



Saginaw City Council Agenda

1315 S. Washington Avenue
Council Chamber - Room 205
989.399.1311
November 4, 2019
6:30 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Proclamation recognizing the 90th anniversary of the Saginaw Branch of the Woman's National Farm and Garden Association.

PUBLIC HEARINGS:

PUBLIC INPUT:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

1. The Henry Marsh Bridge-Cement Sky Project Update, Annette Rummel, CEO, and Ann Doyle, Lead Travel Tech, Great Lakes Bay Regional Convention and Visitors Bureau.

CONSENT AGENDA:

1. Approve the October 21, 2019 regular council meeting minutes.
2. Approve the 2020 City Council meeting schedule.
3. Approve the Workers Compensation Claims Management Service Agreement with Comprehensive Risk Services, LLC for an annual base fee of \$37,900 for January 1, 2020 through December 31, 2023.
4. Approve the amendments to the FY 2020 Approved Budget to recognize changes that have occurred during the September period.
5. Approve the Professional Services Agreement with Cumulus Media for an amount not to exceed \$12,000 for radio marketing for the City of Saginaw.
6. Approve the First Amendment to the Professional Services Agreement with the Child Abuse and Neglect Council for the Police Department.
7. Approve the purchase with Mark Hoffman Builders, Inc. for \$21,477 for pole building construction at the Police Department's outdoor firing range.
8. Approve the purchase with US Imaging for \$18,989 for the digital conversion of the historical microfilm documents for the Assessing and City Clerk's Office.

9. Approve the purchase with Ricoh USA for \$4,194 for six Fujitsu desktop scanners for the Income Tax Division.
10. Approve a five-year lease with Ricoh USA for \$3,778 for a multi-function copier for the Technical Services Department.
11. Approve the amendment to the City Fees and Rates Schedule for the Public Services Department.
12. Approve the purchase with Todd Wenzel Buick GMC for \$138,395 for two 2020 GMC Sierra 1500 Double Cab 4x4 and two 2020 GMC Sierra 2500 Double Cab 4x4 Pickup Trucks for the Wastewater Division.
13. Approve the purchase with Truck and Trailer Specialties, Inc. for \$20,075 for a hook loader stake rack attachment for the Wastewater Division.
14. Approve the purchase with Dover and Company for \$3,446 for overhead door replacement at the City Hall Garage.
15. Approve the purchase with Three Rivers Corporation for \$6,738 for FY 2020; and pending budget approval for FY 2021 and FY 2022, for annual boiler inspections for the Facilities Division.
16. Approve the purchase with Drew Gulliver Builders for \$8,910 for the replacement of three roofs at the boat launch for the Facilities Division.
17. Ratification of a purchase with Beyer Roofing Company, Inc. for \$3,535 for roof repairs at the City Hall Garage for the Facilities Division.
18. Approve the purchase with Beyer Roofing Company, Inc. for \$31,200 for the replacement of the roof at the Andersen Center.
19. Approve the purchase with MTech Company for \$7,286 for a Mud Master Crane Hoist and accessories for the Maintenance and Service Division.
20. Approve to increase the purchase blanket purchase order with Wohlfeil's Hardware and Tools, Inc. by \$2,001, for a new total of \$4,000, for small engine parts and supplies for the Maintenance and Service Division.
21. Approve the purchase with 3M for \$3,154 for vinyl sign production materials for the Traffic Maintenance Section, Right of Way Division.

BOARD/COMMISSION/COMMITTEE REPORTS:

APPOINTMENT OF BOARD/COMMISSION/COMMITTEE MEMBERS:

ORDINANCE INTRODUCTION:

ORDINANCE CONSIDERATION AND ADOPTION:

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.

RESOLUTIONS:

1. Approve the City of Saginaw annual apportionment of \$6,894 for the Saginaw Area Storm Water Authority Budget for FY 2020.
2. Establish rates, charges, and fees associated with wireless communications equipment, support structures, and small cell wireless facilities and associated structures.

