

## Council Agenda

December 6, 2010 6:30 p.m., Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE

ROLL CALL

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

November 22, 2010 regular Council meeting

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

REMARKS OF COUNCIL:

PETITIONS:

10-30 from Robert Denha, 1122 E. Genesee, requesting a Neighborhood Enterprise Zone for the property located on 625 Owen St., Saginaw, MI.

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

From the Council Boards and Commission Committee:

1. Consideration of reappointing Tom Basil to the Downtown Development Authority, with a term to expire November 1, 2014.
2. Consideration of reappointing Susan J. Schultz to the Downtown Development Authority, with a term to expire December 31, 2014.

REPORTS FROM MANAGER:

Management Update:

1. Review of the Comprehensive Annual Financial Report of the City of Saginaw for fiscal year 2009-10, including the Single Audit by Darnell Earley, ICMA-CM, MPA City Manager, Gerald Deslover, CPA, CFGM Principal, Government Services, Rehmann Robson Certified Public Accountants and Tim Morales, Assistant City Manager for Administrative Services.

2. Review of the Special Events Ordinance Amendments by Tom Darnell, Director of Public Services and Diane Herman, City Clerk.

Recommended Actions:

1. Recommending the 2011 regular council meeting schedule and Special Strategic Planning sessions.
2. Recommending approval of the proposed settlement agreement resolving the pending litigation in Wendy Smith v Japanese Cultural Center, Tea House & Gardens of Saginaw, Inc. and City of Saginaw.
3. Recommending approval of the proposed settlement agreement resolving the pending litigation in Bitterman v Inez Williams and Reginald Williams.
4. Recommending approval of the Aleda E. Lutz Veteran Affairs Medical Center Parking Lease Amendment. The Agreement has been approved by the City Manager as to substance and by the City Attorney as to form.
5. Recommending approval of a software and firmware user license and maintenance agreement renewal with Enforcement Technology, Inc. and issuance of a purchase order to them in the amount of \$3,060.00. Further recommend that the City Manager or his designee be authorized to execute these documents on behalf of the City. This agreement covers two Autocite hand-held parking ticket issue devices and the software for an automated citation issuance system.
6. Recommending acceptance of the sole bid and issuance of a purchase order to Detroit Pump & Manufacturing Company in the amount of \$3,420.00 for the purchase of rotor tips to repair two 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.
7. Recommending acceptance of the quote received from Batco, Inc. and issuance of a purchase order to them in the amount of \$2,550.00 for the purchase of a Rycom underground locator and clamp. This instrument is used for locating the City’s underground wiring including street lighting and traffic signals. Funds are available in the Major Streets Fund – Traffic Engineering Division’s Parts and Supplies Account, No. 202 4621 791 7330.
8. Recommending acceptance of the low bid and issuance of a purchase order to Argus Hazco in the amount of \$3,365.00 for the purchase of a portable air compressor for use by the Maintenance and Service Division. Funds are budgeted in the Water Operation and Maintenance Fund – Maintenance and

Service Division's Parts and Supplies Account, No. 591 4721 861 7330 (\$1,682.50) and the Sewer Operation and Maintenance Fund – Maintenance and Service Division's Parts and Supplies Account, No. 590 4821 861 7330 (\$1,682.50).

9. Recommending acceptance of the low bid and issuance of a purchase order to Dornbos Signs in the amount of \$3,540.00 for the purchase of aluminum sign blanks for use by the Traffic Engineering Division. Funds are available in the Major Streets Fund – Traffic Engineering Division's Sign Supplies Account, No. 202 4621 791 7350.
10. Recommending acceptance of the low bid and issuance of a purchase order to Michigan Pipe and Valve in the amount of \$5,600.00 for the purchase of ductile iron to replenish stock for repairs to the water transmission system for in and out-city customers. Funds are budgeted in the Water Operation and Maintenance Fund – Maintenance and Service Division's Parts and Supplies Account, No. 591 4721 861 7330.
11. Recommending acceptance of the sole bid and issuance of a purchase order to Etna Supply in the amount of \$5,907.00 for the purchase of copper tubing that will be used to install and repair water service in the distribution of in and out-city connections. Funds are budgeted in the Water Operation and Maintenance Fund – Maintenance and Service Division's Parts and Supplies Account, No. 591 4721 861 7330 and will be accounted for in Water Inventory Account, No. 591 0000 171 1130.
12. Recommending acceptance of the low bid and issuance of a purchase order to MHL Systems in the amount of \$9,461.00 for the purchase of cutting edges for the underbody scraper blades on the City's snowplow fleet. Funds are budgeted in the Major Streets, Winter Maintenance, Parts and Supplies Account, No. 202 4655 841 7330.
13. Recommending that the Michigan Department of Transportation Cost Agreement No. 10-5737 be approved and that the City Manager or his designee be authorized to execute said Agreement. Specifically the parties agree to the reconstruction and watermain replacement work along Court Street from Bay Street to the Saginaw River. The City's estimated share is \$1,252,700.00. Funds are available in the fiscal year 2010-11 Major Streets Fund – Streets Project Division's Construction Projects Account, No. 202 4614 781 8047 (\$252,700.00) and the Water Operation and Maintenance Fund – Water Refunding Bonds Division's Construction Projects Account, No. 591 4741 881 8047 (\$1,000,000.00).

