

# Council Agenda

May 5, 2008, 6:30 p.m. Council Chamber

**There will be a Committee of the Whole meeting today beginning at 5:00 p.m. in the Council Chamber. Darnell Earley, City Manager, will give an overview of the Fiscal Year 2008-09 Proposed Budget.**

PRAYER AND PLEDGE OF ALLEGIANCE

ROLL CALL:

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

- February 25, 2008 regular Council meeting.

PUBLIC HEARINGS:

ANNOUNCEMENTS:

- Leslie J. Perry, Public Relations Specialist, Covenant HealthCare, will accept proclamation designating May as Stroke Awareness Month in the City of Saginaw.

PERSONAL APPEARANCES:

- *(A list will be provided on Monday)*

REMARKS OF COUNCIL:

PETITIONS:

- 08-12 from Jonathon Campau, 302 N. 7 Mile Rd., Linwood, MI, requesting permission for fireworks display on June 6, 2008 at the Germania Town & Country Club, 1 Germania Platz.

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

1. Explaining Ordinance No. 2, listed under the regular order of business that rezones the area generally abutting the Covenant HealthCare campus to single family residential.

APPOINTMENT OF BOARD AND COMMISSION MEMBERS:

1. Consideration of reappointing James W. Stuart to the Brownfield Redevelopment Authority, with a term to expire December 31, 2010.

2. Consideration of reappointing Carol W. Selby to the Public Libraries of Saginaw, with a term to expire June 30, 2012.
3. Consideration of reappointing Robert W. Roenicke to the Electrical Appeals Board, with a term to expire December 31, 2010.

REPORTS FROM MANAGER:

Management Update:

Recommended Actions:

1. Recommending approval of the Agreement between the City and Alert Emergency Equipment Group, Inc. Alert and the City have negotiated an Agreement for an even trade of four surplus police vehicles for additional safety upgrading of emergency LED lighting for side mirror beams attached to four 2008 police patrol vehicles. The four vehicles that are offered for trade are beyond economical repair and are valued at a little more than that of scrap. This vendor meets all requirements of the contract compliance provisions.
2. Recommending approval of donating outdated Ameritech analog cell phones formerly used for elections and other city-purchased and personal cell phones collected from City employees that have no use or value to the City to the Underground Railroad, Inc. as part of the Great American Cleanup/Keep Saginaw Beautiful Initiative to be held May 16 – 18, 2008.
3. Recommending final approval of claim number P134-07-00254 and payment to Claimant in the amount of \$3,842.29 to resolve a property damage claim at 3426 Grant. This claim settlement has been approved by the City Manager as to substance and the City Attorney as to form. Funds are available in the City's Self Insurance Fund Account No. 677-1762-711.80-74.
4. Recommending approval of the Settlement & Release Agreement in the amount of \$170,000 to resolve a pending lawsuit against the City and other individuals filed by Karen Lawrence Webster. This agreement has been approved by the City Manager as to substance and the City Attorney as to form.
5. Recommending that the phone equipment maintenance agreements with I.T.I. Inc. be approved and that a purchase order be issued to them in the amount of \$12,563.14. The maintenance agreements covers the telephone equipment located at City Hall, Police Department, Public Works Building and Wastewater Treatment Plant for a one-year period from April 1, 2008 through March 31, 2009. These agreements have been approved by the City Manager as to substance and the City Attorney as to form. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Information Services Operating Services Account No. 658-1720-711.80-05.
6. Recommending that St. Mary's of Michigan be allowed to rent Ojibway Island for their special event for a reduced rate of \$300.00 for their Run/Walk for Health on June 28, 2008 from 5:00 a.m. to 10:00 a.m.
7. Recommending that Council authorize the public auction of personal property from the Andersen Water Park. The City will utilize Ebay online auction service to sell the property.
8. Recommending approval to increase purchase order #34119 with Amerigas from \$1,900.00 to \$4,000.00 in order to have an adequate supply of propane gas through June

30, 2008. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Major Streets Routine and Maintenance Account No. 202-4651-841.73-30 for \$1,250.00 and the Local Streets Routine Maintenance Account No. 203-4651-841.73-30 for \$850.00.

