

Council Agenda

December 3, 2007, 6:30 p.m., Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

August 13, August 27 and September 10, 2007 regular Council meetings.

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided on Monday)

REMARKS OF COUNCIL:

PETITIONS:

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES:

From the Planning Commission:

1. Recommending that the portion of the alley lying between South Mason, Van Buren Street, South Woodbridge Street, and Mackinaw Street be vacated subject to a standard easement reservation for public utilities, cable TV and telecommunications.
2. Recommending that the portion of the alley lying between Webber Street, Oakwood Avenue, Hiland Street, and Sheridan Avenue be vacated subject to a standard easement reservation for public utilities, cable TV and telecommunications.

From the City Election Commission:

1. Recommending that the results from the November 6, 2007 City Council/School Board/STARS General Election, certified by the County Board of Canvassers, be received and filed.

APPOINTMENT OF BOARDS AND COMMISSIONS MEMBERS:

1. Consideration of reappointing Kathryn Rood to the Human Planning Commission with a term to expire November 24, 2009.
2. Consideration of appointing Daniel Fitzpatrick to the Housing Board of Appeals with a term to expire December 3, 2009.
3. Consideration of appointing Charles Arthur Shelly to the Saginaw Arts and Enrichment Commission with a term to expire December 3, 2010 and Lori Hausbeck to the Saginaw Arts and Enrichment Commission to fill a vacancy with a term to expire June 30, 2008.

REPORTS FROM MANAGER:

Management Update:

1. Briefing by Dow Chemical representative on the Saginaw River contamination.
2. Tom Fancher, City Attorney, will discuss the problem with theft of architectural metal, status of present law, and proposed change in ordinance.

Recommended Actions:

1. Recommending approval of the request from New Gratiot Party Store, LLC to transfer ownership of a 2007 SDM licensed business located at 1503 Gratiot, Saginaw, MI, from 4 J's Inc.
2. Recommending approval of the renewal insurance proposal with Illinois Union Insurance Company / ACE for Storage Tank Liability/Pollution coverage for the City's five (5) underground storage tanks and eight (8) above-ground storage tanks for the period October 26, 2007 through October 26, 2008, for a total cost of \$7,125.00 and that the City Manager and/or his designee be authorized to execute any and all necessary insurance documents under the plan. The renewal policy limits are the same as last year for a total cost of \$7,125.00. Funds for the insurance premium are budgeted in the various departmental budgets where the storage tanks are located.
3. Recommending that the 2008 calendar year schedule for regular meetings of the Council be adopted.
4. Recommending approval of the Urban Cooperation Agreement between the City of Saginaw and Carrollton Township. This Agreement is a revenue sharing component of the Water Service Agreement between the two communities, which will be executed contemporaneously with this Agreement.

5. Recommending that Council waive the potential conflict of interest present and allow the firm of Braun, Kendrick, Finkbeiner, PLC to represent Rifkin Scrap Iron and Metal Company in the discussions with the City regarding the proposed scrap metal ordinance.
6. Recommending that Detroit Community Justice Partnership Memorandum of Agreement be approved. Further recommend that the Police Chief be authorized to sign this Agreement.
7. Recommending that the FOIA Appeal submitted by Ms. West be denied.
8. Recommending approval of the citywide Cost Allocation Plan Agreement between the City of Saginaw and Maximus. The Maximus cost allocation plan would review and update these charges. This agreement would provide for a cost allocation plan that could be utilized in the 2009 fiscal year, and would be based upon the June 30, 2007 financial operations. The total cost of the agreement is \$13,000.00 and includes an option for an additional two years for \$13,250.00 and \$13,500.00. Funding for this agreement is available in the Professional Services budgets of Fiscal Services Account No. 101-1740-711.80-01 (\$3,300), Police Department 101-3010-721.80-01 (\$2,530), and Fire Suppression Account No. 101-3751-751.80-01 (\$2,530); Water Fund Administration Account No. 591-4710-851.80-01 (\$1,710); Sewer Fund Administration Account No. 590-4810-851-80.01 (\$2,440); and the Rubbish Fund Account No. 226-4582-841.80-01 (\$490).
9. Recommending that a blanket purchase order be established with Choice Office Products in the amount of \$4,000.00 for printing supplies for the Environmental Section of the Right of Way Division. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Rubbish Collection Supplies Account No. 226 4583 841 7320.
10. Recommending that the Proposal and Contract Agreement from Dixon Engineering, Inc. be accepted and that a purchase order be approved and issued to them in the amount of \$35,795.00 to provide professional services. The scope of the work includes preparation of technical specifications, consulting and on-site inspection services for a 120,000-gallon washwater tank and pipe gallery painting at the Water Treatment Plant. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Water Operation and Maintenance Fund Account No. 591 4730 861 8002.

