

# Council Agenda

November 9, 2009, 7:30 p.m., Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE

ROLL CALL

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

- October 26, 2009 regular Council meeting.

ANNOUNCEMENTS:

PUBLIC HEARINGS:

- Request from Central Property Development, Inc. for an Obsolete Property Rehabilitation District at 2115 Rust Avenue.

PERSONAL APPEARANCES:

REMARKS OF COUNCIL:

PETITIONS:

- 09-23 from Rodger New, CEO/VP Sales and Marketing of US Graphite, submitting a request for a PA 198 real and personal property abatement for the property located at 1620 E. Holland.

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

From the Council Boards and Committee:

1. Consideration of reappointing Kathryn Ann Rood to the Human Planning Commission with a term to expire November 24, 2011.
2. Consideration of reappointing Susanne M. Smokoska to the Human Planning Commission with a term to expire September 24, 2011.
3. Consideration of reappointing Edna C. Webb to the Zoning Board of Appeals with a term to expire December 31, 2012.

REPORTS FROM MANAGER:

1. Review of the Assistant Development Director's position by Darnell Earley, City Manager.
2. Long term effects of the current city property tax structure.

Recommended Actions:

1. Recommending the addition of a fulltime non-union position of Assistant Director within the Department of Development.
2. Recommending approval of the United States Environmental Protection Agency (EPA) Expedited Settlement Agreement (Agreement) for violations of Risk Management Program regulations at the Water Treatment Plant and that the penalty amount of \$1,950.00 be paid to the EPA. The Agreement has been approved by the City Manager as to substance and the City Attorney as to form. Funds are budgeted in the Water Treatment Operation Service Fees Account, No. 591 4730 861 8063.
3. Recommending approval of the Internet Services Agreement between the City of Saginaw and I.T.I., Inc. (ITI). This Agreement sets the terms for the City's access to the Internet, which is currently provided by ITI. Further recommend that the City Manager or his designee be authorized and directed to execute this agreement. This agreement has been approved by the City Manager as to substance and the City Attorney as to form.
4. Recommending that a purchase order be approved and issued to IBM, Inc., in the amount of \$4,000.00 for web-based Lotus Notes Development training to be used by the Information Services and Geographical Information Services (GIS) Departments. This web-based training is designed to instruct in Lotus Notes application development, which will include workflow applications, online forms and document organization. Funds are budgeted in the Information Services Training and Development Account, No. 658 1720 711 8090 (\$2,000.00) and in the GIS Training and Development Account No. 650 1738 781 8090 (\$2,000.00).
5. Recommending that a budget adjustment be completed to increase the Community Policing Federal Grants Account, No. 260 0000 513 5834 from \$0 to \$200,000.00. This increase in revenue will be offset by an increase in the Community Policing Capital Outlay/Office Equipment Account, No. 260 3327 741 9760 by the same amount. The adjustment is due to a grant received from the Department of Justice, Office Of Justice Programs, in the amount of \$200,000.00 in which the City of Saginaw will utilize to continue Phase II of the Shotspotter audio location system.
6. Recommending approval of the low quote and issuance of a purchase order to CMP Distributors, Inc., Lansing, MI in the amount of \$2,045.00 for the purchase of five new service weapons for the Police Department. These weapons will replace the existing unserviceable weapons. Funds are budgeted in the Drug Forfeiture Supplies/Parts and Supplies Account, No. 264 3040 731 7330.
7. Recommending approval for the distribution of funds to Parishioners on Patrol (P.O.P.) as pursuant to the agreement between P.O.P. and the Weed and Seed Communities Competitive Program, with the amount not to exceed \$23,056.00. Funds are available in the Community Policing/Weed and Seed Fund, Professional Services Account, No. 260 3321 741 8001.
8. Recommending that payment be made to Karbowski Oil in the amount of \$2,315.25 for the emergency purchase of motor oil. The Motor Equipment Section of the Right of Way

division required that the bulk tank be filled. The annual blanket purchase order had not been established at the time, thereby necessitating an emergency purchase. Funds are budgeted in the Motor Pool Operation Motor Vehicle Supplies Account, No. 661 4480 841 7312.

