



Saginaw City Council Agenda

1315 S. Washington Avenue
Council Chambers, Room 205
December 20, 2021
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:

1. Fiscal Year 2021 Annual Audit, Jamie L. Rivette, CPA, CGFM, Principal, Yeo & Yeo CPA's and Business Consultants.

CONSENT AGENDA:

1. Approve the December 6, 2021 regular council meeting minutes.
2. Approve the purchase with Municipal Emergency Services, Inc. for \$4,032 for two Tempest gas powered blowers for the Fire Department.
3. Approve the transfer of ownership of retired K-9, Mitch, to his handler Police Officer Jonathon Beyerlein.
4. Approve the Software as a Service Agreement with PowerDMS, Inc. for internet-based document hosting software for \$4,550 for FY 2022, and pending budget approval, for \$5,828 for FY 2023 and \$8,158 for FY 2024 for the Police Department.
5. Approve the purchase with Innovative Exteriors, Inc. for \$27,500 for the replacement of the roof at the Boxwood Storage Building for the Police Department.
6. Ratification of the purchase with G.W. Heating and Cooling, Inc. for \$3,684 for the furnace replacement at the Andersen Enrichment Center.
7. Approve the purchase with Gorno Ford for \$24,180 for a 2022 Ford Transit Connect Passenger Wagon for the Water and Wastewater Treatment Services Department, Water Treatment Division.
8. Approve the purchase with Todd Wenzel Buick GMC for \$33,795 for a 2022 GMC 1500 Double Cab 4x4 Pickup truck for the Fire Department.

9. Approve the increase to blanket purchase orders to specific vendors by \$6,500, for a new total of \$16,800, for vehicle parts for the Public Services Department, Motor Pool Division.
10. Approve the Internet Auction Agreement with Biddergy.com for a pilot program for the Public Services Department, Motor Pool Division.
11. Approve the Professional Services Agreement with Mandy Borsenik for an annual amount not to exceed \$18,720 for FY 2022 through FY 2028 for the Saginaw Arts and Enrichment Commission.
12. Approve the proposal from Soil and Materials Engineers, Inc. for \$7,000 for the professional services associated with preparing a no further action report for the Weiss Street retention basin site for the Public Services Department.
13. Approve the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act Bilateral Application and Permit with Air Advantage, LLC for the Public Services Department, Right of Way Division.
14. Approve the purchase with DTN, LLC, a sole source, for \$4,644 to provide weather services for the Water and Waste Water Treatment Services Department, Water Treatment Division.
15. Approve the purchase with Hexagon, a sole source, for \$5,184 for EAM Reporting Licenses and Annual Support for the Water and Wastewater Treatment Services Department, Water and Wastewater Treatment and Remote Facilities Divisions, through the Instrumentation and Process Controls Division.
16. Approve the purchase with DuBois-Cooper and Associates, a sole source, for \$4,338 for dewatering pump parts for the Water and Wastewater Treatment Services Department, Remote Facilities Division.
17. Approve the purchase with Kraft Power Corporation, a sole source, for \$90,020 for repairs to Generator No. 1 at the Water Plant for the Water and Wastewater Treatment Services Department, Water Treatment Division.
18. Approve the purchase with Absolute Security and Investigations, Inc. for \$80,927 for add-ons to the Avigilon Intersection Surveillance System for the Police Department. Further, approve a budget adjustment for FY 2022 to recognize the additional grant monies.
19. Approve to grant the City Manager the authority to review and, if deemed appropriate, execute any and all documents related to the proposed partial settlement of the national opioid litigation with Johnson & Johnson, Amerisource, Cardinal, and McKesson.

BOARD/COMMISSION/COMMITTEE REPORTS:

APPOINTMENT OF BOARD/COMMISSION/COMMITTEE MEMBERS:

1. Approve the Council reappointment of Joseph Turner to the Board of Review with a term to expire December 31, 2026.

2. Approve the Council reappointment of Diane Makl to the Board of Review with a term to expire December 31, 2026.
3. Approve the Mayoral appointment of Michael Hanley to the Riverfront Development Commission with a term to expire April 1, 2024.

ORDINANCE INTRODUCTION:

1. Ordinance to add "Low Income Housing Tax Exemption for **Defined Sponsor** ~~Amurcon Corporation~~," to "Table VIII: Low Income Housing Tax Exemption," by amending "Ordinance O-44," of the "Table of Special Ordinances," of the City of Saginaw Code of Ordinances, O-204.

ORDINANCE CONSIDERATION AND ADOPTION:

1. Ordinance to amend §153.576, "Membership," and §153.587, "Vote Required to Reverse Decisions; Limitations of Power," of Chapter 153, "Zoning Code," of Title XV, "Land Usage," of the City of Saginaw Code of Ordinances, O-204.
2. Ordinance to amend Chapter 153, "Zoning Code," of Title XV, "Land Usage," by amending §153.538 "Historic District Commission," §153.541 "Establishing New Districts and Identifying Historic Resources/Landmarks," of the City of Saginaw Code of Ordinances, O-204.

RESOLUTIONS:

1. Establishing the American Rescue Plan Act Advisory Committee.

UNFINISHED BUSINESS:

MISCELLANEOUS BUSINESS:

ADJOURNMENT:

Timothy Morales
City Manager

IF YOU ARE DISABLED AND NEED ACCOMMODATION TO PROVIDE YOU WITH AN OPPORTUNITY TO PARTICIPATE OR OBSERVE IN PROGRAMS, SERVICES, OR ACTIVITIES, PLEASE CALL THE SAGINAW CITY CLERK, 1315 S. WASHINGTON AVE., 759-1480.

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, WAS HELD MONDAY, DECEMBER 6, 2021, AT 6:30 P.M. IN COUNCIL CHAMBERS AT CITY HALL, 1315 S. WASHINGTON AVENUE, SAGINAW, MICHIGAN.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Brenda F. Moore offered a prayer and led the pledge of allegiance of the United States of America.

ROLL CALL

Mayor Moore called the meeting to order. Council Members present: Monique Lamar-Silvia, Reggie Williams, Annie Boensch, Michael Balls, Autumn Scherzer, William Ostash, Michael Flores, Brenda Moore: 8. Council Members absent: George Copeland: 1.

ANNOUNCEMENTS

City Clerk Santos announced that the waste convenient station is open the second Saturday of the month. The next service day will be Saturday, December 11, from 8:00 a.m. to 12:00 p.m. Entrance is on Holland Avenue and proof of City residency is required.

PUBLIC INPUT

Members of the Public that addressed the Council: Hurley Coleman III, and Jeffrey Bulls,

Council Member Copeland entered the meeting at 6:38 p.m. Council Member Lamar-Silvia left the meeting at 6:41 p.m. and returned at 6:45 p.m.

Public Input continued with Cirven Merrill, and Alex Mixter.

Moved by Council Member Flores, seconded by Council Member Lamar-Silvia to extend the time for Alex Mixter by forty-five (45) seconds. 9 ayes, 0 nays, 0 absent. Motion approved.

Public Input concluded with Alexander Verdoni.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Scherzer, Ostash, Flores, Copeland, Lamar-Silvia, Williams, Boensch, Balls, and Moore.

Council Member Flores left the meeting at 7:09 p.m. and returned at 7:11 p.m.

REPORTS FROM CITY MANAGER

Manager Morales provided information and updates regarding City projects.