9. Recommending acceptance of the low bid and issuance of a purchase order to R.C. Hendricks in the amount of \$9,900.00 for the beam repair at ramp one. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Parking System Capital Outlay General Repairs Fund Account No. 516-7510-761.80-40.
10. Recommending that the five contracts with Consumers Energy be approved for a five-year period and that a purchase order in the amount of \$10,319.00 be issued for fiscal year 2007/2008, and that purchase orders in the amount of \$10,319.00 be issued for each subsequent Fiscal Year through 2012. The contracts have been approved by the City Manager as to substance and the City Attorney as to form. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Sewer Operation and Maintenance Account No. 590-4835-861.80-31.
11. Recommending that the City of Saginaw cosponsor the Keep Saginaw Beautiful Committee's celebration on Sunday, May 18, 2008. Further recommend that a budget adjustment be completed to increase the Public Services Fund Administration/Operating Services Account No. 101 4610 781 8005 from \$0 to \$6,000.00. This increase will be offset by a deposit of \$5,000.00 from the Dow Chemical Company and \$1,000.00 from Waste Management.
12. Recommending approval of the Agreement between the City and Bierlein Entertainment, LLC. Bierlein is in the process of shooting the film, Street Boss, based upon a book written by former FBI Agent Phil Kerby. The crew will film scenes from within the bank and will film a scene outside of the bank on City sidewalks. Pursuant to the terms of the Release Agreement, the City and Bierlein mutually agree to indemnify and hold each other harmless.

#### INTRODUCTION OF ORDINANCES:

1. An Ordinance to add § 152.51, "Naming or Renaming of streets, parks, buildings, and other property," to Chapter 152, "Subdivision Control," of Title XV, "Land Usage," of the Saginaw Code of Ordinances O-1.
2. An Ordinance to amend the zoning map by rezoning the area from the centerline of West Genesee Avenue, East to Schaffer Street, around Covenant HealthCare campus, South to Hancock Street, and West to North Bates Street from R-2, R-3, RO-1, B-1, and M-1 to R-1, single family residential, located in the City of Saginaw.

#### CONSIDERATION AND PASSING OF ORDINANCES:

#### RESOLUTIONS:

1. Supporting the Michigan Healthpark Development, LLC.
2. Supporting the renewal of negotiations between Dow, EPA and DEQ.
3. Supporting the renewal of dredging operations

#### UNFINISHED BUSINESS:

1. Recommending approval of the request from Joseph D. Al-Bazzi for a new SDM license and request for transfer of ownership and location of SDD license from Rite Aid of Michigan, Inc., 1310-1340 Gratiot, Saginaw, MI, 48602 to 1313 Cumberland, Saginaw, MI, 48601.

MOTIONS AND MISCELLANEOUS:

Motion to go into closed session to discuss settlement negotiations in pending litigation.

Darnell Earley  
City Manager

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Budget Adjustment

**Manager's Recommendation:**

The City of Saginaw Keep Saginaw Beautiful Committee, an affiliation of Keep America Beautiful, is cosponsoring a 3-day weekend citywide clean up and beautification blitz on May 16-18, 2008. I recommend that the City of Saginaw cosponsor the celebration on Sunday, May 18, 2008.

It is also recommended that a budget adjustment be completed to increase the Public Services Fund Administration/Operating Services Account No. (101-4610-781.80-05) from \$0 to \$6,000.00. This increase will be offset by a deposit of \$5,000.00 from The Dow Chemical Company and \$1,000.00 from Waste Management. This increase in revenue will also increase the General Services/Other Revenue Contributions Account No. (101-0000-571.67-50) from to \$0 to \$6,000.00

**Justification:**

The City received a check in the amount of \$5,000.00 from the Dow Chemical Company and \$1,000.00 from Waste Management to support the 3-day weekend City of Saginaw Citywide Beautification and Clean up Blitz to be held May 16-18, 2008. The proceeds will be used to purchase materials, supplies and equipment for this event. As cosponsor of this event, the City will allow the use of Morley Plaza and donate picnic tables and trash barrels.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Consumers Energy Alternate Power Contracts

**Manager's Recommendation:**

I recommend that the five contracts with Consumers Energy be approved for a five-year period and that a purchase order in the amount of \$10,319.00 be issued for Fiscal Year 2007-08, and that purchase orders for \$10,319.00 be issued for each subsequent Fiscal Year through 2012. The contracts are approved as to substance by the City Manager and the City Attorney as to form. It is further recommended that City Council authorize the City Manager or his designee to sign the contracts.

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

The funds are available in the Sewer Operation and Maintenance Account No. 590-4835-861.80-31.