INTRODUCTION OF ORDINANCES:

1. An Ordinance to amend § 99.01, "Definitions," § 99.02, "Types Of Special Events," Paragraph (B)(2) OF § 99.03, "Conditions Of Use," § 99.05, "Waiver of Fees And Insurance," § 99.08, "Billings for Special Events," Paragraph (C) of § 99.09, "Payment Of Fees," Paragraphs (A) and (B) Of § 99.11, "Sale and/or Consumption Of Alcoholic Beverages," § 99.15, "Use of City-Owned Regional Parks, Community Parks and Neighborhood Parks," § 99.17 "Vendor Insurance and License Requirements" and rename this section "Special Event Vendor License", § 99.20, "Written Confirmation of Approval," and to add § 99.21, "Use of Sound Amplifying Equipment," and § 99.22, "Violations," to Chapter 99, "Special Events" of Title IX, "General Regulations" of the City of Saginaw Code of Ordinances O-1.

CONSIDERATION AND PASSING OF ORDINANCES:

RESOLUTIONS:

1. Transferring ownership of 2010 Class C Liquor License with Dance Entertainment permit at 2717 Carrollton.
2. Transferring ownership of Class C Liquor License at 2350 S. Michigan Avenue.
3. Approving the MDOT Cost Agreement No. 10-5737 for Court Street reconstruction from Bay Street to Saginaw River.
4. Appointing the Trustee and Alternate Trustee and Alternate Trustee to the Mid Michigan Waste Authority Board.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Darnell Earley  
City Manager

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Special Events Ordinance Amendments

**Manager's Recommendation:**

I recommend that, § 99.01, "Definitions," § 99.02, "Types of Special Events," Paragraph (B)(2) of § 99.03, "Conditions of Use," § 99.05, "Waiver of Fees and Insurance," § 99.08, "Billings for Special Events," Paragraph (C) of § 99.09, "Payments of Fees," Paragraphs (A) and (B) of § 99.11, "Sale and/or Consumption of Alcoholic Beverages," § 99.15, "Use of City-Owned Regional Parks, Community Parks and Neighborhood Parks," § 99.20, "Written Confirmation of Approval," be amended and § 99.17, "Vendor Insurance and License," be renamed "Special Event Vendor License," and amended and §99.21, "Use of Sound Amplifying Equipment," and § 99.22, "Violations," be added to Chapter 99, "Special Events" 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 Department of Public Services ("DPS") reviewed the Special Events ordinance and determined that several sections should either be amended or deleted. The City Clerk upon surveying other municipalities throughout the State of Michigan, is eliminating the requirement for individual vendors to obtain food and merchandise licenses for Special Events, provided the event Sponsor/Coordinator obtains a Special Event Vendor License. The application will require the Sponsor/Coordinator to provide information on each vendor, however, only one \$50 Special Event Vendor license fee will be incurred. This is an effort to encourage organizations and corporations to host their events in the City of Saginaw. DPS also recommended that Use of Sound Amplifying Equipment, be added to the Special Events ordinance. A section has also been added to the ordinance to allow that any violation of the ordinance is subject to issuance of a municipal civil infraction. Finally, DPS reviewed the current rate sheet and determined that the rates should be increased because they were out of date.

**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 § 99.01, "DEFINITIONS," § 99.02, "TYPES OF SPECIAL EVENTS," PARAGRAPH (B)(2) OF § 99.03, "CONDITIONS OF USE," § 99.05, "WAIVER OF FEES AND INSURANCE," § 99.08, "BILLINGS FOR SPECIAL EVENTS," PARAGRAPH (C) OF § 99.09, "PAYMENT OF FEES," PARAGRAPHS (A) AND (B) OF § 99.11, "SALE AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES," § 99.15, "USE OF CITY-OWNED REGIONAL PARKS, COMMUNITY PARKS AND NEIGHBORHOOD PARKS," § 99.17 "VENDOR INSURANCE AND LICENSE REQUIREMENTS" AND RENAME THIS SECTION "SPECIAL EVENT VENDOR LICENSE", § 99.20, "WRITTEN CONFIRMATION OF APPROVAL," AND TO ADD § 99.21, "USE OF SOUND AMPLIFYING EQUIPMENT," AND § 99.22, "VIOLATIONS," TO CHAPTER 99, "SPECIAL EVENTS" OF TITLE IX, "GENERAL REGULATIONS" OF THE CITY OF SAGINAW CODE OF ORDINANCES O-1.