INTRODUCTION OF ORDINANCES:

1. An Ordinance to vacate a portion of the alley lying between South Mason Street, Van Buren Street, South Woodbridge Street, and Mackinaw Street, located in the City of Saginaw, and to retain therein an easement for public utilities, cable

TV and telecommunications to be added to the Table of Special Ordinances II of the Saginaw Code of Ordinances.

2. An Ordinance to vacate a portion of the alley lying between Webber Street, Oakwood Avenue, Hiland Street, and Sheridan Avenue, located in the City of Saginaw, and to retain therein an easement for public utilities, cable TV and telecommunications to be added to the Table of Special Ordinances II of the Saginaw Code of Ordinances.
3. An Ordinance to add §130.39 "Possession or Sale of Architectural Scrap Metal" of Chapter 130, "Offenses Against Public Peace and Safety" of Title XIII, "General Offenses," of the Saginaw Code of Ordinances, O-1.
4. An Ordinance to add Subsection §110.22 (D) (5) to Section 110.22 "Scrap Material Dealers and Processors" of Chapter 110, "General Provisions" of Title XI, "Business Regulations," of the Saginaw Code of Ordinances.

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to amend Section 52.14(A), "Water Contracts," of Chapter 52, "Water", of Title V, "Public Works" of the City of Saginaw Code of Ordinances, O-1.

RESOLUTIONS:

1. Approving the appointment of John Premo as Trustee and Tom Darnell as Alternate Trustee for the Saginaw Area Storm Water Authority Board of Trustees.
2. Declaring the City's intent to vacate a portion of the alley lying between South Mason Street, Van Buren Street, South Woodbridge Street, and Mackinaw Street in the City of Saginaw.
3. Declaring the City's intent to vacate a portion of the alley lying between Webber Street, Oakwood Avenue, Hiland Street, and Sheridan Avenue in the City of Saginaw.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS:

Motion to go into closed session for strategy and negotiation session connected with the negotiation of collective bargaining agreements.

Darnell Earley
City Manager

COUNCIL COMMUNICATION

From: The City Manager

Subject: 2008 Regular Council Meeting Schedule

Manager's Recommendation:

I recommend the 2008 calendar year schedule for regular meetings of the Council be adopted.

Justification:

The 2008 schedule is established in accordance with the Saginaw City Charter and posted in compliance with requirements of Act 267, P.A. 1976. Following are the proposed dates:

JANUARY	*4-5, 7, **14 AND 28 (*Special Meetings-Strategic Planning Session) (**Due to Martin Luther King Jr. Holiday)
FEBRUARY	11 AND 25
MARCH	10 AND 24
APRIL	7 AND 21
MAY	5 AND 19
JUNE	2, 16 AND 30
JULY	*12, 14 AND 28 (*Special Meeting-Strategic Planning Session)
AUGUST	11 AND 25
SEPTEMBER	8 AND 22
OCTOBER	6, 20 AND **27 (**Due to Election November 4)
NOVEMBER	10 AND 24

COUNCIL COMMUNICATION

DECEMBER 8 AND 22

Regular meetings are held on Monday evenings at 6:30 p.m. Student Government Day (which will be announced) begins at 12:00 noon.

The Charter of the City of Saginaw (Chapter IV, Legislation, Regular Meetings, Section 18) states in part, *Regular meetings shall be held at least once every two (2) weeks.* To comply with this provision, an additional meeting will be held in January due to the Martin Luther King, Jr. holiday.

Special Meetings for Strategic Planning have been placed on the regular calendar so Council members and staff may plan accordingly.

Election consolidation provides for elections to be held on the fourth Tuesday in February, and the first Tuesday after the first Monday in May, August and November. Possible election dates for 2008 are February 26th, May 6th, August 5th and November 4th. To accommodate the City Clerk in preparing for the November 4th presidential election, an additional meeting has been scheduled for October 27th.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Waiving a Potential Conflict of Interest

Manager's Recommendation

I recommend that Council waive the potential conflict of interest present and allow the law firm of Braun, Kendrick, Finkbeiner, P.L.C. to represent Rifkin Scrap Iron and Metal, Co. in its discussions with the City regarding the proposed scrap metal ordinance.

Justification

The City of Saginaw is considering the enactment of a scrap metal Ordinance which would regulate sellers of scrap metal and modify the existing regulation of buyers of scrap metal. Rifkin Scrap Metal and Iron, Co. ("Rifkin"), is a scrap metal dealer and wishes to be involved in the discussion concerning this new ordinance. The City generally welcomes the participation of this business and the suggestions it may bring to the resolution of the problem.

