreement with Albee Township

**Manager's Recommendation:**

I recommend approval of the Water Service Agreement between the City of Saginaw and Albee Township. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

The Water Service Agreement continues the City's policy of securing new long term water agreements with wholesale customers within the context of revenue sharing. The Water Service Agreement conditions the sale of water on securing revenue sharing agreements whereby the City will receive development fees for new residential and non-residential developments requiring new water mains. An additional requirement is imposition of City income tax on the employees and businesses of new businesses having 10 or more full time equivalent employees, which will be split on a 90%-10% basis with the Township. The Albee Township Board of Trustees has approved the Water Service Agreement.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation from the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Albee Township Urban Cooperation Agreement

**Manager's Recommendation:**

I recommend approval of the Urban Cooperation Agreement with Albee Township ("Township"). This Agreement is a revenue sharing component of the Water Service Agreement between the two communities, to be executed on the same date. The Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

The Water Service Agreement requires the Township to make payments to the City resulting from new residential, commercial, industrial and manufacturing developments within the Township. These requirements are set forth in the Urban Cooperation Agreement, which will result in payments to the City of \$2,000.00 per new connection for each residential unit (inclusive of a 3% cumulative annual increase) and from \$5,000.00 to \$40,000.00 for connections resulting from new non-residential developments. The Albee Township Board of Trustees has approved this Agreement.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation from the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Cambridge Integrated Services Group Inc. Agreement.

**Manager's Recommendation:**

I recommend approval of an agreement between the City of Saginaw ("City") and Cambridge Integrated Services Group Inc. ("Cambridge"). This company provides for third-party administration of the City's self-insured workers' compensation program. The Agreement has been approved as to substance by the City Manager and to form by the City Attorney. The contract provides a three-year rate guarantee with an annual 3% escalator. The first year flat service fee is \$28,900.00 (unchanged since 2008). It is also recommended that the City Council authorize the City Manager or his designee to sign all documents.

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.

Funding for these services are budgeted in Workers Compensation Fund - Administration Division's Professional Services Account, No. 678-1750-701-8001.

**Justification:**

The purpose of the Agreement is to renew an ongoing successful working relationship between Cambridge and the City. This third party administrator has provided claims administrative service to the City of Saginaw since September 1989. The renewal of the agreement will provide a continued proactive approach to adjudicating claims in an effort to reduce our workers' compensation indemnity and medical costs.

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The City is very satisfied with their performance and due diligence with regard to managing open claims. This service provides the claims administration through a Mt. Clemens, Michigan branch office. The flat fee and optional incremental fees for services include but are not limited to claims management, indemnity and medical payments, all reporting requirements with the Michigan Workers Compensation Bureau, monthly claims reporting to the City of Saginaw, coordination and management of litigated claims, cost containment services such as utilization review services, managed care services and case intervention as necessary.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Purchase of Office Chairs

**Manager's Recommendation:**

I recommend issuance of a purchase order to Michigan Office Design, the low bidder, in the amount of \$2,802.40 for the purchase of five (5) ergonomically correct chairs for the City Clerk's Office.

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 Workers Compensation Fund - Administration Division's Capital Outlay/Less than \$5,000 Account No. 678-1750-701-9705.

**Justification:**

Following two (2) occupational health injuries, one requiring physical therapy, Covenant Healthcare's Physical Medicine & Rehabilitation Office conducted an analysis of the City Clerk's Office workstations for the purpose of developing a safe working environment. In a report dated February 15, 2010, Covenant's representative reported that chairs in the Clerk's Office had one or more of the following defects: broken springs, no arms or non-adjustable arms, non-adjustable seat, and no lumbar support. Given the foregoing, Covenant's evaluator recommended the purchase of five (5) ergonomically correct chairs for the City Clerk's Office staff. Bids were solicited from local office suppliers and through the City's new BidNet System. Following is a tabulation of the quotes received from the qualified bidders.

Michigan Office Design	\$2,802.40
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Southfield, MI

Burskee, LLC  
Fenton, MI

\$4,651.90

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City  
Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** False Alarm Ordinance Amendments

**Manager's Recommendation:**

I recommend § 90.02, "Permits," § 90.05, "False Alarms," § 90.06, "False Alarms: Fees," and Paragraph (B) of § 90.09, "Defective Alarms," be amended and § 90.10, "Billing, Collection and Penalties," be added to Chapter 90, "Alarms" of Title IX, "General Regulations," of the Saginaw Code of Ordinances O-1. An Ordinance has been prepared and appears under the regular order of business.