**Justification:**

The Wastewater Treatment Division operates and maintains seven Retention Treatment Basins (RTBs) designed to treat stormwater flows in excess of the treatment capacity of the Wastewater Treatment Plant. The Plant's National Pollutant Discharge Elimination System Permit requires that all of the Division's facilities have alternate power sources. Two of the RTBs have diesel powered pumps which fulfill this requirement. However, the other five RTBs rely on an alternate electrical feed source provided by Consumers Energy. Consumers Energy has adopted a policy that requires any facility with an alternate power source to pay an annual maintenance service fee for this power.

There is a separate contract for each RTB with the affiliated cost directly proportional to the alternate power demand required by that facility. The contracts cover a period of five years beginning immediately with signing. The total cost per year for all five RTBs is \$10,319.00 or a total of \$51,595.00 over the five year period of the contracts.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Purchase Order Transfers

**Manager's Recommendation:**

I recommend that the balances on the following purchase orders be adjusted for the Right of Way Division's Motor Equipment Section in order to allow uninterrupted purchase of items needed for the operation.

Reduce purchase orders 34468 (Weller Truck Parts) and 34425 (McDonald Pontiac-GMC-Cadillac) by \$1,000.00 each and increase purchase order 34463 (Scientific Brake) by \$2,000.00. Reduce purchase order 34175 (Binkelman Corporation) by \$1,000.00 and increase purchase order 34157 (Ritter Technology) by \$1,000.00. Further reduce purchase order 34468 (Weller Truck Parts) by \$1,000.00 and 34382 (Draper Chevrolet) by \$1,500.00 and increase purchase order 34383 (Larry's Auto Supply) by \$2,500.00. Reduce purchase order 34424 (Martin Chevrolet) by \$1,000.00 and increase purchase order 34171 (Mid States Bolt & Screw) by \$1,000.00.

These vendors meet all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35 – 14.44, of the Saginaw Code of Ordinances.

Funds for these parts are available in the Right of Way Divisions Motor Equipment Account No. 661-4480-841.73-12 and 661-4480-841.73-30.

**Justification:**

The Right of Way Division's Motor Equipment Section uses numerous purchase orders in the repair and maintenance of the City's fleet. In order to continue purchasing the needed parts, adjustments are needed to place the monies where it is needed.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Alert Emergency Equipment Inc. Agreement

**Manager's Recommendation:**

I recommend approval of the Agreement between the City and Alert Emergency Equipment Group Inc. ("Alert"). I have approved this Agreement as to substance and 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.

**Justification:**

Alert and the City have negotiated an Agreement for an even trade of four surplus police vehicles for additional safety upgrading of emergency LED lighting for side mirror beams attached to four 2008 police patrol vehicles. The four vehicles that are offered for trade are beyond economical repair and are valued at a little more than that of scrap.

In the fall of 2007, City Council approved an Agreement with Alert. Recently, during negotiations with the City for the upgrade of the four 2008 vehicles, Alert advised the City that it had a credit of \$1,287.11. Furthermore, Alert would credit the City \$1,800.00 for the four surplus vehicles. Therefore, the City's total credit is \$3,087.11. The costs of adding additional upgrades to the four vehicles would be \$2,454.20. However, Alert will deduct that costs from the City's credit. The remaining credit of \$632.91 will be used to acquire future additional safety equipment.

**Council Action:**

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



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Purchase Order with R. C. Hendrick

**Manager's Recommendation:**

I recommend acceptance of the low bid and issuance of a purchase order to R. C. Hendrick in the amount of \$9,900.00 for the beam repair at ramp one.

Funds are available in the Parking System Capital Outlay General Repairs Fund Account No. 516-7510-761.80-40.

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

**Justification:**

On April 15, 2008, the City received bids for the beam repair at Ramp One. This project will repair the deteriorated existing beam in the ramp. This condition is such that the area is unsafe and unusable, and has been closed until a repair can be made.

Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

R.C. Hendrick Saginaw, MI	\$ 9,900.00
Ram Construction Livonia, MI	\$ 9,980.00

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Donation of Outdated Cell Phones to Underground Railroad, Inc.

**Manager's Recommendation:**

I recommend donating outdated Ameritech analog cell phones formerly used for elections and other City-purchased and personal cell phones collected from City employees that have no use or value to the City, to Underground Railroad, Inc. as part of the Great American Cleanup/Keep Saginaw Beautiful Initiative to be held May 16-18, 2008.

**Justification:**

On or about October 30, 2002, the City Clerk's Office purchased Forty-Three (43) Ameritech analog cell phones to use in its precincts.