Laid over under the charter provision.

# COUNCIL COMMUNICATION

Council \_\_\_\_\_ moved that an ordinance introduced

December 6, 2010, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND § 99.01, "DEFINITIONS," § 99.02, "TYPES OF SPECIAL EVENTS," PARAGRAPH (B)(2) OF § 99.03, "CONDITIONS OF USE," § 99.05, "WAIVER OF FEES AND INSURANCE," § 99.08, "BILLINGS FOR SPECIAL EVENTS," PARAGRAPH (C) OF § 99.09, "PAYMENT OF FEES," PARAGRAPHS (A) AND (B) OF § 99.11, "SALE AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES," § 99.15, "USE OF CITY-OWNED REGIONAL PARKS, COMMUNITY PARKS AND NEIGHBORHOOD PARKS," § 99.17 "VENDOR INSURANCE AND LICENSE REQUIREMENTS" AND RENAME THIS SECTION "SPECIAL EVENT VENDOR LICENSE", § 99.20, "WRITTEN CONFIRMATION OF APPROVAL," AND TO ADD § 99.21, "USE OF SOUND AMPLIFYING EQUIPMENT," AND § 99.22, "VIOLATIONS," TO CHAPTER 99, "SPECIAL EVENTS" OF TITLE IX, "GENERAL REGULATIONS" OF THE CITY OF SAGINAW CODE OF ORDINANCES O-1.

The City of Saginaw Ordains:

Section 1. § 99.01, "Definitions," of Chapter 99, "Special Events Regulations," of Title IX, "General Regulations" of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 99.01 DEFINITION.**

***SPECIAL EVENT PROGRAM.*** A special event is a program or activity requiring authorized use of any City- owned property including parks, streets, parking lots or select public facilities that may or may not require City services. Events in which the City of Saginaw is the primary sponsor, or has traditionally been a co-sponsor, are not exempt from this ordinance. A Special Event Committee will be established to consist of the following departments and divisions involved in the process of approving special event applications: Department of Public Services, Office of the City Clerk, Office of the City Attorney, Police Department and the Fire Department.



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Section 2: § 99.02, “Types of Special Events,” of Chapter 99, “Special Events Regulations,” of Title IX, “General Regulations” of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 99.02 TYPES OF SPECIAL EVENTS.**

Types of special events include, but are not limited to, concerts, parades, festivals, athletic events (i.e. walk-a-thons), marches, large group picnics, religious ceremonies, block parties, skateboarding, and fishing tournaments.

Section 3: Paragraph (B)(2) of § 99.03, “Conditions of Use,” of Chapter 99, “Special Events Regulations,” of Title IX, “General Regulations” of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 99.03 CONDITIONS OF USE.**

(B) (2) Specifically, the sponsor must complete a special events application and submit it to the Department of Public Services. All special events applications must be submitted sixty (60) calendar days prior to the event. Submittal of a block party application is required when a request is made to block off a City street. Requests to block a state highway must be made to the Michigan Department of Transportation. Submitting an application does not guarantee an event will be approved. Event dates are reserved on a first come, first serve basis.

Section 4: § 99.05, “Waiver of Fees and Insurance,” of Chapter 99, “Special Events Regulations,” of Title IX, “General Regulations” of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

# COUNCIL COMMUNICATION

## **§ 99.05 WAIVER OF FEES AND INSURANCE.**

The City of Saginaw will not waive fees and/or insurance under any circumstances.

Section 5: § 99.08, “Billings for Special Events,” of Chapter 99, “Special Events Regulations,” of Title IX, “General Regulations” of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 99.08 BILLINGS FOR SPECIAL EVENTS.**

Special event billings shall be itemized and provided to an event sponsor in advance of the event. Rates are subject to change. (See rate sheet).

Section 6: § 99.09, “Payment of Fees,” of Chapter 99, “Special Events Regulations,” of Title IX, “General Regulations” of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 99.09 PAYMENT OF FEES.**

All payment of fees must be submitted to the City Treasurer’s Office in advance of the event and within the time period set forth by the Department of Public Services. If payment in full is not received prior to the event as required, the City reserves the right to withhold all public services relating to the event and deny the application. Fees shall be charged for City services provided to special events as indicated on the rate sheet, but specifically as follows:

(A) Hourly rate shall be the hourly cost for any employee working on a special event as established by the City Administration. The hourly rate shall include expenses related to the employee including fringe benefits and overhead.

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(B) Overtime shall be the hourly cost for an employee working on a special event during a time period that would be considered overtime for City payroll records, including the actual cost for fringe benefits.