CONSENT AGENDA:

Moved by Council Member Scherzer, seconded by Council Member Boensch to approve the consent agenda, allowing room for exceptions. No exceptions were made. 9 ayes, 0 nays, 0 absent. Motion approved.

1. Approve the November 22, 2021 regular council meeting minutes.

2. Approve the Medicare Group Enrollment and Coverage Agreement with Blue Cross Blue Shield of Michigan.
3. Approve the amendments to the FY 2022 Approved Budget to recognize changes that have occurred during the October period.
4. Approve the purchase with Signature Ford Lincoln for \$39,401 for a 2022 Police Interceptor Utility vehicle for the Saginaw Police Department.
5. Approve the purchase with Top Flight Tree Removal, LLC for \$19,825 for the removal of trees within the cemeteries for the Public Services Department, Cemeteries Division.
6. Approve the purchase with Saginaw Control Engineering for \$6,141 for an electrical enclosure for the Public Services Department, Traffic Engineering Division.
7. Approve the purchase with Delta Controls Corporation for \$6,418 for three level transmitters for the Water and Wastewater Treatment Services Department, Remote Facilities Division.
8. Ratification of an increase to a purchase with JCI Jones Chemicals, Inc. by \$8,280, for a new total of \$44,640, for chlorine for the Water and Wastewater Treatment Services Department, Wastewater Treatment Division.
9. Ratification of an increase to a purchase with JCI Jones Chemicals, Inc. by \$38,973, for a new total of \$174,423, for Sodium Hypochlorite for the Water and Wastewater Treatment Services Department, Remote Facilities Division; and ratification of an increase to a purchase with JCI Jones Chemicals, Inc. by \$15,348, for a new total of \$114,358, for Sodium Hypochlorite for the Water Treatment Division.

BOARD/COMMISSION/COMMITTEE REPORTS

No reports were given.

APPOINTMENT OF BOARD AND COMMISSION MEMBERS

Moved by Council Member Lamar-Silvia, seconded by Mayor Pro Tem Balls to approve the following:

1. Council appointment of Kevin Rooker to the Historic District Commission - Bearinger Study Committee with a term to expire when committee work is complete.
2. Council reappointment of Ronald Wheatley to the Housing Board of Appeals with a term to expire December 31, 2023.
3. Council reappointment of Diana Gutierrez to the Saginaw Transit Authority Regional Services with a term to end December 31, 2024.

9 ayes, 0 nays, 0 absent. Motion approved.

ORDINANCE CONSIDERATION AND ADOPTION

Moved by Council Member Boensch, seconded by Council Member Scherzer to adopt the ordinance to amend Chapter 12, of Title I, "Administrative Code," by adding §12.043 Titled, "Saginaw Human Rights Commission," of the City of Saginaw Code of Ordinances, O-204. 9 ayes, 0 nays, 0 absent. Motion approved.

RESOLUTIONS

Moved by Mayor Pro Tem Balls, seconded by Council Member Boensch to adopt the resolution establishing the American Rescue Plan Act Advisory Committee. Discussion was held.

Moved by Council Member Copeland, seconded by Council Member Boensch to amend section 2 of the resolution establishing the American Rescue Plan Act Advisory Committee by adding, "A majority of the members shall be City residents." 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Copeland, seconded by Council Member Flores to amend section 5 of the resolution establishing the American Rescue Plan Act Advisory Committee by replacing the last sentence to read, "The ARPA Advisory Committee may be dissolved by City Council once ARPA projects and all final reporting have been submitted, or earlier if it shall fail to serve its purpose, or it shall automatically dissolve once all ARPA funds have been spent no later than December 2026." 9 ayes, 0 nays, 0 absent. Motion approved.

Clerk Santos restated the main motion to adopt the resolution establishing the American Rescue Plan Act Advisory Committee, as amended. Discussion held.

Moved by Council Member Williams, seconded by Council Member Flores to postpone the adoption of the resolution establishing the American Rescue Plan Act Advisory Committee, as amended until the next regular meeting of December 20, 2021. Discussion was held. Mayor Moore asked Clerk Santos to conduct a roll call vote.

Ayes: Flores, Copeland, Lamar-Silvia, Williams, Moore

Nays: Scherzer, Ostash, Boensch, Balls

Absent: None

Motion approved.

MISCELLANEOUS BUSINESS

Council consent was given to have the City Manager schedule evening ARPA sessions in January 2022 with 10 minutes for presentation and 10 minutes for questions and answers.

Moved by Council Member Lamar-Silvia, seconded by Mayor Pro Tem Balls to enter a closed session to discuss pending litigation regarding the LaTarte case per MCL 15.268(e). Mayor Moore asked Clerk Santos to conduct a roll call.

Ayes: Ostash, Flores, Copeland, Lamar-Silvia, Williams, Boensch, Balls, Scherzer, Moore

Nays: None

Absent: None

Motion approved.

Council entered a closed session at 8:06 p.m.

Moved by Council Member Williams, seconded by Council Member Boensch to enter regular session at 8:17 p.m.

Moved by Council Member Scherzer, seconded by Council member Copeland to approve the recommendation of legal counsel as discussed in closed session regarding pending litigation in the LaTarte case. 9 ayes, 0 nays, 0 absent. Motion approved.

ADJOURNMENT

Moved by Council Member Boensch, seconded by Council Member Copeland to adjourn the meeting at 8:18 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: Tempest Direct Drive Gas Powered Blower
Prepared by: Thomas Raines, Fire Chief

Manager's Recommendation:

I recommend the approval of a purchase with Municipal Emergency Services, Inc. for \$4,031.48 for two Tempest direct-drive gas powered blowers for the Fire Department.

Justification:

The Fire Department uses these gas powered blowers to ventilate buildings of toxic smoke after a fire has been extinguished. The blowers move large amounts of air and quickly remove the smoke making the fire ground safer for all firefighters.

These fans will replace two fans that have been in service for over ten years. The older fans are no longer reliable and will be taken out of service. This will give all of our front line apparatus the same equipment and capabilities.

The following is a tabulation of the bids received:

<u>Vendor</u>	<u>Cost</u>
Municipal Emergency Services, Inc. Sanford, MI	\$4,031.48
Apollo Fire Equipment Company Romeo, MI	\$4,407.34
Dinges Fire Company Amboy, IL	\$5,058.00

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 - Fire, Fire Operations Division, Parts and Supplies Account No. 101-3551-742.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Ownership Transfer of Retiring Police Canine Mitch
Prepared by: Brian Rowell, Community Public Safety – Police

Manager's Recommendation:

I recommend the approval of the transfer of ownership of retired police canine Mitch to his handler Officer Jonathon Beyerlein.

Justification:

The City of Saginaw accepted the donation of Mitch on September 14, 2015, from the Saginaw Valley Police Canine Association (SVPCA). Mitch is eight years old and has spent his entire six year career working and residing with Officer Beyerlein. Due to their established bond, it is logical that Officer Beyerlein assume ownership of his canine partner. The City of Saginaw has not been, and will not be, responsible for any future expenses related to the feeding, lodging, and care of Mitch. Officer Beyerlein will be responsible for all expenses related to the ownership and care of Mitch.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Saginaw Police Department - PowerDMS Software as a Service Agreement
Prepared by: Brian Rowell, Community Public Safety – Police

Manager's Recommendation:

I recommend the approval of the Software as a Service Agreement with PowerDMS, Inc., for a 36 month subscription to PowerDMS Professional, an internet-based document hosting software for \$4,549.72 for FY 2022, \$5,827.06 for FY 2023, and \$8,157.88 for FY 2024 for the Police Department.