**Justification:**

The City is in the process of contracting with an outside agent to register, maintain, and collect fees relative to the City's False Alarm Ordinance. As such, it is necessary to amend the City's False Alarm Ordinance to set forth the procedures and guidelines for the revised procedure. Under the ordinance amendment, it will be required for any person, firm or corporation whose alarm is presently registered with the City to reregister the alarm with the City's authorized agent. There will be no cost to reregister an alarm, however, there will be a \$25.00 penalty incurred for failing to reregister within the allotted time. The one-time registration fee will be increased from \$35.00 to \$50.00 for new registrants to better defray the cost incurred for responding to an alarm.

Alarm owners will incur added fees after the 2nd false alarm response, instead of the 3rd response under the current ordinance. Fees will be assessed at the rate of \$50.00 after the 2nd occurrence, \$75.00 after the 3rd occurrence and \$100.00 for the



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4th and subsequent occurrences. All alarm permits will be set to “zero” occurrences on January 1<sup>st</sup> of each year.

There will be a \$100.00 penalty incurred if a response is made to an unregistered alarm. This penalty shall be waived, however, if the alarm owner registers the alarm within 10 days of the response incident.

There will also be a \$25.00 dollar late fee assessed whenever any payment is not received by the invoice due date. In addition, the City (or its authorized agent), shall have the authority to forward unpaid fines to a collection agency, issue a Class C Civil Infraction Citation (with additional penalties, fees and court costs incurred), and/or cause the unpaid charges to become a lien against the real property being serviced by the alarm system. In the case of a business, the City may cause the business to cease operations, including, having persons vacate the premises, padlocking the premises, or terminating water service, all at the business owner’s expense. These ordinance amendments were reviewed and approved by a committee comprised of the Police Chief, Fire Chief, Fire Marshal, City Attorney, City Clerk and Technical Services Director.

## **Council Action:**

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

# COUNCIL COMMUNICATION

Council \_\_\_\_\_ introduced an ordinance entitled and

reading as follows:

AN ORDINANCE TO AMEND § 90.02, "PERMITS," § 90.05, "FALSE ALARMS," § 90.06, "FALSE ALARMS: FEES," AND PARAGRAPH (B) OF § 90.09, "DEFECTIVE ALARMS," AND TO ADD § 90.10, "BILLING, COLLECTION AND PENALTIES," TO CHAPTER 90, "ALARMS" OF TITLE IX, "GENERAL REGULATIONS" OF THE SAGINAW CODE OF ORDINANCES O-1.

Laid over under the Charter provision.

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Council \_\_\_\_\_ moved that an ordinance introduced, October 11, 2010, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND § 90.02, "PERMITS," § 90.05, "FALSE ALARMS," § 90.06, "FALSE ALARMS: FEES," AND PARAGRAPH (B) OF § 90.09, "DEFECTIVE ALARMS," AND TO ADD § 90.10, "BILLING, COLLECTION AND PENALTIES," TO CHAPTER 90, "ALARMS" OF TITLE IX, "GENERAL REGULATIONS" OF THE SAGINAW CODE OF ORDINANCES O-1.

The City of Saginaw Ordains:

Section 1. §90.02, "Permits" of Chapter 90, "Alarms" of Title IX, "General Regulations" of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 90.02 PERMITS AND FEES.**

(A) *Alarm permits and permit fees.*

(1) Any person, firm, or corporation who presently owns, shall take ownership, lease or occupy a premises in which a burglar and/or fire alarm system has been installed and/or maintained shall be required to obtain a permit for such burglar and/or alarm system through the City's authorized agent, regardless of any prior or existing permit or registration.

(2) Any person, firm or corporation maintaining or operating an alarm system at more than one (1) premise within the City shall obtain an alarm permit for each separate premise.

(3) A non-refundable permit fee of Fifty (\$50.00) Dollars shall be charged for each permit required by this chapter to help defray the costs incurred by the City in the administration, maintenance, and supervision of the provisions of this

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chapter. The permit fee shall be waived for any person, firm or corporation, who has registered its burglar and/or alarm system prior to the effective date of this ordinance, however, a delinquent or late fee of Twenty-Five (\$25.00) Dollars shall be incurred for a person, firm or corporation which fails to reregister with the City's authorized agent within thirty (30) days of notification of reregistering by the City's authorized agent.

(4) If at any time a registered alarm is relocated or changes ownership, the person, firm, or corporation who owns, takes ownership, or leases or occupies the premises in which the alarm was relocated, shall be required to reregister such alarm and pay the fee in the same manner as set forth in this subsection.

(B) *Application for permit.*

(1) The permit application must be completed by the alarm user of the premises on which the alarm system is maintained.