UNFINISHED BUSINESS:

MISCELLANEOUS BUSINESS:

1. Consideration of a FOIA Appeal submitted by Billy Collins.
2. Consideration of a motion to go into closed session to discuss pending litigation in Kohlhoff v. City of Saginaw per MCL 15.268(e) and for strategy session connected with the negotiation of a collective bargaining agreements pursuant to MCL 15.268(c).

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 Saginaw Branch of the Woman's National Farm and Garden Association is celebrating 90 years in the City of Saginaw. The Saginaw Branch was established in 1929, with the purpose of stimulating interest in agriculture and horticulture to beautify our surroundings; and

WHEREAS, planting of lilac bushes at the Water Treatment Plant was the first project completed by the Saginaw Branch of the Woman's National Farm and Garden Association. Enhancing the grounds at the Castle Museum, Saginaw Art Museum, Andersen Enrichment Center, and the Saginaw Zoo are just a few of the other projects done within our community; and

WHEREAS, the Saginaw Branch of the Women's National Farm and Garden Association supports local libraries, nature centers, 4-H programs, student scholarships, beautification projects, and horticultural therapy programs in local hospitals, schools and senior centers; and

WHEREAS, throughout the 90 years the Association's Saginaw Branch has been here, the members have been known for their "can do" spirit and for swiftly rising to meet any need they found in the community.

NOW, THEREFORE, BE IT RESOLVED, I Floyd Kloc, Mayor of the City of Saginaw, on behalf of my fellow councilmembers, do hereby pay tribute to the **Saginaw Branch of the Woman's National Farm and Garden Association**. We extend this expression of our esteem and best wishes to the members of the Saginaw Branch of the Woman's National Farm and Garden Association for their positive impact in the City of Saginaw.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 4th day of November in the year of our Lord two thousand nineteen.



November 4, 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

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, WAS HELD MONDAY, OCTOBER 21, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBER AT CITY HALL, 1315 S. WASHINGTON AVENUE, SAGINAW, MICHIGAN.

PRAYER AND PLEDGE OF ALLEGIANCE

Council Member Balls led the pledge of allegiance of the United States of America and offered a prayer.

ROLL CALL

Mayor Kloc called the meeting to order. Council Members present: Jamie Forbes, Annie Boensch, Autumn Scherzer, John Milne, Michael Balls, Bill Ostash, and Floyd Kloc: 7. Council Members absent: Clint Bryant and Brenda Moore: 2.

ANNOUNCEMENTS

City Clerk Janet Santos announced the following:

- Consent agenda item # 6 has been revised to state that it is a “three-year” Agreement rather than a “one-year.”
- Halloween Trick or Treat hours are 6:00 p.m. to 8:00 p.m. on Thursday, October 31st.
- Daylight savings time is effective Sunday, November 3. Remember to turn your clocks back one hour.

Council Member Balls presented a certificate of recognition to Samuel Cole for obtaining the status of Eagle Scout.

Council Member Balls presented a certificate of recognition to Darrick Donald, Jr. for obtaining the status of Eagle Scout.

PUBLIC INPUT

Public Input addressing Council: Mary Mikulich, Billy Collins, and Saleem Mannan.

REMARKS OF COUNCIL

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

REPORTS FROM CITY MANAGER

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

CONSENT AGENDA:

Mayor Kloc asked if there were any exceptions to the consent agenda. An exception was made to item #9.

1. Approve the October 7, 2019 regular council meeting minutes.
2. Approve the purchase with Micro Wise, Inc. for \$9,240 for laptops for the Election Division.
3. Approve the Service Agreement with Day Two, LTD to provide a pilot nutritional program to healthcare recipients with Type 2 Diabetes.
4. Approve the purchase with Gerald Bergman, Inc. for \$4,495 for the replacement of the fascia on the front awning at Station 1 for the Fire Department.