9. Recommending acceptance of the sole bid and issuance of a purchase order to NuSystems, Inc. in the amount of \$5,400.00 for the purchase of a chemical feed system to be used to eliminate hydrogen sulfide, which was detected at both the Drake and Douglas lift stations. Funds are available in the Sewer Operation and Maintenance Chemicals Account, No. 590 4835 861 7302.
10. Recommending acceptance of the low bid and issuance of a purchase to Karbowski Oil in the amount of \$14,331.50 for the purchase of an annual supply of motor vehicle bulk fluids. Funds are budgeted in the Motor Pool Operations Motor Vehicle Supplies Account, No. 661 4480 841 7312 and will be accounted for in the Motor Pool Operations Inventory Account, No. 661 0000 171 1123.
11. Recommending that Purchase Order No. 38981 issued to Michigan Cat be increased by \$15,000.00 and that Purchase Order No. 38914 issued to Scott Tire be reduced by \$15,000.00 for fiscal year 2010. The City's Municipal Garage requires the purchase of Original Equipment Manufacturer parts and supplies for the maintenance of the City's Caterpillar excavating, snowplowing and grinding equipment. Due to an increase in the grinding activities at the municipal compost site, there has been a significant increase in the amount of maintenance necessary to keep that equipment in service. Funds will be transferred from the Motor Pool Operations Motor Vehicle Repairs Account, No. 661 4480 841 8042 to the Motor Pool Operations Motor Vehicle Supplies Account, No. 661 4480 841 7312.

#### INTRODUCTION OF ORDINANCES:

1. An Ordinance to amend Subsection C, of Section 50.09, "Fees", of Chapter 50, "Solid Waste", of Title V, "Public Works", of the City of Saginaw Code of Ordinances, O-1.

#### CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to amend Paragraph (B), "Neighborhood Districts," of §12.33, "Saginaw Human Planning Commission," of Chapter 12, "Boards and Commissions," of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1.
2. An Ordinance to amend §130.51, "Loitering" of §130.50, et seq., "Curfews for Minors," of Chapter 130, "Offenses Against Public Peace and Safety," of Title XIII, "General Offenses," of the City of Saginaw Code of Ordinances, O-1.

#### RESOLUTIONS:

1. Reaffirming the City's intent to comply with Section 3 of the Housing and Urban Development Act of 1968.
2. Establishing an Obsolete Property Rehabilitation District at 2115 Rust Avenue.
3. Approving the City of Saginaw Apportionment of the Saginaw Area Storm Water Authority Annual Budget.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Darnell Earley  
City Manager

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Chemical Feed System

**Manager's Recommendation:**

I recommend that the bid from NuSystems, Inc. be accepted and that a purchase order be issued to them in the amount of \$5,400.00.

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 Operation and Maintenance Chemicals Account No. 590-4835-861.73-02.

**Justification:**

Hydrogen Sulfide has been detected at both the Drake and Douglas lift stations. Further investigation has shown that the problem originates at the Drake lift station. Hydrogen Sulfide is extremely corrosive, damaging pipe and pumping systems as well as creating odor problems in the system. NuSystems provides, monitors, and maintains a chemical feed system to eliminate hydrogen sulfide. Sealed bids were opened on 10/20/2009 and NuSystems, Inc. was the sole bidder.

**Council Action**

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

# COUNCIL COMMUNICATION

## RESOLUTION REAFFIRMING THE CITY'S INTENT TO COMPLY WITH SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

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

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

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 is intended to foster local economic development, neighborhood economic improvement and individual self-sufficiency; and

WHEREAS, Section 3 requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment and contracting opportunities for low or very low income residents in connection with projects and activities in their neighborhoods; and

WHEREAS, the City of Saginaw continues to be active in the areas of Community Revitalization and Urban blight removal; and

WHEREAS, the City of Saginaw works in cooperation with the Department of Housing and Urban Development, the Michigan State Housing Development Authority and local authorities in community development projects; and

WHEREAS, the City of Saginaw fully recognizes its obligation to not only provide a better quality of life for its citizens through programs of housing improvement and development, but sees it as vital to provide opportunities for training, job creation and economic development: and

# COUNCIL COMMUNICATION

WHEREAS, programs administered by HUD, MSHDA and others may provide opportunity for individuals, entrepreneurs, developers and Section 3 eligible entities; and

WHEREAS, the Neighborhood Stabilization Program 2 under the American Recovery and Reinvestment Act (NSP2) may provide opportunity for Section 3 eligible businesses and individuals for training, jobs and development; and

WHEREAS, the City of Saginaw is a member of the State of Michigan Consortium which has submitted an application to receive funding from the Department of Housing and Urban Development for Community development under NSP2.