Justification:

PowerDMS, Inc. is the sole-source provider of the PowerDMS Professional (PowerDMS) platform and its services. The initial term of the Agreement would begin January 1, 2022, expiring on December 31, 2024, with the option for renewal.

PowerDMS will allow the Saginaw Police Department (SPD) to more efficiently create, edit, organize, manage, and electronically distribute its policies and procedures, in addition to other often used or updated documents from a secure cloud-based website. Key features include automatic workflows, digital signature capture and tracking, side-by-side comparison options, and analytics for compliance and advanced reporting.

An onboarding package is included in the subscription to aid smooth implementation and help ensure the successful ongoing use of PowerDMS. This package also includes Implementation Management – a service led by a designated Implementation Specialist, who will guide SPD administrators through product launch, project management, document and user import, and site configuration.

PowerDMS is currently utilized by over 4,000 organizations. The Michigan Association of Chiefs of Police recommends PowerDMS for its dependability, scope, and ease of use, and requires it for the process of becoming an accredited law enforcement agency. Accreditation would provide the SPD more opportunities for federal grant awards; many federal grants require applying agencies to be accredited and others are adopting that requirement.

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 Management, Operating Services, Account No. 101-3514-805.000.

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

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Boxwood Storage Roof Replacement
Prepared by: Jay Gustin, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with Innovative Exteriors, Inc. for \$27,500.00 for the replacement of the roof at the Boxwood Storage Building for the Police Department.

Justification:

On November 23, 2021, four bids were received to replace the roof at the Boxwood Storage Facility. The repairs include installation of new Duro-Last roofing materials to meet the manufacturer's 15-year warranty and removal and disposal of all debris. The current roof is beyond its useful life and has been repaired multiple times in the past four years; the repairs are no longer working a replacement is needed since the roof is leaking. The following is a tabulation of the bids received:

<u>Vendor</u>	<u>Cost</u>
Innovative Exteriors, Inc. Midland MI	\$27,500.00
Beyer Roofing Company, Inc. Saginaw, MI (Out-city)	\$33,079.00
Kawkawlin Roofing Co. Kawkawlin, MI	\$34,550.00
Streng Roofing and Sheet Metal LLC Freeland MI	\$40,000.00

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 Management Division's Repairs and Replacement Account No. 101-3514-974.000 \$27,500.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Ratification of Emergency Purchase–AEC Furnace Replacement
Prepared by: Jay Gustin, Public Services Department

Manager's Recommendation:

I recommend ratification of an emergency purchase with G.W. Heating and Cooling, Inc. for \$3,684.00 for the furnace replacement at the Andersen Enrichment Center.

Justification:

On December 3, 2021, the City received two quotes for emergency replacement on a furnace at the Andersen Enrichment Center (AEC) after it had stopped working. Due to freezing temperatures and impending rentals, emergency quotes were solicited for replacement of a furnace at AEC. G.W. Heating and Cooling, Inc. submitted the lowest quote and could replace the furnace the quickest, allowing AEC to continue its operation with no cancellations due to the heat issue. The following is a tabulation of the quotes received:

<u>Vendor</u>	<u>Cost</u>
G.W. Heating and Cooling, Inc. Saginaw, MI (in City)	\$3,684.00
Valley Heating & Cooling, Inc. Saginaw MI (out of City)	\$4,551.00

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 Andersen Enrichment Center Fund, Andersen Operations Division's Repairs and Replacement Account No. 236-7540-974.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Replacement Water Treatment Van
Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend approval of a purchase with Gorno Ford for \$24,180.00 for a 2022 Ford Transit Connect Passenger Wagon for the Water and Wastewater Treatment Services Department, Water Treatment Division.

Justification:

The Water Treatment Division has budgeted in FY 2022 to replace a 2009 van scheduled for replacement in 2019. This vehicle is used to transport employees to seminars, training classes, and as in-town transportation when needed. This purchase will be made using State of Michigan MiDeal contract #71B7700181 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 \$24,180.00.

Council Action:

Motion to approve the recommendation of the City Manager.

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

Manager's Recommendation:

I recommend approval of a purchase with Todd Wenzel Buick GMC for \$33,794.09 for a 2022 GMC Sierra 1500 Double Cab 4x4 Pickup truck equipped as specified for the Fire Department.

Justification:

The Fire Department has budgeted in FY 2022 to replace a 2005 Suburban, which has a failing engine and other issues. This vehicle is used by the Fire Marshal to investigate fires and transport tools. This purchase will be made using State of Michigan MiDeal contract #71B7700184 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 General Fund, Community Public Safety - Fire, Fire Apparatus Operations and Maintenance Division's Vehicle Account No. 101-3554-982.000 \$33,794.09.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Increase Blanket Purchase Orders
Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend the approval to increase blanket purchase orders listed below by \$6,500, for a new total of \$16,800, for vehicle parts for the Public Services Department, Motor Pool Division.

Justification:

In FY 2022, the purchase orders listed below were issued to the vendors in the amount of \$10,300. The City's Municipal Garage requires parts from these vendors for various repairs from July 1, 2021 to June 30, 2022.

In FY 2021, the Garage spent \$6,863.83 on parts from Interstate Truck Source. In the current fiscal year, we have spent \$5,461.38 leaving a balance of \$1,038.62. The Garage purchases chassis, body, and engine parts from this vendor for the Refuse trucks used by the Streets Division. This vendor is the local sole source for these parts.

In FY 2021, the Garage spent \$6,378.74 on parts from Winter Equipment. In the current fiscal year, we have spent \$3,573.00 leaving a balance of \$227. The Garage purchases parts such as plow guards from this vendor for the plow trucks in Streets Division.

There are no feasible means to predetermine what services will be needed. The Garage Division's personnel obtain price quotes for services awarding purchases to the lowest and best vendor for each item. The original blanket PO information is as follows:

<u>PO Number</u>	<u>Vendor</u>	<u>Current Amount</u>	<u>Recommended Increase</u>	<u>New Total Amount</u>
511116	Interstate Truck Source	\$6,500	\$3,500	\$10,000
511136	Winter Equipment	<u>\$3,800</u>	<u>\$3,000</u>	<u>\$ 6,800</u>
	Total:	\$10,300	\$6,500	\$16,800

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 Motor Pool Operation Fund, Garage Operations Division's Motor Vehicle Supplies Account No. 661-4481-737.000, \$16,800, 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: Sale of Property
Prepared by: Don Riley, Department of Public Services

Manager's Recommendation:

I recommend an Internet Auction Agreement with Biddergy.com for a pilot program ending March 1, 2022 for the Public Services Department, Motor Pool Division.

