



Saginaw City Council Agenda

1315 S. Washington Avenue
Council Chamber - Room 205
989.399.1311
October 7, 2019
6:30 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Proclamation presented to the Saginaw Fire Department designating October 6-12, 2019 as "Fire Prevention Week."
2. Proclamation presented to the Saginaw County Bar Association designating October 20-26, 2019 as "Pro Bono Week" in the City of Saginaw.

PUBLIC HEARINGS:

1. Regarding the Urban Cooperation Agreement with the City of Midland.

PUBLIC INPUT:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

1. Saginaw Soup Update: Yolanda M. Jones, Director of the Office of Management and Budget, and Cassie Miller, Saginaw Future Business Development Manager.

CONSENT AGENDA:

1. Approve the September 23, 2019 regular council meeting minutes.
2. Approve Petition #19-11 from Delta College to erect banners in the 200 Block of West Genesee and the 1000 block of East Genesee from November 1 to November 29, 2019 to promote Downtown Saginaw Center Enrollment.
3. Approve the purchase with American Legal Publishing Corporation for \$2,166 for the supplement codification of ordinances for the City Clerk's Department.
4. Approve the amendments to the FY 2020 Approved Budget to recognize changes that have occurred during the August period.
5. Approve the second amendment to the ESG Subrecipient Contract with United Way of Saginaw County to include \$11,817 in carryover funds for homelessness prevention and rapid rehousing.

6. Approve the FY 2019 Strategies for Policing Innovation Grant through the U.S. Department of Justice, Office of Justice Programs and Bureau of Justice Assistance for \$646,706 for a three-year period for the Police Department.
7. Approve the FY 2019 Victim Specialist Program Grant through the Office for Civil Rights, Office of Justice Programs, and U.S. Department of Justice for \$276,000 for the Police Department.
8. Approve the Service, Support & Justice: A Strategy to Enhance Law Enforcement Response to Victims Initiative Grant funded by the Department of Justice and administered by the International Association of Chiefs of Police for \$30,000. Further, approve a budget adjustment for FY 2020 to recognize these funds.
9. Approve the grant award of \$28,500 from the 2019 State Homeland Security Grant for a Throw Phone System for the Police Department. Further, approve a budget adjustment for FY 2020 to recognize these funds.
10. Approve the purchase with Douglass Safety Systems for \$56,582 for a replacement Bauer Unicus 4 breathing air compressor and SCBA fill station for the Fire Department.
11. Approve the agreement with Control Solutions, Inc. for \$2,265 for a two year software maintenance agreement renewal for the energy management system for various departments.
12. Approve the purchase with Garpiel Landscaping for \$5,000 for FY 2020; and pending budget approval for FY 2021 and FY 2022, for the professional services associated with the design, installation, removal and storage of Christmas lights for City Hall.
13. Approve a purchase with TruGreen for \$12,801 for FY 2020; and pending budget approval for FY 2021 and FY 2022, for annual lawn fertilization services.
14. Approve the blanket purchase order with ETNA Supply Company for \$20,000 for FY 2020; and pending budget approval for FY 2021, for Sensus-AMRS Smart Point Transceivers and components for the Maintenance and Service Division.
15. Approve the purchase with Detroit Salt Company, LLC for \$141,920 for road salt for the Streets Section, Right of Way Division.
16. Approve the purchase with PPG Paints for \$8,780 for two Graco line lasers for the Traffic Maintenance Section, Right of Way Division.
17. Adopt the resolution to approve the State Trunkline Maintenance Contract with the Michigan Department of Transportation for a five-year period, ending September 30, 2024.
18. Approve the purchase with Champagne and Marx Excavating for \$8,825 for 23A limestone aggregate for the Cemeteries Division.
19. Ratification to increase the purchase order with Corrpro Companies, Inc. by \$3,000, for a new total of \$4,710, for the repair of the Aqua Ground Storage Tank Cathodic Protection System for the Water Treatment Division.

20. Approve the purchase with Kendall Electric, a sole source, for \$6,444 for an Allen Bradley programmable logic controller for the Wastewater Treatment Division.
21. Approve the purchase with Kennedy Industries, a sole source, for \$2,352 for parts for DeZurik valves for the Wastewater Treatment Division.

BOARD/COMMISSION/COMMITTEE REPORTS:

APPOINTMENT OF BOARD/COMMISSION/COMMITTEE MEMBERS:

1. Approve the Council reappointment of Debra Melkonian to the Human Planning Commission - District 17 with a term to expire December 31, 2021.
2. Approve the Mayoral reappointment of Ronald Wheatley to the Housing Board of Appeals with a term to expire December 31, 2021.

ORDINANCE INTRODUCTION:

1. An ordinance to add §§116.041 through 116.045 of Chapter 116, "Telecommunications," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-204.
2. An ordinance to add §§153.078 through 153.082 of Chapter 153, "Zoning Code," of Title XV, "Land Usage," of the City of Saginaw Code of Ordinances, O-204.

ORDINANCE CONSIDERATION AND ADOPTION:

RESOLUTIONS:

1. Adopt the resolution approving the 2018 Homeland Security Program Subrecipient Funding Agreement and Addendum.

UNFINISHED BUSINESS:

MISCELLANEOUS BUSINESS:

1. Motion to receive and file Recommendation Report from the Local Officers Compensation Commission.

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.

CITY OF SAGINAW

PROCLAMATION

WHEREAS, the City of Saginaw is committed to ensuring the safety and security of all those living in and visiting our city. Members of the Saginaw Fire Department are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, fire is a serious public safety concern both locally and nationally. According to the National Fire Protection Association, statistics show that four out of five fire deaths occur in the home; and

WHEREAS, three out of five home fire deaths resulted from fires in properties without working smoke alarms. Statistics show that working smoke alarms cut the risk of death in home fires by fifty percent; and

WHEREAS, the National Fire Protection Association has established "Fire Prevention Week" to create greater awareness and innovation in fire protection and prevention. As a result, countless lives have been saved each year; and

WHEREAS, the 2019 Fire Prevention Week theme, "Not Every Hero Wears a Cape. Plan and Practice Your Escape!" effectively serves to remind us that we need to take personal steps to increase our safety from fire.

NOW, THEREFORE, BE IT RESOLVED, I, Floyd Kloc, Mayor of the City of Saginaw, do hereby proclaim the week of October 6-12, 2019 as

"FIRE PREVENTION WEEK"

throughout the City of Saginaw, and I urge all residents of this city to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2019, and to support the many public safety activities and efforts of the City of Saginaw Fire Department.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 7th day of October in the year of our Lord two thousand nineteen.



October 7, 2019

Floyd Kloc, Mayor

Councilpersons

Brenda F. Moore, Mayor Pro Tem
Michael D. Balls, Annie Boensch,
Clint Bryant, John Milne, Jamie Forbes,
Bill Ostash and Autumn L. Scherzer

Timothy Morales, City Manager

CITY OF SAGINAW

PROCLAMATION

WHEREAS, access to justice is a fundamental and essential right to a democratic society however, countless citizens cannot afford the legal representation that they need to protect their lives, properties, and natural liberties; and

WHEREAS, each year, volunteer attorneys donate thousands of hours of pro bono time and expert knowledge to these vulnerable populations. The invaluable contributions of pro bono attorneys help to ensure and protect a just society for every citizen; and

WHEREAS, few other professions are in a position to offer this specialized assistance; and in doing so, these volunteer attorneys substantially enhance the distribution of justice and equality throughout our community; and

WHEREAS, the Saginaw Bar Association is joining with the American Bar Association to designate October 20 – 26, 2019 as National Pro Bono Week and to highlight the need for pro bono services during these challenging economic times. During this week, we celebrate the outstanding work of pro bono lawyers who volunteer their services throughout the year; and

WHEREAS, the energy generated by the National Pro Bono Celebration is a powerful force that helps to build a just legal system that will result in equal access to justice for all. We support the efforts to ensure all people receive adequate representation and protection in the legal system regardless of their economic standing.

NOW, THEREFORE BE IT RESOLVED, I, Floyd Kloc, Mayor of the City of Saginaw, hereby proclaim October 20 – 26, 2019, as

“PRO BONO WEEK”

in the City of Saginaw and urge all citizens of Saginaw to recognize the contributions of pro bono work in our community. We recognize this generous effort and the pro bono lawyers who serve our communities, strengthen our justice system and support the rule of law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 7th day of October in the year of our Lord two thousand nineteen.



October 7, 2019

Floyd Kloc, Mayor

Councilpersons

Brenda F. Moore, Mayor Pro Tem
Michael D. Balls, Annie Boensch,
Clint Bryant, John Milne, Jamie Forbes,
Bill Ostash and Autumn L. Scherzer

Timothy Morales, City Manager



CITY OF SAGINAW

PUBLIC HEARING SAGINAW CITY COUNCIL

In compliance with requirements of Act 267, P.A. 1976, the following notice is posted:

URBAN COOPERATION AGREEMENT BETWEEN CITY OF SAGINAW AND THE CITY OF MIDLAND

Notice is hereby given that the Saginaw City Council has scheduled a public hearing on the proposed Urban Cooperation Agreement between the City of Saginaw and the City of Midland. The purpose of the Agreement is to pass through 2018 Homeland Security Grant Program Funds to Saginaw.