NOW, THEREFORE, BE IT RESOLVED, that the City of Saginaw hereby reaffirms its intent to comply with Section 3 of the Housing and Urban Development Act of 1968 where applicable across its range of federal programs; and

BE IT FURTHER RESOLVED, that the City of Saginaw intends to address specifically the areas of home ownership, training, employment and contracting opportunities in Section 3 qualifying areas and will so note the intent in contracts entered into where Section 3 is applicable.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** United States Environmental Protection Agency Expedited Settlement Agreement

**Manager's Recommendation:**

I recommend that the United States Environmental Protection Agency ("EPA") Expedited Settlement Agreement ("Agreement") for violations of Risk Management Program ("RMP") regulations at the Water Treatment Plant ("WTP") be approved and that the penalty amount of \$1,950.00 be paid to the EPA. The Agreement has been approved by me as to substance and the City Attorney as to form. It is further recommended that Council authorize me or my designee to sign the Agreement.

Funds for this service are budgeted in the Water Treatment Operation Service Fees Account, Number 591-4730-861-8063.

**Justification:**

On October 14, 2009, the WTP received a letter from the EPA regarding a compliance inspection, conducted of its RMP, on July 16, 2009. The purpose of the RMP is to set up procedures to detect and prevent or minimize the accidental release of extremely hazardous substances and to provide prompt emergency response to any such release in order to protect human health and the environment. The letter identified certain deficiencies in the WTP's program. The deficiencies were minor in nature. All of the correctable deficiencies identified have been corrected by WTP staff, as evidenced in the conclusions section of the inspection report.

The Agreement requires the owner or operator to correct violations discovered during the inspection, certify compliance with the Act and pay a significantly reduced penalty. Once both parties have signed the Agreement, it is binding upon them. Moreover, the EPA will take no further action for the specific violations cited and the City will have waived an opportunity for a hearing pursuant to Section 113 of the Act.

**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 ESTABLISHING OBSOLETE PROPERTY REHABILITATION DISTRICT AT 2115 RUST AVENUE**

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

WHEREAS, under P.A. 146 of 2000 the City of Saginaw is authorized to form Obsolete Property Rehabilitation Districts; and

WHEREAS, the property at 2115 Rust Avenue, TAX ID #08 0917A01103, has been deemed functionally obsolete by the City of Saginaw; and

WHEREAS, the owners of the property have met guidelines established by the City of Saginaw and plan to submit an application for an Obsolete Property Exemption Certificate; and

WHEREAS, the owners of the property have been notified by certified mail, and a public meeting was held Monday, November 9, 2009 in accordance with P.A. 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED that the City of Saginaw hereby approves the formation of an Obsolete Property Rehabilitation District pursuant to Public Act 146 of 2000, as amended, for the eligible property commonly known as 2115 Rust Avenue, and legally described as follows:

### **ASSESSOR'S FILE #: 08 0917A01103**

THAT PART OF LOT 38, HOYTS SUBDIVISION OF THE JAMES RILEY RESERVE DESCRIBED AS FOLLOWS: COMG. AT POINT OF INTERSECTION ON ELY. LINE OF JEFFERSON AVE. & N. LINE OF RUST AVE., THENCE E. ALONG N. LINE OF RUST AVE. 1985.98 FT. TO POINT OF BEG., THENCE AT RIGHT ANGLES N. 320 FT., THENCE AT RIGHT ANGLES W. 400 FT., THENCE AT RIGHT ANGLES S. 320 FT. TO N. LINE OF RUST AVE., THENCE E. ALONG N. LINE OF RUST AVE. 400 FT. TO POINT OF BEG., EXC. THAT PART TAKEN FOR RUST AVE.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** I.T.I. Inc. Internet Services Agreement

**Manager's Recommendation:**

I recommend approval of the Internet Services Agreement between the City of Saginaw ("City") and I.T.I., Inc. ("ITI"). This Agreement sets terms for the City's access to the Internet, which is currently provided by ITI. It is further recommended that the City Manager or his designee be authorized and directed to execute this agreement. I have approved the Agreement as to substance and the City Attorney as to form.