(C) Equipment rental charges shall be the current equipment rental rates charged by the City.

Section 7: § 99.11, "Sale and/or Consumption of Alcoholic Beverages," of Chapter 99, "Special Events Regulations," of Title IX, "General Regulations" of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 99.11 SALE AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES.**

If an event sponsor intends to serve and/or sell alcoholic beverages, the event sponsor is required to comply with all regulations set forth by the Michigan Liquor Control Commission, all local ordinances and requires approval from City Council. If alcohol is going to be served and/or sold, the event sponsor must apply for and receive a Special Liquor License through the State Liquor Control Commission, and supply the City with a copy of the liquor license prior to the event.

Section 8: § 99.15, "Use of City-Owned Regional Parks, Community Parks and Neighborhood Parks," of Chapter 99, "Special Events Regulations," of Title IX, "General Regulations" of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 99.15 USE OF CITY-OWNED REGIONAL PARKS, COMMUNITY PARKS AND NEIGHBORHOOD PARKS.**

Requests for use of certain City-owned regional parks, community parks and neighborhood parks shall be made in the same manner as all other special events. In

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regard to use of neighborhood parks, every effort will be made to inform and seek approval of the request by the affected neighborhood association. Listed below are the parks affected by this ordinance.

Regional Parks	Community Parks	Neighborhood Parks
Hoyt Park	Crayola Park	Germaine Park
Webber Park	Garber Tennis Courts	Jeffers Park
Wickes Park	Bliss Park	Merrill Park
Ojibway Island	Fordney Park	Otto Roeser Park
Morley Plaza	Deindorfer Woods	Schroeder Park
Celebration Park	Linton Park	St. Vincent's Park
	Unity Park	Park Palace Park
	Veterans Memorial Park	Weadock Park
		Dr. Archer Claytor Park

Section 9: § 99.17, "Vendor Insurance and License" of Chapter 99, "Special Events Regulations," of Title IX, "General Regulations" of the Saginaw Code of Ordinances, O-1, is hereby renamed "Special Event Vendor License," and amended to read as follows:

**§ 99.17 SPECIAL EVENT VENDOR LICENSE.**

Individual vendors for special events, at the invitation of the event sponsor, shall not be required to obtain individual licenses for selling food or merchandise if the following conditions are met:

- (A) The Special Event sponsor applies for and receives a Special Event Vendor's License.

# COUNCIL COMMUNICATION

(B) Such application shall be provided by the City Clerk and shall contain the following information:

- (1) Date, name and location of special event.
- (2) Name of corporation and/or organization sponsoring the event.
- (2) Name, mailing address, email address and phone number of event coordinator.
- (3) A list of the all vendors with the following information:
  - (a) Name, address and phone number for each vendor.
  - (b) The type of vendor (food or merchandise).
  - (c) A description of the vehicle used by vendor, together with license number or other means of identification (if applicable).
  - (d) Whether or not the vendor will use a tent. Note: Vendors using tents which exceed 120' square feet shall be required to obtain a separate Tent License and shall be subject to the terms and conditions of that license as required under § 92.14 of Chapter 92: Fire Protection and Public Safety, of Title IX, General Regulations of the Saginaw Code of Ordinances.

(C) All food vendors must be approved by the Saginaw County Health Department and post a valid temporary food license as authorized by the Saginaw County Health Department. Such food vendors are responsible for any and all fees

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related to obtaining a food license and are required to comply with all Saginaw County Health Department rules and regulations for temporary food licensed facilities.

(D) The event coordinator must sign the Special Event Vendor license application confirming the information provided is true and accurate to the best of his/her knowledge and belief, and furnish a copy of his/her valid driver's license. Such statement shall also give authorization to the City to perform a criminal background check on the applicant and for the applicant to waive all rights, claims, causes of actions or damages against the City for furnishing such records and information.

(E) Any and all Special Event vendors must comply with all federal, state and local laws pertaining to vending.

Section 10. § 99.20, "Written Confirmation of City Approval," of Chapter 99, "Special Events Regulations," of Title IX, "General Regulations" of the Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

## **§ 99.20 WRITTEN CONFIRMATION OF REQUIREMENTS.**

Upon receipt of the special event application, a written confirmation as to the action of the City of Saginaw will be forwarded to the individual or organization requesting the event. This confirmation will outline any special conditions that must be met if the event is to be held. The special event application form must be completed for all special events that take place on public lands or lands that are controlled by the City, and events that require City services. All fees must be paid and insurance provided to the City, prior to approval of the application.