Since that time, the City Clerk's Office has updated its cell phones twice, both times requesting some form of trade-in credit for the these analog phones and has been told by the companies that these are outdated and are no longer of any use.

Since these telephones can no longer be used by the City of Saginaw, they have been determined to have no value. The purchasing ordinance does not address a situation on how to dispose of property that is determined to have no value to the City of Saginaw.

The City Clerk's Office seized this opportunity to collect other outdated cell phones from City employees that were of no value or use. The following cell phones were collected: Nine (9) Audiovox Model MVX-480; Four (4) Verizon Motorola Model M120C; Eight (8) Audiovox Verizon Tri-Mode; Five (5) Motorola StarTAC; Three (3) Verizon Kyocera; One (1) Bell Atlantic Mobile Model C300D; One (1) Nextel Motorola

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550 Plus; One (1) AirTouch Samsung; Two (2) Motorola Model V2260; and One (1) Sprint Samsung Model SPH-N200. Some of these phones were purchased with City funds and some were employees' personal phones. All of the cell phones are of no value to the City.

As part of the Great American Cleanup/Keep Saginaw Beautiful Initiative to be held May 16-18, 2008, Underground Railroad, Inc. will be collecting used and outdated cell phones at a designated drop off location. The Underground Railroad, as a nonprofit domestic violence agency, is given a small stipend for recycled cell phones.

Given the foregoing, I recommend that the Forty-Three (43) Ameritech analog Election cell phones, and the other cell phones listed above, be donated to Underground Railroad, Inc. as part of the Great American Cleanup.

## **Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Naming or Renaming Ordinance

**Manager's Recommendation:**

I recommend §152.51, "Naming or Renaming of Streets, Parks, Buildings and Other Property," be added to Chapter 152, "Subdivision Control" of Title XV, "Land Usage" of the Saginaw Code of Ordinances O-1. An Ordinance has been prepared and appears under the regular order of business.

**Justification:**

From time to time the City receives requests from individuals and organizations to name or rename a City street, building or other property. The practice has been for City Council to receive and file the request and refer it to the Engineering Department, which in turn reviews the matter and refers it to the City Planning Commission. The City Planning Commission notifies the affected parties and holds a public hearing whereat citizens can give their input. Following the hearing, the City Planning Commission gives its recommendation to City Council for final approval and/or denial of the request. Although this procedure has been followed, there has never been any written policy. Since the City has no formal "policy" book, it is in the best interest of the City to adopt an ordinance setting forth the guidelines for naming and renaming City parks, buildings, streets and other property, so that the City is consistent in the manner these requests are handled.

**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 ADD §152.51, "NAMING OR RENAMING OF STREETS, PARKS, BUILDINGS AND OTHER PROPERTY" TO CHAPTER 152, "SUBDIVISION CONTROL," OF TITLE XV, "LAND USAGE," OF THE SAGINAW CODE OF ORDINANCES O-1.

Laid over under the Charter provision.

# COUNCIL COMMUNICATION

Council \_\_\_\_\_ moved that an ordinance introduced, May 5, 2008, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO ADD §152.51, "NAMING OR RENAMING OF STREETS, PARKS, BUILDINGS AND OTHER PROPERTY" TO CHAPTER 152, "SUBDIVISION CONTROL," OF TITLE XV, "LAND USAGE," OF THE SAGINAW CODE OF ORDINANCES O-1.

The City of Saginaw Ordains:

Section 1. §152.51, "Naming or Renaming of Streets, Parks, Buildings and Other Property," of Chapter 152, "Subdivision Control" of Title XV, "Land Usage" of the Saginaw Code of Ordinances O-1, is hereby added to read as follows:

## **§ 152.51 NAMING OR RENAMING STREETS, PARKS, BUILDINGS AND OTHER PROPERTY.**

(A) *Purpose.* This ordinance establishes a process and criteria for consideration of a request by a member of the public to name or rename a public (or private) street, a public park, public building, or other real or personal public property located within the City limits. This process also includes a request for an additional name or sign to be added to an already existing name.

(B) *Petition.* Any request for naming or renaming a street, park, building, or other property within the City limits, shall be initiated in writing from one or more resident(s), business owner(s) or tenant(s) (or by a home owners association or similar common ownership organization) within the City of Saginaw by completing a Petition for Naming or Renaming form and provide the following information:

- (1) Name of Petitioner.
- (2) Type of request.

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- (3) Reason the request to name or rename is being proposed
- (4) Detailed description of the building, park, street or other property (real or personal).
- (5) Location within the City. (Requests for naming or renaming a street must have an attached street map.)