**Justification:**

In 2007, City Council approved an agreement with ITI to provide Internet services to the City. The City continues to experience a significant increase in demand for Internet bandwidth due to increased City website traffic and the implementation of new technology such as Shot Spotter. The maximum bandwidth capacity is reached on a regular basis causing delay in Internet response times. The parties have agreed to enter into a new Agreement for a period of three (3) years with an increase in Internet access. The increased access will provide quicker website response, double bandwidth availability and the redundancy of an additional line. The monthly charge for Internet services will increase by \$319 a month to a total of \$893 a month.

This Agreement contains terms that are not favorable to the City, such as a one-sided indemnification clause, two year limitation for filing of lawsuits and imposition of late fees and collection charges. It is recommended that we accept the Agreement in its present form as these terms and conditions are standard in most Internet service agreements.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Budget Adjustment Community Policing

**Manager's Recommendation:**

It is recommended that a budget adjustment be completed to increase the Community Policing Federal Grants line item 260-0000-513.58-34 from \$0 to \$200,000.00. This increase in revenue will be offset by an increase in the Community Policing Capital Outlay / Office Equipment line item 260-3327-741.97-60 by the same amount.

**Justification:**

The adjustment is due to a grant received from the Department of Justice, Office Of Justice Programs, in the amount of \$200,000, in which the City of Saginaw will utilize to continue Phase II of the Shotspotter audio location system.

City Council approved acceptance of the grant on September 28, 2009.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Police Service Weapons

**Manager's Recommendation:**

I recommend approval of the low quote and issuance of a purchase order to CMP Distributors, Inc., Lansing, MI in the amount of \$2,045.00 for the purchase of five new service weapons.

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 Drug Forfeiture Supplies / Parts and Supplies, Account No. 264-3040-731.73-30.

**Justification:**

On October 10, 2009, the City received quotes for the purchase of service weapons to replace the existing unserviceable weapons. All quotes came in at the same price due to the fact that this is the manufacturer's law enforcement price. CMP Distributors, Inc. has had a favorable record with the Saginaw Police Department and would be the vendor of choice.

Following is a tabulation of the quotes received and viewed by the Purchasing Committee:

Michigan Police Equipment Company Charlotte, MI	\$2,045.00
CMP Distributors, Inc. Lansing, MI	\$2,045.00
Vance's Law Enforcement Columbus, OH	\$2,045.00

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Weed & Seed Grant Distribution

**Manager's Recommendation:**

I recommend approval for the distribution of funds to Parishioners on Patrol (P.O.P.) as pursuant to the agreement between P.O.P. and the Weed and Seed Communities Competitive Program, with the amount not to exceed \$23,056.00.

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

Funds are available in the Community Policing / Weed and Seed Fund, Professional Services Account, No. 260-3321-741.80-01.

**Justification:**

On September 27, 2009, City Council approved the acceptance of year two of the Department of Justice Weed and Seed Communities Competitive Program Grant. The City of Saginaw is the fiduciary of the grant.

P.O.P. and Weed and Seed have a Memorandum of Understanding in which the P.O.P serves as a liaison between the community and the Saginaw Police Department to aid in facilitating a safe community. P.O.P. provides oversight of the Saginaw East-Side Weed and Seed's One Stop Service Center and Computer Lab. The Weed and Seed Grant provides funding for the Service Center, equipment and necessary supplies.

As fiduciary of the grant, the City of Saginaw will need to distribute funds to the P.O.P. on a monthly basis (12 monthly billings submitted by P.O.P.).

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** IBM Lotus Notes Development Training

**Manager's Recommendation:**

I recommend that a purchase order be approved and issued to IBM, Inc., in the amount of \$4,000.00, for web-based Lotus Notes Development training to be used by the Information Services and Geographical Information Services (GIS) Departments.

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 Information Services Training and Development Account No. 658-1720-711.80-90 (\$2,000.00) and in the GIS Training and Development Account No. 650-1738-781.80-90 (\$2,000.00).