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Section 11: § 99.21, "Use of Amplifying Equipment," is hereby added to Chapter 99, "Special Events Regulations," of Title IX, "General Regulations" of the Saginaw Code of Ordinances, O-1, and shall read as follows:

## **§ 99.21 USE OF SOUND AMPLIFYING EQUIPMENT.**

If an event sponsor intends to use sound amplifying equipment, the event sponsor is required to obtain approval from City Council.

Section 12: § 99.22, "Violations," is hereby added to Chapter 99, "Special Events Regulations," of Title IX, "General Regulations" of the Saginaw Code of Ordinances, O-1, and shall read as follows:

## **§ 99.22 VIOLATIONS.**

(A) *Municipal civil infractions.* A person who violates any provision of this subchapter is responsible for a Class C municipal civil infraction, subject to payment of a civil fine as set forth in Ch. 37, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by Ch. 37.

(B) *Authorized City Official.* The City Manager and/or his/her designee is hereby designated as the authorized City officials, as defined by Ch. 37 of this code, to issue municipal civil infraction citations or municipal civil infraction violations notices as provided by Ch. 37.

Section 2. This ordinance shall take effect on December 30, 2010.

Enacted: December 20, 2010.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Boerger Pump Rotor Tips

**Manager's Recommendation:**

I recommend that the sole bid from Detroit Pump & Mfg. Company (Detroit Pump) be accepted and a purchase order be issued to them in the amount of \$3,420.00 for the purchase of rotor tips to be used by 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 November 16, 2010, sealed bids were opened for new rotor tips to repair two Boerger pumps. The Wastewater Treatment Plant has eight of these pumps, which are used to pump sludge. Detroit Pump of Ferndale, MI, the manufacturer's representative, submitted the sole bid of \$3,420.00.

**Council Action**

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



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Enforcement Technology, Inc. Agreement

**Manager's Recommendation:**

I recommend approval of a software and firmware user license and maintenance agreement renewal with Enforcement Technology, Inc. (now a Duncan Solutions Company) and issuance of a purchase order to them in the amount of \$3,060.00. I further recommend that the City Manager or his designee be authorized to execute these documents on behalf of the City. The Agreement has been approved 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, "Financing and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are available in the Department of Technical Services - Information Services Operating Services Account, No. 658-1720-711.80-05.

**Justification:**

This renewal covers user licensing and maintenance for hardware and software from 5/1/09 to 5/1/11. This agreement covers two Autocite hand-held parking ticket issue devices and the software for an automated citation issuance system.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Aleda E. Lutz Veteran Affairs Medical Center Parking Lease Amendment

**Manager's Recommendation:**

I recommend approval of the Aleda E. Lutz Veteran Affairs Medical Center ("VAMC") Parking Lease Amendment. ("Amendment"). The Amendment has been approved as to substance by the City Manager and by the City Attorney as to form.

**Justification:**

On October 11, 2010, City Council approved the original parking lease contract with the VAMC. Recently, the City was notified that the Department of Veteran Affairs had amended the terms of that lease. Pursuant to the Amendment, the City must agree to certain security requirements for unclassified information technology resources. Specifically, provisions set forth in Appendix III of OMB Circular A-130. A review of Circular A-130 discloses that it is not applicable to the City. However, Department of Veteran Affairs staff advised the City that the new terms are standard language contained within all contracts. Furthermore, even if the provisions are not applicable to your circumstances, your organization is required to sign the Amendment.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** 2011 Regular Council Meeting Schedule

**Manager's Recommendation:**

I recommend the 2011 Calendar Year Schedule for Regular Meetings and Special Strategic Planning sessions of the Council be adopted.

**Justification:**

The 2011 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	10, 24 and *29 (*Strategic Planning Session)
FEBRUARY	7 AND 21
MARCH	7 AND 21
APRIL	4 AND 18
MAY	9 AND 23
JUNE	6 AND 20
JULY	11, *23 and 25 (*Strategic Planning Session)
AUGUST	8 AND 22
SEPTEMBER	12 AND 26
OCTOBER	10 AND 24
NOVEMBER	14 AND 28
DECEMBER	5 AND 19

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

# COUNCIL COMMUNICATION

The City Charter of the City of Saginaw (Chapter IV, Legislation, Regular Meetings, Section 18) states in part, “*The council shall meet at least twice monthly.*” As such, to meet this requirement and to accommodate the holidays there are three (3) weeks between the following meetings: April 18, 2011 and May 9, 2011; June 20, 2011 and July 11, 2011; August 22, 2011 and September 12, 2011 and October 24, 2011 and November 14, 2011. Note also that there are back-to-back meetings on November 28, 2011 and December 5, 2011.

To assist the City Clerk in preparing for elections, City Council adopted a motion in 2007, wherein Council meetings would not be scheduled on the Monday preceding an election. Possible election dates for 2011 are February 22nd, May 3rd, August 2nd and November 8th. To date, there is one (1) scheduled election in 2011, i.e. November 8, 2011. With the exception of the February date, this was also given consideration in preparing the calendar. In the event an election is scheduled on the February date, an adjustment in the Council calendar may become necessary.