The public hearing will be held **October 7, 2019 at 6:30 p.m.** in the Council Chamber of the City Hall located at 1315 S. Washington Avenue. The proposed agreement and addendum is on file in the City Clerk's Office. All interested persons are invited to attend this public hearing.

Janet Santos, CMMC/MMC
City Clerk

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 AT 989.759.1480.

Posted: Sept. _____, 2019
By: __jks_____

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, WAS HELD MONDAY, SEPTEMBER 23, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBER AT CITY HALL, 1315 S. WASHINGTON AVENUE, SAGINAW, MICHIGAN.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Kloc offered a prayer and led the pledge of allegiance of the United States of America.

ROLL CALL

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

ANNOUNCEMENTS

City Clerk Janet Santos announced that Tuesday September 24th is National Voter Registration Day. The goal of this day is to focus attention on the importance of registering to vote, updating your voter registration information and to verify where you vote. While tomorrow is a national day for this goal, the City Clerk's Office is always ready to assist voters Monday through Friday from 8:00 a.m. to 4:00 p.m.

PUBLIC INPUT

Public Input addressing Council: Michael Schavrnock, Felicia McCaw, Bill Schaiberger, Angie Miller, and Saleem Mannan.

REMARKS OF COUNCIL

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

REPORTS FROM CITY MANAGER

City Manager Tim Morales gave informational updates of City events and projects.

Manager Morales introduced County Commissioner Amos O'Neal. Commissioner O'Neal read a County proclamation recognizing former City Mayor Greg L. Branch for his years of service and dedication to the community.

CONSENT AGENDA:

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

1. Approve the September 9, 2019 regular council meeting minutes.
2. Approve Petition #19-12 from the Saginaw Arts & Enrichment Commission to erect a banner in the 500 block of Court Street from November 5 to December 4, 2019 to promote the annual Hollyday Fair.
3. Approve the lease agreement with MailFinance, Inc. for \$11,769 for a sixty month lease of an IN-710 postage meter for all City Departments.
4. Approve the purchase with Revize for \$13,900 for the initial redevelopment and redesign of the Riverfront/Downtown Development Authority website.

5. Approve the FEMA Assistance to Firefighters Grant for \$70,473 for a breathing air compressor/fill station and training requiring a matching share of \$7,047 for the Fire Department.
6. Approve to increase the purchase order with CFS Inspections by \$65, for a new total of \$2,062, for ladder testing and certification services for the Fire Department.
7. Approve the Saginaw County Mental Health Authority/Mid-State Health Network Treatment and Prevention Services Grant for \$199,635 for the Police Department. Further, approve a budget adjustment for FY 2020 to recognize these funds.
8. Approve the purchase with Michigan Pipe and Valve for \$314,996 for water main appurtenances for the Maintenance and Service Division.
9. Approve the purchase with Ferguson Waterworks for \$92,044 for manhole and catch basin castings and covers for the Maintenance and Service Division.
10. Approve the purchase with Champagne & Marx Excavating, Inc. for \$10,995 for FY 2020; and pending budget approval for \$11,050 for FY 2021, for dozing and grading services for the Maintenance and Service Division.
11. Approve the purchase with Ferguson Enterprise for \$7,665 for Portland cement for the Maintenance and Service Division.
12. Approve to increase the blanket purchase order to AIS Construction Equipment by \$14,000, for a new total of \$22,000, for vehicle repairs and services for the Garage Division.
13. Approve to increase the blanket purchase orders to various vendors by \$29,900, for a new total of \$51,400, for vehicle parts for the Garage Division.
14. Approve to increase the blanket purchase order to Hoffman's Power Equipment by \$3,100, for a new total of \$5,000, for lawn mower parts for the Facilities Division.
15. Approve the purchase with First Class Building Maintenance for \$5,866 for building repairs at City Hall.
16. Approve the purchase with Traffic & Safety Controls, Systems, Inc. for \$30,095 for a kiosk pay station system at the Lee Street Boat Launch.
17. Approve the contract with Bibi, Inc., dba Black Jack Asphalt, for \$67,288 for the 2019-2020 Sidewalk replacement project for the Engineering Section, Right of Way Division.
18. Approve the contract with Wobig Construction Co. for \$93,095 for the 2019-2020 ADA Sidewalk Ramp Installation project for the Engineering Section, Right of Way Division.
19. Approve the purchase with Colony Hardware for \$2,940 for a Core Bore M1 Core Drill and two drill bits for the Engineering Section, Right of Way Division.

20. Approve the purchase with Dornbos Sign, Inc. for \$20,526 for sign posts for the Traffic Maintenance Section, Right of Way Division.
21. Ratification of a purchase with J. Ranck Electric for \$13,170 for construction and installation of a traffic signal strain pole for the Traffic Maintenance Section, Right of Way Division.
22. Ratification of a purchase with Carrier and Gable, a sole source, for \$22,986 for traffic signal equipment for the Traffic Maintenance Section, Right of Way Division.
23. Approve the purchase with Hesco, a sole source, for \$112,252 for an Accusonics model 810 flow meter and installation for the Remote Facilities Division.
24. Approve the purchase with Technology International, Inc. for \$4,250 for two mini split systems for the Remote Facilities Division.
25. Approve the purchase with Holzberg Communications, Inc. for \$5,044 for Rotork switches for the Remote Facilities Division.
26. Approve the purchase with Nelson Tank Engineering & Consulting, Inc. for \$5,050 for the inspection of the Aqua and Gratiot Ground Storage tanks for the Water Treatment Division.
27. Approve the purchase with Advanced Business Communications, LLC for \$45,095 for security camera upgrades at the Maintenance and Service, Water, and Wastewater Treatment Divisions.
28. Approve the purchase with Wonderware North, a sole source, for \$13,455 for WW Historian Client 2017 Concurrent Licenses at the Wastewater and Remote Facilities Divisions for the Instrumentation and Process Controls Division.

Moved by Council Member Scherzer, seconded by Council Member Bryant to approve consent agenda items 1 through 28, as presented. 8 ayes, 0 nays, 1 absent. Motion approved.

BOARD/COMMISSION/COMMITTEE REPORTS

Mayor Kloc reported that STARS has renewed a 3-year contract with the Executive Director.

APPOINTMENT OF BOARD AND COMMISSION MEMBERS

Moved by Council Member Milne, seconded by Council Member Boensch to reappoint Ana Hidalgo to the Human Planning Commission – District 4 with a term to expire December 31, 2021.

RESOLUTIONS

Moved by Mayor Pro Tem Moore, seconded by Council Member Boensch to adopt the resolution adopting the Local Pavement Warranty Program. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Mayor Pro Tem Moore, seconded by Council Member Boensch to adopt the resolution for the implementation of the Local Pavement Warranty Program. 8 ayes, 0 nays, 1 absent. Motion approved.

ADJOURNMENT

Moved by Council Member Boensch, seconded by Council Member Bryant to adjourn the meeting at 7:31 p.m. 8 ayes, 0 nays, 1 absent. Motion approved.

As recorded by

Janet Santos, CMMC/MMC
City Clerk

Petition for Banner

PETITION CAN NOT BE ACCEPTED SIX (6) MONTHS PRIOR TO EVENT

We, the undersigned, do hereby petition the Honorable City Council to give favorable consideration to erect a banner at one or two locations marked below. We understand that the **\$150.00 banner fee per location** must be paid to prior to display at either the Engineering Department or the Treasurer's Office. Banners must be made to City specifications. Display start and end dates cannot be on a weekend and cannot exceed a 30-day span.

- ☐ 500 Block of Court Street
☒ 200 Block of West Genesee

- ☐ 300 Block of South Michigan
☒ 1000 Block of East Genesee Avenue

Delta College

Organization Name

Opening of new downtown building

Purpose of Banner

BANNER MESSAGE:

Delta College logo - Downtown Saginaw Center Enroll Today! 319 E. Genesee

DISPLAY: November 1, 2019

to November 29, 2019

Deliver to Engineering Dept. within 2 weeks of this date

Pick-up within 10 days after this date or they will be disposed of

PETITIONER/S:

1 Leanne Govitz

2

CONTACT:

NAME Leanne Govitz

PHONE 989-686-9490

ADDRESS 1961 Delta Road, University Center, MI 48710

EMAIL leannegovitz@delta.edu

----- CLERK'S OFFICE USE ONLY -----

EMAIL: Engineer@saginaw-mi.com

BY: _____ DATE: _____

COUNCIL APPROVED: _____

Janet Santos, MMC
CITY CLERK

From: Timothy Morales, City Manager
Subject: Supplement Codification of Ordinances
Prepared by: Janet Santos, City Clerk

Manager's Recommendation:

I recommend the approval of a purchase with American Legal Publishing Corporation for \$2,166.00 for the supplement codification of ordinances for the City Clerk's Department.

Justification:

On June 19, 2017, City Council approved a Codification Agreement with American Legal Publishing Corporation (AM Legal). This codification includes ordinances 204 through 210 as adopted by City Council. AM Legal provides the on-line services of all City ordinances and supplement paper pages as necessary to keep ordinance books up to date.