**Justification:**

To remove the cost of additional travel expenses, a web-based training option was selected. This web-based training is designed to instruct in Lotus Notes application development, which will include workflow applications, online forms and document organization. The end result of this training will help streamline the document approval processes for many City operations as well as remove the need for paper submissions.

**Council Action:**

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

# COUNCIL COMMUNICATION

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

Approving The City Of Saginaw Apportionment  
Of The Saginaw Area Storm Water Authority Annual Budget

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

WHEREAS, the City of Saginaw has previously joined the Saginaw Area Storm Water Authority, hereafter "Authority," and is a constituent municipality pursuant to the Articles of Incorporation adopted by the Authority; and

WHEREAS, two-thirds (2/3) of the legislative bodies of the Member Municipalities are required to approve the apportionment of the annual operating costs of the Authority; and

WHEREAS, the Authority is required to file with the legislative bodies of the Member Municipalities an annual budget for the next fiscal year covering the proposed expenditures to be made for the organization and operation of the Authority;

NOW THEREFORE, BE IT RESOLVED,

1. The City of Saginaw apportionment of the 2010 annual operational costs for the Authority is accepted and approved as presented.
2. The City of Saginaw 2010 annual budget, for the Authority is accepted and approved as presented.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Emergency Motor Oil Purchase

**Manager's Recommendation:**

I recommend a purchase order be issued and payment made to Karbowski Oil in the amount of \$2,315.25 for the emergency purchase of motor oil.

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 Motor Pool Operation Motor Vehicle Supplies, Account No. 661-4480-841-73-12.

**Justification:**

The Motor Equipment Section of the Right of Way Division required that the bulk oil tank be filled. The annual blanket purchase order had not been established at this time, thereby necessitating an emergency purchase. Karbowski Oil was called on to supply the motor oil, as they had been the last vendor to supply the bulk oil to the garage.

**Council Action**

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



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Purchase Order Increase

**Manager's Recommendation:**

I recommend that Purchase Order No. 38981 issued to Michigan Cat be increased by \$15,000.00 and that Purchase Order No. 38914 issued to Scott Tire be reduced by \$15,000.00 for fiscal year 2010.

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 will be transferred from the Motor Pool Operations Motor Vehicle Repairs Account, No. 661-4480-841.80-42 to the Motor Pool Operations Motor Vehicle Supplies Account, No. 661-4480-841.73-12.

**Justification:**

The City's Municipal Garage requires the purchase of Original Equipment Manufacturer parts and supplies for the maintenance of the City's Caterpillar excavating, snowplowing and grinding equipment. Due to an increase in the grinding activities at the Municipal Compost Site, there has been a significant increase in the amount of maintenance necessary to keep that equipment in service. The amount previously approved for the current fiscal year has been exhausted and an additional \$15,000.00 is needed to purchase parts and supplies for the remainder of the fiscal year. Michigan Cat is a sole source for these parts and supplies.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Annual Supply of Motor Vehicle Bulk Fluids

**Manager's Recommendation:**

I recommend acceptance of the low bid and issuance of a purchase order to Karbowski Oil in the amount of \$14,331.50 for the annual purchase of motor vehicle bulk fluids.

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 Motor Pool Operations Motor Vehicle Supplies Account, No. 661-4480-841.73-12 and will be accounted for in the Motor Pool Operations Inventory Account, No. 661-0000-171.11-23.

**Justification:**

On October 27, 2009, the City received bids for an annual supply of bulk fluids. The City's Municipal Motor Pool Operation requires various lubricants to maintain its fleet. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

Karbowski Oil Bay City, MI	\$14,331.50
Lyden Oil Lansing, MI	\$16,570.60
Michigan Petroleum Clio, MI	\$17,889.00

**Council Action**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Amendment to Rubbish Ordinance

**Manager's Recommendation:**

I recommend Subsection C, of Section 50.09 "Fees." of Chapter 50 "Solid Waste" of Title V, "Public Works", of the City of Saginaw Code of Ordinances, O-1, be amended to change the lien procedure. An ordinance has been prepared and appears under the regular order of business.