5. Approve the purchase with Arizona Heating and Cooling for \$14,700 for the replacement of tube style heat system in the apparatus bay of Station 4 for the Fire Department.
6. Approve the Professional Services Agreement with the Child Abuse and Neglect Council for a three-year period for Victim's Services Advocates at the Police Department.
7. Approve the purchase with Johnson Controls for \$10,738 for additional security measures within City Hall and the Public Works Buildings.
8. Approve the purchase with Audio Central for \$9,350 for Aiphone security system within the Public Works Building.
9. Approve to increase the purchase order with American Excavating, Inc. by \$33,000, for a new total of \$192,587, for the Andersen Splash Park repairs. Further, approve a budget adjustment for FY 2020 to recognize these funds.
10. Approve the purchase with Truck and Trailer Specialties, Scientific Brake & Equipment Co., Winter Equipment Co., and Valk Manufacturing Co. for \$30,665 for the annual supply of snow plow blades and guards for the Motor Pool Operations Division.
11. Approve the purchase with Woodland Industries for \$4,670 for two equipped trailers for the Maintenance and Service Division.
12. Approve the purchase with Actuator Specialties for \$9,531 for service parts for Limatorque valve actuators for the Water Treatment Division.

Moved by Council Member Scherzer, seconded by Council Member Boensch to approve consent agenda items 1 through 8, and 10 through 12, as presented. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Balls, seconded by Council Member Boensch to approve consent agenda item 9, as presented. 7 ayes, 0 nays, 2 absent. Motion approved.

BOARD/COMMISSION/COMMITTEE REPORTS

Council Member Milne reported that the MBS International Airport recently acquired snow removal equipment and approved an increase for the Airport Manager.

APPOINTMENT OF BOARD AND COMMISSION MEMBERS

Moved by Council Member Boensch, seconded by Council Member Scherzer to appoint Christina Jones to the Board of Appeals on Zoning with a term to expire December 31, 2022. 7 ayes, 0 nays, 2 absent. Motion approved.

RESOLUTIONS

Moved by Council Member Balls, seconded by Council Member Scherzer to adopt the resolution to recognize Midwest Tejano Cultural Entertainment as a non-profit organization for the purpose of obtaining a charitable gaming license. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Boensch, seconded by Council Member Balls to adopt the resolution approving the Mid-Michigan Waste Authority's Agreements with American Waste, Inc., and WM Recycle America, L.L.C. 7 ayes, 0 nays, 2 absent. Motion approved.

MISCELLANEOUS BUSINESS

Council held discussion regarding the Public Safety millage expiring December 31, 2020 and the consideration of a ballot proposal for renewal.

ADJOURNMENT

Moved by Council Member Boensch, seconded by Council Member Milne to adjourn the meeting at 7:25 p.m. 7 ayes, 0 nays, 2 absent. Motion approved.

As recorded by

Janet Santos, CMMC/MMC
City Clerk

From: Timothy Morales, City Manager
Subject: 2020 Council Meeting Schedule
Prepared by: Janet Santos, City Clerk

Manager's Recommendation:

I recommend approval of the 2020 City Council Meeting Schedule.

Justification:

The City Charter of the City of Saginaw, Chapter IV, Legislation, Regular Meetings, Section 18, states in part, ".....the council shall meet at least twice monthly." To assist the City Clerk in preparing for elections, City Council adopted a motion in 2007 wherein Council meetings would not be scheduled on the Monday preceding an election. Elections scheduled for 2020 are March 10, August 4 and November 3, which were given consideration in preparing the meeting calendar. The schedule is posted in compliance with requirements of Act 267, P.A. 1976, for the dates as follows:

JANUARY	6 24 Strategic Planning at 8:30 a.m.
FEBRUARY	3 and 17
MARCH	2 16 Student Government Day at 12:00 p.m.
APRIL	6 and 20
MAY	4 and 18
JUNE	8 and 22
JULY	13 and 27
AUGUST	10 and 24
SEPTEMBER	14 and 28
OCTOBER	12 and 26
NOVEMBER	9 and 23
DECEMBER	7 and 21

Council Action:

Motion to approve the recommendation of the City Manager.