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, Office of General Government, City Clerk Department Printing Account No. 101-1730-900.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: August Budget Adjustment
Prepared by: Yolanda M. Jones, Office of Management and Budget

Manager's Recommendation:

I recommend approval of the amendments to the 2019/2020 Approved Budget for the listed funds. This adjustment is required to recognize any errors, omissions, or changes that have occurred within the month of August.

Justification:

The 2019/2020 annual budget will be adjusted in accordance with Public Act 2 of 1968, Uniform Budgeting and Accounting Act, the City Charter; and the approved 2020 Budget Resolution, which states that the City Manager must provide budget adjustments to City Council quarterly and/or as needed. As a result of the City Manager's monthly analysis for August, the below-mentioned budget adjustments take into consideration any errors, omissions, or changes in the funding levels and expenditures approved by City Council as prescribed by the City Charter.

In review of the General Fund, it is recommended that this fund be increased by \$143,385, from \$35,254,371 to \$35,397,756.

- On June 3, 2019, City Council approved the purchase with L&L Excavating for the purchase of 500 tons of 23A stone aggregate with L&L Excavating. Due to unforeseen circumstances, the lowest bidder was not able to meet their contractual obligation with the city. This budget adjustment is to recognize a carryover for funds in the amount of \$8,825 to the next lowest bidder Champagne and Marx Excavating. Expenditures will be recognized in the General Fund, Department of Public Services, Cemeteries Division, Construction Project Account No. 101-1747-822.000. An appropriation of fund balance will offset the increase in expenditures.
- A budget adjustment should be completed to recognize an operating transfer to the Capital Project Fund to assist in the design and construction of the Tuscola Pedestrian Alley project. This project consists of pedestrian enhancements such as the addition of decorative street lights, bollards, benches and stamped concrete. Expenditures will be recognized in the General Fund, Other General Fund Expenditures, Transfers to the Capital Project Fund Account No. 101-9660-999.401 in the amount of \$85,000. An appropriation of restricted fund balance will offset the increase in expenditures.
- A budget adjustment should be completed to recognize unanticipated revenues in the amount of \$5,460 carryforward from FY 2019 for Community Public Safety – Police for the sale of police vehicles. Revenues will be realized in the General

Fund Revenues, Sale of Property - Police, Account No. 101-0000-673.007. To offset the increase in revenues will be an increase to Community Public Safety – Police, Police Patrol Division, Vehicle Account No. 101-3514-982.000 in the same amount.

- On September 23, 2019, City Council approved a grant agreement with Federal Emergency Management Agency (FEMA) through the Assistance to Firefighter Grant Program. This budget adjustment is to recognize \$44,100 of the grant to purchase breathing air compressor and fill stations for the Fire Department. Revenues will be recognized in the General Fund, FEMA Account No. 101-0000-501.012. To offset the increase in revenues will be the same increase to the General Fund, Community Public Safety – Fire, Fire Operations Division, Repair and Replace Account No. 101-3551-974.000.

The Rubbish Collection Fund (226) should be increased \$15,000 from \$4,242,500 to \$4,257,500. This increase is required to complete the paving of the compost pad at the Compost facility to stay within compliance with the Department of Environmental Quality. Expenditures will be recognized in the Rubbish Collection Fund, Composting Division, Street and Road Materials Account No. 226-4587-743.000. Restricted fund balance will be appropriated to offset the increase in expenditures.

The Capital Project Fund (401) should be increased \$85,000 from \$474,012 to \$559,012. This increase is needed to recognize the Operating Transfer from the General Fund to cover the cost of the design and construction of the Tuscola Pedestrian Alley project. This project consists of pedestrian enhancements such as the addition of decorative street lights, bollards, benches and stamped concrete. Revenues will be recognized in the Capital Project Fund, Transfer from the General Fund Account No. 401-0000-699.000. To offset the increase in revenues will be the same increase to the Capital Project Fund, Engineering Administration Division, Engineering Services Account No. 401-4611-802.000 in the amount of \$15,000 and Construction Projects Account No. 401-4611-822.000 in the amount of \$70,000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager

Subject: HUD Emergency Solutions Grant Subrecipient Contract Second Amendment for United Way of Saginaw County

Prepared by: Leticia Trevino, CDBG Specialist

Manager's Recommendation:

I recommend the approval of the second amendment to the contract with United Way of Saginaw County to include carryover funds for homelessness prevention and rapid re-housing increasing the agreement by \$11,817.00.

Justification:

The following information outlines the scope of activity and the original funding level for the project under the Emergency Solutions Grant contract between the United Way of Saginaw County, the Subrecipient, and the City:

United Way of Saginaw Co. Homelessness Prevention Rapid Rehousing \$35,642.00

This activity is administered through the United Way of Saginaw County. The program assists homeless clients find safe and affordable housing by providing short term rental assistance along with intense case management.

City Council approved the original Subrecipient Agreement with United Way on September 24, 2018 for Fiscal Year 2018-2019. The First Amendment increased their allocation by \$1,499.30 bringing their total allocation to \$37,141.30 which was approved by City Council on February 4, 2019. The second amendment increase of \$11,817.00 will bring their total allocation to \$48,958.30

I have approved the second contract amendment to the Emergency Solutions Grant Subrecipient Agreement between the City and United Way of Saginaw County 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: U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance – FY 2019 Strategies for Policing Innovation Grant

Prepared by: Brian Rowell, Community Public Safety – Police

Manager's Recommendation:

I recommend the approval of the FY 2019 Strategies for Policing Innovation Grant through the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for \$646,706 for the Police Department.

Justification:

The intent of the FY 2019 Strategies for Policing Innovation Grant is to assist in the reduction of crime and improve the functioning of the criminal justice system, specifically through support for innovative and evidence-based policing practices, more effective information sharing, and multi-agency collaboration. This grant provides needed resources and opportunities to the Saginaw Police Department to identify and define the City's most pressing crime problems, funds department personnel training and the purchase of technology-based crime-fighting tools. The period of this grant is from October 1, 2019 through September 30, 2022.

I have approved the 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: Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice– FY 2019 Law Enforcement-Based Victim Specialist Program Grant

Prepared by: Brian Rowell, Community Public Safety – Police

Manager's Recommendation:

I recommend the approval of the FY 2019 Victim Specialist Program Grant through the Office for Civil Rights, Office of Justice Programs, and U.S. Department of Justice for \$276,000 for the Police Department.

Justification:

The purpose of the FY 2019 Law Enforcement-Based Victim Specialist Program Grant is to develop or enhance law enforcement-based victim service programs in order to better support victims throughout the criminal justice process by connecting them with community-based direct victim services programs to more quickly and effectively serve them. This grant provides needed resources and opportunities to the Saginaw Police Department to continue to identify and respond to the needs of crime victims by funding the position of the Victim Services Specialist. The period of this grant is from October 1, 2019 through September 30, 2022.

I have approved the 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: Service, Support & Justice: A Strategy to Enhance Law Enforcement Response to Victims Grant

Prepared by: Brian Rowell, Community Public Safety – Police

Manager's Recommendation:

I recommend the approval of the Service, Support & Justice: A Strategy to Enhance Law Enforcement Response to Victims ("ELERV") grant from the Department of Justice, administered by the International Association of Chiefs of Police (IACP), for \$30,000, for work to be performed under the U.S. Department of Justice, Office for Victims of Crime, to offset personnel and other operational costs related to the ELERV initiative. The term of this Agreement is from October 1, 2019 through September 30, 2020.

It is also recommended that a budget adjustment be completed to increase the FY 2020 Police ELERV Grant Fund's Other Federal Grants Revenue Account No. 267-0000-501.027 from \$25,000 to \$55,000. To offset this increase in revenues will be an increase to the Police ELERV Grant Fund, Salaries Account No. 267-3341-702.000 by \$30,000.

Justification:

The ELERV initiative is part of a national strategy for creating comprehensive cultural transformation within the law enforcement community in the United States, helping to move forward a philosophy and practice of enhanced victim response. The Saginaw Police Department (SPD) began participation in the ELERV initiative on October 1, 2015. The SPD will continue to collect data and provide access related to the implementation of the ELERV strategy.

I have approved the 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: Homeland Security Grant for Throw Phone
Prepared by: Brian Rowell, Community Public Safety – Police

Manager's Recommendation:

I recommend approval of the grant award of \$28,499.95 from the 2019 State Homeland Security Grant to the Saginaw Police Department for the purchase of a Throw Phone System to be utilized by the Saginaw Police Department Emergency Services Team.

It is also recommended that a budget adjustment be completed to increase the General Fund Revenue, Police Donations, Account No. 101-0000-674.009 from \$0.00 to \$28,499.95. To offset the increase in revenue, the Community Public Safety Police, Police Technical Services, Capital Outlay Less Than \$5,000, Account No. 101-3515-971.000 should be increased by same.

Justification:

Throw phones are utilized by Emergency Services Teams to establish a line of communication with persons in an area of danger where personnel entry into the zone may be deemed too hazardous. Throw phones incorporate multiple communication and covert features to aid in scenarios such as hostage/crisis negotiation, and assist Tactical and Command personnel in attaining a safe and successful outcome when responding to an emergency/crisis situation.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Breathing Air Compressor/Fill Station Purchase
Prepared by: Christopher Van Loo, Fire Chief

Manager's Recommendation:

I recommend the approval of a purchase with Douglass Safety Systems for \$56,581.93 for a replacement Bauer Unicus 4 breathing air compressor and SCBA fill station for the Fire Department.