(2) The application shall include the following information:

(a) The address and telephone number of the premises on which the alarm system is maintained;

(b) The name, address, and telephone number of the owner of the premises;

(c) The name, address, and telephone number of the alarm user, if different than owner of premises;

(d) The name, address, and telephone number of the person, firm, or corporation installing and/or servicing the alarm system;

(e) Names, addresses, and telephone numbers of all persons responsible for resetting or turning off the alarm or device, checking the

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premises, or responding to notice from the Police and/or Fire Department(s) of an activation of the alarm system;

(f) A description of the alarm system;

(g) Such additional information as the Police and/or Fire

Department may require.

(3) The application shall also contain a statement that the applicant(s) have read the copy of this chapter provided by the City or its authorized agent and are submitting the application with full knowledge and understanding of the provisions of this chapter and that said applicants will comply with this chapter. Submission of the application to City or its authorized agent shall serve as confirmation of this statement.

(4) The owner and the alarm user shall be required to keep all application information current.

Section 2. §90.05, “False Alarms,” of Chapter 90, “Alarms” of Title IX, “General Regulations” of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 90.05 FALSE ALARMS.**

No person shall knowingly cause a false alarm of fire or other emergency to be transmitted to any official agency or organization, which deals with emergencies involving danger to life or property. The penalty for violation of this section shall be the penalty established by § 109.3 of the International Fire Code, as adopted and amended in § 92.20(F).

*False alarms, see § 92.05*

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Section 3. §90.06, “False Alarms: Fees” of Chapter 90, “Alarms” of Title IX, “General Regulations” of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 90.06 FALSE ALARMS: RESPONSE FEES.**

(A) *Fee for Excessive Alarm Responses.* Every alarm user, operating an alarm system which signals a false alarm as defined in §90.01 in excess of two (2) incidents within one (1) calendar year beginning January 1<sup>st</sup> of each year, shall pay to the City a false alarm response fee and/or shut off fee in order to defray a portion of the cost of response to such alarm incidents.

(B) *Amount of fee.* The following fee schedule shall be established for false alarm responses or shut off of local alarm occurrences:

After the second (2 <sup>nd</sup> ) occurrence:	\$ 50.00
After the third (3 <sup>rd</sup> ) occurrence:	\$ 75.00
After the fourth (4 <sup>th</sup> ) occurrence and each subsequent occurrence:	\$100.00

After the second (2<sup>nd</sup>) false alarm response or shut off of local alarm occurrence, in a calendar year, beginning January 1<sup>st</sup>, the department charging the fee (or the City’s authorized agent) shall notify the owner, lessee, or occupant of the premises, in writing, of this section and the amount of the fee at that time charged and the fee charged for subsequent responses as set forth above. All alarm permits shall be set to “zero” occurrences on January 1<sup>st</sup> of each year.

(C) *Penalty for Response to Unregistered Alarm.* In the event a response is made to an unregistered alarm, the person, firm or corporation maintaining or operating

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the alarm system shall be assessed a penalty fee of One Hundred (\$100.00) Dollars for failing to register and/or obtain a permit prior to a response. Such penalty shall be waived if the person, firm or corporation registers the alarm within ten (10) days of the response incident.

Section 4. Paragraph (B) of § 90.09, "Defective Alarms," is hereby amended to shall read as follows:

## **§ 90.09 DEFECTIVE ALARMS.**

(B) Failure to have an alarm system inspected after notice of five (5) false alarms within a calendar year may result in the issuance of a civil infraction as set forth in § 90.10 (B)(2).

Section 5. §90.10, "Billing, Collection and Penalties," is hereby added to Chapter 90, "Alarms" of Title IX, "General Regulations" of the Saginaw Code of Ordinances, O-1, and shall read as follows:

## **§90.10 BILLING, COLLECTION AND PENALTIES**

(A) *Billing procedure.* False alarm and shut off/response invoices shall be mailed and become due and payable thirty (30) days following the billing date. A late payment fee of Twenty-Five (\$25.00) Dollars shall be added to any invoice not received by City's authorized agent by the date due.

(B) *Collection, Penalties and Remedies.* In addition to any other penalty or remedy provided for in this code, or other City ordinances, the City or its authorized agent shall have the authority to take the following actions against any alarm user, which fails to obtain a permit or fails to pay any fees incurred under this ordinance:

# COUNCIL COMMUNICATION

(1) Forward the unpaid fines to a collection agency for action. Upon forwarding the fines to the collection agency, an administrative fee equal to thirty percent (30%) of the unpaid fine will be added to the balance due.

(2) Cause to be issued a Class C Civil Infraction Citation. A separate offense shall be deemed committed for each day that a violation occurs. (Note: In the event a Class C Civil Infraction is issued, additional penalties, fees and court costs will be incurred.)

(3) Cause the unpaid charges to become a lien against the real property being serviced by the alarm system and shall be collected as provided in § 33.26.

(4) In the case of a business, cause said business to cease operations at its location, including, but not limited to, having persons vacate the premises, padlocking said premises, or terminating water service to said premises, with reasonable costs charged to the business owner.