(C) *Petition Filing.* The Petition shall be filed with the City Clerk's Office, by 12 Noon, ten (10) days prior to the City Council meeting in which the Petition will be presented. The City Clerk will provide copies of the Petition and supporting documentation to City Council, the City Manager, City Attorney, City Engineer, Director of Development and Planning & Zoning Coordinator prior to the Council meeting.

(D) *City Council Initial Action.* At the Council meeting in which the Petition for Naming or Renaming is presented, the City Clerk will request City Council receive and file the Petition and refer it to the City Planning Commission for a recommendation.

(E) *City Planning Commission Consideration.*

(1) *Research.* The City Planning Commission will evaluate the Petition and supporting documentation, and shall base its decision on what is in the best interest of the City. If the request is for renaming a street, park, building or other property, the Commission shall research the historical significance, if any, of the current name and how the renaming shall affect the abutting property owners.

(2) *Public Hearing.* The City Planning Commission will hold a public hearing at which time all interested persons will be heard. Notice of the public hearing

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shall be mailed via regular mail to all property owners abutting the affected building, park, street or other property, at least fifteen (15) days prior to the date of the public hearing and shall be posted for the general public in the City Clerk's Office, the City's website and on the City's cable network.

(2) *Recommendation.* The City Planning Commission may recommend approval, denial, or approval with conditions of the request. The recommendation of the City Planning Commission shall be forwarded to the City Council for its consideration. The Petitioner will be given written notice of the decision of the City Planning Commission. Any recommendations for approval affecting a street must be forwarded to the Saginaw County Road Commission for its approval prior to Council consideration.

(F) *Council Final Action.* Upon receipt and review of the recommendation from the City Planning Commission on the Petition, City Council may sustain the recommendation or may rule otherwise. The decision of City Council is final.

(G) *Petition Approval/Assessment of Costs.* If the Petition is approved, the Petitioner shall be provided an estimate of the cost determined to implement the naming or renaming, which costs are the responsibility of the Petitioner. Upon receipt of payment in full of the estimated costs, City staff shall implement the recommendation. At the time of granting the Petition, City Council may, at its discretion, waive any or all costs to be incurred.

Section 2. That this Ordinance shall take effect on May 29, 2008.

Enacted: May 19, 2008.



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** I.T.I. Inc. Maintenance Agreements

**Manager's Recommendation:**

I recommend that the phone equipment maintenance agreements with I.T.I. Inc. be approved and that a purchase order be approved and issued to them in the amount of \$12,563.14. It is further recommended that the City Manager or his designee be authorized and directed to execute the maintenance agreements. These agreements have been approved by the City Manager as to substance and 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 this payment are available in Information Services Operating Services Account No. 658-1720-711.80-05.

**Justification:**

This maintenance agreement covers the telephone equipment located at City Hall, Police Department, Public Works Building and Wastewater Treatment Plant for a one-year period from 4-1-08 to 3-31-09. The agreement covers all service under normal wear and tear including parts, labor and travel time. It also offers free user training, no charge for service related software updates, free loaner equipment and 24 hour, 7 day service without paying any after hour premium.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Planning Commission

**Subject:** Rezoning the area generally abutting the Covenant HealthCare campus to single family residential

**Planning Commission Recommendation:**

Recommending approval to rezone the area generally abutting the Covenant HealthCare campus to single family residential.

**Justification:**

Covenant Neighborhood Association requested the rezoning of the area generally abutting the Covenant HealthCare campus be changed to single family residential in an effort to protect property values, prevent blight, and help fight crime in the area. City council remanded the petition to the Planning Commission for a public hearing.

The Planning Commission held a public hearing on Tuesday, November 27, 2007 at 6:00 p.m. All property owners in the above-mentioned area were notified by mail and all interested parties were heard.

From the investigation and review of the evidence presented at the hearing, the Planning Commission found that the rezoning of the area from the center line of West Genesee Avenue, east to Schaefer Street, around Covenant HealthCare Campus, south to Hancock Street, and west to Bates Street be rezoned from R-2, R-3, RO-1, B-1, and M-1 to R-1, Single Family Residential, has met the criteria required to amend the Saginaw Zoning Map.

**Council Action:**

Council \_\_\_\_\_ moved that the report from the Planning be received and filed.