Justification:

On November 1, 2021, the City was approached by Biddergy, a Michigan-based company, which posts and sells items for municipalities. Currently, the City uses Govdeals.com at no cost to the City, with a 12.5% fee to the buyer. Biddergy will assign a representative to handle the posting and sale of obsolete items, which is currently being done by the employees of the City. The pilot program, ending March 1, 2022, will waive the 5% selling cost allowing the City 100% of the profit but will still charge the buyers the standard 15% fee. During the pilot program, a study will be conducted to determine how much employee time is saved when Biddergy performs the posting, communications, and disposal of the items. Once the study is complete The City will determine if Biddergy is the most practical auction site. The auction vehicles and equipment for this pilot program are as follows:

<u>Vehicle No.</u>	<u>Year</u>	<u>Description</u>	<u>Reserve</u>
53-0283	2012	Pothole Wagon	\$ 1,500.00
80-0231	2001	Ram 1500	\$ 2,500.00
90-1168	2016	Tahoe	\$17,500.00
90-1173	2018	Taurus Police Interceptor	\$ 9,000.00
90-1175	2018	Taurus Police Interceptor	\$ 9,000.00
90-1176	2018	Taurus Police Interceptor	\$ 9,000.00

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.

Revenue received from the sale of the items will be deposited into the various funds revenue accounts from which the vehicles, equipment, or items were originally purchased.

I have approved this agreement 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: Professional Services Agreement
Prepared by: Phillip Karwat, Public Services Department

Manager's Recommendation:

I recommend the approval of the Professional Services Agreement with Mandy Borsenik for an annual amount not to exceed \$18,720 for FY 2022; and pending budget approval for FY 2023 through FY 2028, for professional services for the Saginaw Arts and Enrichment Commission.

Justification:

The two existing contractors at the Saginaw Arts and Enrichment Commission (SAEC) are in need of assistance for fundraising, planning and special event purposes. The best way at this time is through this Agreement. All employees work out of the Andersen Enrichment Center.

The services covered under this agreement include planning and implementing multiple annual events such as the Hollyday Art Mart, Student Art Exhibit and the Saginaw Celebrates Summer Marketing Campaign. It also includes coordinating ongoing Youth and Community Arts Programs and any other mutually agreed upon activities.

Mandy Borsenik has over 20 years of experience in coordinating an extensive variety of special events, promotional projects and online initiatives. She was also responsible for branding and external promotion of a company brand locally and regionally through connections in the industry and media. She was coordinator of marketing messages and social media across multiple media platforms.

Pursuant to the terms of the Agreement, the City will pay an hourly rate of \$18, for an amount not to exceed \$18,720.00 annually. This agreement does not have a termination date; however, either party can terminate the agreement upon 30 days' written notice. There will be no increases to the annual budget to accommodate this at this time. The existing contractor's hours will be reduced to pay for these professional services. Any increases to part time salaries account in future years will be paid for by the SAEC through their fund raising efforts. SAEC also agrees to pay for any premiums for required General Liability Insurances.

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 Saginaw Arts & Enrichment Commission Fund, Enrichment Commission Division, Part Time Salaries Account No. 237-7541-708.000 and will be budgeted in the same account pending budget approval for future fiscal years.

I have approved this agreement 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: SME Proposal for No Further Action Report
Prepared by: Phillip Karwat, Public Services Department

Manager's Recommendation:

I recommend approval of the proposal from Soil and Materials Engineers, Inc. for \$7,000 for professional services associated with preparing a no further action report for the Weiss Street retention basin site for the Public Services Department.

Justification:

City Council has previously approved agreements with Soil and Materials Engineers, Inc. (SME) for professional services associated with preparing the required Remediation Action Plan (RAP) to address contamination at the Weiss Street combined sewer overflow site. Services included review of historical data, groundwater monitoring, site inspection and other requirements. All requirements of the original agreements have been completed and draft reports have been submitted to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for their review and comments. Upon review of the reports and data provided, EGLE has requested additional information. A proposal from SME to the City was requested to provide the information requested by EGLE.

Pursuant to the terms of this proposal, SME will perform the following duties:

- a. Review available construction specifications for stockpiling, grading and surfacing of stockpiled soil from various combined sewer overflow basins to evaluate if the soil in the current state can serve as an exposure barrier.
- b. Review available soil data to evaluate risk associated with vapor intrusion (VI). If a VI risk is identified, sub slab soil gas points and/or soil gas wells would need to be installed and sampled.
- c. Internal review to determine if there is a mixing zone based on criteria to address the Ground water surface interface.

The services within this proposal will be governed by the agreed upon General Conditions and General Notes associated with SME's proposal P00086.16 and agreement that was approved by City Council on February 22, 2016.

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 Sewer Operations and Maintenance Fund – Remote Facilities Division’s Professional Services Account No. 590-4835-801.000.

I have approved agreement 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: METRO Act Application
Prepared by: Travis J Hare, Public Services Department

Manager's Recommendation:

I recommend the approval of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act Bilateral Application and Permit with Air Advantage, LLC for the Public Services Department, Right of Way Division.

Justification:

Air Advantage, LLC has been an approved Metropolitan Extension Telecommunications Rights-of-Way Oversight (METRO) Act telecommunications provider since 2012. This application was not filed with the City at the same time. This permit will bring them into compliance with the METRO Act requirements. All infrastructure was completed in 2012 with permits issued by the City. Air Advantage, LLC has also included the \$500 fee.

It does not change the relationship between the parties, requirements regarding the payment of fees, or requirements regarding construction and maintenance of telecommunications facilities within the City's rights-of-way.

The METRO Act was created to, among other things, streamline the process for authorizing access to and use of public rights-of-way by telecommunications providers and ensure the reasonable control and management of public rights-of-way by municipalities. A telecommunications provider using or seeking to use the public rights-of-way for its facilities must obtain a permit from the municipality and pay all fees required under the Act. The Act determines all aspects of the permitting process, including application, dispute resolution and fees. The Act requires that municipalities act reasonably and promptly on all applications for a permit and must grant providers a permit for access to and use of all public rights-of-way.

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

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: DTN Weather Services
Prepared by: Dan Simmer, Water & Wastewater

Manager's Recommendation:

I recommend approval of a purchase with DTN, LLC, a sole source, for \$4,644.00 to provide weather services for the Water and Wastewater Treatment Services Department, Water Treatment Division.

Justification:

This service allows the Water Treatment Plant staff to track in-coming storms and properly assess the need for emergency power generation. Information provided by this service includes radar, lightning strike occurrences and wind speeds, to allow for faster response for approaching storms. Generators are run when storms approach, to help maintain proper water pressure. DTN, LLC is the sole provider of this service and has been providing it to us since September of 1996.

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, Instrumentation and Process Controls Division's Subscription/Reference Account No. 591-4715-823.002.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: EAM Reporting Licenses and Annual Support
Prepared by: Dan Simmer, Water and Wastewater

Manager's Recommendation:

I recommend approval of a purchase with Hexagon, a sole source, for \$5,184.00 for EAM Reporting Licenses and Annual Support for the Water and Wastewater Treatment Services Department, Water and Wastewater Treatment and Remote Facilities Divisions, through the Instrumentation and Process Controls Division.

Justification:

The Water and Wastewater Treatment Divisions have been using EAM Enterprise Software since 2012 to track parts inventory and vendor lists, enter maintenance work requests and create work orders. Work orders are created for maintenance procedures, maintenance photos, technical drawings, parts used and man hours logged. This software helps staff plan preventative maintenance of equipment, as well as minimize downtime when equipment fails. Over the years, the data compiled in this system has grown. To maximize use of this robust EAM database, we are purchasing advanced reporting licenses to unlock reporting features that will help staff efficiently plan their day to day maintenance workload.