Section 6. That this Ordinance shall take effect on November 4, 2010.

Enacted: October 25, 2010.



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Liquor License for 118 N. Michigan Avenue

**Manager's Recommendation:**

I recommend approval of the request to transfer ownership of escrowed 2010 Class C licensed business with Dance-Entertainment Permit, located at 118 N. Michigan, Saginaw, MI 48602, Saginaw County, from Evolution Eateries, Inc. to Citizens Bank, with the license to be held in escrow.

**Justification:**

On or about August 9, 2010, the City received notice from the Michigan Liquor Control Commission of the request to transfer ownership of escrowed 2010 Class C licensed business with Dance-Entertainment Permit, located at 118 N. Michigan, Saginaw, MI 48602, Saginaw County, from Evolution Eateries, Inc. to Citizens Bank, with the license to be held in escrow.

The Saginaw County Health Department, City of Saginaw Fire Prevention and the City Building Inspections Division have completed the necessary inspections at 118 N. Michigan and the City Police Department has completed its review process and has approved 118 N. Michigan for the license transfer as required by Chapter 110, "General Provisions," of Title XI, "Business Regulations" of the Saginaw Code of Ordinances. Under Chapter 111, "Alcoholic Beverages," §111.11, "Application for License," the City Manager is to review all applications and departmental reports and give his recommendation to City Council of his approval or disapproval of the license. Since the necessary requirements have been met by Citizens Bank, I hereby recommend approval of the ownership transfer for the 2010 Class C licensed business with Dance-Entertainment Permit, located at 118 N. Michigan, Saginaw, MI 48602, Saginaw County, from Evolution Eateries, Inc. to Citizens Bank, with the license to be held in escrow.

**Council Action:**

This Council Communication is for explanation purposes only of the Resolution to be adopted.

# COUNCIL COMMUNICATION

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

**RESOLUTION TRANSFERRING 2010 CLASS C LIQUOR LICENSE WITH DANCE ENTERTAINMENT PERMIT AT 118 N. Michigan Avenue**

Council \_\_\_\_\_ offered and moved adoption of the following resolution:

WHEREAS, on or about August 9, 2010 the City Clerk's Office received a Local Approval Notice from the State of Michigan Liquor Control Commission; and

WHEREAS, said notice to transfer ownership of escrowed 2010 Class C licensed business with Dance-Entertainment Permit, located at 118 N. Michigan, Saginaw, MI 48602, Saginaw County, from Evolution Eateries, Inc. to Citizens Bank, with the license to be held in escrow; and

WHEREAS, the Saginaw County Health Department, City of Saginaw Fire Prevention, City Police Department and the City Building Inspections Division have approved 118 N. Michigan Avenue.

NOW, THEREFORE, BE IT RESOLVED, that the request to transfer ownership of escrowed 2010 Class C licensed business with Dance-Entertainment Permit, located at 118 N. Michigan, Saginaw, MI 48602, Saginaw County, from Evolution Eateries, Inc. to Citizens Bank, with the license to be held in escrow be considered for approval.

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Hydraulic Powered Pipe Cutting Saw

**Manager's Recommendation:**

I recommend that the quote received from Jack Doheny Supplies be accepted and a purchase order be issued to them in the amount of \$4,420.00 for the purchase of a hydraulic saw. Jack Doheny Supply is the sole source for this specialized equipment and the quote also includes spare blades and an extra chain.

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 - Right Of Way Maintenance and Service Division's Capital Outlay/ Repairs and Replacement Account, No. 591-4721-861.97-20.

**Justification:**

The Right of Way Division, Maintenance and Service Section, has need of a hydraulic powered saw that can be used with the existing hydraulic power pack and tractor backhoe unit. This will allow additional flexibility for the Division to cut all types of metal pipe up to 18 inches in diameter.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** ROW Annual Water Meter Testing

**Manager's Recommendation:**

I recommend that the bid from Rapid Water Recovery be accepted and a purchase order issued to them in the amount of \$13,569.41 for fiscal year 2011 and \$13,569.41 for fiscal year 2012. Also, included in this purchase order is an additional \$2,000.00 for repair parts that may be needed to restore the meters accuracy.

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 and Sewer Operations and Maintenance Fund - Right Of Way Meter Maintenance and Service Division's Other Services/Operating Services Account Nos. 591-4720-861.80-05 (\$6,784.71) and 590-4820-861.80-05 (\$6,784.70) for fiscal year 2011 and will be budgeted in the same account numbers in the same amount for fiscal year 2012.

**Justification:**

The Right of Way Division, Maintenance and Service Section, requires annual testing of the master meters servicing our out-city wholesale customers, industries and businesses within the city that use large volume water meters. This is to ensure that the accuracy of the meters is restored to American Water Works standards for cold-water meters. Following is a tabulation of the bids received.