Justification:

On September 11, 2019, the Saginaw Fire Department received notification from FEMA that we were approved for a grant for a replacement breathing air compressor and fill station. On September 23, 2019, City Council approved the acceptance of this grant.

On May 21, 2019, the Fire Department received bids for the purchase of a replacement breathing air compressor and fill station for Station 1. On June 3, 2019, City Council approved the purchase of a new breathing air system and fill station for Station 1.

The purchase of this second breathing air compressor and fill station is necessary to replace the current system at Station 2. The current system has been well maintained. However, the manufacturer has gone out of business and replacement parts are no longer available. Due to its age and lack of replacement parts the current system needs to be replaced.

The vendor that supplied the first air compressor and fill station in June of 2019 has agreed to honor the price that they bid for the first system on May 21, 2019. The manufacturer has added an additional \$339.77 to the shipping charges due to size and shipping requirements of the unit for a total cost of \$56,581.93.

The following is a tabulation of the bids received on May 21, 2019. Only one bid was received.

<u>Vendor</u>	<u>Cost</u>
Douglass Safety Systems Sanford, MI	\$56,242.16

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's Repairs and Replacements Account No. 101-3551-974.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Software Maintenance Agreement Renewal
Prepared by: Phillip Karwat, Public Services Department

Manager's Recommendation:

I recommend approval of an agreement with Control Solutions, Inc. for \$2,265 for a two year software maintenance agreement renewal for the energy management system for various departments.

Justification:

On April 24, 2017, the City approved contract C-1637 for the Energy Management and Security Systems Replacement in the amount of \$340,703. The contract includes energy management system upgrades for City Hall, the Public Works Building and the Police Buildings, upgrades to the surveillance system and demand controls for the rooftop ventilation system for the Public Works Building, and steam trap and thermostatic valve replacements for the City Hall heating, ventilation and cooling system. The contract also included a software maintenance agreement that needs to be renewed.

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 Department of Public Works, Public Works Building Division's Operating Services Account No. 641-4439-805.000 \$755, General Fund, Facilities Division's Operating Services Account No. 101-7575-805.000 \$755 and General Fund, Police Building Management Division's Operating Services Account No. 101-3514-805.000 \$755.

I have approved the contract 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: Christmas Lights for City Hall
Prepared by: Phillip Karwat, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with Garpiel Landscaping for \$5,000; and pending budget approval for FY 2021 and FY 2022, for the professional services associated with the design, installation, removal and storage of Christmas lights for City Hall.

Justification:

The Public Services Department received a quote for the installation, removal and storage of Christmas Lights for City Hall. It was determined that Garpiel Landscaping is the area specialist in this field and collaborated last year on this lighting project. The quote included the most desirable design, along with the costs associated with designing, installing, removal and storage.

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, Department of Public Services, Facilities Division's Operation Services Account No. 101-7575-805.000 and will be budgeted in this account for FY 2021 and 2022, pending budget approval.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Annual Lawn Services
Prepared by: Bruce Caradine, Public Services Department

Manager's Recommendation:

I recommend approval of purchase with TruGreen, for \$12,801 for FY 2020; and pending budget approval for FY 2021 and FY 2022, for annual lawn fertilization services.

Justification:

On September 17, 2019, the City received one qualified bid for a three-year annual fertilization service at City properties. This service requires TruGreen to apply an early spring fertilization treatment, summer weed control treatment and a fall crabgrass control treatment to designated City-owned properties. The City properties that will receive these treatments are City Hall, Public Services, Police Department, Andersen Celebration Park, Forest Lawn and Oakwood Cemeteries, and Andersen Enrichment Center. Following is a tabulation of the bid received:

<u>Vendor</u>	<u>Costs</u>
Trugreen	\$12,801
Saginaw, MI (out City)	

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, Department of Public Services, Facilities Division's, Operating Services Account No. 101-7575-805.000 \$390, General Fund, Department of Public Services, Cemeteries Division's, Operating Services Account No. 101-1747-805.000 \$11,160, General Fund, Community Public Safety, Police, Building Management Division's, Operating Services, Account No. 101-3514-805.000 Account No. 101-3514-805.000 \$108, Public Works Building Fund, Public Works Building's Operating Services Account No. 641-4439-805-000 \$708, and General Fund, Celebration Park Division's Operating Services Account No. 101-7580-805.000 \$285, Andersen Center Operation, Andersen Enrichment Center's Operating Services Account No. 236-7540-805.000 \$150 and will be budgeted in the same amount and account numbers for Fiscal Years 2021 and 2022, pending budget approval.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Blanket Purchase Order for ETNA Supply Company.
Prepared by: Joshua Hoffman, Public Services Department

Manager's Recommendation:

I recommend the approval of a blanket purchase order with ETNA Supply Company for \$20,000 for FY 2020; and pending budget approval for FY 2021, for Sensus – AMRS Smart Point Transceivers and components for the Maintenance and Service Division.

Justification:

The Maintenance and Service Division requires the ability to purchase Sensus Smart Point Transceivers and AMRS components on a short notice or emergency basis throughout the fiscal year. An efficient way of purchasing these items is to establish a blanket purchase order. ETNA Supply is a sole source and the only franchise supplier in the State of Michigan for the Sensus AMRS transceivers and components. This allows the Maintenance and Service Division to purchase items from the vendor without having to establish individual purchase orders for each purchase. The City currently has over 19,000 Smart Points in its water distribution and transmission system which collects the water usage data from the water meters for calculating water and sewer billing

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 Operation and Maintenance Fund, Maintenance and Service Division's Meter Repairs and Replacements Account No. 591-4720-974.000 \$10,000 and Sewer Operations and Maintenance Fund, Maintenance and Service Division's Meter Repairs and Replacements Account No. 590-4820-974.000 \$10,000 and will be budgeted in the same accounts for FY 2021 pending budget approval.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Early Fill Road Salt Purchase
Prepared by: Beth D. London, Public Service Department

Manager's Recommendation:

I recommend the approval of a purchase with Detroit Salt Company, LLC for \$141,920 for road salt for the Streets Section, Right of Way Division.

Justification:

On April 18, 1977, City Council approved a cooperative purchasing agreement with the State of Michigan, which allows the City to purchase material and equipment at State bid pricing. The City has used this agreement to purchase road salt for ice control in the past. In March of 2019, the City placed an order for 2,000 tons of early fill road salt for this winter.

Detroit Salt Company, LLC was the low bidder on the State bid at \$70.96 per ton. This per ton price includes the salt, weighing, loading, handling and the truck freight charges. This per ton cost represents a 6% increase over the early fill road salt price of \$66.96 per ton from October of 2018 and a 4% increase over the season road salt price of \$67.27 from March of 2019.

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 Streets Fund, Winter Maintenance Division's Street and Road Materials Account No. 202-4655-743.000 \$56,768.00, the Major Streets Fund, State Winter Maintenance Division's Street and Road Materials Account No. 202-4692-743.000 \$63,864.00, and the Local Streets Fund, Winter Maintenance Division's Street and Road Materials Account No. 203-4655-743.000 \$21,288.00.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Purchase of Graco Line Lazers
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with PPG Paints for \$8,780 for two Graco line lazars for the Traffic Maintenance Section, Right of Way Division.

Justification:

On September 17, 2019, the City received eight bids for two Graco line lazars, which will be used to paint pavement markings. The current line lazars are over 30 years old and no longer function efficiently. The Traffic Maintenance Section of the Right of Way Division is required to maintain and replace, when necessary, the pavement markings throughout the City. The following is a tabulation of the bids received:

<u>Vendor</u>	<u>Costs</u>
PPG Paints. (out city) Saginaw, MI	\$ 8,780.00
Florida Transcor Jacksonville, FL	\$ 8,780.00
Sherwin Williams (out city) Saginaw, MI	\$ 9,150.00
Diamond Vogel Paints Minneapolis, MN	\$ 9,634.60
Norkan Inc Flint, MI	\$ 9,893.80
W.W. Grainger Lake Forest, IL	\$ 11,146.12
Northeastern Paint Supply (out city) Saginaw, MI	\$ 13,953.96
Border Construction Specialties Phoenix, AZ	\$ 17,776.06

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 Streets Fund, Traffic Engineering Division's Maintenance Equipment Account No. 202-4621-978.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: MDOT State Trunkline Maintenance Contract 2019-0766
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend the approval of the State Trunkline Maintenance Contract 2019-1766 with the Michigan Department of Transportation for the period of October 1, 2019 through September 30, 2024.

Justification:

The City currently provides maintenance such as street patching and sweeping and snow and ice control on the State trunklines within the City limits. In addition, the City maintains the traffic signals, signs, drainage fixtures, fencing and guardrail, and performs tree trimming and grass cutting duties within the State trunkline right-of-ways. The current contract with the State is a five year contract that expired on September 30, 2019. The annual contract budget for the last five years was \$294,947. The average annual revenue received from the contract during this five year period was \$287,395.

The new contract is a five year contract for the period of October 1, 2019 through September 30, 2024 and can be terminated with one year advance notice by either the City or Michigan Department of Transportation (MDOT). It is anticipated that the annual budget will be similar to the annual budget during the previous five years.