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

follows:

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING THE AREA FROM THE CENTERLINE OF WEST GENESEE AVENUE, EAST TO SCHAEFER STREET, AROUND COVENANT HEALTHCARE CAMPUS, SOUTH TO HANCOCK STREET, AND WEST TO NORTH BATES STREET FROM R-2, R-3, RO-1, B-1, AND M-1 TO R-1, SINGLE FAMILY RESIDENTIAL, LOCATED IN THE CITY OF SAGINAW.

Laid over under the charter provision.

# COUNCIL COMMUNICATION

Council \_\_\_\_\_ moved that an ordinance introduced May 5, 2008, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING THE AREA FROM THE CENTERLINE OF WEST GENESEE AVENUE, EAST TO SCHAEFER STREET, AROUND COVENANT HEALTHCARE CAMPUS, SOUTH TO HANCOCK STREET, AND WEST TO NORTH BATES STREET FROM R-2, R-3, RO-1, B-1, AND M-1 TO R-1, SINGLE FAMILY RESIDENTIAL.

The City of Saginaw Ordains:

Section 1. An area of land including parts of Sections 23, 24, and 26 of T12N R4E being part of the City of Saginaw beginning at a point on the centerline of Webster Street 149.5 ft northeasterly of the center of the Court & Webster streets intersection, thence northwesterly parallel to Court Street 1816.66 ft, thence northeasterly along center line of Woodbridge Street 1697.18 ft to the center of the Woodbridge & Monroe streets intersection, thence northwesterly along the center line of Monroe Street 140.25 ft, thence northeasterly parallel to Woodbridge Street 363.96 ft to the centerline of Hayes Street, thence northwesterly along the centerline of Hayes Street to a point 161.5 ft northwesterly of the Woodbridge & Hayes streets intersection, thence northeasterly parallel to Woodbridge Street 1006 ft. to a point on the north line of Block 263 City of Saginaw in Division North of Cass Street plat, 33 ft south of the center of the intersection of Houghton Avenue & Delaware Street, thence north 33 ft to the center of said intersection, thence west along the centerline of Houghton Avenue 642 ft to the center of the Houghton Avenue & Barnard Street intersection, thence north on the centerline of Barnard Street 2177 ft to the centerline of Barnard Street & Genesee Avenue intersection, thence east along the centerline of Genesee Avenue 2044.88 ft to a point 173 ft. east of the center of the Genesee Avenue & Oakley Street intersection, thence south 103 ft., thence east 133 ft. to the center of Bond Street, thence south along the centerline 50 ft., thence east, parallel to Genesee Avenue, 1377 ft. to a point at the intersection of Lots 4, 5, 8 & 9 of Block 28 Penoyer Farm plat, also being at a point 153 ft south and 153 ft east of the center of the Genesee Avenue & Hanchett Street intersection, thence south 706 ft to the center line of Congress Avenue, thence

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west on the centerline of Congress Avenue 765 ft to the center of the Congress Avenue & Stone Street intersection, thence south along the centerline of Stone Street 919 ft. to the center of the Stone Street & Cooper Avenue intersection, thence west along the center line of Cooper Avenue 612 ft. to the center of the Cooper Avenue & Bond Street intersection, thence south along the centerline of Bond Street 478.2 ft to a point 62 ft south of the center of

the Bond Street & Houghton Avenue intersection, thence southwesterly along the center line of Bond Street 567 ft to the center of the Bond & Remington streets intersection, thence southeasterly on the centerline of Remington Street 1515 ft. to the center of the Remington & Fayette streets intersection, thence southwesterly along the centerline of Fayette Street 2562 ft to the center of the Fayette & Cleveland streets intersection, thence northwest along the centerline of Cleveland Street 303 feet to the center of the Cleveland & Harrison streets intersection, thence southwest along the centerline of Harrison Street 153 ft, thence northwest 151.5 ft to a point at the center of Block 121, City of Saginaw in Division North of Cass Street plat, thence southwest 459 ft. to the center of Hancock Street at a point 151.5 ft southeast of the center of the Hancock & Webster streets intersection, thence northwest 151.5 ft. to the center of the Hancock & Webster streets intersection, thence southwest 255.41 ft. to the point of beginning.

Section 2. That the zoning map of the City of Saginaw is hereby amended accordingly.

Section 3. This ordinance shall take effect on May 29, 2008.

Enacted: May 19, 2008.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Resolution of Property Damage Claim

**Manager's Recommendation:**

I recommend final approval of claim number P134-07-00254 and payment to Claimant in the amount of \$3,842.29 to resolve a property damage claim at 3426 Grant. This claim settlement has been approved by the City Manager as to substance and the City Attorney as to form.