SAGINAW CITY COUNCIL
1315 S. Washington Avenue
Council Chamber - Room 205
989.759.1405

The 2020 schedule is established in accordance with Section 18 of the Saginaw City Charter and posted in compliance with requirements of Act 267, P.A. 1976.

Regular meetings are held on Monday evenings at 6:30 p.m. in the Council Chambers, room 205, unless otherwise noted.

JANUARY	6 24 Strategic Planning at 8:30 a.m.
FEBRUARY	3 and 17
MARCH	2 16 Student Government Day at 12:00 p.m.
APRIL	6 and 20
MAY	4 and 18
JUNE	8 and 22
JULY	13 and 27
AUGUST	10 and 24
SEPTEMBER	14 and 28
OCTOBER	12 and 26
NOVEMBER	9 and 23
DECEMBER	7 and 21

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Janet Santos, CMMC/MMC
City Clerk

From: Timothy Morales, City Manager
Subject: Workers Compensation Claims Management Service Agreement
Prepared by: Dennis Jordan, ACM/Director of Human Resources

Manager's Recommendation:

I recommend the approval of the service agreement with Comprehensive Risk Services, LLC for the purpose of managing and processing workers compensation disability claims for an annual base fee of \$37,900.

Justification:

The City is self-funded for workers compensation illnesses and injuries, and provides payments for indemnity, medical and legal expenses as mandated by the State of Michigan. The City utilizes the services of a Third Party Administrator (TPA) to manage the workers compensation program and all aspects of the claims management services.

This agreement with Comprehensive Risk Services (CSR), LLC for the workers compensation TPA services will replace our current vendor, York Risk Service Group. The primary reason for this change is York Risk Service Group was recently purchased by Sedgwick, a large national workers compensation TPA. Ironically, we replaced a prior agreement with Sedgwick in 2014 as a result of poor claims management service.

Comprehensive Risk Services has a seasoned claims management staff and they are a Michigan based company located in Novi, all of which will help provide the most efficient and cost effective claims handling services for the City.

In addition to the base annual fee, there will be variable cost based on claims utilization estimated to be an additional \$16,000 per year. This agreement has a rate guarantee for three years, January 1, 2020 through December 31, 2023.

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 0-204.

The funds are budgeted in the Workers Compensation Administration Division's, Professional Services Account No. 678-1750-801.000.

I have approved the Comprehensive Risk Services Service 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: September 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 September as well as the carry forward of the 2019 annual purchase orders into the 2020 Approved Budget.

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 September, 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 \$285,689, from \$35,426,256 to \$35,711,945.

- This amendment reflects \$25,234 in encumbrance from the prior year's purchase orders. Projects consist of engineering services for Ojibway Island improvements, vehicle purchase for the Cemeteries Division, engineering services at Forest Lawn Chapel, and repairs to the City Hall elevator. An appropriation of fund balance will be utilized to offset the increase expenditures.
- On June 3, 2019, Council approved purchase order 0506023 with American Trailer for the purchase of a trailer. However, due to issues with this delivery, this purchase order was not completed during FY 2019. Therefore, a budget adjustment is required to recognize the carry forward of the above-mentioned purchase order. Expenditures will be recognized in the General Fund, Department of Public Services, Facilities Division, Maintenance Equipment Account No. 101-7575-978.000. An appropriation of fund balance will be utilized of offset the increase in expenditures.
- A budget adjustment is required to recognize unanticipated revenues from the Cemeteries Endowment investments in the amount of \$199,128 for the last five years. Revenues were previously recognized as investment income when earned and are currently available in fund balance. Therefore, the General Fund, Use of Fund Equity Account No. 101-0000-989.000 should be

increased by \$199,128. In addition, since these funds can only be utilized for Cemeteries activities, the General Fund, Department of Public Services, Cemeteries Division, Repair and Replacement Account No. 101-1747-974.000 should be increased by the same.