Rifkin routinely uses the law firm of Braun, Kendrick, Finkbeiner, P.L.C. for its counsel and may choose to use its service in these discussions, although not for purposes of litigation. The firm has represented the City on a number of issues and continues to represent the City, all on matters unrelated to this proposed ordinance. However, Braun, Kendrick, Finkbeiner, P.L.C. is obligated by ethical consideration to obtain the City's authorization prior to providing any counsel or advice to Rifkin on this matter.

Braun, Kendrick, Finkbeiner, P.L.C. requests that City Council confirm the City of Saginaw's waiver of the potential conflict of interest in this matter.

Council Action

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Detroit Community Justice Partnership Memorandum of Agreement

Manager's Recommendation:

I recommend that Detroit Community Justice Partnership ("DCJP") Memorandum of Agreement be approved. In addition, it is recommended that City Council authorize the Police Chief to sign the Agreement. The Agreement has been approved by me as to substance and the City Attorney as to form.

Justification:

The U.S. Department of Justice Office of Justice offers grant monies to law enforcement agencies to promote its Project Safe Neighborhoods Anti-Gang Initiative. The funds are given to law enforcement agencies to assist them with the following objectives: reducing the number of firearm related violent crimes, encouraging citizens to work with law enforcement agencies to address firearm related violent crimes and to promote gun safety in communities. The amount of funds that will be dispersed pursuant to the terms of the Agreement is Ninety-Two Thousand and Nine Hundred Dollars and 00/100 (\$92,900.00).

Council Action:

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

COUNCIL COMMUNICATION

From: The City Election Commission

Subject: City Council/School Board/STARS November 6, 2007 General Election Results have been Certified by the County Board of Canvassers

City Election Commission Recommendation:

The City Election Commission recommends that the results from the November 6, 2007 City Council/School Board/STARS General Election, certified by the County Board of Canvassers, be received and filed.

Justification:

On Tuesday, November 6, 2007, the City of Saginaw held a General Election to elect the following:

CITY COUNCIL – 5 POSITIONS (4 year terms)

BOARD OF EDUCATION – 2 POSITIONS (6 year terms)

And for a Saginaw Transit Authority Regional Services millage renewal proposal which read as follows:

<p style="text-align: center;">SAGINAW TRANSIT AUTHORITY REGIONAL SERVICES MILLAGE RENEWAL</p> <p>SHALL THE PREVIOUSLY APPROVED LEVY OF THREE (3) MILLS (\$3.00 PER \$1,000.00 OF TAXABLE VALUE) AGAINST ALL TAXABLE PROPERTY WITHIN THE CITY OF SAGINAW BE RENEWED BY THE SAGINAW TRANSIT AUTHORITY REGIONAL SERVICES FOR A PERIOD OF THREE (3) YEARS, FROM 2008 THROUGH 2010, INCLUSIVE, FOR THE PURPOSE OF OPERATIONS TO PROVIDE PUBLIC TRANSPORTATION, WHICH LEVY WOULD COLLECT ESTIMATED REVENUES OF \$2,105,067, IN THE FIRST YEAR LEVIED, IF APPROVED AND LEVIED?</p> <p style="text-align: right;">YES _____</p> <p style="text-align: right;">NO _____</p>

Prior odd-year November General Elections have been canvassed by the City Board of Canvassers and a report subsequently provided to City Council. Since there were other municipalities holding elections on November 6, 2007, the County Board of Canvassers canvassed the City's Election results. The Board met on November 7,

COUNCIL COMMUNICATION

2007, and reviewed the poll books and other documents from City Precincts one (1) through twenty (20) and Absent Voter Counting Boards. Upon examination, it was found that the number of ballots cast for each precinct equaled the number of voters in the Poll Book and the number of ballots tabulated, therefore, all ballots were accounted for. As a result, the County Board of Canvassers requested the County Clerk prepare a Statement of Votes and Certification of the City's Election Results. This report and certification was received by the City Clerk on November 13, 2007. The Election Commission which consists of the City Clerk, Chief of Police and the City Attorney (City Charter; Chapter 2, Section 9) have reviewed the report and are hereby submitting it to City Council to receive and file. By submitting the report to Council, the Election results will become part of the Council minutes. (See attached results.)

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Storage Tank Liability/Pollution Policy Insurance Proposal with Illinois Union Insurance Company / ACE

Manager's Recommendation:

I recommend approval of the renewal insurance proposal with Illinois Union Insurance Company / ACE for Storage Tank Liability/Pollution coverage for the City's five (5) underground storage tanks and eight (8) above ground storage tanks for the period October 26, 2007 through October 26, 2008, for a total cost of \$7,125 and that I, and/or my designee, be authorized to execute any and all necessary insurance documents under the plan.

Coverage documents to implement the new insurance are approved subject to the City Manager's approval as to substance and the City Attorney's approval as to form.