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 Sewer Operations and Maintenance Fund, Instrumentation and Process Controls Division's Operating Services Account No. 590-4815-805.000 \$2,592, and the Water Operations and Maintenance Fund, Instrumentation and Process Controls Division's Operating Services Account No. 591-4715-805.000 \$2,592.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Salt Fraser Dewatering Pump
Prepared by: John Frollo, Water and Wastewater

Manager's Recommendation:

I recommend approval of a purchase with DuBois-Cooper & Associates, a sole source, for \$4,338.00 for dewatering pump parts for the Water and Wastewater Treatment Services Department, Remote Facilities Division.

Justification:

On November 4, 2021, we received a quote from DuBois-Cooper & Associates of Plymouth, MI, a sole source and the manufacturer's representative for Wemco pumps in Michigan, for the required dewatering pump parts.

The Remote Facilities Division maintains seven Retention Treatment Basins (RTB's), which are used to store and treat excess combined sewer flow during wet weather events. The Salt Fraser RTB is lower than the interceptor sewer, so after each rain event the basin must be pumped using dewatering pumps into the interceptor. Due to the highly abrasive nature of the grit and other inorganic solids at the bottom of the RTB, the dewatering pump parts have a limited lifespan. Following the last wet weather event, the dewatering pump at the Salt Fraser RTB was inspected and it was determined that a complete pump rebuild was needed.

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 Sewer Operations and Maintenance Fund, Remote Facilities Division Parts and Supplies Account No. 590-4835-742.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Waukesha Generator Cylinder Head Replacement
Prepared by: Ted Bomba, Water and Wastewater

Manager's Recommendation:

I recommend the approval of a purchase with Kraft Power Corporation, a sole source, for \$90,020.00 for repairs made to Generator No. 1 at the Water Plant for the Water and Wastewater Treatment Services Department, Water Treatment Division.

Justification:

On November 3, 2021, the City received a quote to repair the Waukesha Generator No. 1 at the Water Plant. The treatment plant relies on generators to power the plant during inclement weather and power outages. Without dependable backup generators, the entire water system is at risk as the plant would be unable to supply water. Generator No. 1 is anticipated to require cylinder head replacement to repair a failed component. This is highly specialized work and quotes were requested from three firms. Kraft Power provided a quote, with the other two declining. Kraft Power is the Michigan representative for Waukesha Generators.

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 Repairs and Replacements Account No. 591-4730-974.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Avigilon Intersection Surveillance System Purchase Add-ons
Prepared by: Brian Rowell, Community Public Safety – Police

Manager's Recommendation:

I recommend the approval of purchase with Absolute Security and Investigations, Inc., for \$80,927 for add-ons to the Avigilon Intersection Surveillance System for the Police Department.

In addition, a budget adjustment should be completed to recognize \$52,369 of additional grant monies. Revenues should be recognized in the Police Justice Grant Fund, Justice Tech Grant Account No. 268-0000-501.038. To offset the increase in revenues will be an increase to the PD Justice Tech Grant Division, Fixture Account No. 268-3342-985.000 by the same amount.

Justification:

This purchase provides upgrades and additional equipment to enhance the previously approved Avigilon Intersection Surveillance System. This high definition system offers near limitless expansion capabilities and will provide the police department with multiple views of traffic, vehicle movements, and license plate captures from the intersections selected for installation. These views will be available on select assigned work stations within the police department. The equipment & design criteria chosen for this project best serves the infrastructure type of the City of Saginaw. This purchase is being conducted under State of Michigan MiDEAL Contract Number 190000001544.

Funding for this project is available through the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance – FY2019 Strategies for Policing Innovation Grant (Technology Grant), approved by City Council on October 7, 2019. Additional funds for this project have been allotted through a recently approved Grant Adjustment Notice (GAN) to utilize funds not expended due to the ongoing covid pandemic.

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 Police Justice Grant Fund, PD Justice Tech Grant Division, Fixtures Account No. 268-3342-985.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager

Subject: National Opioid Litigation

Prepared by: Janet Santos, City Clerk

Manager's Recommendation:

I recommend the approval to grant the City Manager the authority to review and, if deemed appropriate, execute any and all documents related to the proposed partial settlement of the national opioid litigation with Johnson & Johnson, Amerisource, Cardinal, and McKesson.

Justification:

Under the terms of the proposed settlement agreement, and provided the maximum participation is reached, approximately \$23 billion is to be paid over the next 18 years to state and local governments across the country. 3.4% of the settlement amount is allocable to Michigan, with 50% of that amount to be paid to local governments. Settlement funds can be used for "opioid remediation," such as opioid use treatment and prevention and first responder support.

Communication from the Michigan Attorney General's Office and Michigan Municipal League has been received asking for the City's consideration of participation in the settlement. The proposed settlement and participation agreement/s have not yet been received. However, such materials must be approved and submitted by January 2, 2022. Any agreements to be entered are subject to approval as to substance by the City Manager and approval as to form by the City Attorney.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager

Subject: Amendment to Ordinance O-44

Prepared by: Lori Brown, Finance Director

Manager's Recommendation:

I recommend to introduce an ordinance to add "Low Income Housing Tax Exemption for **Defined Sponsor** ~~Amurcon Corporation~~," to "Table VIII: Low Income Housing Tax Exemption," by amending "Ordinance O-44," of the "Table of Special Ordinances," of the City of Saginaw Code of Ordinances, O-204

Justification:

Birch Park Apartments is a 120 unit apartment complex located at 3000 Birch Park Dr. Ordinance O-44 was enacted on March 6, 2006 and established a Payment in Lieu of Taxes (PILOT) for Birch Park 2004 Limited Dividend Housing Associated Limited Partnership (Owner) and Amurcon Corporation (Sponsor) in accordance with the State Housing Development Authority Act of 1966. The purpose of a PILOT is to encourage the development of housing for citizens of low income and provides Low Income Housing Tax Credits from the Michigan State Housing Development Authority for both the owner and sponsor.

The recommended amendment to the ordinance is to provide an interim change to the named owner and sponsor while a sale of the property is being contemplated to private parties. The interim owner and sponsor is Birch Park Preservation Limited Dividend Housing Association, LLC. All other terms of the ordinance, including the amount to be paid in lieu of taxes, remain unchanged. It is expected a new PILOT ordinance would be brought before Council upon completion of any sale of the property.

This ordinance has been reviewed by me for substance and the City Attorney as to form. It appears under the regular order of business.

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 ADD "LOW INCOME HOUSING TAX EXEMPTION FOR **DEFINED SPONSOR** ~~AMURCON CORPORATION,~~" TO "TABLE VIII: LOW INCOME HOUSING TAX EXEMPTION," BY AMENDING "ORDINANCE O-44," OF THE "TABLE OF SPECIAL ORDINANCES," 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 December 20, 2021, entitled and reading as follows, be taken up and enacted:

O- _____

AN ORDINANCE TO ADD "LOW INCOME HOUSING TAX EXEMPTION FOR **DEFINED SPONSOR** ~~AMURCON CORPORATION,~~" TO "TABLE VIII: LOW INCOME HOUSING TAX EXEMPTION," BY AMENDING "ORDINANCE O-44," OF THE "TABLE OF SPECIAL ORDINANCES," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw ordains:

Section 1. An ordinance to add "Low Income Housing Tax Exemption for **Defined Sponsor** ~~Amurcon Corporation,~~" to "Table VIII: Low Income Housing Tax Exemption," by amending "Ordinance O-44," of the "Table of Special Ordinances," of the City of Saginaw Code of Ordinances, O-204, is hereby amended to read as follows:

LOW INCOME HOUSING TAX EXEMPTION

This ordinance shall provide for a service charge in lieu of taxes for an existing multiple-family dwelling project for persons of low income to be financed or assisted pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

(A) *Preamble.*

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge to be paid in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL Section 125.1401 et seq.). The City is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed or renovated and financed in reliance on such tax exemption.

