



Saginaw City Council Agenda

1315 S. Washington Avenue
VIA TELECONFERENCE
PER EXECUTIVE ORDER 2020-154
August 24, 2020
6:30 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PUBLIC INPUT:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

CONSENT AGENDA:

1. Approve the August 10, 2020 regular council meeting minutes.
2. Approve the purchase with BS&A Software for \$3,500 for the custom procurement card export and import file for the Technical Services Department.
3. Approve the first amendment to the Subrecipient CDBG Agreement with First Ward Community Center to increase their original allocation by \$26,667, for a new total of \$60,450, for infrastructure improvements to the building.
4. Approve the purchase with John E. Green Company for \$5,909 for the repair of the exhaust vent fan at the indoor gun range for the Police Department.
5. Approve the purchase with Tri County International Trucks for \$95,714 for a 2021 International HV607 SBA Cab and Chassis; and with Truck and Trailer Specialties, Inc. for \$37,725 for equipment installation for the Maintenance and Service Division.
6. Approve the purchase with Todd Wenzel Buick GMC for \$81,132 for three 2021 GMC Sierra 1500 Pickup trucks for the Maintenance and Service Division.
7. Approve the purchase with Todd Wenzel Buick GMC for \$42,261 for a 2021 GMC Sierra 3500 one-ton Dump Truck for the Maintenance and Service Division.
8. Ratification of a purchase with Highway and Heavy Parts, LLC for \$3,307 for engine parts for a 10-yard dump truck for the Maintenance and Service Division.
9. Approve the Construction and Maintenance Easement Agreement with the County of Saginaw for \$1.00 for the Tuscola Pedestrian Pathway project for the Engineering Section, Right of Way Division.

10. Ratification of a purchase with Great Lakes Power Service, Inc. for \$2,975 for the inspection and testing of the Kochville Raw Water Pump Station's 2500 kVA transformer and power supply cables for the Water Treatment Division.
11. Approve the agreement with US Trackworks, LLC for \$63,367 for the rehabilitation of the roadway approaches at the Davenport Avenue, East Holland Avenue, and South Jefferson Avenue railroad crossings as part of the 2020 MDOT Local Grade Crossing Surface Program for the Public Services Department.

BOARD/COMMISSION/COMMITTEE REPORTS:

APPOINTMENT OF BOARD/COMMISSION/COMMITTEE MEMBERS:

ORDINANCE INTRODUCTION:

1. An ordinance to amend Chapter 152, of Title XV, "Land Usage," by amending §152.056 titled, "Naming or Renaming Streets, Parks, Buildings and Other Property," of the City of Saginaw Code of Ordinances, O-204.

ORDINANCE CONSIDERATION AND ADOPTION:

1. An ordinance to add §135.01 "Prohibition," of "Chapter 135: Prohibition of Use or Consumption of Marihuana in Public Place," of Title XIII, "General Offenses," of the City of Saginaw Code of Ordinances, O-204.
2. An ordinance to add §91.36, "Smoking in Parks, Regulations," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-204.

RESOLUTIONS:

1. Approving the Authorization for Change to the Standard Street Lighting Contract and Bill of Sale with Consumers Energy Company.
2. Designating Louis Taylor, City Engineer, as the single Street Administrator with the Michigan Department of Transportation.

UNFINISHED BUSINESS:

MISCELLANEOUS BUSINESS:

1. Motion to designate an official representative of the City, and an alternate, for the virtual Michigan Municipal League Annual Meeting on September 30- October 2, 2020.

ADJOURNMENT:

Timothy Morales
City Manager

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A REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, WAS HELD MONDAY, AUGUST 10, 2020, AT 6:30 P.M. VIA VIDEO/TELECONFERENCE PER GOVERNOR WHITMER'S EXECUTIVE ORDER 2020-154. THE MEETING WAS STREAMED LIVE VIA THE CITY'S WEBSITE AND ON SGTV.

ROLL CALL

Mayor Kloc called the meeting to order. Council Members present: Jamie Forbes, Annie Boensch, Brenda Moore, Autumn Scherzer, John Milne, Michael Balls, Bill Ostash, and Floyd Kloc: 8. Council Members absent: Reginald Williams II: 1.

PUBLIC INPUT

Public Input that addressed the Council was: Ernest Williams, Nanda Davies, David Chesney, and Shari Defore-Crozier.

Council Member Williams entered the meeting at 6:40 p.m.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Boensch, Forbes, Williams, Ostash, Balls, Milne, Scherzer, Moore, and Kloc.

REPORTS FROM CITY MANAGER

City Manager Morales provided updates as follows:

- the August 4 Primary Election,
- encouraged use of 211 for assistance with water bills, etc.
- the award of \$500,000.00 in COVID funding for small businesses grants through Community Development Block Grants, and
- that the Saginaw Economic Development Commission has loans available for local businesses that submit an application and qualify for the loan.