- A budget adjustment is required to recognize donations to the General Fund Revenue, Fire Donations Account No. 101-0000-674.010 in the amount of \$2,050. To offset the increase in revenues will be an increase to the General Fund, Community Public Safety – Fire, Fire Operations, Food Supplies Account No. 101-3551-731.000 in the amount of \$500 and Parts and Supplies Account No. 101-3551-742.000 in the amount of \$1,550.
- A budget adjustment is required to recognize donations to the General Fund Revenue, Sale of Property - Fire Account No. 101-0000-673.004 in the amount of \$6,300. To offset the increase in revenues will be an increase to the General Fund, Community Public Safety – Fire, Fire Operations, Repairs and Replacement Account No. 101-3551-974.000 by the same amount.
- A budget adjustment is required to provide funding for the radio marketing campaign in the amount of \$22,000. The city is currently considering various radio marketing options. Expenditures will be recognized in the General Fund, Offices of General Government, Office of Management and Budget, Marketing Account No. 101-1735-881.000. An appropriation of fund balance will be utilized to offset the increase in expenditures.
- On July 8, 2019, Council approved a purchase agreement with Johnson Controls to upgrade the hardware and software in various city locations. Since the approval, the City has decided to make the ground floor of City Hall exits emergency only with audible alarms on all doors and that new card readers be added to Technical Services at City Hall and the Public Services building. Therefore, a budget adjustment should be completed in the amount of \$10,738 in the Other General Fund Expenditures, Operating Transfer to the Capital Project Fund Account No. 101-9660-999.401 for additional lock down security measures for city hall and the public services buildings. An appropriation of fund balance will be utilized to offset the increase in expenditures.
- A budget adjustment should be completed in the amount of \$14,700 for the replacement of Station 4 Apparatus Bay Heat System. Expenditures will be recognized in the General Fund, Community Public Safety – Fire, Fire Operations Division, Repair and Replacement Account No. 101-3551-974.000. An appropriation of restricted fund balance will be utilized to offset the increase expenditures.

The Downtown Development Authority (DDA) – 2011 Fund (259) should be increased from \$180,297 to \$201,678, which is a \$21,381 increase. This increase is required to

recognize the carry forward of purchase order 0505174 to Advance Business Communication, LLC for the security camera project in the DDA district. Expenditures will be recognized in the DDA-2011 Fund, 2 Mill Levy Division, Capital Less than \$5,000 Account No. 259-1777-971.000. An appropriation of fund balance will be utilized to offset the increase in expenditures.

The Police Training Fund (261) should be increased \$9,380 from \$14,000 to \$23,380. This increase is due to additional training needs for the fiscal year. Expenditures will be recognized in the Police Training Fund, Training and Development, Account No. 261-3323-823.003. These expenditures will be offset by an appropriation of fund balance.

The Drug Forfeiture Fund (264) should be increased \$15,000 from \$66,956 to \$81,956. This increase is required for a pole barn project at the outdoor range for Community Public Safety – Police. Expenditures will be recognized in the Drug Forfeiture Fund's Construction Project Account No. 264-3040-822.000. These expenditures will be offset by an appropriation of fund balance.

The Justice Victim Service Grant Fund (268) should be increased from \$0 to \$69,000. On October 7, 2019, city council approved the grant agreement with the Office for Civil Rights, Office of Justice Programs, US Department of Justice for the FY 2019 Law Enforcement Based Victim Specialist Program Grant. This budget adjustment recognizes \$69,000 for use in FY 2020. Revenues will be recognized in this funds Grant Account No. 268-0000-501.039 in the amount of \$69,000. To offset the increase in revenues will be an increase to Justice Victim Service Grant Fund, Salaries Account No. 268-3342-702.000 in the amount of \$6,750 and Professional Services Account No. 268-3342-801.000 in the amount of \$62,250.