The City acknowledges that **Birch Park Preservation Limited Dividend Housing Association, LLC** ~~Birch Park-2004 Limited Dividend Housing Association Limited~~

~~Partnership~~—("Owner") proposes to acquire and renovate a multiple-family dwelling project which is subject to an existing Pilot Ordinance, D-1384, and which the parties wish to extend. The city further acknowledges that Owner has offered, and subject to receipt of Low Income Housing Tax Credits and/or a Mortgage Loan from the Michigan State Housing Development Authority, to repair and renovate, and to acquire, own and operate one or more Housing Developments on certain property located in the City of Saginaw, County of Saginaw, State of Michigan described on Exhibit A which is kept on file with the City Clerk, the keeper of records for the City of Saginaw, and is incorporated herein by reference to serve persons of low income; that each Housing Development shall be maintained on a part of the property described on Exhibit A owned by Owner, a separate limited dividend housing association formed in accordance with the laws of the State of Michigan for the sole purpose of owning and operating that Housing Development; that the Owner of each phase on which a Housing Development exists or is constructed shall pay to the City on account of such Housing Development an annual service charge for public services in lieu of all taxes; and that the provisions of this Ordinance are intended to establish such annual service charge in lieu of taxes for each Housing Development operated on any portion of the property described on Exhibit A that complies with and satisfies the provisions of this Ordinance.

(B) *Definitions.*

(1) Act means the State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, as amended.

(2) Annual Shelter Rents means the total collections during an agreed annual period from all occupants of a Housing Development representing rent or occupancy charges, exclusive of charges for gas, electricity, water and sanitary sewer service, or other utilities furnished to the occupants.

(3) Authority means the Michigan State Housing Development Authority.

(4) Code means the U.S. Internal Revenue Code of 1986, as the same may be amended from time to time (or any corresponding provisions of any successor law).

(5) Contract Rents are as defined by the U. S. Department of Housing and Urban Development in regulations promulgated pursuant to the U. S. Housing Act of 1937, as amended.

(6) Housing Development means a development which contains a significant element of housing for Persons of Low Income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for Persons of Low Income.

(7) Low Income Housing Tax Credits means tax credits allocated by the Authority to a Housing Development pursuant to Section 42 of the Code.

(8) Mortgage Loan means a loan to be made by the Authority to the Sponsor for the acquisition, renovation and/or permanent financing of the Housing Development.

(9) Persons of Low Income means low income persons or families as defined in Section 15(a)(7) of the Act.

(10) Sponsor means **Birch Park Preservation Limited Dividend Housing Association, LLC** ~~Amurcon Corporation~~ or person(s) or entities, formed or to be formed, which have applied to the Authority for a Mortgage Loan to finance a Housing Development and/or Low Income Housing Tax Credits.

(11) Utilities mean gas, electricity, water and sanitary sewer service, or other utilities furnished to the occupants and paid by the Housing Development.

(C) *Class of Housing Developments.*

It is hereby determined that the class of Housing Development to and for which the tax exemption shall apply and for which a service charge shall be paid in lieu of such real property taxes pursuant to this Ordinance shall be multiple family units, which are financed or assisted pursuant to the Act and which are constructed or maintained upon the real property described on Exhibit A. It is further determined that a Housing Development for which a site plan has been submitted by a Sponsor and approved by the City is of this class, so long as the same complies with the provisions of this Ordinance.

(D) *Establishment of Annual Service Charge.*

A Housing Development and the real property forming a part of Exhibit A on which it has been constructed shall be exempt from all property taxes from and after the date hereof. The City, acknowledging that the Sponsor and the Owner have established or will establish the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, and in consideration of the Sponsor's proposal, subject to receipt of a Mortgage Loan or an allocation of Low Income Housing Tax Credits from the Authority to acquire, renovate, own, and operate the Housing Development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes for the Housing Development. The annual service charge shall be five and one half (5.5%) percent of Annual Shelter Rents.

(E) *Contractual Effect of Ordinance.*

Notwithstanding the provisions of Section 15(a)(5) of the Act to the contrary, a contract between the City and each Sponsor and Owner, with the Authority as a third-party beneficiary thereunder, to provide tax exemption and accept payments in lieu of taxes as previously described is effectuated by enactment of this Ordinance. The City Manager and the City Clerk shall be and hereby are authorized to execute any and all contracts which may be required by the Authority for the purpose of effectuating and executing the provisions of this section.

(F) *Payment of Service Charge.*

The service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the City except that the annual payment shall be paid on or before the first (1st) day of August of each year. Prior to the first day of June of each year, the Sponsor or Owner shall submit to

the City a copy of its certified audit as submitted to the Authority in order for the City to verify the payment to be made hereunder.

(G) *Duration.*

This Ordinance shall remain in effect as to each Housing Development and shall not terminate so long as the property is subject to a Mortgage Loan, tax credit regulations under Section 42 of the Code, or the Authority has any interest in the property not to exceed 35 years after the date that the Owner acquires the Housing Development. Provided, however, that if renovation of a Housing Development does not commence within five years from the effective date of this Ordinance, that Housing Development shall not qualify for exemption hereunder.

(H) *Severability.*

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

EXHIBIT A

A parcel of land in the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 31, Town 12 North, Range 5 East, City of Saginaw, Saginaw County, Michigan, described as follows: To fix the point of beginning, commence at the East $\frac{1}{4}$ corner of said Section 31; thence North 89 degrees 47 minutes 54 seconds West, on the East and West $\frac{1}{4}$ line of said Section, 898.83 feet; thence North 02 degrees 17 minutes 24 seconds West, on the Southerly extension of the West line of the Ray Street right-of-way, 33.03 feet to the Southeast corner of Renview Estates, according to the plat thereof recorded in Liber 22, Pages 30 and 31 of Plats of Saginaw County Records; thence North 89 degrees 47 minutes 54 seconds West, on the South line of said Renview Estates and on the Westerly extension thereof, being also on the North line of the Hess Avenue right-of-way, 454.10 feet to the point of beginning of this description; thence North 89 degrees 47 minutes 54 seconds West, on said North line of Hess Avenue, 1,013.67 feet to a point which is 275.00 feet, South 89 degrees 47 minutes 54 seconds East, from the North and South $\frac{1}{4}$ line of said Section; thence North 01 degrees 54 minutes 05 seconds West, parallel to said North and South $\frac{1}{4}$ line, 534.85 feet; thence South 89 degrees 47 minutes 54 seconds East, parallel to said East and West $\frac{1}{4}$ line, 864.13 feet; thence North 87 degrees 42 minutes 36 seconds East, perpendicular to said West line of Ray Street, 119.43 feet; thence South 02 degrees 17 minutes 24 seconds East, parallel with said West line of Ray Street, 425.59 feet to a point on the Westerly extension of the South line of the Martin Luther King Boulevard South, as dedicated in said Renview Estates; thence South 89 degrees 47 minutes 54 seconds East, on said Westerly extension, 31.34 feet; thence South 00 degrees 12 minutes 06 seconds West, perpendicular to said North line of Hess Avenue, 114.49 feet to the point of beginning containing 12.17 acres of land, more or less.