# COUNCIL COMMUNICATION

## Vendor

Rapid Water Recovery	\$13,569.41	First Year
Summerville, GA	<u>\$13,569.41</u>	Second Year

Total \$27,138.82

SLC Meter Service	\$15,767.00	First Year
Pontiac, MI	<u>\$15,767.00</u>	Second Year

Total \$31,534.00

RIO Supply	\$42,700.00	First Year
Madison Heights, MI	<u>\$42,700.00</u>	Second Year

Total \$85,400.00

## Council Action:

Council\_\_\_\_\_ moved that the recommendation of the City  
Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Homelessness Prevention and Rapid Re-Housing Program Subgrantee Funding Agreement Amendment

**Manager's Recommendation:**

I recommend approval of the amendment to the existing Subgrantee Funding Agreement with the United Way of Saginaw County for the Homelessness Prevention and Rapid Re-Housing Program (HPRP) and that the City Manager be authorized to execute the amendment and all related documents. This amendment has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

The City entered into a Subgrantee Funding Agreement with the United Way of Saginaw to carry out the HPRP activities. City Council approved the Homeless Prevention and Rapid Re-Housing Program (HPRP) Subgrantee Funding Agreement at the September 28, 2009, council meeting. The term of the Agreement was for two years beginning September 1, 2009 through August 31, 2011. The Subgrantee Funding Agreement should be amended to extend the term of the agreement to a three-year term, ending on June 30, 2012. Only one subsection of the original agreement need be modified to accomplish this. The United Way of Saginaw is agreeable to this change.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** WNEM TV5 Lot 23 Parking Agreement

**Manager's Recommendation:**

I recommend that the parking agreement with Meredith Corporation d/b/a WNEM TV5 ("TV5") to lease parking spaces in Lot Number 23 be approved. The agreement is for a period of one year commencing on November 1, 2010 and expiring on October 31, 2011. It has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

Transmitted herewith is a standard group parking agreement between the City of Saginaw ("City") and TV5. Under the agreement, TV5 will pay the City Two Thousand Seven Hundred Thirty Six Dollars and 00/100 (\$2,736.00) per quarter to lease thirty-eight (38) parking spaces in the City's Municipal Parking Lot Number 23 located at 124 North Franklin. The term of this agreement is for one year.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Emergency Repair to the Kochville Raw Water Pump Station Boiler

**Manager's Recommendation:**

I recommend that payment be made to Joseph M. Day Co., Saginaw, Michigan, in the amount of \$3,280.00 for repairs to the Kochville Raw Water Pump Station boiler.

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 -Treatment and Pumping Division's Capital Outlay/Repairs and Replacement Account No. 591-4730-861.97-20.

**Justification:**

On September 28, 2010, emergency purchase order #42074 was issued to Joseph M. Day Co. in the amount of \$3,280.00. The purchase order was for repairs to the boiler due to significant corrosion noted around the inspection hatch during a recent routine inspection of the boiler. The "Kochville Raw Water Pump Station" boiler is 30 years old and is critical because it is the only heat source for the building. Cold weather is fast approaching and quick action is necessary. The Joseph M. Day Co. was chosen based on their knowledge of the boiler system as the company that performs routine maintenance on the Water System's many boilers & heating systems. The condition of the boiler will be ascertained and replacement options considered for future budgeting.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Aleda E. Lutze VA Medical Center Parking Lease

**Manager's Recommendation:**

Transmitted herewith is a parking lease agreement (City Clerk's File \_\_\_\_\_) between the City of Saginaw and the Aleda E. Lutze VA Medical Center ("VAMC") to enter into a parking lease agreement. The lease is for six (6) months beginning October 1, 2010 through March 31, 2011.

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

**Justification:**

Several years ago, the City and the VAMC entered in a parking lease agreement. The agreement allows VAMC staff, patients and visitors to park in the lot located directly east of the VAMC. The agreement provides for annual rent of \$500.00 to be paid to the City and for a 60-day notice of cancellation of the lease by either party. At this time the VAMC and the City of Saginaw are exploring options to improve the parking area. This 6-month extension will give both parties time to write a long-term agreement. In addition, the VAMC agrees to pay for all improvement and maintenance to the parking lot and shall indemnify the City against all liability for any and all claims for personal injury, property damage or bodily injury.

**Council Action**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Contract with Lois Kay Contracting

**Manager's Recommendation:**

I recommend that the low bid from Lois Kay Contracting in the amount of \$476,789.83 be accepted and a contract awarded them in that amount be approved. Contract documents forwarded herein (City Clerk's File \_\_\_\_\_), have been signed by the contractor. The contract is subject to approval by me as to substance and the City Attorney as to form.