CONSENT AGENDA:

Mayor Kloc asked if there were any exceptions to the consent agenda. No exceptions were made.

1. Approve the July 27, 2020 regular council meeting minutes.
2. Approve the amendments to the FY 2021 Approved Budget to recognize changes that have occurred during the August period.
3. Approve the Coronavirus Emergency Grant through the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for \$184,048 for the Police Department.
4. Approve the purchase with various vendors for a total of \$330,464 for the annual supply of water main appurtenances for Maintenance and Service Division.
5. Approve the purchase with Edw. C. Levy Co., dba Ace-Saginaw Paving Company, for \$247,000 for FY 2021; and pending budget approval, for \$251,000 for FY 2022, for hot mix asphalt for the Maintenance and Service Division.

6. Approve the purchase with Edw. C. Levy Co., dba Ace-Saginaw Paving Company, for \$100,000 for FY 2021; and pending budget approval for FY 2022, for hot mix asphalt for the Streets Division.
7. Approve the purchase with National Business Furniture for \$2,167 for office furniture for the Public Services Department.
8. Ratification of the purchase with D'Aarcy Rousseau Mechanical for \$21,910 for replacement of the HVAC system at the Public Works building for the Facilities Division.
9. Approve the purchase with USA BlueBook for \$3,909 for Hach chemical reagents for the Water Treatment Division.

Moved by Mayor Pro Tem Moore, seconded by Council Member Milne to approve consent agenda items 1 through 9 as presented. 9 ayes, 0 nays, 0 absent. Motion approved.

APPOINTMENT OF BOARD AND COMMISSION MEMBERS

Moved by Mayor Pro Tem Moore, seconded by Council Member Scherzer to appoint Evelyn McGovern to the Saginaw Transit Authority Regional Services Board with a term to expire December 31, 2020. Mayor Kloc asked Clerk Santos to conduct a roll call vote.

Ayes: Scherzer, Milne, Balls, Ostash, Williams, Boensch, Moore, Kloc

Nays: None

Abstain: Forbes

Motion approved.

ORDINANCE INTRODUCTION

Moved by Council Member Boensch, seconded by Mayor Pro Tem Moore to introduce an ordinance to repeal Chapter 118 and replace with §§118.01 through 118.23, Titled "Chapter 118: Licensing of Marihuana Establishments," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-204. Discussion was held.

Moved by Forbes to amend the ordinance to remove the proximity requirements for all license types except for provisioning centers and to retain requirement of 1000' of a private or public school. No second was offered.

Point of order was called due to the motion to amend does not fit under the main motion topic.

Mayor Kloc asked Clerk Santos to conduct a roll call vote.

Ayes: Balls, Ostash, Williams, Forbes, Boensch, Moore, Scherzer, Kloc

Nays: Milne

Motion approved.

Mayor Kloc announced that the ordinance will be laid over under Charter provision.

Moved by Council Member Boensch, seconded by Mayor Pro Tem Moore to introduce an ordinance add §153.601 "Title," §153.603 "Purpose," §153.605 "Applicability," §153.607 "Definitions," §153.609 "Approval Procedures For Marihuana Establishments," §153.611 "Authorized Marihuana Establishments," §153.613 "Consumption; Violations," §153.615 "Penalties," §153.617 "Rights," Titled "Marihuana Establishments" of Title XV,

"Land Usage," of the City of Saginaw Code of Ordinances, O-204. Discussion was held.

Moved by Council Member Forbes, seconded by Council Member Scherzer to amend the main motion regarding the proximity requirements to include the rules for growers only and to exclude other license types. Discussion was held.

Moved by Council Member Forbes, seconded by Council Member Ostash to amend the proximity requirements to protect the 1000' rule for a public or private K-12 school. Discussion was held.

Mayor Kloc asked Clerk Santos to conduct a roll call vote on the amendment to the proximity requirements to protect the 1000' rule for a public or private K-12 school.

Ayes: None

Nays: Balls, Ostash, Williams, Forbes, Boensch, Moore, Scherzer, Milne, Kloc

Motion denied.

Mayor Kloc asked Clerk Santos to conduct a roll call vote on the amendment to the main motion regarding the proximity requirements to include the rules for growers only and to exclude other license types.

Ayes: None

Nays: Ostash, Williams, Forbes, Boensch, Moore, Scherzer, Milne, Balls, Kloc

Motion denied.

Council consented to allow comments from the Director of Neighborhood Services and Inspections.

Moved by Council Member Forbes to amend the proximity requirements to include retailers and exclude other license types and to retain the 1000' rule for a public or private K-12 school. No second was offered.

Moved by Council Milne, seconded by Council Member Balls to call the question. 9 ayes, 0 nays, 0 absent. Motion approved.