This ordinance shall become effective January 20, 2022.

Enacted: January 10, 2022.

Yeas:

Nays:

Absent:

ORDINANCE DECLARED ADOPTED

Brenda F. Moore
Mayor

Janet Santos, MiPMC/MMC
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 January 10, 2022; 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, MiPMC/MMC
City Clerk

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced November 8, 2021 entitled and reading as follows, be taken up and enacted:

O-_____

AN ORDINANCE TO AMEND §153.576, "MEMBERSHIP," AND §153.587, "VOTE REQUIRED TO REVERSE DECISIONS; LIMITATION OF POWER," OF CHAPTER 153, "ZONING CODE," OF TITLE XV, "LAND USAGE," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw ordains:

Section 1. §153.576, "Membership," and §153.587, "Vote Required to Reverse Decisions; Limitations of Power," of Chapter 153, "Zoning Code," of Title XV, "Land Usage," of the City of Saginaw Code of Ordinances, O-204, is hereby amended to read as follows:

§153.576 MEMBERSHIP

- (A) The Board of Appeals on Zoning is created for the city in accordance with the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L. §§ 125.3101 et seq.
- (B) The Board of Appeals on Zoning shall continue to so function and shall consist of five members.
- (C) When the terms of the individual members of the Board expire, no more than two terms expiring in any one year, the City Council shall appoint a successor for a three-year term from the date of expiration of said original member's term.
- (D) All members shall be electors of the city. One regular or alternate member of the Board of Appeals on Zoning may be a member of City Council; such member shall not serve as Chair. No employee or contractor of the city may serve simultaneously as a member of the Board of Appeals on Zoning.
- (E) One member shall be appointed from the membership of the City Planning Commission.
- (F) After the initial appointment, each member shall hold office for a period of three years, except for the City Planning Commission member, whose term shall be limited to the time he or she serves on the City Planning Commission. Successors shall be appointed not more than 1 month after the term of the preceding member has expired.
- (G) Members may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Any vacancy in the Board shall be filled by the City Council for the remainder of the unexpired term.
- (H) The City Council may appoint not more than two alternate members to the Board, said alternate members to have the same term as regular members of the Board and to be subject to the same qualifications and other provisions contained herein applicable to regular members of the Board.

- (I) The Chair of the Board, or the Vice Chair in the absence of the Chair, may call upon either or both of the alternate members on a rotating basis to sit as regular members of the Board in the absence of one or two regular members; or where a regular member has abstained for reasons of a conflict of interest.
- (J) Once appointed to hear a case, an alternate member shall serve in the case until a final decision has been made and shall have the same voting rights as a regular member of the Board.

§ 153.587 VOTE REQUIRED TO REVERSE DECISIONS; LIMITATION OF POWER.

- (A) The concurring vote of three members of the Board of Appeals on Zoning shall be necessary to reverse any order, requirement, decision, or determination of the Chief Inspector in favor of the applicant on any matter upon which it is authorized by this chapter to render a decision.
- (B) The power or authority to alter or change the zoning regulations or the Zoning Map is reserved to the City Council in the manner provided by law.

This ordinance shall become effective December 30, 2021.

Enacted: December 20, 2021.

Yeas:

Nays:

Absent:

ORDINANCE DECLARED ADOPTED

Brenda F. Moore
Mayor

Janet Santos, MiPMC/MMC
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 December 20, 2021; 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, MiPMC/MMC
City Clerk

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced November 8, 2021, entitled and reading as follows, be taken up and enacted:

O- _____

AN ORDINANCE TO AMEND CHAPTER 153, "ZONING CODE," OF TITLE XV, "LAND USAGE," BY AMENDING §153.538 "HISTORIC DISTRICT COMMISSION," AND §153.541 "ESTABLISHING NEW DISTRICTS AND IDENTIFYING HISTORIC RESOURCES / LANDMARKS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw ordains:

Section 1. An ordinance to amend Chapter 153, "Zoning Code," of Title XV, "Land Usage," by amending §153.538 "Historic District Commission," §153.541 "Establishing New Districts and Identifying Historic Resources/Landmarks," of the City of Saginaw Code of Ordinances, O-204, is hereby amended to read as follows:

§ 153.538 HISTORIC DISTRICT COMMISSION.

(A) *Creation of Historic District Commission.* In order to execute the purposes declared in this subchapter, there is hereby created a commission to be called the Saginaw Historic District Commission.

(B) *Membership of Commission.* The Historic District Commission shall consist of seven to nine members whose residence is located in the city. Members shall be appointed by the City Council for terms of office of three years, except that the initial appointments of some of the members shall be for less than three years so that the initial appointments are staggered and that subsequent appointments do not recur at the same time. Subsequent members shall be appointed for terms of three years as terms expire. Members of the Historic District Commission may be re-appointed after their terms expire. The terms of office of the members shall begin as of the effective date of Ord. D-1914 (March 7, 2002).

(C) *Membership eligibility.*

(1) A majority of the members shall have a clear and demonstrated interest in or knowledge of historic preservation.

(2) All members must have their principal place of residence within the city; removal from the city causes the member's seat to become vacant. One or more duly organized historic preservation organizations within the city shall be requested to submit a list of citizens' names as nominees for any vacancy; at least two members of the Historic District Commission shall be appointed from these nominations. At least one member of the Historic District Commission shall be a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect

registered in the state, if such person resides in the city and is available for appointment.

(3) A vacancy occurring in the membership of the Historic District Commission for any cause shall be filled within 60 calendar days by a person appointed by the City Council for the unexpired or new term.

(4) The members of the Historic District Commission shall serve without compensation.

(D) Duties and powers of the Historic District Commission.

(1) The Historic District Commission shall have the authority to review all work affecting the exterior appearance of a resource in a historic district and shall not consider interior arrangements, nor shall it disapprove applications except in regard to considerations as set forth in § 153.539.

(2) If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to local unit, state, or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the local unit, state, or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(3) Work within a historic district shall be permitted through the issuance of a notice to proceed if any of the following conditions prevail and if the proposed work can be demonstrated by finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

(a) The resource constitutes a hazard to the safety of the public or to the structure's occupants;

(b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances;

(c) Retaining the resource will cause undue financial hardship to the owner when a governmental action, act of God, or other events beyond the owners control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district have been attempted and exhausted by the owner; and

(d) Retaining the resource is not in the interest of the majority of the community.

(4) The Historic District Commission shall have the following powers and duties in regard to the identification of historic resources:

(a) To establish basic standards for the selection of sites, buildings, structures, and districts to be placed on the list of potential historic districts;

(b) To compile and maintain a current list of potential landmarks and districts, such list to include a description setting forth the general characteristics and location thereof, and the reasons for its inclusion in the list;

(c) To identify specific historical resources/landmarks and districts of historical or cultural value to be preserved and protected under this subchapter after a public hearing of local area occupants and property owners; and

(d) To recommend to City Council such historic resources/landmarks and historic districts and the locations and boundaries thereof.