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 contract are available in the Community Development Block Grant (CDBG) Fund - Street Resurfacing Division Account, No. 275-6511-761-80.46 (\$476,789.83) in Fiscal Year July 1, 2010 to June 30, 2011, Project No. 11H086. The American Recovery and Reinvestment Act made (\$635,600) available to the City of Saginaw in Fiscal Year July 1, 2009 to June 30, 2010, and the remaining (\$339,134.68) was carried forward to Fiscal Year July 2010 to July 2011.

**Justification:**

On September 28, 2010, the City received bids for 2010-2011 CDBG-R Resurfacing. Work includes cold milling, street resurfacing, full depth pavement repairs and the installation of ADA compliant sidewalk ramps on Atwater Street from Howard Street to Sheridan Avenue, S Warren Avenue from E Holland Avenue to Hoyt Avenue and Houghton Avenue from N Woodbridge Avenue to N Harrison Street.

# COUNCIL COMMUNICATION

Following is a tabulation of the bids received:

Lois Kay Contracting Saginaw, MI	\$ 476,789.83
Pyramid Paving Bay City, MI	\$ 506,533.40
Shaw Contracting Kawkawlin, MI	\$ 524,978.08
Champagne & Marx Saginaw, MI	\$ 609,539.44

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the  
City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Contract with MAP Mechanical

**Manager's Recommendation:**

I recommend acceptance of the low bid from MAP Mechanical in the amount of \$90,768.00 and that a contract be awarded to them in that amount. Contract documents forwarded herein (City Clerk's File \_\_\_\_\_), have been signed by the contractor. The contract is subject to approval by the City Manager as to substance and the City Attorney as to form.

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

Funds are budgeted in the Sewer Operation and Maintenance Fund – Surplus Division's Repairs and Replacements Account, No. 590-4840-881.97-20.

**Justification:**

On September 28, 2010, the City received bids for the Wastewater Treatment Plant Boiler Replacement. This project will replace the original 1950 Titusville boiler that is unable to be repaired.

Following is a tabulation of the bids received:

MAP Mechanical Midland, MI	\$90,768.00
Remer Plumbing, Heating & A/C Saginaw, MI	\$115,457.00
John E Green Saginaw, MI	\$115,600.00
Marble Mechanical Birmingham, MI	\$117,000.00
Franklin Holwerda, Co. Wyoming, MI	\$140,100.00

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

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

RESOLUTION APPROVING ISSUANCE OF HOSPITAL REVENUE REFUNDING BONDS BY THE CITY OF SAGINAW HOSPITAL FINANCE AUTHORITY FOR THE BENEFIT OF COVENANT MEDICAL CENTER, INC.

WHEREAS, the City Council of the City of Saginaw, Michigan has previously established the City of Saginaw Hospital Finance Authority (the "Authority") pursuant to the provisions of Act 38, Public Acts of Michigan, 1969, as amended, with the power to issue bonds for the purpose of making loans to hospitals for the acquisition, construction, improvement or alteration of hospital facilities and to refinance outstanding indebtedness of a hospital; and

WHEREAS, the Authority has previously issued and delivered its Hospital Revenue and Refunding Bonds (Covenant Medical Center, Inc.), Series 1999E (the "Series 1999 Bonds") and its Hospital Revenue Bonds (Covenant Medical Center, Inc.), Series 2000F (the "Series 2000 Bonds"), each for the purpose of providing funds to make a loan to Covenant Medical Center, Inc. (the "Hospital"); and

WHEREAS, the Hospital has determined that it is desirable and in its best interests that the Authority refund the outstanding Series 1999 Bonds and Series 2000 Bonds; and

WHEREAS, the Hospital has requested that the Authority issue its Hospital Revenue Refunding Bonds (Covenant Medical Center, Inc.), Series 2010H (the "Series 2010 Bonds") for the purpose of providing funds to make a loan to the Hospital (the "Loan"); and

WHEREAS, the proceeds of the Loan will be used, together with other available funds of the Hospital, to (a) refund all or portions of the Authority's outstanding Series

1999 Bonds and Series 2000 Bonds, (b) fund a debt service reserve for the Series 2010 Bonds, and (c) pay the costs of issuing the Series 2010 Bonds, including the cost of a municipal bond insurance premium; and

WHEREAS, the Series 2010 Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the City of Saginaw, the State of Michigan or any political subdivision thereof; and

WHEREAS, on October 11, 2010 at 4:00 p.m., the Authority held a public hearing on the issuance of the Series 2010 Bonds after notice was published as provided in, and in satisfaction of, the applicable public hearing requirements of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, a record of the public hearing has been filed with the City Clerk; and

WHEREAS, the Authority has requested that this City Council approve the issuance of the Series 2010 Bonds; and

WHEREAS, this City Council desires to express its approval of the issuance of the Series 2010 Bonds by the Authority.