Mayor Kloc asked Clerk Santos to conduct a roll call vote on the main motion to introduce an ordinance to add §153.601 "Title," §153.603 "Purpose," §153.605 "Applicability," §153.607 "Definitions," §153.609 "Approval Procedures For Marihuana Establishments," §153.611 "Authorized Marihuana Establishments," §153.613 "Consumption; Violations," §153.615 "Penalties," §153.617 "Rights," Titled "Marihuana Establishments" of Title XV, "Land Usage," of the City of Saginaw Code of Ordinances, O-204.

Ayes: Williams, Boensch, Moore, Scherzer, Balls, Ostash, Kloc

Nays: Forbes, Milne

Motion approved.

Mayor Kloc announced that the ordinance will be laid over under Charter provision.

Moved by Council Member Milne, seconded by Council Member Boensch to introduce an ordinance to add §135.01 "Prohibition," of "Chapter 135: Prohibition of Use or Consumption of Marihuana in Public Place," of Title XIII, "General Offenses," of the City of Saginaw Code of Ordinances, O-204. 9 ayes, 0 nays, 0 absent. Motion approved.

Mayor Kloc announced that the ordinance will be laid over under Charter provision.

Moved by Council Member Boensch, seconded by Mayor Pro Tem Moore to introduce an ordinance to add §91.36, "Smoking in Parks, Regulations," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-204. 9 ayes, 0 nays, 0 absent. Motion approved.

Mayor Kloc announced that the ordinance will be laid over under Charter provision.

MISCELLANEOUS BUSINESS

Moved by Mayor Pro Tem Moore, seconded by Council Member Milne to enter a closed session for to discuss collective bargaining agreements per MCL 15.268(c). Mayor Kloc asked Clerk Santos to conduct a roll call vote.

Ayes: Williams, Forbes, Boensch, Moore, Scherzer, Milne, Balls, Ostash, Kloc

Nays: None

Motion approved.

Council entered a closed session at 8:18 p.m.

Moved by Mayor Kloc, seconded by Council Member Milne to return to regular session at 8:33 p.m. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Mayor Kloc, seconded by Mayor Pro Tem Moore to approve the tentative agreement with the Patrol Officers Association of Michigan (POAM) as discussed in closed session. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Mayor Kloc, seconded by Mayor Pro Tem Moore to approve the tentative agreement with the Command Officers Association of Michigan (COAM) as discussed in closed session and contingent upon ratification by the COAM. 9 ayes, 0 nays, 0 absent. Motion approved.

ADJOURNMENT

Moved by Council Member Scherzer, seconded by Mayor Pro Tem Moore to adjourn the meeting at 8:36 p.m. 9 ayes, 0 nays, 0 absent. Motion approved.

As recorded by

Janet Santos, MiPMC/MMC
City Clerk

From: Timothy Morales, City Manager
Subject: BS&A Custom export to Huntington Bank
Prepared by: Jeff Klopac, Technical Services Department

Manager's Recommendation:

I recommend approval of the purchase with BS&A Software for \$3,500.00 for the custom Huntington Bank procurement card export & import file for the Technical Services Department.

Justification:

The City is requesting that its procurement card purchases to be automatically exported into a file format that Huntington Bank will be able to import into its banking system. Currently, the City is using a manual process to identify general ledger accounts and proper purchase approval for procurement card transactions. The BS&A export will allow Huntington Bank to import the card transactions and provide account information to be brought back into BS&A Accounts Payable software module.

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Technical Services Department, Information Services, Operating Services, Account No. 658-1720-805.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager

Subject: First Ward Community Center First Contract Amendment to Subrecipient Agreement

Prepared by: Leticia Trevino, CDBG Specialist

Manager's Recommendation:

I recommend the approval of the First Amendment to the Subrecipient CDBG Agreement for FY 2019-2020 with First Ward Community Center to increase their original allocation by \$26,667, for a new total not to exceed \$60,450, for infrastructure improvements to the building.

Justification:

On September 29, 2019, Council approved the CDBG Agreement with First Ward Community Center (First Ward) in the amount of \$33,783. During the project, First Ward discovered that additional doors needed to be replaced. The outside entry doors and interior doors were replaced and brought into compliance with ADA requirements by renovating the door system to include a handicap accessible entry way. The cost for the additional doors is \$26,667. The total for this project has increased to \$60,450.

The additional funding used for this project was taken from the LACER and HIRE allocations. Due to the COVID-19 Pandemic, LACER and HIRE were unable to run at their full capabilities and those funds can be transferred to First Ward for the door project.

I have approved this amendment as to substance and the City Attorney as to form.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Police Department Indoor Gun Range Ventilation Repair
Prepared by: Jay Gustin, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with John E. Green Company for \$5,909 for the repair of the indoor gun range exhaust vent fan at the Police Department.