Funds to pay these claims are available in the City's Self Insurance Fund Account No. 677-1762-711.80-74.

**Justification:**

On or about October 27, 2007, the owner of 3426 Grant experienced property damage when a portion of a tree on City property fell on her home, car and fence. The City's third-party administrator has reached a settlement with the Claimant in the amount of \$3,842.29.

As part of the agreement, Claimant will sign a release, releasing the City from any and all further liability on this claim.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Propane

**Manager's Recommendation:**

I recommend increasing purchase order 34119 with Amerigas to \$4,000.00 in order to have an adequate supply of propane gas through June 30, 2008.

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

Funds for this purchase are available in the Major Streets Routine Maintenance Account No. 202-4651-841.73-30 (\$1,250.00) and the Local Streets Routine Maintenance Account No. 203-4651-841.73-30 (\$850.00).

**Justification:**

The Right of Way Division, Streets section, has a \$1,900.00 blanket purchase order with Amerigas to supply propane gas. Due to increased usage and continual increases in propane prices, the dollar amount of this purchase order is nearly depleted. The propane is used to heat asphalt patching material and joint sealant material needed to maintain the City Streets. Based on current usage, it is estimated that we will use an additional \$2,100.00 worth of propane gas through fiscal year 2008.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** St. Mary's Run/Walk for Health

**Manager's Recommendation:**

I recommend that St. Mary's of Michigan be allowed to rent Ojibway Island for their special event for a reduced rate of \$300.00.

**Justification:**

St. Mary's of Michigan has scheduled their Run/Walk for Health on June 28, 2008 from 5:00 a.m. to 10:00 a.m. The course will go along the Riverwalk, over and through Ojibway Island and turn around in Wickes Park. St. Mary's will not be using the stage, garage, concession, restrooms or dressing rooms on Ojibway Island. They want to reserve the island in the early morning hours for the safety of the participants in their event. The special event rate sheet shows a cost of \$660.00 per day to reserve Ojibway Island for a special event. St. Mary's has offered to pay \$300.00, leaving the facility open for rental by another event sponsor after 10:00 a.m., should we receive another special event application to reserve Ojibway Island for that date.

**Council Action:**

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



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Settlement of Employee Claim

**Manager's Recommendation:**

I recommend approval of the Settlement and Release Agreement in the amount of \$170,000 to resolve a pending lawsuit against the City and other individuals filed by Karen Lawrence Webster. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

Ms Webster's employment was terminated in August, 2004. She has made a number of claims regarding the propriety of that discharge. While many of the claims have been dismissed, one remains for a trial (subject to further motion). The dismissed claims may also be the subject of appeals. The Self Insurance Retention ("SIR") for this insured claim is \$150,000, of which approximately \$120,000 has already been spent. The total exposure of the City for the remainder of the litigation is approximately \$30,000. It is likely that this would be exhausted even if the City were to entirely prevail at trial and on appeal.

The insurance carrier has expressed its desire to resolve this matter for the amount of \$170,000, the bulk of which it will be responsible for paying. In order to avoid the expense and uncertainties of litigation and resolve this matter, the City has negotiated this payment. The claimant has provided a full and complete release of liability.

**Council Action:**

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

# COUNCIL COMMUNICATION

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

## **Resolution in Support of Healthpark Development**

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

WHEREAS, the City of Saginaw owns property near the Saginaw river in which it is interested in developing; and

WHEREAS, Michigan Healthpark Development, LLC has expressed an interest in acquiring and developing this property for physician's offices, and potentially a medical education campus; and

WHEREAS, this proposed development would involve a \$10,000,000 investment and create approximately 40 medical jobs in the City, with the potential for additional investment and job creation; and

WHEREAS, Michigan Healthpark Development, LLC has also agreed to work cooperatively with the City in addressing and minimizing any environmental concerns; and

WHEREAS, Michigan Healthpark Development, LLC and the City have already been involved in preliminary negotiations for this project, now

THEREFORE, BE IT RESOLVED, that the City of Saginaw supports this project and pledges its cooperation in its progress and completion.