Special Meetings for Strategic Planning have been placed on the regular calendar in January and July so Council members and staff may plan accordingly. These sessions generally run from 8:30 a.m. to 4:30 p.m.

## **Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Liquor License for 2717 Carrollton

**Manager's Recommendation:**

I recommend approval of the 2010 Class C licensed business, located at 2717 Carrollton, Saginaw, MI 48604, Saginaw County from Maxa Corporation to Vicky's Venture Inc., and request a Dance Permit and Entertainment Permit.

**Justification:**

On or about September 24, 2010, the City received notice from the Michigan Liquor Control Commission of 2010 Class C licensed business, located at 2717 Carrollton, Saginaw, MI 48604, Saginaw County from Maxa Corporation to Vicky's Venture Inc., and request a Dance Permit and Entertainment Permit.

The Saginaw County Health Department, City of Saginaw Fire Prevention and the City Building Inspections Division have completed the necessary inspections at 2717 Carrollton and the City Police Department has completed its review process and have approved 2717 Carrollton 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," wherein 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 Vicky's Venture, I hereby recommend approval of the 2010 Class C license transfer with dance permit, from Maxa Corporation, located at 2717 Carrollton, Saginaw, MI 48604, Saginaw County.

**Council Action:**

This Council Communication is for explanation purposes only of the attached 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 2717 CARROLLTON**

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

WHEREAS, on or about September 24, 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 2010 Class C licensed business, located at 2717 Carrollton, Saginaw, MI 48604, Saginaw County from Maxa Corporation to Vicky's Venture Inc., and request a Dance Permit and Entertainment Permit; and

WHEREAS, the Saginaw County Health Department, City of Saginaw Fire Prevention, City Police Department and the City Building Inspections Division have approved 2717 Carrollton.

NOW, THEREFORE, BE IT RESOLVED, that the request to transfer ownership of 2010 Class C licensed business, located at 2717 Carrollton, Saginaw, MI 48604, Saginaw County from Maxa Corporation to Vicky's Venture Inc., and request a Dance Permit and Entertainment Permit 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:** Liquor License for 2350 S. Michigan

**Manager's Recommendation:**

I recommend approval of the request to transfer ownership in 2010 Class C license, located at 2350 S. Michigan, Saginaw, MI 48602, Saginaw County, from Ter-Mac, Inc. to Hinds Co., Inc.

**Justification:**

On or about October 13, 2010, the City received notice from the Michigan Liquor Control Commission of the request to transfer ownership in 2010 Class C license, located at 2350 S. Michigan, Saginaw, MI 48602, Saginaw County, from Ter-Mac, Inc. to Hinds Co., Inc.

The Saginaw County Health Department, City of Saginaw Fire Prevention and the City Building Inspections Division completed the necessary inspections at 2350 S. Michigan and the City Police Department has completed its review process and have approved 2350 S. 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," wherein 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 Hinds Co., Inc., I hereby recommend approval of the 2010 Class C license transfer from Ter-Mac, Inc., located at 2350 S. Michigan, Saginaw, MI 48602, Saginaw County.

**Council Action:**

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

# COUNCIL COMMUNICATION

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

**RESOLUTION TRANSFERRING 2010 CLASS C LIQUOR LICENSE AT  
2350 S. MICHIGAN AVENUE**

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

WHEREAS, on or about October 13, 2010 the City Clerk's Office received a Local Approval Notice from the State of Michigan Liquor Control Commission; and

WHEREAS, said notice requests to transfer ownership in 2010 Class C license, located at 2350 S. Michigan, Saginaw, MI 48602, Saginaw County, from Ter-Mac, Inc. to Hinds Co., Inc.

WHEREAS, the Saginaw County Health Department, City of Saginaw Fire Prevention, City Police Department and the City Building Inspections Division have approved 2350 S. Michigan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Saginaw that the request to transfer ownership in 2010 Class C license, located at 2350 S. Michigan, Saginaw, MI 48602, Saginaw County, from Ter-Mac, Inc. to Hinds Co., Inc. be considered for approval.

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



# COUNCIL COMMUNICATION

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

A Resolution Appointing the Trustee and Alternate Trustee  
to the Mid Michigan Waste Authority Board

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

WHEREAS, the City of Saginaw has previously joined the Mid Michigan Waste  
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 City of Saginaw City Council as  
follows:

1. The following are hereby appointed as constituent member and alternate  
constituent member, respectively, of this City:

Constituent Member: Thomas Darnell

Alternate Member: Philip Karwat

2. The above appointed constituent member and alternate constituent member  
will serve a four (4) year term, to January, 2015, or until otherwise replaced by the City  
Council.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Copper Tubing

**Manager's Recommendation:**

I recommend acceptance of the bid from Etna Supply Company and issuance of a purchase order to them in the amount of \$5,907.00 for the purchase of copper tubing.