Justification:

On August 5, 2020, the City received 2 bids for the repair of the drive shaft on the exhaust ventilation system in the gun range at the Police Department. This system is currently broken and is needed to continue the use of the indoor range. The following is a tabulation of the quotes received.

<u>Vendor</u>	<u>Total Bid</u>
John E. Green Company Saginaw, MI (Out-City)	\$5,909.00
Sol-Air Heating & Cooling Saginaw, MI (In-City)	\$6,400.00

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the General Fund, Community Public Safety - Police, Police Building Maintenance Division, Repairs and Replacements. Account No. 101-3514-974.000 \$5,909.00.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Purchase Dump Truck
Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend approval of the purchase with Tri County International Trucks for \$95,714 for a 2021 International HV607 SBA Cab and Chassis; and with Truck and Trailer Specialties, Inc. for \$37,725 for equipment installation for the Maintenance and Service Division.

Justification:

The Maintenance and Service Division has budgeted in FY 2021 to replace a tandem axle 10-yard dump truck scheduled for replacement in 2014. This truck will be a front line vehicle used daily and in emergency situations for the maintenance and repairs of utilities in the City for over 600 miles of water and sewer main and out of City for over 110 miles of transmission mains that serve Saginaw, parts of Bay, and Tuscola Counties. This purchase will be made using MiDeal contract # 071B6600122 Spec # 3958-0173D, and City of Rochester Hills contract pricing RFP-RH-13-030 Awarded November 2013.

These vendors meet all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Water Operations and Maintenance Fund, Water Surplus Division's Vehicles Account No. 591-4740-982.000 \$66,719.50 and the Sewer Operations and Maintenance Fund, Sewer Surplus Division's Vehicles Equipment Account No. 590-4840-982.000 \$66,719.50.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Replacement Pickup Trucks
Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend approval of a purchase with Todd Wenzel Buick GMC for \$81,131.45 for three 2021 GMC Sierra 1500 Pickup trucks for the Maintenance and Service Division.

Justification:

The Maintenance and Service Division has budgeted in FY 2021 to replace three pickup trucks with over 90,000 miles due for replacement in 2016 and 2017, which will be sold at auction. These trucks are used daily and required for emergency situations in the maintenance and repair of the City of Saginaw's water and sewer infrastructure system that serves Saginaw, parts of Bay, and Tuscola Counties. Operating efficiency, operator safety, and loss of productivity due to down time contribute to the need to replace these vehicles. This purchase will be made using MiDeal contract # 071B7700184 pricing.

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Water Operations and Maintenance Fund, Water Surplus Division's Vehicles Account No. 591-4740-982.000 \$40,565.72, and the Sewer Operations and Maintenance Fund, Sewer Surplus Division's Vehicles Equipment Account No. 590-4840-982.000 \$40,565.73.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: One-Ton Dump Truck Purchase
Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend approval of a purchase with Todd Wenzel Buick GMC for \$42,260.05 for a 2021 GMC Sierra 3500, one-ton Dump Truck for the Maintenance and Service Division.

Justification:

The Maintenance and Service Division has budgeted in FY 2021 to replace a 2004 Chevrolet one-ton Dump Truck scheduled for replacement in 2014. This truck is a front line vehicle used daily and required for emergency situations in the maintenance and repair of the City of Saginaw's, water and sewer infrastructure system that serves Saginaw, parts of Bay, and Tuscola Counties. Operating efficiency, operator safety, and loss of productivity due to down time contribute to the need to replace this vehicle. This purchase will be made using MiDeal contract # 071B7700184 pricing.

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Water Operations and Maintenance Fund, Water Surplus Division's Vehicles Account No. 591-4740-982.000 \$21,130.03 and the Sewer Operations and Maintenance Fund, Sewer Surplus Division's Vehicles Equipment Account No. 590-4840-982.000 \$21,130.03.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Ratification of Emergency Purchase for Dump Truck Repair Parts
Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend ratification of the purchase with Highway and Heavy Parts, LLC for \$3,306.67 for engine parts for a 10-yard dump truck for the Maintenance and Service Division.

Justification:

On August 7, 2020, the City received two quotes for replacement of the electronically controlled turbo charger for truck No. 57-0460, a 2008 Sterling LT7500 10-yard dump truck. Emergency purchase order No. 509146 was issued to the low quote from Highway and Heavy Parts, LLC for the purchase of the turbo charger. This dump truck is a front line vehicle used daily by the Maintenance and Service Division for the maintenance and repairs of utilities in the City for over 600 miles of water and sewer main and out of City for over 110 miles of transmission mains that serve Saginaw, parts of Bay, and Tuscola Counties. Due to the need for this operation, it is necessary for this truck to remain ready for service at all times. The following is a listing of the quotes received:

<u>Vendor</u>	<u>Cost</u>
Highway and Heavy Parts, LLC Coleman, MI (out-city)	\$ 3,306.67
Diesel Truck Sales Saginaw, MI (in-city)	\$ 3,658.97

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Motor Pool Operation Fund, Garage Operations Division's Motor Vehicle Supplies Account No. 661-4481-737.000, \$3,306.67, and will be accounted for in the Motor Pool Operation Fund, Inventory Account No. 661-0000-110.001.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Construction and Maintenance Easement Agreement
Prepared by: Beth D. London, Public Services Department

Manager's Recommendation:

I recommend the approval of the Construction and Maintenance Easement Agreement with the County of Saginaw for \$1.00 for the Tuscola Pedestrian Pathway project for the Engineering Section, Right of Way Division.