# COUNCIL COMMUNICATION

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

**Resolution to Support Renewal of Negotiations between Dow, EPA and DEQ**

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

WHEREAS, Dow Chemical Corporation has in the past worked cooperatively with the City of Saginaw in responding to any concerns for potential contamination and remediation efforts in this area; and

WHEREAS, the City of Saginaw cooperates with the United States Environmental Protection Agency and the Michigan Department of Environmental Quality in their efforts to identify and alleviate environmental concerns and appreciates their guidance and assistance; and

WHEREAS, in the past Dow Chemical Corporation, the Environmental Protection Agency and the Department of Environmental Quality have worked together to correct problems and have been able to negotiate acceptable solutions; and

WHEREAS, Dow Chemical Corporation terminated negotiations to form a plan to address contamination problems in the watershed that includes the City of Saginaw; and

WHEREAS, the City had previously passed a resolution asking these organizations to meet again in an attempt to resolve their differences, but negotiations have not yet resumed, now

THEREFORE, BE IT RESOLVED, that the City of Saginaw hereby again recommends and urges these organizations to resume negotiations in good faith to reach a mutually agreeable plan to address these issues.

# COUNCIL COMMUNICATION

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

## **Resolution to Support Renewal of Dredging Operations**

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

WHEREAS, the City of Saginaw is aware that the United States Army Corps of Engineers is involved with dredging operations on the Saginaw River to maintain a shipping channel to businesses in the Saginaw urban area; and

WHEREAS, the Michigan Department of Environmental Quality is also involved in this project to assure that these dredging operations do not create environmental problems in the area; and

WHEREAS, the Army Corps of Engineers also has experience and expertise in the proper disposition of dredged materials and other environmental issues associated with these projects; and

WHEREAS, disagreements between these two organizations appear to have delayed this project and may prevent its completion; and

WHEREAS, at least eighteen businesses in the urban area will be adversely affected if the dredging project is not completed., now

THEREFORE, BE IT RESOLVED, that the City of Saginaw hereby recommends and urges these organizations to resume negotiations in good faith to reach a mutually agreeable plan to address this issue.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** City Council Authorization for a Public Auction to Sell Personal Property

**Manager's Recommendation:**

I recommend that City Council authorize the public auction of personal property from the Andersen Water Park. The City will utilize Ebay online auction service to sell the property.

**Justification:**

The City of Saginaw ("City") is in the process of demolishing the defunct Andersen Water Park. Staff has concluded that some of the existing features and assets are of value. Further, staff concluded it was in the best interest of the City to utilize Ebay to dispose of the personal property because it is the most efficient and cost effective way to sell the property. Pursuant to Title I, General Provisions, Chapter 14, Finance and Purchasing, Section 14.27(D), City Council can authorize the sale of personal property at a public auction. In the past, City Council has authorized the sale of personal property at a public auction.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Budget Adjustment

**Manager's Recommendation:**

The City of Saginaw Keep Saginaw Beautiful Committee, an affiliation of Keep America Beautiful, is cosponsoring a 3-day weekend citywide clean up and beautification blitz on May 16-18, 2008. I recommend that the City of Saginaw cosponsor the celebration on Sunday, May 18, 2008.

It is also recommended that a budget adjustment be completed to increase the Public Services Fund Administration/Operating Services Account No. (101-4610-781.80-05) from \$0 to \$6,000.00. This increase will be offset by a deposit of \$5,000.00 from The Dow Chemical Company and \$1,000.00 from Waste Management. This increase in revenue will also increase the General Services/Other Revenue Contributions Account No. (101-0000-571.67-50) from to \$0 to \$6,000.00

**Justification:**

The City received a check in the amount of \$5,000.00 from the Dow Chemical Company and \$1,000.00 from Waste Management to support the 3-day weekend City of Saginaw Citywide Beautification and Clean up Blitz to be held May 16-18, 2008. The proceeds will be used to purchase materials, supplies and equipment for this event. As cosponsor of this event, the City will allow the use of Morley Plaza and donate picnic tables and trash barrels.

**Council Action:**

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

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Bierlein Entertainment, LLC Location Release Agreement

**Manager's Recommendation:**

I recommend approval of the Agreement between the City and Bierlein Entertainment, LLC ("Bierlein"). I have approved this Agreement as to substance and the City Attorney as to form. Further, it is recommended that Council authorize the City Manager or his designee to execute the Agreement.

**Justification:**

Bierlein is in the process of shooting the film, Street Boss. The film is based upon a book written by former FBI Agent Phil Kirby. Bierlein is shooting scenes in several locations in Saginaw County, including Citizen's Bank. The crew will film scenes from within the bank. In addition, it will film a scene outside of the bank on the City sidewalks. Bierlein will shoot the scene on May 5, 2008. Pursuant to the terms of the Release Agreement, the City and Bierlein mutually agree to indemnify and hold each other harmless.

**Council Action:**

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