Justification:

Last year, Saginaw Bay Underwriters made inquiries to several companies relative to the City's pollution liability coverage for the City's storage tanks. Many companies do not write policies for non-petroleum based products as these tanks often carry varying contents, some of which affect the groundwater at a greater intensity than petroleum based tanks. The only proposal received last year was from Illinois Union Insurance Company / ACE. The renewal policy limits (as listed below) are the same as last year for a total cost of \$7,125.00. This is a decrease of \$169.00.

Renewal

<u>Policy Limits:</u>	\$1,000,000	per "storage tank incident" (UST's)
	\$2,000,000	aggregate (UST's)

COUNCIL COMMUNICATION

\$1,000,000 per "storage tank incident" (AST's)

\$2,000,000 aggregate (AST's)

\$4,000,000 aggregate all "storage tank incidents" (UST's/AST's)

\$2,000,000 aggregate all "legal defense expenses"

Deductible: \$10,000 per "storage tank incident" or optional

The above includes coverage for 13 storage tanks at 5 facilities, first party clean-up costs if release is from a covered storage tank, and have a retroactive coverage date of 6/29/1999.

Although the City has not had a pollution claim to date, in the event it does, it is likely to carry excessive exposure.

Funds for the insurance premium are budgeted in the various departmental budgets wherein the storage tanks are located.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Liquor License for 1503 Gratiot

Manager's Recommendation:

I recommend approval of the request from New Gratiot Party Store, LLC to transfer ownership of a 2007 SDM licensed business located at 1503 Gratiot, Saginaw, MI 48602, Saginaw County from 4 J's Inc.

Justification:

On or about April 20, 2007, the City received notice from the Michigan Liquor Control Commission of the request from New Gratiot Party Store, LLC to transfer ownership 2007 of a SDM licensed business located at 1503 Gratiot, Saginaw, MI 48602, Saginaw County from 4 J's Inc.

The City of Saginaw Fire Prevention, City Building Inspections Division and the Michigan Department of Agriculture have completed the necessary inspections and have approved 2034 S. Washington for the license 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 New Gratiot Party Store, LLC., I hereby recommend approval of New Gratiot Party Store, LLC's request to transfer ownership of a 2007 SDM licensed business located at 1503 Gratiot, Saginaw, MI 48602, Saginaw County from 4 J's Inc.

Council Action:

Council_____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Planning Commission

Subject: Alley vacation of a portion of the alley lying between South Mason, Van Buren Street, South Woodbridge Street, and Mackinaw Street

Planning Commission Recommendation:

It is recommended that the portion of the alley lying between South Mason, Van Buren Street, South Woodbridge Street, and Mackinaw Street be vacated subject to a standard easement reservation for public utilities, cable TV and telecommunications.

Justification:

The City of Saginaw Department of Public Services request for the vacation of a portion of the alley lying between South Mason, Van Buren Street, South Woodbridge Street, and Mackinaw Street was referred to the City Planning Commission for investigation and a report with recommendation. The Commission held a public hearing on this request on August 28, 2007 at 6:00 p.m. in the Council Chambers at City Hall and all interested persons were heard.

From investigation and review of evidence presented at the hearing, the Commission found that the portion of the alley that is proposed to be vacated, is 20 feet wide and approximately 241 feet in length. All adjacent property owners and all utilities have been notified. The alley vacation will enable the property owners to install a fence and keep vehicle traffic out of the alley. The Commission found that the alley lying between South Mason, Van Buren Street, South Woodbridge Street, and Mackinaw Street is no longer needed for access to properties. Therefore, it is recommended that this alley be vacated subject to a standard reservation for public utilities, cable TV, and telecommunications.

Council Action:

Council _____ moved that the report from the Planning Commission be received and filed and that a resolution be adopted declaring City Council's intention to vacate this portion of the alley.

COUNCIL COMMUNICATION

Council _____ introduced an ordinance entitled and reading as

follows:

AN ORDINANCE TO VACATE A PORTION OF THE ALLEY LYING BETWEEN SOUTH MASON STREET, VAN BUREN STREET, SOUTH WOODBRIDGE STREET, AND MACKINAW STREET, LOCATED IN THE CITY OF SAGINAW, AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS TO BE ADDED TO THE TABLE OF SPECIAL ORDINANCES II OF THE SAGINAW CODE OF ORDINANCES.

Laid over under the charter provision.

COUNCIL COMMUNICATION

Council _____ moved that an ordinance introduced December 3, 2007, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO VACATE A PORTION OF THE ALLEY LYING BETWEEN SOUTH MASON STREET, VAN BUREN STREET, SOUTH WOODBRIDGE STREET, AND MACKINAW STREET, LOCATED IN THE CITY OF SAGINAW, AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS TO BE ADDED TO THE TABLE OF SPECIAL ORDINANCES II.