Justification:

The sole purpose of the easement agreement is to allow the City to construct, install, repair, replace and maintain the Tuscola Pedestrian Pathway between South Washington Avenue (M-13) and South Franklin Street.

The County and the City agree to hold each other harmless from any and all claims related to the construction, maintenance, or use of such related easement areas. The City will pay the County a sum of \$1.00 for the easement.

Funds are budgeted in the General Fund, Department of Public Services, Engineering Division's Service Fees Account No. 101-4611-824.000.

I have approved as to substance and the City Attorney as to form.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager

Subject: Ratification of Emergency Purchase - Kochville Station Electrical Transformer Inspection

Prepared by: Ken Manchester, Water and Wastewater

Manager's Recommendation:

I recommend ratification of an emergency purchase with Great Lakes Power Service, Inc. for \$2,975.00 for the inspection and testing of the Kochville Raw Water Pump Station's 2500 kVA transformer and power supply cables for the Water Treatment Division.

Justification:

The Water Treatment Division's Kochville Raw Water Reservoir and Pumping Station are critical to the water system, serving as the primary raw water reserve source. The station serves as our backup source in the event that the Saginaw Midland Municipal Water Supply Corporation pipeline is down and as a supplementary source during peak seasonal demand. The station is experiencing intermittent power quality issues and engineers have recommended testing the 40-year-old transformer and power supply cables as soon as possible to determine if there is a problem that needs to be resolved.

On July 15 and 17, 2020, quotes were received for the inspection and testing of the Kochville Raw Water Pump Station's 2500 kVA transformer and power supply cables. Due to the importance of this station and the City's efforts to resolve the power quality issues as quickly as possible, emergency purchase order #509149 was issued on August 10, 2020. The quotes are as follows:

	<u>Total Quote</u>
Great Lakes Power Services, Inc. Linwood, MI	\$2,975.00
Michigan Switchgear Services, Inc. Auburn, MI	\$3,300.00

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Water Operations and Maintenance Fund, Treatment & Pumping Division's Professional Services Account No. 591-4730-801.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Railroad Crossings Construction Agreement with US Trackworks, LLC
Prepared by: Louis Taylor, Public Services Department

Manager's Recommendation:

I recommend approval of the agreement with US Trackworks, LLC for \$63,366.32 for the rehabilitation of the roadway approaches at the Davenport Avenue, East Holland Avenue, and South Jefferson Avenue railroad crossings as part of the 2020 MDOT Local Grade Crossing Surface Program for the Public Services Department.

Justification:

In September of 2019, the City applied for FY 2020 MDOT Local Railroad Grade Crossing Surface Program funds on behalf of Huron & Eastern Railroad Company to reconstruct the rail crossings located on Davenport Avenue, East Holland Avenue, and South Jefferson Avenue. This program provides funding for 60 percent of the railroad costs to the railroad to reconstruct the crossings. Huron & Eastern Railroad Company is required to provide a 40 percent match for the reconstruction which includes only 1.5 feet of the roadway on either side of the tracks. As part of the grant application process, the City is responsible for any roadway approach work beyond 18 inches of the tracks. The City committed to rehabilitating the roadway approaches on Davenport Avenue, East Holland Avenue, and South Jefferson Avenue at the railroad crossings. The City also committed to providing traffic control for the project and the railroad agreed to provide the railroad flagging. On May 18, 2020, the City received notification from the Michigan Department of Transportation that the three Huron & Eastern Railroad crossings within the City were approved for funding.

Bids were taken by Huron & Eastern Railroad for the reconstruction of railroad crossings statewide, including the three in the City of Saginaw. US Trackworks was awarded the work. The City requested a quote from US Trackworks for the approach work, believing that having the work performed by US Trackworks would save the City money in mobilization and insurance costs. US Trackworks provided a quote of \$63,366.32, utilizing their contract bid unit prices. This quote is \$21,673.58 less than the City Engineer's estimate of \$85,039.90.

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Major Street Fund, Street Projects Division's Street Resurfacing Account No. 202-4614-821.000.