Pursuant to the terms of the Contract, the City will maintain the following State trunklines within the city limits: M-13, M-46, M-58, M-81 and M-84. The City will be reimbursed by MDOT for all costs to perform the work including equipment, labor and materials. Contract terms also allow the City to bid and administer trunkline maintenance projects for MDOT. The City will be compensated a 7.5% overhead rate to administer and process these contracts.

A resolution to approve the Contract and authorize the City Manager to sign the Contract on behalf of the City appears under the Resolutions business of this agenda. The resolution also designates the Deputy Director of Public Services as the Contract Administrator and authorizes the Deputy Director of Public Services to sign the annual Letter of Understanding outlining the annual scope of work and budget.

Council Action:

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

MICHIGAN DEPARTMENT OF TRANSPORTATION STATE TRUNKLINE MAINTENANCE CONTRACT 2019-0766

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

WHEREAS: Trunkline Maintenance Contract 2019-0766 has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to maintain the State Trunklines within the city limits: M-13, M-46, M-58, M-81 and M-84; and

WHEREAS: The future maintenance of the State Trunklines will be performed by the City of Saginaw for the duration of the Contract and MDOT will reimburse the City for all maintenance costs; and

WHEREAS: The participation by the City of Saginaw will help keep vehicular traffic safe on the State Trunklines; and

WHEREAS: The City of Saginaw's Deputy Director of Public Services is designated as the Contract Administrator for the Trunkline Maintenance Contract; and

WHEREAS: The City of Saginaw's Deputy Director of Public Services is designated as the representative to sign the annual Letter of Understanding listing the annual contract scope of work and budget; and

WHEREAS: The Contract has been approved by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager or his designee be authorized to execute the Michigan Department of Transportation State Trunkline Maintenance Contract 2019-0766 on behalf of the City of Saginaw.

Ayes:

Nays:

Absent:

Abstain:

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 October 7, 2019; 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, CMMC/MMC
City Clerk

From: Timothy Morales, City Manager
Subject: MDOT 23A Limestone Aggregate
Prepared by: Bruce Caradine, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with Champagne and Marx Excavating for \$8,825 for 500 tons of 23A limestone aggregate for the Cemeteries Division.

Justification:

On June 3, 2019, Council approved the purchase with L&L Excavating for the purchase of 500 tons of 23A stone aggregate for the maintenance and creation of gravel roads in Forest Lawn Cemetery. L&L Excavating is unable to meet their contract obligation with the City. The City is requesting second low bidder Champagne and Marx Excavating be awarded the contract for an additional \$700. The following is a tabulation of the bids received:

<u>Vendor</u>	<u>Cost</u>
L&L Excavating Reese, MI	\$8,125.00
Champagne & Marx Excavating Saginaw, MI	\$8,825.00
Blue Restoration, LLC Millington, MI	\$11,475.00

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, Department of Public Services, Cemeteries Division's Construction Projects Account No. 101-1747-822.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Ratification of Purchase Order Increase for Aqua Ground Storage Tank
Cathodic Repair
Prepared by: Theodore Bomba, Water and Wastewater

Manager's Recommendation:

I recommend ratification of an increase to purchase order 506524 with Corpro Companies, Inc. by \$3,000.00, for a new total of \$4,710.00, for the repair of the Aqua Ground Storage Tank Cathodic Protection System for the Water Treatment Division.

Justification:

Purchase order 506524 with Corpro was approved on July 12, 2019 for a three year preventative maintenance agreement for annual inspections of our steel water storage tanks. During a recent inspection, the reference cells at the Aqua Tank were found to have reached the end of their useful life, requiring replacement. By combining this repair with our annual service, there is a cost savings of approximately \$800.00. The water tank is currently being drained for the 5 year State of Michigan required inspection, creating the ideal time to complete these repairs since the faulty components are inside the tank. On September 18, 2019, we received a quote from Corpro for \$3,000.00 for all necessary labor, materials, equipment and supervision to complete the repairs.

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: Allen Bradley Programmable Logic Controller
Prepared by: Brian Baldwin, Water and Wastewater

Manager's Recommendation:

I recommend approval of a purchase with Kendall Electric, a sole source, for \$6,443.70 for an Allen Bradley Programmable Logic Controller for the Wastewater Treatment Division.

Justification:

On August 27, 2019, a quote was received from Kendall Electric for an Allen Bradley Programmable Logic Controller (PLC). Kendall Electric is the manufacturer's representative and the sole source for Allen Bradley in this area.

The Wastewater Treatment Plant has numerous Programmable Logic Controllers (PLC's) which control different plant processes and communicate with the plant's Supervisory Control and Data Acquisition System (SCADA). The PLC's currently in use throughout the plant are SLC 500's, which are no longer manufactured. Replacement cards for the SLC units are currently in excess of \$7,000.00, therefore, as these units fail it is more cost effective to replace the entire unit with Allen Bradley PLC's. This also provides spare parts to repair other SLC 500 units. Once these spare parts have been used, we will replace the remaining SLC 500 units with Allen Bradley PLC's.

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, Treatment and Pumping Division's Parts and Supplies Account No. 590-4830-742.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: DeZurik Valves / Repair Parts
Prepared by: Brian Baldwin, Water and Wastewater

Manager's Recommendation:

I recommend approval of a purchase with Kennedy Industries, a sole source, for \$2,352.00 for repair parts for DeZurik valves in the Wastewater Treatment Division.

Justification:

The Wastewater Treatment Plant has numerous DeZurik plug style valves throughout the plant, therefore we stock the parts needed to repair and rebuild them. Inventory has been depleted and requires replacement.

On September 5, 2019, a quote was received from Kennedy Industries for the parts needed to replenish our inventory. Kennedy Industries is the manufacturer's representative and the sole source for DeZurik in this area.

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, Treatment and Pumping Division's Parts and Supplies Account No. 590-4830-742.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Tim Morales, City Manager
Subject: Small Cell Ordinances Adoption
Prepared by: Phillip Karwat, Director of Public Services

Manager's Recommendation:

I recommend approval to introduce for adoption an ordinance adding §§116.041 through 116.045 of Chapter 116, "Telecommunications," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-204.

I further recommend approval to introduce for adoption an ordinance adding §§153.078 through 153.082 of Chapter 153, "Zoning Code," of Title XV, "Land Usage," of the City of Saginaw Code of Ordinances, O-204.

Justification:

On December 12, 2018, Governor Snyder signed the Small Wireless Communications Facilities Deployment Act, Public Act (PA) 365 of 2018. The Act's primary purpose is to accelerate and encourage deployment of small wireless infrastructure in the public right-of-way (ROW). Companion legislation was also enacted, Public Act 366 of 2018, which amended the Michigan Zoning Enabling Act to incorporate the provisions of PA 365. The intent of creating a dense network of small cell wireless facilities is to provide better signal coverage, penetration, and capacity, as well as build the infrastructure necessary for the deployment of more advanced "5G" networks. About the same time, the FCC likewise adopted a ruling and order similarly controlling such matters.

PA 365 (Act) limited municipalities' ability to prohibit the construction and placement of such facilities within the public ROWs. However, with significant restrictions, the Act allows for municipal regulation through both a regulatory permitting process and a zoning ordinance. The Act also allows for some limited design criteria requirements. PA 365 institutes deadlines and limits fees for municipal review of applications for permits. In order to assist municipalities through the process, as well as develop conformity in application across the State, the Grand Valley Metro Council and PROTEC developed model ordinances for consideration. The City Attorney has reviewed these ordinances, as well as the FCC order, PA 365, and PA 366, and prepared language for consideration for adoption.

The City Planning Commission held a public hearing during their regular meeting on September 24, 2019, and approved a recommendation to City Council for approval of the addition to Chapter 153, "Zoning Code."

Council Action:

This Council Communication is for explanation purposes of the ordinances 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 §§116.041 THROUGH 116.045 OF CHAPTER 116, "TELECOMMUNICATIONS," OF TITLE XI, "BUSINESS REGULATIONS," 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 October 7, 2019, entitled and reading as follows, be taken up and enacted:

O-_____

AN ORDINANCE TO ADD §§116.041 THROUGH 116.045 OF CHAPTER 116, "TELECOMMUNICATIONS," OF TITLE XI, "BUSINESS REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw ordains:

Section 1. §§116.041 through 116.045 of Chapter 116, "Telecommunications," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-204, is hereby added to read as follows:

Permitting of Small Cell Wireless Facilities

§116.041 TITLE AND PURPOSE.

This Ordinance shall be known and may be cited as the Permitting of Small Cell Wireless Facilities Ordinance. Its purpose is to regulate the siting of small cell wireless facilities.

§116.042 DEFINITIONS.

(A) For purposes of this ordinance, the following words, terms and phrases shall be defined as follows:

Act shall mean Public Act 365 of 2018, as amended, Michigan's Small Wireless Communications Facilities Deployment Act.

Applicant shall mean the wireless provider who has applied for or been issued a Permit as provided in this ordinance. Applicant does not include an investor-owned utility whose rates are regulated by the Michigan Public Service Commission.

City means the City of Saginaw.

Co-locate means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. *Co-location* has a corresponding meaning. Co-locate does not include make-ready work or the installation of a new utility pole or new wireless support structure.

Director means the City's Director of Public Services or their designee.