The City of Saginaw Ordains:

Section 1. That the alley lying between South Mason Street, Van Buren Street, South Woodbridge Street, and Mackinaw Street, be and same is hereby vacated.

Section 2. That there is hereby reserved in the alley vacated an easement for public utilities, cable TV and telecommunications.

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

Section 4. This ordinance shall take effect on January 17, 2008.

Enacted: January 7, 2008.

COUNCIL COMMUNICATION

RESOLUTION OF INTENT TO VACATE

Planning Commission Recommendation: approval of the resolution as follows:

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the City Planning Commission held a public hearing on August 28, 2007, on a proposal to vacate a portion of the alley lying between South Mason Street, Van Buren Street, South Woodbridge Street, and Mackinaw Street in the City of Saginaw; and

WHEREAS, after a duly advertised public hearing, the Commission found that the public and private interests would best be served by requested vacation of a portion of the alley, as requested.

NOW, THEREFORE, be it resolved that the City Council of the City of Saginaw hereby declares its intent to vacate a portion of the alley lying between South Mason Street, Van Buren Street, South Woodbridge Street, and Mackinaw Street, in the City of Saginaw.

BE IT FURTHER RESOLVED, that the City Council will meet on January 7, 2008 at 6:30 p.m. in the Council Chamber at City Hall to hear any objections to the proposed alley vacation.

COUNCIL COMMUNICATION

RESOLUTION OF INTENT TO VACATE

Planning Commission Recommendation: approval of the resolution as follows:

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the City Planning Commission held a public hearing on September 25, 2007, on a proposal to vacate a portion of the alley lying between Webber Street, Oakwood Avenue, Hiland Street, and Sheridan Avenue in the City of Saginaw; and

WHEREAS, after a duly advertised public hearing, the Commission found that the public and private interest would best be served by requested vacation of a portion of the alley, as requested.

NOW, THEREFORE, be it resolved that the City Council of the City of Saginaw hereby declares its intent to vacate a portion of the alley lying between Webber Street, Oakwood Avenue, Hiland Street, and Sheridan Avenue, in the City of Saginaw.

BE IT FURTHER RESOLVED, that the City of Saginaw will meet on January 7, 2008 at 6:30 p.m. in the Council Chamber at City Hall to hear any objections to the proposed alley vacation.

COUNCIL COMMUNICATION

Council _____ introduced an ordinance entitled and reading as

follows:

AN ORDINANCE TO VACATE A PORTION OF THE ALLEY LYING BETWEEN WEBBER STREET, OAKWOOD AVENUE, HILAND STREET, AND SHERIDAN AVENUE, LOCATED IN THE CITY OF SAGINAW, AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS TO BE ADDED TO THE TABLE OF SPECIAL ORDINANCES II OF THE SAGINAW CODE OF ORDINANCES.

Laid over under the charter provision.

COUNCIL COMMUNICATION

Council _____ moved that an ordinance introduced December 3, 2007, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO VACATE A PORTION OF THE ALLEY LYING BETWEEN WEBBER STREET, OAKWOOD AVENUE, HILAND STREET, AND SHERIDAN AVENUE, LOCATED IN THE CITY OF SAGINAW, AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS TO BE ADDED TO THE TABLE OF SPECIAL ORDINANCES II.

The City of Saginaw Ordains:

Section 1. That the alley lying between Webber Street, Oakwood Avenue, Hiland Street, and Sheridan Avenue, be and same is hereby vacated.

Section 2. That there is hereby reserved in the alley vacated an easement for public utilities, cable TV and telecommunications.

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

Section 4. This ordinance shall take effect on January 17, 2008.

Enacted: January 7, 2008.

COUNCIL COMMUNICATION

From: The City Planning Commission

Subject: Alley vacation a portion of the alley lying between Webber Street, Oakwood Avenue, Hiland Street, and Sheridan Avenue

Planning Commission Recommendation:

It is recommended that the portion of the alley lying between Webber Street, Oakwood Avenue, Hiland Street, and Sheridan Avenue be vacated subject to a standard easement reservation for public utilities, cable TV and telecommunications.

Justification:

The City of Saginaw Department of Public Services request for the vacation of a portion of the alley lying between Webber Street, Oakwood Avenue, Hiland Street, and Sheridan Avenue was referred to the City Planning Commission for investigation and a report with recommendation. The Commission held a public hearing on this request on September 25, 2007 at 6:00 p.m. in the Council Chambers at City Hall and all interested persons were heard.