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, AS FOLLOWS:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Council of the City of Saginaw, Michigan, hereby approves the issuance, sale and delivery by the Authority of the Series 2010 Bonds in the aggregate principal amount of not to exceed One Hundred Million Dollars (\$100,000,000).

2. The Series 2010 Bonds shall be limited obligations of the Authority and shall not constitute general obligations or debt of the City of Saginaw, the State of Michigan or any political subdivision thereof.

3. The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Authority.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

# COUNCIL COMMUNICATION

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

RESOLUTION FOR CITY COUNCIL TO ASSERT POWER TO APPROVE OR  
REJECT FINAL VERSION OF MASTER PLAN

Council \_\_\_\_\_ offered and moved adoption of the following resolution:

WHEREAS, the City of Saginaw has undertaken the update of its Master Plan and Land Use Map pursuant to the Michigan Planning Enabling Act, PA 2008, No. 33, MCL 125.3801, et seq.; and

WHEREAS, the Michigan Planning Enabling Act, pursuant to MCL 125.3843(3), provides that the final step in approval of the Master Plan is performed by the Planning Commission unless the legislative body by resolution has asserted the right to approve or reject the master plan; and

WHEREAS, the City Council desires to review and consider the final version of the Master Plan before it is approved, as it may have been modified after its prior review of the proposed Master Plan.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby asserts the right of the City Council to approve or reject the final version of the City of Saginaw Master Plan.



# COUNCIL COMMUNICATION

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

Council \_\_\_\_ offered and moved adoption of the following resolution:

**RESOLUTION FOR CITY COUNCIL TO DECLINE POWER TO APPROVE OR  
REJECT FINAL VERSION OF MASTER PLAN**

Council \_\_\_\_ offered and moved adoption of the following resolution:

WHEREAS, the City of Saginaw has undertaken the update of its Master Plan and Land Use Map pursuant to the Michigan Planning Enabling Act, PA 2008, No. 33, MCL 125.3801, et seq.; and

WHEREAS, the Michigan Planning Enabling Act, pursuant to MCL 125.3843(3), provides that the final step in approval of the Master Plan is performed by the Planning Commission unless the legislative body by resolution has asserted the right to approve or reject the master plan; and

WHEREAS, the City Council has considered and rejected this option and will allow the final approval of the Master Plan to remain with the Planning Commission, subject to their expertise and judgment.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby declines the right of the City Council to approve or reject the final version of the City of Saginaw Master Plan.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Contract with Remer Plumbing, Heating and Air Conditioning, Inc.

**Manager's Recommendation:**

I recommend that the low bid from Remer Plumbing, Heating and Air Conditioning, Inc., in the amount of \$60,600.00 be accepted and a contract awarded them in that amount be approved. Contract documents forwarded herein (City Clerk's File \_\_\_\_\_), have been signed by the contractor. The contract is subject to approval by the City Manager as to substance and the City Attorney as to form.

Funds for this contract are available in the Department of Public Services - Energy Efficiency Block Grant Division's Construction Projects Account No. 101-1790-701.80-47.

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:**

Contractors will replace the northerly boiler and add a steam system automatic chemical treatment device for City Hall. The northerly boiler was installed in 1980 and is one of two boilers that heat the municipal building. The boiler is no longer functioning and beyond repair and requires replacement to ensure uninterrupted operation of the facility throughout the winter months. The retrofit will begin immediately in order to have the installation complete prior to the beginning of the winter heating season.

In April 2009 as part of the American Recovery and Reinvestment Act, the City received \$566,200 from the Department of Energy through the Energy Efficiency and

# COUNCIL COMMUNICATION

Conservation Block Grant program. A portion of those funds were utilized to create an Energy Efficiency Conservation Strategy to identify low cost / no cost energy efficiency improvements that could be implemented at municipals buildings. The goal of the EECEBG is to reduce municipal operating costs, reduce energy usage and create jobs. With this construction contract, the City is implementing the first energy efficiency retrofit project identified in the strategy.

Following is a tabulation of the bids received:

Remer Plumbing, Heating & A/C Saginaw, MI	\$ 60,600.00
William E Walter Flint, MI	\$ 62,500.00
Holtz Combustion Saginaw, MI	\$ 74,650.00
Marble Mechanical Birmingham, MI	\$ 77,900.00

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Approval of Indemnity Agreement with Rohde Bros. Excavating, Inc.