I have approved the agreement as to substance and is contingent on City Attorney approval as to form.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Tim Morales, City Manager
Subject: §152.056 Name/Renaming Ordinance Amendment
Prepared by: Floyd Kloc, Mayor

Manager's Recommendation:

I recommend introduction of an ordinance to amend Chapter 152, of Title XV, "Land Usage," by amending §152.056 titled, "Naming or Renaming Streets, Parks, Buildings and Other Property," of the City of Saginaw Code of Ordinances, O-204.

Justification:

Under the City's Code of Ordinances, a member of the public can petition the City to have a street, park, public building or other public property renamed. Amendments are being introduced to limit such petitions to renaming for an individual person, that the individual be deceased for at least five (5) years from the date of the petition in order that the renaming consideration includes the person's entire legacy.

Council Action:

This Council Communication is for explanation purposes of the ordinance to be introduced and enacted according to City Charter, Section 22, titled "Ordinances."

Moved by Council Member _____, seconded by Council Member _____ to introduce an ordinance entitled and reading as follows:

O-_____

AN ORDINANCE TO AMEND CHAPTER 152, OF TITLE XV, "LAND USAGE," BY AMENDING §152.056 TITLED, "NAMING OR RENAMING STREETS, PARKS, BUILDINGS AND OTHER PROPERTY," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

Laid over under Charter provision.

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced August 24, 2020, entitled and reading as follows, be taken up and enacted:

O- _____

AN ORDINANCE TO AMEND CHAPTER 152, OF TITLE XV, "LAND USAGE," BY AMENDING §152.056 TITLED, "NAMING OR RENAMING STREETS, PARKS, BUILDINGS AND OTHER PROPERTY," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw ordains:

Section 1. An ordinance to amend Chapter 152, of title XV, "Land Usage," by amending §152.056 titled, "Naming or Renaming Streets, Parks, Buildings and Other Property," of the City of Saginaw Code of Ordinances, O-204, is hereby amended to read as follows:

§152.056 NAMING OR RENAMING STREETS, PARKS, BUILDINGS, AND OTHER PROPERTY

(A) *Purpose.* This section establishes a process and criteria for consideration of a request by a resident 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. *It is the intent of this section that consideration for naming or renaming any street, bridge or other public property within the city limits after an individual person shall include the person's entire legacy, and for that reason will not be granted if the person has not been deceased at least five (5) years as of the date of the petition required below.*

(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 (1) or more resident(s) within the city completing a petition for naming or renaming form and provide the following information:

- (1) Name of petitioner;
- (2) Type of request;
- (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); ~~and~~
- (5) *Date of death if the naming or renaming is for an individual person:*
and,
- (6) Location within the city. Petitions for naming or renaming a street must have an attached street map and must be signed by at least 51% of the property owners on the affected street or portion thereof.

(C) *Petition filing.* The petition, and any filing fee established by Council, shall be filed with the City Clerk's Office, by 12:00 p.m., ten 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, Chief Inspector, and Associate Planner 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 Manager 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 if the petition seeks naming or renaming after an individual person, the person's entire legacy.~~ ~~and The Commission~~ shall base its recommendation on what is in the best interest of the city and, ~~if the petition seeks naming or renaming after an individual person, the person's entire legacy.~~ 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 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.

(3) *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 recommendation 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) *Assessment of costs.*

(1) *Upon receipt of petition.* The petitioner shall be provided an estimate of the cost to be incurred by the city in reviewing the petition, researching the requested change, providing the public notices required in this section, and conducting the public hearing, which costs shall be the sole responsibility of the petitioner. Upon receipt of payment in full of the estimated costs, the steps set forth in subsection (E) shall proceed. If payment is not received within thirty (30) days of an estimate being provided, the petition will be considered withdrawn.

(2) *Petition approval.* 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 sole responsibility of the petitioner. Upon receipt of payment in full of the estimated costs, city staff shall implement the recommendation. If payment is not received within thirty (30) days of an estimate being provided, the petition will be considered withdrawn. At the time of granting the petition, City Council may, at its discretion, waive any or all costs to be incurred.

(3) *Estimated costs.* Petitioners shall be responsible for payment of any costs associated with their petition that are in excess of any estimate provided. Should the actual costs involved in processing a petition or implementing a naming or renaming be less than the estimate paid, any overpayment shall be returned to the petitioner by the city.

(H) If the petitioner(s) wishes to voluntarily withdraw their petition, they must do so in writing and file same with the City Clerk.

This ordinance shall become effective September 24, 2020.