From investigation and review of evidence presented at the hearing, the Commission found that the portion of the alley that is proposed to be vacated is 16 feet wide and approximately 100 feet in length. All adjacent property owners and all utilities have been notified. The alley vacation will enable the property owners to install a fence and assist visitors with properly parking their vehicles. The Commission found that the alley lying between Webber Street, Oakwood Avenue, Hiland Street, and Sheridan Avenue is no longer needed for access to the adjacent properties. Therefore, it is recommended that this alley be vacated subject to a standard reservation for public utilities, cable TV, and telecommunications.

Council Action:

Council _____ moved that the report from the Planning Commission be received and filed and that a resolution be adopted declaring City Council's intention to vacate this portion of the alley.

COUNCIL COMMUNICATION

RESOLUTION TO APPROVE THE APPOINTING TRUSTEE AND ALTERNATE TRUSTEE FOR SAGINAW AREA STORM WATER AUTHORITY BOARD OF TRUSTEES

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

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, each constituent municipality is required to periodically designate a constituent member and alternate constituent member to serve on the Authority Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED, by the Saginaw City Council as follows:

1. The following are hereby appointed as trustee and alternate trustee, respectively of this Saginaw Area Storm Water Authority:

Trustee: John Premo

Alternate Trustee: Tom Darnell

2. The above appointed trustee and alternate trustee will serve a four year term from January 1, 2008 through December 31, 2011, or until otherwise replaced by the Saginaw City Council.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Cathy West Freedom of Information Act Appeal

Manager's Recommendation:

I recommend that the FOIA Appeal submitted by Ms. West be denied.

Justification:

On November 5, 2007, the Saginaw Police Department ("SPD") received a Freedom of Information Act ("FOIA") request from Cathy West requesting a copy of police incident report 07-9468. Subsequently, on November 13, 2007, the SPD sent Ms. West a letter denying her request pursuant to MCL 15.243(1)(b). This section states that information is exempt from disclosure because it would interfere with upcoming court proceedings. On November 19, 2007, the City received an appeal from Ms. West.

A review of courthouse records discloses that there is a criminal case directly related to the police incident report. Currently, this matter has not been set for trial and is in the beginning stages of discovery. Disclosure of the information would interfere with law enforcement proceedings pursuant to MCL 15.243(1)(b)(i). Currently, a trial date has not been set and disclosure of the information could interfere with the Prosecuting Attorney's Office case. Furthermore, it would deprive the defendant of a fair trial pursuant to MCL 15.243(1)(b)(ii) because it could taint a potential jury.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Blanket Purchase Order for Environmental Improvement

Manager's Recommendation:

I recommend that a blanket purchase order be established with Choice Office Products in the amount of \$4,000.00 for printing supplies for the Environmental Section of the Right of Way Division.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35 – 14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in Rubbish Collection Supplies Account No. 226-4583-841-7320.

Justification:

The Environmental Section utilizes a color printer for pictures taken each day of curbside and back yard violations. This printer uses four (4) replacement cartridges every three (3) weeks. The blanket purchase order will allow the purchase of these cartridges and other office supplies in a more efficient manner. Quotes were received on Friday, October 2, 2007, with the following results:

Choice Office Products Saginaw (In-City)	\$4,000.00
Office Depot Plymouth, MI	\$4,015.05
Staples Novi, MI	\$4,276.48

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Maximus Cost Allocation Plan Agreement

Manager's Recommendation:

I recommend approval of the citywide Cost Allocation Plan Agreement between the City of Saginaw ("City") and Maximus. This agreement would provide for a cost allocation plan that could be utilized in the 2009 fiscal year, and would be based upon the June 30, 2007 financial operations. The total cost of this agreement is \$13,000 and includes an option for an additional two years for \$13,250 and \$13,500. 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 Professional Services budgets of Fiscal Services Account No. 101-1740-711.80-01 (\$3,300), Police Department 101-3010-721.80-01 (\$2,530), and Fire Suppression Account No. 101-3751-751.80-01 (\$2,530); Water Fund Administration Account No. 591-4710-851.80-01 (\$1,710); Sewer Fund Administration Account No. 590-4810-851-80.01 (\$2,440); and the Rubbish Fund Account No. 226-4582-841.80-01 (\$490).

Justification:

The City utilizes cost allocations as a part of its inter-departmental and inter-fund charges. The Maximus cost allocation plan would review and update these charges.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Urban Cooperation Agreement with Carrollton Township

Manager's Recommendation:

I recommend approval of the Urban Cooperation Agreement between the City of Saginaw and Carrollton Township. This Agreement is a revenue sharing component of the Water Service Agreement between the two communities, which will be executed contemporaneously with this Agreement. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

The Water Service Agreement requires Carrollton Township to make connection payments to the City resulting from new industrial and manufacturing developments within the Township. These requirements are set forth in an Urban Cooperation Agreement, which will result in payments to the City, in the event qualified new development occurs, ranging from \$5,000 for the smallest connection size in the first year to \$94,263 per connection of the largest size in the final year of the Agreement.