**Justification:**

The current ordinance provides for annual billing of the solid waste fee for that portion over and above the three mills levied. If that separate fee is not paid within 30 days, a 10% late charge is added and the charge is processed pursuant to the single lot assessment procedure. Each delinquent property owner is sent a separate notice and provided an opportunity for a hearing before City Council. There are a large number of such delinquent accounts and the notification process is expensive and largely unproductive. There are rarely any disputes.

The proposed ordinance would treat these rubbish bills in a similar manner to unpaid water and sewer bills. After they are delinquent for six months, they are automatically added to the tax rolls as a lien. The requirements for formal notification and hearing as single lot assessments are eliminated.

**Council Action:**

This Council Communication is being submitted to explain the ordinance to be introduced in a subsequent portion of the agenda.

# COUNCIL COMMUNICATION

Council \_\_\_\_\_ introduced an ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND SUBSECTION C, OF SECTION 50.09, "FEES", OF CHAPTER 50, "SOLID WASTE", OF TITLE V, "PUBLIC WORKS", OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under the Charter provision.

# COUNCIL COMMUNICATION

Council \_\_\_\_\_ moved that an ordinance introduced November 9, 2009, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND SUBSECTION C, OF SECTION 50.09, "FEES", OF CHAPTER 50, "SOLID WASTE", OF TITLE V, "PUBLIC WORKS", OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Subsection C, of Section 50.09 "Fees." of Chapter 50 "Solid Waste" of Title V, "Public Works", of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 50.09. FEES.**

(C) *Lien against premises served.* The charges for rubbish services which are not already levied as a millage on the premises served are hereby recognized to constitute a lien pursuant to MCL 141.121, as amended. Whenever such charge is delinquent for six (6) months, the City official in charge of the collection shall certify to the tax assessing officer of the City the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien enforced in the same manner as general City taxes against such premises are collected and the lien enforced against such premises. All provisions of the Charter of the City and of the laws of the state applicable to the time and manner of certification and collection of delinquent City taxes levied against real estate in the City shall be applicable to and shall be observed in the certification and collection of charges for rubbish services.

Section 2. This ordinance shall become effective December 3, 2009.

Enacted: November 23, 2009.

# COUNCIL COMMUNICATION

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Assistant Director of Development Position

**Manager's Recommendation:**

I recommend adding the full-time non-union position of Assistant Director within the Department of Development.

Funds are available within the Department of Development - Zoning and Planning Division's Personnel Services Account No. 101-3863-761.70-01. Additional funding may be available through Neighborhood Stabilization 2 Program Grant from the U.S. Department of Housing and Urban Development as administered through the MSHDA Consortium of Cities. This position is cost neutral and does not add to the overall total City's personnel complement.

**Justification:**

During the last strategic planning session held in July 2009, a restructuring plan for the Department of Development was unveiled. Due to retirements, attrition from vacant positions and the elimination of another vacant position, funds were identified to create a non-union management position of Assistant Director of Development. The aggregate savings from the restructuring, inclusive of the creation of the new position is \$94,405.00. (See chart below)

<b>Position</b>	<b>Cost Analysis</b>
Assistant Director	(\$91,265.00)
Associate Planner	(3,140.00)
Zoning and Planning Coordinator	83,908.00
Assistant Building Inspector	69,536.00
Code Enforcement Officer <i>(will not be filled in FY 2010)</i>	<u>61,650.00</u>
<b>Total Savings for City:</b>	<b>\$94,405.00</b>

It has long been obvious that the department is in need of reorganization and internal oversight. This has been evidenced by audits and monitoring reports from HUD as well as the city's auditors (HUD Single Audit). Those findings have continued to be a

# COUNCIL COMMUNICATION

source of citation in all of the reports we have received. Moreover, the increased activity in the department since 2005 has seen a need for a more effective management and oversight structure internally, since the director's efforts have been primarily focused on generating grant funds in the department for service delivery.

This position would assist the Director of Development in the following areas:

- Managing the day to day oversight of all of the department's programs and staff
- Work with HUD officials to eliminate the findings in our monitoring and audit reports
- Help facilitate the development and implementation of the city's update of its housing and master plans
- Assist with the economic development components of the department's programs
- Help with the long-term planning and implementation of the city's Neighborhood Revitalization Plan

## **Council Action:**

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