The term *Permit* means a Small Cell Wireless Facility Permit issued by the City pursuant to this Chapter. The term *permit* shall have its common meaning.

Person means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Public right-of-way or *ROW* means the area on, below, or above a public roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses. Public right-of-way does not include any of the following:

- (i) A private right-of-way.
- (ii) A limited access highway.
- (iii) Land owned or controlled by a railroad as defined in section 109 of Public Act 354 of 1993, as amended, the Railroad Code of 1993.
- (iv) Railroad infrastructure.

Small cell wireless facility means a wireless facility that meets both of the following requirements:

- (i) Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.
- (ii) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Utility pole means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements in Section 13(5) of the Act and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than 15 feet in height above ground.

Wireless facility means equipment at a fixed location that enables the provision of wireless services between user equipment and a communications network, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes a small cell wireless facility. Wireless facility does not include any of the following:

- (i) The structure or improvements on, under, or within which the equipment is co-located.
- (ii) A wireline backhaul facility.

(iii) Coaxial or fiber-optic cable between utility poles or wireless support structures or that otherwise is not immediately adjacent to or directly associated with a particular antenna.

Wireless infrastructure provider means any person, including a person authorized to provide telecommunications services in this state, but not including a wireless services provider that builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures and who, when filing an application as required in this ordinance, provides written authorization to perform the work on behalf of a wireless services provider.

Wireless provider means a wireless infrastructure provider or a wireless services provider.

Wireless services means any services, provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

Wireless services provider means a person that provides wireless services.

Wireless support structure means a freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.

(B) All other terms and phrases used herein shall be defined consistent with the Act.

§116.043 SCOPE OF AUTHORITY.

(A) Except as provided in this ordinance or the Act, the City shall not prohibit, regulate, or charge for the co-location of small cell wireless facilities.

(B) The approval of a small cell wireless facility under this ordinance authorizes only the co-location of a small cell wireless facility and does not authorize either of the following:

- (1) The provision of any services.
- (2) The installation, placement, modification, maintenance, or operation of a wireline in the ROW.

§116.044 PERMIT REQUIRED.

(A) An applicant may not co-locate a small cell wireless facility or install, modify, or replace a utility pole or wireless support structure on which a small cell wireless facility will be co-located within the public right-of-way (ROW) without first applying for and receiving a Permit from the Director in a form, and subject to such terms and conditions, as are acceptable to the Director.

(B) The processing of an application for a Permit under this section is subject to all of the following:

(1) An application in such form as prepared by the Director shall be completed and submitted as set forth in this section.

(2) The Director may require an applicant to provide information and documentation to enable them to make a compliance determination with regard to the criteria in this section. The Director may also require a certificate of compliance with Federal Communications Commission rules related to radio frequency emissions from a small cell wireless facility.

(3) If the proposed activity will occur within a shared ROW or a ROW that overlaps another ROW, an applicant shall provide, to each affected jurisdiction to which an application for the activity is not submitted, notification of the applicant's intent to locate a small cell wireless facility within the ROW. The Director may require proof of other necessary permits, permit applications, or easements to ensure all necessary permissions for the proposed activity are obtained.

(4) The Director may require an applicant to attest that the small cell wireless facility will be operational for use by a wireless provider within 1 year after the Permit issuance date, unless the Director and the applicant agree to extend this period or delay is caused by lack of commercial power or communications transport facilities to the site.

(5) An applicant may, at the applicant's discretion, file a consolidated application and receive a single Permit for the co-location of up to 20 small cell wireless facilities within the City. The small cell wireless facilities within a consolidated application must consist of substantially similar equipment and be placed on similar types of utility poles or wireless support structures. The Director may approve a Permit for 1 or more small cell wireless facilities included in a consolidated application and deny a Permit for the remaining small cell facilities.

(6) The application for a Permit under this section shall be accompanied by an application fee as established by the City Council and posted in the office of the City Clerk.

(7) The Permit application shall be accompanied by a map(s) for any proposed small cell wireless facilities which shall be legible, to scale, labeled with streets, and contain sufficient detail to precisely identify the proposed small cell wireless facilities' locations and surroundings. Where applicable, the required map(s) shall include and identify any requested pole height(s), all attachments and detailed drawings of any attachment.

(8) The applicant shall field-stake all proposed locations for small cell wireless facilities which shall be subject to the advance approval of the Director, Saginaw County Road Commission and/or the Michigan Department of Transportation, as applicable. All approved small cell wireless facilities' locations shall be on a per pole/equipment/other basis.

(9) Once precise locations have been approved, the applicant shall provide latitude and longitude coordinates for the small cell wireless facilities' locations to the Director, as well as detailed as-built drawings within 90 days of the completion of installation.

(10) The applicant shall be responsible to obtain such other licenses, permits, and/or approvals as otherwise required by federal or state law or administrative rules or City ordinance or regulation.

(C) (1) Within 25 days after receiving an application, the Director shall notify the applicant in writing whether the application is complete. If the application is incomplete, the Director shall provide notice that clearly and specifically identifies all missing documents or information.

(2) Upon receipt of a complete application, the Director shall approve or deny the application and notify the applicant in writing within the following period of time after the completed application is received:

(a) For an application for the co-location of small cell wireless facilities on a utility pole, 60 days, subject to the following adjustments:

(i) Add 15 days if an application from another applicant was received within 1 week of the application in question.

(ii) Add 15 days if, before the otherwise applicable 60-day or 75-day time period elapses, the Director notifies the applicant in writing that an extension is needed and the reasons for the extension.

(b) For an application for a new or replacement utility pole that meets the height requirements of the Act and associated small cell facility, 90 days, subject to the following adjustments:

(i) Add 15 days if an application from another applicant was received within 1 week of the application in question.

(ii) Add 15 days if, before the otherwise applicable 90-day or 105-day time period elapses, the Director notifies the applicant in writing that an extension is needed and the reasons for the extension.

(3) If the Director fails to comply with this subsection, an application otherwise complete is considered to be approved subject to the condition that the applicant provide the Director not less than 7 days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval and the applicant shall be responsible to comply with all provisions of this subchapter and the Act.

(4) The Director and an applicant may extend a time period under this subsection by mutual agreement.

(D) The Director may deny a completed application for a proposed co-location of a small cell wireless facility or installation, modification, or replacement of a utility pole that meets the height requirements of the Act, if the proposed activity would do any of the following:

(1) Materially interfere with the safe operation of traffic control equipment.

(2) Materially interfere with sight lines or clear zones for transportation or pedestrians.

(3) Materially interfere with compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, or similar federal, state, or local standards regarding pedestrian access or movement.

(4) Materially interfere with maintenance or full unobstructed use of public utility infrastructure under the jurisdiction of the City.

(5) With respect to drainage infrastructure under the jurisdiction of the City, either of the following:

(a) Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed.

(b) Not be located a reasonable distance from the drainage infrastructure to ensure maintenance under Public Act 40 of 1956, as amended, Michigan's Drain Code of 1956, and access to the drainage infrastructure.

(6) Fail to comply with reasonable, nondiscriminatory, written spacing requirements of general applicability adopted by the City by ordinance, administrative regulation, or otherwise that apply to the location of ground-mounted equipment and new utility poles and that do not prevent an applicant from serving any location.

(7) Fail to comply with other applicable codes or ordinances.

(8) Fail to comply with any provision of this ordinance.

(9) Fail to meet reasonable, objective, written stealth or concealment criteria for small cell wireless facilities applicable in a historic district or other designated area, as specified in an ordinance or otherwise and non-discriminatorily applied to all other occupants of the ROW, including electric utilities, incumbent or competitive local exchange carriers, fiber providers, cable television operators, and the City.

(E) Within 1 year after a Permit is granted, an applicant shall complete co-location of a small cell wireless facility that is to be operational for use by a wireless services provider, unless the Director and the applicant agree to extend this period or the delay is caused by the lack of commercial power or communications facilities at the site. If the applicant fails to complete the co-location within the applicable time, the Permit is void, and the applicant may reapply for a Permit.

(F) Approval of an application authorizes the applicant to do both of the following:

(1) Undertake the installation or co-location.

(2) Subject to relocation requirements that apply to similarly situated users of the ROW and the applicant's right to terminate at any time, maintain the small cell wireless facilities and any associated utility poles or wireless support structures covered by the Permit for so long as the site is in use and in compliance with the initial Permit under the Act and ordinance.

(G) The Director may propose an alternate location within the ROW or on property or structures owned or controlled by the City within 75 feet of the proposed location to either place the new utility pole or co-locate on an existing structure. The applicant shall use the alternate location if, as determined by the applicant, the applicant has the right to do so on reasonable terms and conditions and the alternate location does not impose unreasonable technical limits or significant additional costs. The Director may request written confirmation of any decision rendered by the applicant under this subsection and the specific basis for the same.

(H) Nothing herein shall prohibit the Director from requiring a separate ROW access permit for work that will unreasonably affect traffic patterns or obstruct vehicular or pedestrian traffic in the ROW.

(I) As a condition of the issuance of a Permit, the applicant shall obtain and maintain a bond, in the amount of \$1,000.00 per small cell wireless facility, in a form reasonably satisfactory to the Director, for the small cell wireless facility as applicable to similarly situated users of the ROW for one or more of the following purposes:

(1) To provide for the removal of abandoned or improperly maintained small cell wireless facilities, including those that the City determines should be removed to protect public health, safety, or welfare.