Council Action:

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

DRAFT

COUNCIL COMMUNICATION

From: The City Manager

Subject: Detroit Community Justice Partnership Memorandum of Agreement

Manager's Recommendation:

I recommend that Detroit Community Justice Partnership ("DCJP") Memorandum of Agreement be approved. In addition, it is recommended that City Council authorize the Police Chief to sign the Agreement. The Agreement has been approved by me as to substance and the City Attorney as to form.

Justification:

The U.S. Department of Justice Office of Justice offers grant monies to law enforcement agencies to promote its Project Safe Neighborhoods Anti-Gang Initiative. The funds are given to law enforcement agencies to assist them with the following objectives: reducing the number of firearm related violent crimes, encouraging citizens to work with law enforcement agencies to address firearm related violent crimes and to promote gun safety in communities. The amount of funds that will be dispersed pursuant to the terms of the Agreement is Ninety-Two Thousand and Nine Hundred Dollars and 00/100 (\$92,900.00).

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Dixon Engineering Proposal and Contract Agreement

Manager's Recommendation:

I recommend that the Proposal and Contract Agreement from Dixon Engineering, Inc., be accepted and that a purchase order be approved and issued to them in the amount of \$35,795.00~~3,719.00~~. The Proposal and Contract Agreement has been approved by me as to substance and by the City Attorney as to form.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for these items are available in the Water Operation and Maintenance Fund Account No. 591-4730-861.80-02.

Justification:

On September 4, 2007, the City received a Proposal and Contract Agreement for professional services to be performed by Dixon. The scope of work includes preparation of technical specifications, consulting and on-site inspection services for a 120,000 gallon washwater tank and pipe gallery painting at the Water Treatment Plant site. These painting projects were planned and budgeted in response to recommendations made after routine inspections were performed on these components of critical infrastructure. The painting projects, when completed, will limit and control corrosion of these metallic components and extend the service life of same.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Ordinance to Regulate Sale of Scrap Metal.

Manager's Recommendation:

I recommended that Section §130.39, "Possession or Sale of Architectural Scrap Metal" be added to Chapter 130, "Offenses Against Public Peace and Safety", of Title XIII, "General Offenses" of the City of Saginaw Code of Ordinances, O-1. The Section to be amended and the reasons to do so are set out below. An Ordinance has been prepared and appears under the regular order of business.

Justification:

The City of Saginaw, like many older cities, has been facing a serious problem in the theft of copper, aluminum and other material from residences and businesses. The material is generally taken by the thieves to various scrap yards and sold there. This theft and vandalism is a significant factor in blight by making properties unusable and causing them to be abandoned. Even when the property is repaired, the resulting higher expenses to individuals and businesses is a factor in causing them to move out of the City.

The City of Saginaw presently has an ordinance regulating Scrap Material Dealer and Processors. It is similar to the reporting requirements imposed by other cities of similar size and age. However, that ordinance and the associated prosecutions have not been effective in deterring this crime.

The proposed ordinance change would regulate the sellers. It requires additional proof of the proper acquisition of the material to be provided at the time of sale. The

COUNCIL COMMUNICATION

intended effect of this is to make it more difficult to resell this stolen material and discourage the theft and associated property damage.

In addition to this ordinance change, affecting the sellers, there is a companion ordinance amendment requiring the dealers in this scrap metal to require these proofs before the sale may proceed.

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 ADD §130.39 "POSSESSION OR SALE OF ARCHITECTURAL SCRAP METAL" OF CHAPTER 130, "OFFENSES AGAINST PUBLIC PEACE AND SAFETY" OF TITLE XIII, "GENERAL OFFENSES," OF THE SAGINAW CODE OF ORDINANCES, O-1.

Laid over under the Charter provision.

COUNCIL COMMUNICATION

Council _____ moved that an ordinance introduced, December 3, 2007, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO ADD §130.39 "POSSESSION OR SALE OF ARCHITECTURAL SCRAP METAL" OF CHAPTER 130, "OFFENSES AGAINST PUBLIC PEACE AND SAFETY" OF TITLE XIII, "GENERAL OFFENSES," OF THE SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw Ordains:

Section 1. §130.39, "Possession or Sale of Architectural Scrap Metal" is hereby added to Chapter 130, "Offenses Against Public Peace and Safety", of Title XIII, "General Offenses" of the City of Saginaw Code of Ordinances, O-1, and shall read as follows:

§130.39. SALE OR POSSESSION OF ARCHITECTUAL SCRAP METAL.

(A) *Purpose.* The purpose of this ordinance shall be to deter blight in Saginaw caused by the unauthorized removal of architectural metal from construction sites and from occupied and unoccupied structures.