**Manager's Recommendation:**

I recommend approval of the Indemnification Agreement with Rohde Bros. Excavating, Inc. and the City Manager or his designee be authorized to execute it and any related documents. This agreement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

The City demolished a house at 1002 Webber on July 18, 2009. This was performed pursuant to the emergency demolition procedures of the City's municipal ordinance. Rohde Bros, Excavating, Inc. was the City's designated demolition contractor, and it performed these services after the City made the decision to demolish the house. On August 19, 2010, the owners of this property filed a lawsuit against the City, three of its employees and against Rohde Bros. Excavating, Inc. The lawsuit claimed that the house was in reasonable condition and that the City acted improperly in demolishing it. The City has filed an Answer on behalf of all Defendants. Rohde Bros. Excavating, Inc. has requested that the City enter into an Agreement to Indemnify, Defend and Hold Harmless Rohde Bros. against any liability.

Such an agreement would avoid the necessity and expense of a Cross Claim by Rohde Bros and litigating this particular issue in court. There is no accusation that the house was demolished in an improper manner, just that the decision to demolish was made at all. That decision was made entirely by the City and not by Rohde Bros. Therefore, it is appropriate that the City indemnify the contractor for these actions.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation from the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Ikon Office Solutions Copy Machine Lease

**Manager's Recommendation:**

I recommend that the bid from the State of Michigan be accepted and that a purchase order be issued to Ikon Office Solutions in the amount of \$48,818.12. This amount consist of \$7,418.76 in annual payments for five years on lease options for the following offices – City Manager's Office (\$2,030.88), City Clerk's Office (\$2,952.60), Cemeteries (\$764.40), and Inspections (\$1,670.88). The remaining \$11,724.32, of the total amount, will be utilized to purchase copy machines for the following departments – Community Development Block Grant/ SEDC Division (\$8,322.32) and Wastewater Treatment Plant (\$3,402.00).

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

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

Funds for this purchase are available in following General Fund Operating Services Accounts - City Manager's Office - 101-1710-701-8005, City Clerk's Office - 101-1730-701.8005, Cemeteries - 101-1747-821.8005, and Inspections 101-3865-761.8005. Likewise, funding for the purchase is available in the Community

# COUNCIL COMMUNICATION

Development Block Grant Fund – SEDC Capital Outlay/Office Equipment Account, No. 282-8570-761.9760 (\$8,322.32) and Sewer Operations and Maintenance Fund– Wastewater Treatment and Pumping Division – Capital Outlay/Office Equipment Account, No. 590-4830-861.9760 (\$3,402.00).

**Justification:**

The State of Michigan solicited bids for copy machines of which Ikon Office Solutions was the successful bidder. The lease cost includes copier maintenance, supplies and new model switch out program. To ease the impact to departmental budgets, a 60-month lease is recommended for the offices of the City Manager, City Clerk, Cemeteries, and Inspections.

These new machines are much needed for the continued efficiency and effectiveness of city operations. The request for replacement by these departments stems from the fact that the current machine cannot be repaired; parts are no longer available, or must be ordered; which has created significant down time and lack of effectiveness in these areas.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Cost Allocation Plan – Maximus Inc.

**Manager’s Recommendation:**

I recommend the approval of a City-wide Cost Allocation Plan Agreement between the City of Saginaw (“City”) and Maximus, Inc. This agreement would provide for a cost allocation plan that would be utilized in the 2012 fiscal year, with an optional two-year extension for fiscal years 2013 and 2014. This plan would be based upon the June 30, 2011, June 30, 2012, and June 30, 2013 financial operations. The total cost for the agreement is \$13,500, \$13,750, and \$14,000, for fiscal years 2012, 2013 and 2014 respectively.

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

Funding for this agreement is available in the General Fund through the Professional Services accounts in the Fiscal Services – Administration, 101-1740-711.80-01 (FY2012, \$3,427), (FY2013, \$3,490), and (FY2014 \$3,554); Police Department - Patrol Division 101-3011-721.80-01 (FY2012 \$2,627), (FY2013 \$2,676), and (FY2014 \$2,724); and Fire Department - Fire Suppression Division 101-3751-751.80-01 (FY2012 \$2,627), (FY2013 \$2,676), and (FY2014 \$2,724); Rubbish Collection Fund – Rubbish Collection Division 226-4582-841.80-01 (FY2012 \$509), (FY2013 \$518), and (FY2014 \$528); the Sewer Operations and Maintenance Fund – Administration 590-4810-851.80-01 (FY2012 \$1,776), (FY2013 \$1,809), and (FY2014 \$1,842); and the Water Operations and Maintenance Fund – Administration 591-4710-851.80-01 (FY2012 \$2,534), (FY2013 \$2,581), and (FY2014 \$2,628).

**Justification:**

The City has contracted with Maximus, Inc. in 2010 to provide a cost allocation plan to ensure that the General Fund would be paid for services provided to other funds, such as Water and Sewer Operations and Maintenance Funds. This council communication would provide for the continuation of this service for fiscal years 2012, 2013, and 2014.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.