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

Funds for this purchase are budgeted in the Water Operation and Maintenance Fund – Maintenance and Service Division's Parts and Supplies Account No. 591-4721-861.73-30 and will be accounted for in Water Inventory Account No. 591-0000-171.11-30.

**Justification:**

Etna Supply Company of Grand Rapids, MI submitted the only qualified bid for ¾" type K Copper. This copper is used to install and repair water service in the distribution of in and out-city connections.

**Council Action**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Ductile Iron Pipe

**Manager's Recommendation:**

I recommend acceptance of the low bid from Michigan Pipe and Valve and issuance of a purchase order to them in the amount of \$5,600.00 for the purchase of ductile iron pipe to be used by the Maintenance and Service Division.

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

Funds for this purchase are budgeted in the Water Operation and Maintenance Fund – Maintenance and Service Division's Parts and Supplies Account, No. 591-4721-861.73-30.

**Justification:**

The Maintenance and Service Division bid out 100 feet of 20 inch Class 52 Ductile Iron to replenish its stock for repairs to the water transmission system for in and out-city customers. Following is a tabulation of the bids:

Michigan Pipe and Valve Saginaw, MI	\$5,600.00
Littman Industries Inc. (91 Feet Class 52) Elmhurst, IL	\$7,070.00

**Council Action**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Portable Air Compressor

**Manager's Recommendation:**

I recommend acceptance of the low bid and issuance of a purchase order to Argus Hazco in the amount of \$3,365.00 for the purchase of a portable air compressor.

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

Funds for this purchase are budgeted in the Water Operation and Maintenance Fund – Maintenance and Service Division's Parts and Supplies Account, No. 591-4721-861.73-30 (\$1,682.50) and the Sewer Operation and Maintenance Fund – Maintenance and Service Division's Parts and Supplies Account No. 590-4821-861.73-30 (\$1,682.50).

**Justification:**

Per a new requirement for confined space entry, this air compressor will be used to supply safe, breathable air to employees of the Maintenance and Service Division when working in confined spaces that would require them to use Self Contained Breathing Apparatus equipment. Following is a tabulation of the bids received:

Argus Hazco Chesterfield, MI	\$3,365.00
Border Construction Specialties Phoenix, AZ	\$3,522.05

**Council Action**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Replacement Cutting Edges for Underbody Scraper Blades

**Manager's Recommendation:**

I recommend acceptance of the low from MHL Systems and issuance of a purchase order to them in the amount of \$9,461.00 for the purchase of underbody scraper blades

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 Major Streets, Winter Maintenance, Parts & Supplies, Account, No. 202-4655-841.73-30.

**Justification:**

Bids were received from three vendors for an annual supply of 50 Kennametal cutting edges for the underbody scraper blades on the City's snowplow fleet. The cutting edges contain a carbide insert that increases the life of the cutting edge and reduces the number of times the cutting edge needs changing. Following is a tabulation of the bids received:

MHL Systems Salt Lake City, UT	\$ 9,461.00
Winter Equipment Saginaw (out-City)	\$ 9,750.00
Valk Manufacturing New Kingstown, PA	\$11,110.00

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Michigan Department of Transportation Cost Agreement Number 10-5737 for Court Street Reconstruction Project from Bay Street to Saginaw River

**Manager's Recommendation:**

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 10-5737 be approved and that the City Manager or his designee be authorized to execute said Agreement. The Agreement is subject to approval by me as to substance and the City Attorney as to form. A resolution to approve the Agreement appears under the regular order of business.

Funds for the City's share are available in the FY 2010-11 Major Streets Fund - Streets Projects Division's Construction Projects Account Number 202-4614-781.80-47 (\$252,700.00) and the Water Operation and Maintenance Fund – Water Refunding Bonds Division's Construction Projects Account Number 591-4741-881.8047 (\$1,000,000.00). The Project Number is ST0901.

**Justification:**

Transmitted herewith is a proposed Cost Agreement (City Clerk's File No. \_\_\_\_\_) with MDOT for the purpose of fixing the rights and obligations of the parties. Specifically the parties agreeing to the reconstruction and watermain replacement work along Court Street from Bay Street to the Saginaw River, which includes the following construction items; hot mix asphalt (HMA) paving, cold milling, water main and services installation, concrete curb and gutter, concrete sidewalks, pavement markings, street lighting and ADA sidewalk ramps; together with necessary related work. The total project is estimated to cost \$2,556,700.00 of which Federal Surface Transportation Program Urban Local (STUL) Funds will pay \$1,304,000.00 and the City's estimated share is \$1,252,700.00. The City of Saginaw is responsible for any cost overruns in excess of \$2,556,700.00.