(2) To repair the ROW as provided under the Act.

(3) To recoup rates or fees that have not been paid by an applicant in more than 12 months, if the applicant has received 60-days' advance notice from the City of the noncompliance.

(J) It is a condition of any Permit issued under this ordinance that:

(1) An applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of any wireless facilities, wireless support structures, or utility poles to the extent caused by the applicant, its contractors, its subcontractors, and the officers, employees, or agents of any of these. An applicant has no obligation to defend, indemnify, or hold harmless the City, or the officers, agents, or employees of the City against any liabilities or losses due to or caused by the sole negligence of the City or its officers, agents, or employees.

(2) An applicant shall obtain insurance, in an amount and of a type reasonably satisfactory to the Director, naming the City and its officers, agents, and employees as additional insureds against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees. An applicant may meet all or a portion of these requirements by self-insurance. To the extent it self-insures, an applicant is not required to name additional insureds under this subsection. To the extent an applicant elects to self-insure, the applicant shall provide to the Director evidence demonstrating, to the Director's satisfaction, the applicant's financial ability to meet the insurance coverage and limit requirements of this subsection.

(K) It is the policy of the City to encourage the co-location of small cell wireless facilities first, outside of public rights-of-way and, secondarily, within the public rights-of-way. The co-location of uses shall be a condition of approval of any Permit granted for a new wireless support structure or utility pole in the public right-of-way; provided, however, that the co-location requirement may be waived if the pole or support structure is disguised so as to blend with the immediate environment (e.g., streetlights, power poles, etc.).

(L) No person shall install or operate "telecommunications facilities," as defined in Public Act 48 of 2002, as amended, the Metropolitan Extension Telecommunications Rights-Of-Way Oversight Act, without first obtaining a permit in accordance with that law and City ordinance, including any part of a small cell wireless facility, utility pole, or wireless support structure constituting telecommunication facilities.

(M) The following minimal design parameters shall apply to small cell wireless facilities, utility poles and wireless support structures in the City's public rights-of-way:

(1) An applicant may, as a permitted use not subject to zoning review or approval, but still subject to approval by the Director under this ordinance, co-locate small cell wireless facilities and construct, maintain, modify, operate, or replace utility poles in, along, across, upon, and under the ROW consistent with the following:

(a) A utility pole in the ROW installed or modified on or after the effective date of the Act shall not exceed 40 feet above ground level, unless a taller height is agreed to by the Director consistent with all applicable laws.

(b) A small cell wireless facility in the ROW installed or modified after the effective date of the Act shall not extend more than 5 feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

(2) Such structures and facilities shall be constructed and maintained so as not to obstruct or hinder the usual travel or public safety on the ROW or obstruct the legal use of the City's ROW or uses of the ROW by other utilities and communications service providers.

(3) An applicant may co-locate a small cell wireless facility or install, construct, maintain, modify, operate, or replace a utility pole that exceeds the height limits under subsection (1), or a wireless support structure, in, along, across, upon, and under the ROW only upon issuance of a Permit in accordance with this ordinance and upon receiving any zoning approvals that may be required by the City.

(N) The following design and concealment measures shall apply to the co-location of any small cell wireless facility or utility pole in a historic district, downtown district, including the RMU district, or residential zoning district:

(1) Equipment on a supporting structure may not exceed an aggregate width of 4 feet (centered on pole) and shall be secured a minimum of 10 feet from the ground surface or 18 feet where equipment may overhang the back of curb line. Ground level equipment or shelters are not permitted.

(2) Small cell wireless facilities shall be located no closer than 18 inches from an existing sidewalk/face of curb or 18 inches from a proposed future sidewalk/face of curb location.

(3) Small cell wireless facilities shall be located no closer than 10 feet from any driveway.

(4) Small cell wireless facilities shall be located in line with a side lot line and not in front of a residence.

(O) (1) Unless otherwise required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or applicable codes, poles shall either maintain a galvanized silver, gray or concrete finish or, subject to any applicable standards of the FCC, FAA, or applicable codes, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At all pole sites related equipment shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and environment to the extent reasonably practical.

(3) All poles shall be of monopole design and construction unless the Director approves an alternate design. Disguising poles is encouraged.

(P) Any design requirements established by the City shall not have the effect of prohibiting any applicant's technology.

(Q) (1) An applicant shall comply with any City requirements that prohibit communications service providers from installing structures on or above ground in the ROW in an area designated solely for underground or buried cable and utility facilities if each of the following apply:

(a) The City has required all cable and utility facilities, other than City poles, along with any attachments, or poles used for street lights, traffic signals, or other attachments necessary for public safety, to be placed underground by a date that is not less than 90 days before the submission of the applicant's application.

(b) The City does not prohibit the replacement of City poles by an applicant in the designated area.

(R) (1) Upon the written request of an applicant for a Permit, the Zoning Board of Appeals may modify the design parameters, including the undergrounding requirements, contained in this ordinance following a hearing and based on its review of factors affecting the public health, safety and welfare including, but not limited to, the following:

(a) The presence of existing poles or other structures or equipment in the immediate vicinity;

(b) The ability to reasonably comply with the design parameters set forth in this ordinance;

(c) The visual and aesthetic impact of the proposed pole, antenna or facilities on the adjacent area;

(d) The existing and planned character of the adjacent area;

(e) Public comment;

(f) The scale and scope of the poles, antennas or facilities relative to the existing character of the area;

(g) Whether granting the modification will adversely impact public safety; and

(h) The recommendations of City staff.

(2) Following its review, the Zoning Board of Appeals may grant, deny, or grant with conditions a request to modify the design parameters and shall provide its decision and the basis for the same to the applicant in writing. The applicant shall be responsible to pay all costs of the City associated with the request to modify the design parameters.

(S) As a condition to the issuance of a Permit under this section, an applicant is required to repair all damage to the ROW directly caused by the activities of the applicant while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing small cell wireless facilities, utility poles, or wireless support structures in the ROW and to return the ROW to its functional equivalent before the

damage. If the applicant fails to make the repairs required by the City within 60 days after written notice, the City may make those repairs and charge the applicant the reasonable, documented cost of the repairs.

(T) Before discontinuing its use of a small cell wireless facility, utility pole, or wireless support structure, an applicant shall notify the Director in writing. The notice shall specify when and how the applicant intends to remove the small cell wireless facility, utility pole, or wireless support structure. The Director may impose reasonable and nondiscriminatory requirements and specifications for the applicant to return the property to its pre-installation condition. If the applicant does not complete the removal within 45 days after the discontinuance of use, the City may complete the removal and assess the costs of removal against the applicant. A Permit under this section for a small cell wireless facility expires upon removal of the small cell wireless facility.

(U) The City may revoke a Permit, upon 30 days' written notice to the applicant and an opportunity to cure, if the permitted small cell wireless facilities and any associated utility pole fail to meet the requirements of this section.

(V) The Permittee shall be responsible to comply with all applicable legal requirements and to obtain any permits or approvals otherwise required by federal or state law or rule or City ordinances and regulations relative to the installation or operation of small cell wireless facilities in the City's public rights-of-way, including but not limited to electrical permits and encroachment permits. The City, in reviewing and authorizing a Permit under the Act and/or a Permit referred to in this section, and the Permittee, in the establishment and operation of any small cell wireless facilities, shall comply with all applicable federal and state laws and rules and City ordinances and regulations.

(W) Fees for the Permits as authorized under the Act shall be as provided for in the Act or those documents and as periodically authorized by City Council and posted in the office of the City Clerk; provided, however, that for installations of utility poles designed to support small cell wireless facilities or co-locations of small cell wireless facilities installed and operational in the ROW before the effective date of the Act, the fees, rates, and terms of an agreement or ordinance for use of the ROW remain in effect subject to the termination provisions contained in the agreement or ordinance.

§116.045 EXCEPTIONS.

(A) The City shall not require a Permit or any other approval or require fees or rates for any of the following:

- (1) The replacement of a small cell wireless facility, with a small cell wireless facility that is not larger or heavier, in compliance with City ordinances.
- (2) Routine maintenance of a small cell wireless facility, utility pole, or wireless support structure.

(3) The installation, placement, maintenance, operation, or replacement of a micro wireless facility that is suspended on cables strung between utility poles or wireless support structures in compliance with applicable City ordinances.

This ordinance shall become effective November 14, 2019.

Enacted: November 4, 2019.