(B) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARCHITECTURAL SCRAP METAL:

1. Copper electrical wire or cable.
2. Copper, cast iron, black iron or galvanized steel plumbing or electrical conduit.
3. Aluminum, copper or steel siding, gutters, downspouts or flashing.
4. Cast iron boilers, radiators, bathtubs and sinks.

COUNCIL COMMUNICATION

5. Aluminum, copper or galvanized or tern-coated steel roofing.
6. Aluminum storm window components.
7. Furnaces, refrigerators or air conditioners.

BUYER/DEALER: A licensed scrap material dealer or processor as defined in §110.22 of the Saginaw Code of Ordinances, O-1.

(C) *Sale requires permit or license.* No person shall sell or otherwise transfer architectural scrap metal without providing to the Buyer/Dealer:

- 1) Valid identification, including name, address, phone number, driver's license number and date of birth, and
2. Proof that the material was acquired properly, which shall be:
 - a) A valid City of Saginaw demolition permit or valid City of Saginaw building permit which lists the removal of said materials in the description of the work, or
 - b) A valid business license from the City of Saginaw describing a business of collecting scrap material from individuals and public rights of way, or
 - c) A valid Michigan builder's, plumber's or electrician's license and proof that the materials were purchased by the seller or proof that the materials have been removed from a structure as part of a construction project for which the seller has been contracted, or
 - d) Proof that the materials were acquired from properties located outside the boundaries of the City of Saginaw in the

COUNCIL COMMUNICATION

form of a valid building or demolition permit from another municipality, or the complete address of the structure(s) from which the material was removed.

(D) *Removal/Transport/Storage Restricted.* No person shall remove architectural metal from a structure or property except by permission of the owner and unless that person possesses one or more of the permits or proofs specified in Section C, above. Transportation or storage of architectural material in the absence of such proof shall be considered prima facie evidence that the material has been removed in violation of this ordinance.

Section 2. That this Ordinance shall take effect on December 27, 2007.

Enacted: December 17, 2007.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Ordinance to Regulate Purchase of Scrap Metal.

Manager's Recommendation:

I recommended that subsection §110.22(D)(5), is hereby added to Section 110.22, "Scrap Material Dealers and Processors", of Chapter 110, "General Provisions", of Title XI, "Business Regulations" of the City of Saginaw Code of Ordinances, O-1. The section to be amended and the reasons to do so are set out below. An Ordinance has been prepared and appears under the regular order of business.

Justification:

The City of Saginaw, like many older cities, has been facing a serious problem in the theft of copper, aluminum and other material from residences and businesses. The material is generally taken by the thieves to various scrap yards and sold there. This theft and vandalism is a significant factor in blight by making properties unusable and causing them to be abandoned. Even when the property is repaired, the resulting higher expenses to individuals and businesses is a factor in causing them to move out of the City.

The City of Saginaw presently has an ordinance regulating Scrap Material Dealer and Processors. It is similar to the reporting requirements imposed by other cities of similar size and age. However, that ordinance and the associated prosecutions have not been effective in deterring this crime.

The proposed ordinance change would regulate the purchasers. It requires them to obtain additional proof from the sellers of the proper acquisition of the material to be

COUNCIL COMMUNICATION

provided at the time of sale. The intended effect of this is to make it more difficult to resell this stolen material and discourage the theft and associated property damage.

In addition to this ordinance change, affecting the purchasers, there is a companion ordinance amendment requiring the sellers in this scrap metal to provide these proofs before the sale may proceed.

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 ADD SUBSECTION §110.22(D)(5) TO SECTION 110.22 "SCRAP MATERIAL DEALERS AND PROCESSORS" OF CHAPTER 110, "GENERAL PROVISIONS" OF TITLE XI, "BUSINESS REGULATIONS", OF THE SAGINAW CODE OF ORDINANCES, O-1.

Laid over under the Charter provision.

COUNCIL COMMUNICATION

Council _____ moved that an ordinance introduced, December 3, 2007, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO ADD SUBSECTION §110.22(D)(5) TO SECTION 110.22 "SCRAP MATERIAL DEALERS AND PROCESSORS" OF CHAPTER 110, "GENERAL PROVISIONS" OF TITLE XI, "BUSINESS REGULATIONS", OF THE SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw Ordains:

Section 1. §110.22(D)(5), is hereby added to Section 110.22, "Scrap Material Dealers and Processors", of Chapter 110, "General Provisions", of Title XI, "Business Regulations" of the City of Saginaw Code of Ordinances, O-1, and shall read as follows:

"(5) From any person unless in full compliance with the permit and licensing requirements of §130.39 and making a copy of all documents and providing them to the Chief of Police pursuant to §110.22(E).

Section 2. That this Ordinance shall take effect on December 27, 2007.

Enacted: December 17, 2007.