Enacted: September 14, 2020

Yeas:

Nays:

Absent:

ORDINANCE DECLARED ADOPTED

Floyd Kloc
Mayor

Janet Santos
City Clerk

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on September 14, 2020; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos
City Clerk

Moved by Council Member _____, seconded by Council Member _____ that an ordinance introduced August 10, 2020, be taken up and enacted, entitled and reading as follows:

O-_____

AN ORDINANCE TO ADD §135.01 "PROHIBITION," AND TO ADD A NEW CHAPTER TITLED, "CHAPTER 135: PROHIBITION OF USE OR CONSUMPTION OF MARIHUANA IN PUBLIC PLACE," OF TITLE XIII, "GENERAL OFFENSES," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw Ordains:

Section 1. §135.01 "Prohibition," of "Chapter 135: Prohibition of Use or Consumption of Marihuana in Public Place," of Title XIII, "General Offenses," of the City of Saginaw Code of Ordinances, O-204, is hereby added to read as follows:

CHAPTER 135: PROHIBITION OF USE OR CONSUMPTION OF MARIHUANA IN PUBLIC PLACE

§135.01 PROHIBITION.

(A) In conformance with the Michigan Regulation and Taxation of Marihuana Act (the "MRTMA"), being Initiated Law 1 of 2018, MCL 333.27951 *et seq*, consuming marihuana, in any manner or form including smoking, in a public place in the boundaries of the City, or smoking marihuana in a private place where prohibited by the person who owns, occupies, or manages the property, is prohibited.

(B) Violations of this chapter shall be deemed a public nuisance in accordance with chapter 94 of this code of ordinances, and any person who violates this chapter is responsible for a class C municipal civil infraction and is subject to the penalties established in §94.999 and Ch. 37.

(C) This chapter does not supersede rights with respect to the consumption of marihuana on private property to the extent authorized by the person who owns, occupies, or operates such property, as provided in and authorized by the MRTMA, and does not supersede rights with respect to the use of marihuana for medical purposes as provided by any state law allowing for or regulating marihuana for medical use.

This ordinance shall become effective September 3, 2020.

Enacted: August 24, 2020.

Yeas:

Nays:

Absent:

Floyd Kloc
Mayor

Janet Santos
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 24, 2020; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos
City Clerk

Moved by Council Member _____, seconded by Council Member _____ that an ordinance introduced August 10, 2020, be taken up and enacted, entitled and reading as follows:

O-_____

AN ORDINANCE TO ADD §91.36, "SMOKING IN PARKS; REGULATIONS," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw Ordains:

Section 1. §91.36, "Smoking in Parks, Regulations," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-204, is hereby added to read as follows:

§91.36 SMOKING IN PARKS; REGULATIONS

(A) For purposes of this section, smoke or smoking means possessing a cigarette, e-cigarette, cigar, hookah, or pipe that contains tobacco, marijuana, or any other product that is lit or burning; lighting a cigarette, e-cigarette, cigar, hookah, or pipe that contains tobacco or any other product; or exhaling smoke from burning tobacco or any other burning product that is contained in a hookah, pipe, cigar, cigarette and/or e-cigarette.

(B) No person shall be allowed to engage in smoking in any City park, including, but not limited to, any playground, tennis court, community center or outdoor athletic complex owned or controlled by the City.

(C) A violation of this section shall constitute a municipal civil infraction, which shall be punishable by a fine of not more than \$50.00 and costs. In the discretion of the court, community service may be ordered in lieu of a fine and costs.

(D) In addition to the issuance of a municipal civil infraction, a City employee or City police officer is authorized to require that a person who violates this section immediately leave the City park.

(E) The prohibition in this section against smoking is in addition to prohibitions against smoking in state law and in other ordinances or regulations and shall not be construed to permit smoking in areas where it is prohibited by state law or by other ordinances or regulations or on private property as determined by the private property owner.

This ordinance shall become effective September 3, 2020.

Enacted: August 24, 2020.

Yeas:

Nays:

Absent:

Floyd Kloc
Mayor

Janet Santos
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 24, 2020; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos
City Clerk

From: Timothy Morales, City Manager
Subject: Consumers Energy Transfer of Lighting Ownership
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend the approval of the Authorizations for Change in the Standard Street Lighting Contract and the Bill of Sale with Consumers Energy Company for \$1.00 for accepting ownership of street lighting for the Engineering Section, Right of Way Division.

Justification:

In 1978 the City of Saginaw and Consumers Energy entered into a Standard Street Lighting Contract whereas any alterations to the street lighting system require an Authorization for Change be approved by the City Council and submitted to Consumers Energy. These changes are then removed or added to the corresponding street light bill. City staff has determined the contract will need to be amended to reflect the changes listed on the Resolution.

The street lights and poles on the Rust Avenue Bridge, in the Andersen Enrichment Center Parking Lot, and along the roadway on Ojibway Island are owned and maintained by Consumers Energy. Consumers Energy has agreed to sell the lighting system to the City for one dollar \$1.00. The City will be responsible for all maintenance in the future. The energy cost will be removed from the Consumers Energy Owned and Maintained street lighting bill and placed on to the City's Unmetered street lighting bill. The City also installed flood lights to illuminate four Riverfront Saginaw signs and these will be placed on to the City's Unmetered street lighting bill.