Yeas:

Nays:

Absent:

Abstain:

ORDINANCE DECLARED ADOPTED

Floyd Kloc
Mayor

Janet Santos, CMMC/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 November 4, 2019; 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, CMMC/MMC
City Clerk

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

O-_____

AN ORDINANCE TO ADD §§153.078 THROUGH 153.082 OF CHAPTER 153, "ZONING CODE," OF TITLE XV, "LAND USAGE," 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 October 7, 2019, entitled and reading as follows, be taken up and enacted:

O-_____

AN ORDINANCE TO ADD §§153.078 THROUGH 153.082 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. §§153.078 through 153.082 of Chapter 153, "Zoning Code," of Title XV, "Land Usage," of the City of Saginaw Code of Ordinances, O-204, is hereby added to read as follows:

Small Cell Wireless Facilities

§153.078 GENERAL

The co-location of a small cell wireless facility and associated support structure within a public right of way ("ROW") is not subject to zoning reviews or approvals under this ordinance to the extent exempt from such reviews under Public Act 365 of 2018, as amended, the Small Wireless Communications Facilities Deployment Act. In such cases, a utility pole in the ROW may not exceed 40 feet above ground level without special land use approval, and a small cell wireless facility in the ROW shall not extend more than 5 feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

Co-location of a small cell wireless facility or installation of an associated support structure shall require that the wireless provider apply for and obtain a permit from the City consistent with the Permitting of Small Cell Wireless Facilities Ordinance, §§116.041-116.045. Small cell wireless facilities and associated support structures not exempt from zoning reviews are only permitted in accordance with the provisions of the City's zoning ordinance and Act 365, and upon application for and receipt from the City of a permit consistent with the Permitting of Small Cell Wireless Facilities Ordinance.

§153.079 DEFINITIONS

(A) For purposes of this subchapter, the following words, terms and phrases shall be defined as follows:

Applicant shall mean a wireless provider who has applied for or been issued a zoning approval as provided in this ordinance.

Chief Inspector shall mean the City of Saginaw's Chief Inspector or their designee.

Wireless Communication Equipment means the set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communication support structures.

Wireless Communication Support Structure means a structure that is designed to support, or is capable of supporting, wireless communication equipment. A wireless communication support structure may include a monopole, lattice tower, guyed tower, water tower, utility pole or building.

Small cell wireless facility means a wireless facility that meets both of the following requirements:

(i) Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.

(ii) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

(B) All other terms and phrases used herein shall be defined consistent with Public Act 365 of 2018, as amended, and/or Public Act 366 of 2018, as amended.

§153.080 WIRELESS COMMUNICATION EQUIPMENT

(A) Wireless communication equipment (but not a wireless communication support structure) is a permitted use and allowed in all zoning districts. Wireless communication equipment does not have to be related to the principal use of the site. Wireless communication equipment is not subject to zoning review and approval if all of the following requirements are met:

(1) The wireless communication equipment will be co-located on an existing wireless communication support structure or in an existing equipment compound.

(2) The existing wireless communication support structure or existing equipment compound is in compliance with the City's zoning ordinance or was approved by the appropriate zoning body or official for the City.

(3) The proposed co-location will not do any of the following:

(a) Increase the overall height of the wireless communication support structure by more than 20 feet or 10% of its original height, whichever is greater.

(b) Increase the width of the wireless communication support structure by more than the minimum necessary to permit co-location.

(c) Increase the area of the existing equipment compound to greater than 2,500 square feet.

(4) The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communication support structure or equipment compound by the appropriate zoning body or official of the City.

(B) Notwithstanding the foregoing, wireless communication equipment otherwise exempt must still comply with all other applicable City codes including a requirement that the Chief Inspector determines that the co-location will not adversely impact the structure to which it is attached.

(C) A co-location that meets the requirements of subsections (A)(1) and (2), above, but which does not meet subsections (A)(3) or (4), is subject to special land use review by the Planning Commission in accordance with the City's zoning ordinance and Sections 514(3) to (6) of Public Act 366 of 2018, as amended.

(D) Any equipment placed in a residential district shall not be erected at a height that requires lighting. Any equipment placed adjacent to a residential district or use that requires lighting shall be a continuous red beacon at night.

(E) Wireless communication equipment that is not attached to an existing structure (thus requiring the installation of a new wireless communication support structure), is subject to special land use review consistent with the City's zoning ordinance and consistent with the City's Master Plan.

§153.081 SPECIAL LAND USE STANDARDS FOR WIRELESS COMMUNICATION FACILITIES

(A) Wireless communication support structures must be installed on a lawful lot for the zoning district in which it is located, either as a principal use, or as an accessory use related to the principal use, and must meet all of the requirements established by this code for such zoning districts.

(B) To the extent the other requirements of this code, including §153.087 and §153.490, do not conflict with this chapter, Public Act 365 of 2018, as amended, or Public Act 366 of 2018, as amended, such requirements shall still apply to the placement of wireless communication facilities and wireless communication support structures.

§153.082 SPECIAL LAND USE STANDARDS FOR NON-EXEMPT SMALL CELL WIRELESS FACILITIES

(A) The modification of existing or installation of new small cell wireless facilities, or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities, that are not exempt from zoning review in accordance

with Public Act 365 of 2018, as amended, shall be subject to special land use review and approval in accordance with the following procedures and standards:

(1) The processing of an application is subject to all of the following requirements:

(a) Within 30 days after receiving an application under this subsection, the Chief Inspector shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.

(b) The running of the time period tolled under subdivision (a) resumes when the applicant makes a supplemental submission in response to the Chief Inspector's notice of incompleteness.

(c) A complete application shall be submitted to the Planning Commission for review.

(c) The Planning Commission shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or 150 days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Chief Inspector.

(2) The Planning Commission shall base its review of the special land use request on the standards contained within the City's zoning ordinance; provided, however that a denial shall comply with all of the following:

(a) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously with the denial.

(b) There is a reasonable basis for the denial.

(c) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

(3) In addition to the provisions set forth above, in the Planning Commission's review:

(a) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.

(b) An applicant shall not be required to submit information about its business decisions with respect to any of the following:

(i) The need for a wireless support structure or small cell wireless facilities.

(ii) The applicant's service, customer demand for the service, or the quality of service.

(c) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.

(d) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.

(4) The fee for zoning review of a special land use and associated site plan shall be as established by the City Council and posted in the Office of the City Clerk.

(5) Within 1 year after a zoning approval is granted, an applicant shall commence construction of the approved structure or facilities that are to be operational for use by it, unless the Chief Inspector and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the applicant fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

(a) An applicant may voluntarily request that a zoning approval be terminated.

(6) The City shall not institute a moratorium on either of the following:

(a) Filing, receiving, or processing applications for zoning approval under this subsection.

(b) Issuing approvals for installations that are not a permitted use.

(7) The City may revoke a zoning approval, upon 30 days' notice and an opportunity to cure, if the small cell wireless facilities and any associated wireless support structure fail to meet the requirements of the approval, applicable codes, or applicable zoning requirements.

This ordinance shall become effective November 14, 2019.

Enacted: November 4, 2019.

Yeas:

Nays:

Absent:

Abstain:

ORDINANCE DECLARED ADOPTED

Floyd Kloc
Mayor

Janet Santos, CMMC/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 November 4, 2019; 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, CMMC/MMC
City Clerk

From: Timothy Morales, City Manager
Subject: 2018 Homeland Security Program Subrecipient Agreement
Prepared by: Christopher Van Loo, Fire Chief

Manager's Recommendation:

I recommend the adoption of the resolution approving the 2018 Homeland Security Program Subrecipient Funding Agreement and Addendum.

Justification:

The City of Saginaw Police and Fire Departments receive funding for equipment and personnel overtime reimbursements for training through the Homeland Security Grant Program (HSGP) which is administered through the State of Michigan Region 3 Homeland Security Planning Board (R3HSPB). On August 6, 2018 the City of Midland was elected to serve as the fiduciary for the R3HSPB for the purpose of passing through 2018 HSGP funds to the City of Saginaw and other local units within Region 3. On September 9, 2019 the R3HSPB approved a subrecipient agreement between the City of Midland and all local units seeking funding through the 2018 HSGP. The subrecipient agreement is an Urban Cooperative Agreement (UCA) that outlines the mutual promises, obligations, representations, and assurances between the City of Midland and any local units receiving 2018 HSGP funds. The City of Saginaw's Attorney reviewed the subrecipient agreement and created an addendum to the subrecipient agreement that provides further protections for the City of Saginaw. Attorney's from the City of Saginaw and the City of Midland mutually agreed to the addendum on September 19, 2019 and it is included with the subrecipient agreement.

Since it is a UCA, the subrecipient agreement and addendum must be adopted by resolution by Saginaw City Council in order for the Saginaw Police and Fire Departments to receive equipment and personnel training overtime reimbursements through the 2018 HSGP.

The agreement has been approved by me for substance and the City Attorney as to form.

Council Action:

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

2018 HOMELAND SECURITY PROGRAM SUBRECIPIENT FUNDING AGREEMENT AND ADDENDUM

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

WHEREAS: on August 6, 2018, pursuant to the Urban Cooperation Act of 1967, 1967 PA 7, MCL 124.501, et seq., the City of Midland was elected by the Region 3 Homeland Security Planning Board as the fiduciary for the purpose of passing through 2018 Homeland Security Grant Program (HSGP) funds to the various Subrecipient of the grant; and

WHEREAS: the City of Saginaw is a Subrecipient that qualifies to receive funding; and

WHEREAS: it will greatly benefit the City of Saginaw to participate in the 2018 HSGP; and

WHEREAS: the City of Saginaw has the authority to execute this Agreement and Addendum pursuant to resolution of its governing body.

NOW, THEREFORE BE IT RESOLVED: the City of Saginaw finds it is in the best interest of its citizens from a safety and fiscal standpoint to approve this Agreement and its Addendum.

Ayes:

Nays:

Absent:

Abstain:

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 October 7, 2019; 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, CMMC/MMC
City Clerk