**Council Action:**

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

# COUNCIL COMMUNICATION

## RESOLUTION TO APPROVE MDOT COST AGREEMENT NUMBER 10-5737 FOR COURT STREET RECONSTRUCTION FROM BAY STREET TO SAGINAW RIVER

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

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

WHEREAS, a Cost Agreement, Number 10-5737, has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in the reconstruction and water main replacement work along Court Street from Bay Street to the Saginaw River, which includes the following construction items; hot mix asphalt (HMA) paving, cold milling, water main and services installation, concrete curb and gutter, concrete sidewalks, pavement markings, street lighting and ADA sidewalk ramps; together with necessary related work.; and

WHEREAS, the Agreement is subject to approval by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Settlement Agreement for Wendy Smith case.

**Manager's Recommendation:**

I recommended approval of the proposed settlement agreement resolving the pending litigation in Wendy Smith v Japanese Cultural Center, Tea House & Gardens of Saginaw, Inc. and City of Saginaw. This agreement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

This matter arises out of a slip and fall by a wedding photographer at the Japanese Tea Gardens. The parties have negotiated a settlement in the amount of \$30,000, and now wish to finalize the process with a settlement agreement for that amount.

**Council Action:**

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



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Settlement Agreement for Bitterman case.

**Manager's Recommendation:**

I recommended approval of the proposed settlement agreement resolving the pending litigation in Bitterman v Inez Williams and Reginald Williams. This agreement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

This matter arises out of a dispute between Kristy Bitterman and Inez Williams in which Ms. Bitterman accused Ms. Williams of authoring and publishing a letter critical of Ms. Bitterman. Mr. Bitterman also alleged that Officer Reginald Williams (no relation to Inez Williams) had a part in the composition of the letter, a charge denied by Officer Williams. Bitterman and Officer Williams both accepted the Case Evaluation of \$750, and now wish to finalize the process with a settlement agreement for that amount.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Aluminum Sign Blanks

**Manager's Recommendation:**

I recommend that the low bid from Dornbos Signs be accepted and a purchase order be approved and issued to them in the amount of \$3,540.00 for the purchase of 325 aluminum sign blanks to be used by the Traffic Engineering Division.

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 Major Streets Fund - Traffic Engineering Division's Sign Supplies Account, No. 202-4621-791.73-50. These items will be added to the Traffic Engineering inventory and expensed as they are used.

**Justification:**

The Traffic Engineering Division is required to maintain and replace, when necessary, approximately 25,000 street signs within the City of Saginaw. This material will be used towards maintaining the City of Saginaw's street signs on both major and local streets.

On November 16, 2010, the City received bids for 325 aluminum sign blanks. These blanks are necessary to stock signing needs. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

Dornbos Signs Charlotte, MI	\$ 3,540.00
Vulcan Aluminum Foley, AL	\$ 3,567.00

# COUNCIL COMMUNICATION

Custom Products Jackson, MS	\$ 3,776.50
IBIS Signs Butler, PA	\$ 4,034.75
Rathco Safety Supply Portage, MI	\$ 4,071.00
US Standard Sign Franklin Park, IL	\$ 4,230.50
Newman Signs, Inc. Jamestown, ND	\$ 4,530.25
Rocal, Inc. Frankfort, OH	\$ 4,718.00
Allied Municipal Supply Taylorville, IL	\$ 4,969.00
Highway Safety Supplies Brandy Station, VA	\$ 5,766.25
Michigan State Industries Lansing, MI	\$ 6,137.50

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Purchase Rycom underground locator

**Manager's Recommendation:**

I recommend acceptance of the quote received from Batco, Inc., Parma, MI and issuance of a purchase order to them in the amount of \$2,550.00 for the purchase of underground locators.

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 equipment are available in the Major Streets Fund - Traffic Engineering Division's Parts and Supplies Account, No. 202-4621-791.73-30.

**Justification:**

In September of 2010, the Traffic Engineering Division received quotes and demonstrations from multiple suppliers of various underground locators. Each model was evaluated for performance and costs. It was determined that the Rycom Model 8869 would best suit the City of Saginaw's needs at the most economical price. This instrument is used for locating the City's underground wiring including street lighting and traffic signals. This purchase is to replace the current locator, which is approximately 30 years old and no longer serviceable.

On October 20, 2010, the City received a quotation from Batco, Inc., Parma, MI in the amount of \$2,550.00 for one (1) Rycom underground locator and one (1) Fisher 5" ring clamp. The request for quotation was sent to Batco, Inc., because they are a sole source supplier for this equipment in the eastern United States.

**Council Action:**

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