The equipment, material, light types, and energy usage are listed on the resolution.

Funds are budgeted in the General Fund, Department of Public Services, Street Lighting Division's Utilities Account No. 101-4620-920.000 \$1.00.

I have approved the Authorizations for Change and Bill of Sale as to substance and the City Attorney as to form.

Council Action:

This Council Communication is for informational purposes of the resolution to be adopted.

**STREET LIGHTING AUTHORIZATIONS FOR CHANGE AND
BILL OF SALE WITH CONSUMERS ENERGY**

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: The items for the changes to the Standard Street Lighting Contract and Bill of Sale between Consumers Energy Company and the City of Saginaw have been submitted to Consumers Energy for approval and are listed below.

Bill of Sale and Authorization for Change

(Consumers Energy Owned and Maintained Unmetered Street Lighting Bill - Rate GUL)

<u>Number of Luminaires</u>	<u>Nominal Watts</u>	<u>Luminaire Type</u>	<u>Fixture Type</u>	<u>Fixture Style</u>	<u>Install Remove</u>	<u>Location</u>
7	175	MV	Post Top	Contemporary	Remove	Garber Courts Andersen Enrichment Center
9	250	HPS	Cobra-head	Non-Cutoff	Remove	Rust St Bridge (M-46) over Saginaw River
4	175	MV	Post Top	Contemporary	Remove	Ojibway Island
17	100	HPS	Post Top	Contemporary	Remove	Ojibway Island
1	100	HPS	Post Top	Acorn	Remove	Ojibway Island entrance north of bridge

Authorization for Change (City Owned and Maintained Unmetered Lighting Bill -Rate (GU)

<u>Number of Luminaires</u>	<u>Nominal Watts</u>	<u>Luminaire Type</u>	<u>Fixture Type</u>	<u>Fixture Style</u>	<u>Install Remove</u>	<u>Location</u>
7	175	MV	Post Top	Contemporary	Install	Garber Courts Andersen Enrichment Center
9	250	HPS	Cobra-head	Non-Cutoff	Install	Rust St Bridge (M-46) over Saginaw River
4	175	MV	Post Top	Contemporary	Install	Ojibway Island
17	100	HPS	Post Top	Contemporary	Install	Ojibway Island
1	100	HPS	Post Top	Acorn	Install	Ojibway Island entrance north of bridge
2	39	LED		Flood Light	Install	N Michigan Ave at State Street (M-58)
2	39	LED		Flood Light	Install	Rust Ave (M-46) at S Washington Ave (M-13)
2	39	LED		Flood Light	Install	Ojibway Island Entrance
2	18	LED		Flood Light	Install	Gratiot St (M-46) at Granger St.

NOW, THEREFORE, BE IT RESOLVED, that it is hereby deemed advisable to authorize Consumer Energy Company to make changes in the lighting service as provided in the Standard Street Lighting Contract between Consumer Energy and the City of Saginaw, dated January 1, 1978, in accordance with the Authorizations for Change in Standard Lighting Contract and Bill of Sale dated August 24, 2020, and, heretofore submitted to and considered by this Council; and

RESOLVED FURTHER, that the City Manager is authorized to execute the Authorizations for Change and Bill of Sale on behalf of the City; and, that the changes in the tables be approved and the Consumers Energy Owned and Maintained street lighting bill and the City's Unmetered street lighting bill be changed to reflect the total number of lights and wattages.

Ayes:

Nays:

Absent:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 24, 2020; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos
City Clerk

From: Timothy Morales, City Manager
Subject: MDOT Designation of Streets Administrator
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend the approval of the resolution that designates Louis J. Taylor, City Engineer, as the single Street Administrator in all transactions with the Michigan Department of Transportation for the Engineering Section, Right of Way Division.

Justification:

The Michigan Department of Transportation (MDOT) requires that all cities that receive funds from ACT 51 have a single designated administrator that is responsible for street improvements, maintenance, and traffic operations work; the development, construction, and repair of off-street parking facilities; construction and repair of street lighting; and shall represent the City in all transactions with the Michigan Department of Transportation.

Currently, Beth London, Deputy Director of Public Services, is the designated MDOT Street Administrator. However, Louis J Taylor, City Engineer, is to be designated as the single MDOT Street Administrator in all future transactions.

Council Action:

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

DESIGNATION OF STREET ADMINISTRATOR

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provision of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

NOW, THEREFORE, BE IT RESOLVED, that this Honorable body designate Louis J. Taylor, City Engineer, as the single Street Administrator for the City of Saginaw in all transactions with the State Transportation Department as provided in Section 13 of the Act.

Ayes:

Nays:

Absent:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 24, 2020; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos
City Clerk