(E) *Rules of the Historic District Commission.*

(1) The Historic District Commission shall elect from its membership a Chairperson and Vice Chairperson whose terms of office shall be fixed by the Commission. The Chairperson shall preside over the Commission and shall have the right to vote. The Vice Chairperson shall, in the case of the absence or disability of the Chairperson, perform the duties of the Chairperson.

(2) The Associate Planner, or his or her designee, shall be Secretary. The Secretary shall keep a record of all resolutions, proceedings, and actions of the Historic District Commission and report periodically to the City Council.

(3) The number of members of the Historic District Commission necessary for the transaction of business shall depend upon the overall number of members. If the Historic District Commission has seven members, a quorum will consist of four members; if the Historic District Commission has eight or nine members, a quorum will consist of five members. The Historic District Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding regular meetings. They shall provide for the calling of special meetings by the Chairperson or by at least two members of the Historic District Commission. All meetings of the Historic District Commission shall be open to the public and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter before it reaches its decision.

(4) The Historic District Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings, and actions. The concurring affirmative vote of a majority of members shall constitute approval of plans before it for review or for the adoption of any resolution, motion, or other action of the Historic District Commission.

(5) The Historic District Commission shall promulgate regulations, guidelines, and standards to enable the Commission and applicants to evaluate proposals. The Historic District Commission can declare certain plan elements described in an application involving minor classes of work and allow for issuance of a certificate of appropriateness by staff. In such case, any applicant aggrieved by the decision of the staff shall be entitled to have the application reviewed by the Historic District Commission at its next meeting.

(6) The Historic District Commission shall submit an annual report to the Council of the general activities of the Historic District Commission for the preceding year and shall submit such special reports as requested by the City Council.

§ 153.541 ESTABLISHING NEW DISTRICTS AND IDENTIFYING HISTORIC RESOURCES, MODIFYING OR ELIMINATING EXISTING DISTRICTS.

(A) *Establishment of new districts and identifying historic resources.* Establishment of new historic districts and historic resources, including proposed districts previously considered and rejected, modifying boundaries of an existing historic district, or eliminating an existing historic district shall be by ordinance. To conduct these activities, the City Council shall appoint a historic district study committee to consider only specific proposed districts and then be dissolved, retain the initial study committee, or establish a standing committee to conduct the activities of a study committee on a continuing basis. The committee shall contain a majority of the persons who have clearly demonstrated interest in or knowledge of historic preservation and shall contain representation from one or more duly organized local historic preservation organizations. The committee shall do the following:

(1) Conduct a photographic inventory of resources within each proposed historic district following procedures established by the center;

(2) Conduct basic research of each proposed historic district and the historic resource located within that district;

(3) Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of the historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 C.F.R. Part 60, and additional criteria in division (F) below;

(4) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

(a) The charge of the committee;

(b) The composition of the committee;

(c) The historic district or districts studied;

(d) The boundaries for each proposed historic district in writing and on maps;

(e) The history of each proposed historic district; and

(f) The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(5) Transmit copies of the preliminary report for review and recommendations to the Planning Commission, to the Michigan Historical Center, to the Michigan Historical Commission, and to the State Historic Preservation Review Board; and

(6) Make copies of the preliminary report available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, being M.C.L. §§ 15.231 et seq.

(B) *Notice of public hearing.* Not less than 60 days after transmittal of the preliminary report, the committee shall hold a public hearing in compliance with the Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 et seq. Public notice of the time, date, and place of the hearing shall be given in the manner required by the Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 et seq.

(C) *Written notice.* Written notice shall be mailed by first-class not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the local unit.

(D) *Actions.* After the date of the public hearing, the committee and the City Council shall have not more than one year, unless authorized by the City Council, to take the following actions.

(1) The committee shall prepare and submit a final report with its recommendations and the recommendations, if any of the Planning Commission to the City Council. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

(2) After receiving a final report that recommends the establishment of a historic or historic districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances. If City Council passes an ordinance or ordinances establishing one or more historic districts, the city shall file a copy of that ordinance or those ordinances, including the legal description of the property or properties located within the historic district or districts, with the Register of Deeds. The City Council shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.

(E) *Writing available to the public.* A writing prepared, owned, used, in the possession of, or retained by the Historic District Study Committee in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, being M.C.L. §§ 15.231 et seq.

(F) *Historic district criteria.* A historic district shall not be established unless the resources in the proposed district are at least 30 years old and meet at least one of the following criteria:

(1) *Historic.*

(a) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state or nation; or is associated with the life of a person significant in the past;

(b) Is the site of a historic event with a significant effect upon society; or

(c) Exemplifies the cultural, political, economic, social, or historic heritage of the community.

(2) *Architecturally worthy.*

(a) Portrays the environment in an era of history characterized by a distinctive architectural style; or

(b) Embodies those distinguishing characteristics of an architectural or engineering type;

(c) Is the work of a designer whose individual work has significantly influenced the development of the community;

- (d) Is the work of a designer of such prominence that such work gains its value from the designer's reputation;
- (e) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;
- (f) Contains any architectural type, detail, or other element in danger of becoming extinct; or
- (g) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city.

This ordinance shall become effective December 30, 2021.

Enacted: December 20, 2021.

Yeas:

Nays:

Absent:

ORDINANCE DECLARED ADOPTED

Brenda F. Moore
Mayor

Janet Santos, MiPMC/MMC
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 December 20, 2021; 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, MiPMC/MMC
City Clerk

ESTABLISHING THE AMERICAN RESCUE PLAN ACT ADVISORY COMMITTEE

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

WHEREAS: the City of Saginaw has received funding from the federal government through the American Rescue Plan Act (ARPA); and

WHEREAS: the City Council for the City of Saginaw desires to form a citizen committee to provide input regarding ARPA funded projects and initiatives; and

NOW, THEREFORE, BE IT RESOLVED: the City Council for the City of Saginaw hereby determines:

1. An American Rescue Plan Act Advisory Committee shall be established for the limited purpose of:
 - a. Providing input regarding potential projects or category spending for which the City may use ARPA funds;
 - b. Formulating recommendations for a strategic funding plan that considers the community priorities established by City Council; and
 - c. Preparing recommended funding priorities for consideration by City Council.
2. The ARPA Advisory Committee shall be comprised of no less than ten and no more than fifteen individuals. Members will be City residents, individuals who own businesses located within the City, or the directors/managers of established/recognized non-profit corporations or churches located within the City. Members of City Council and City employees or contractors shall not be eligible to serve on the Committee. Members will be responsible for providing input from the various communities of interest that they represent. Members must be non-biased and keep the spirit and intent of the ARPA funding, as well as all applicable rules and regulations, in mind when making recommendations. Members will serve without pay. A majority of members shall be City residents.
3. Membership on the ARPA Advisory Committee shall be by Mayoral appointment with Council approval, and potential members shall be required to submit an application for membership to the City Clerk's Office in the regular course.
4. City administration and consultants will be available to provide assistance to the ARPA Advisory Committee as necessary.
5. The ARPA Advisory Committee shall exist for a limited duration. It shall meet approximately once a month or as needed. The ARPA Advisory Committee may be dissolved by City Council once ARPA projects and all final reporting have been submitted, or earlier if it shall fail to serve its purpose, or it shall automatically dissolve once all ARPA funds have been spent no later than December 2026.

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 December 20, 2021; 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, MiPMC/MMC
City Clerk