The Community Development Block Grant Fund (275) should be increased from \$2,520,460 to \$2,666,577, which is a \$146,117 increase. This amendment reflects \$145,117 in encumbrance from the prior year's purchase orders as well as \$1,000 for the Saginaw Economic Development Workshops. Projects that carry over from the previous fiscal year are related to sub-grantees projects. An appropriation of fund balance will be utilized to offset this increase in expenditures for prior year's expenditures.

The HOME Block Grant Program Fund (278) should be increased by \$240,000 from \$898,144 to \$1,138,144. This amendment reflects the carryover of funds for the Small Home Project. An appropriation of fund balance will be utilized to offset this increase in expenditures.

The Capital Project Fund (401) should be increased \$10,738 from \$559,012 to \$569,750. This increase is needed to recognize the Operating Transfer from the General Fund and the Public Works Building Fund to cover the cost of continuing to update the security system in City Hall and the Public Services Building. This project consists of making the ground floor of City Hall exits "emergency only;" new card readers will be added to Technical Services server room entrance door at City Hall and the administrative office doors at the Public Services Building, and upgrade the exterior

building entrances and the Holland and Washington Gates. Revenues will be recognized in the Capital Project Fund, Transfer from Other Fund Account No. 401-0000-699.000. To offset the increase in revenues will be the same increase to the Capital Project Fund, Facilities Division, Repairs and Replacement Account No. 401-7575-974.000.

The Sewer Operations and Maintenance Fund (590) should be increased from \$26,202,972 to \$26,939,891 which represents a \$736,919 increase. This amendment reflects the encumbrance of funds from the prior year. Projects that will continue from the previous fiscal year are – primary settling tank #1 – structural repair design services, AMI system software upgrade, engineering services related to electrical system upgrades at WWTP, well installation and groundwater monitoring, 24” flanged knife gate valve inlet, and HSP control - aqua station at Weiss Street basin upgrade. An available appropriation of retained earnings will offset the increase in the fund.

The Water Operations and Maintenance Fund (591) should be increased from \$29,329,349 to \$29,728,020. This is an increase of \$398,671. This amendment reflects the encumbrance of funds from the prior year. Projects that will continue from the previous fiscal year are – engineering services for water asset management project, AMI system software upgrade, consulting services with Raftelis Financial Consultants, treatment optimization study, assistance from OHM Advisors for the lead and copper rule and water pilot grant, purchase of the powdered activated carbon, HSP control - aqua station at Weiss Street basin upgrade, and assistance with the consumer confidence report. An available appropriation of retained earnings will offset the fund's increase.

The Technical Services – Information Services Fund (658) should be increased from \$1,531,062 to \$1,535,062. This represents a \$4,000 increase. This increase is attributable to the carry forward of purchase order 0506018 to BS&A for the custom import for water service line material types. The increase in revenues shall be reflected in the Contribution from Other Funds Account No. 658-0000-675.000 in amount of \$4,000 from the Water Operations and Maintenance Fund. To offset to the increase in revenues will be an increase to Professional Services Account No. 658-1720-801.000 by the same amount.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Marketing Plan with Cumulus Media
Prepared by: Yolanda M. Jones, Office of Management and Budget

Manager's Recommendation:

I recommend the approval of the marketing plan with Cumulus Media for an amount not to exceed \$12,000 for providing radio marketing for the City of Saginaw.

Justification:

In June 2019, city administration launched its marketing campaign with the reveal of "This is Saginaw" video. As the city moves forward with marketing and branding itself, it was pointed out in the city's marketing strategy that all forms of media – social, digital, and radio be addressed. This council communication reflects the third component of the marketing strategy. The intent of pursuing this form of communication is to continue to promote strategies to attract businesses, talent, and to strive to strengthen the image of the community while heightening awareness and promoting the city.

This marketing plan with Cumulus Media provides for 68 ads per week on any of their radio stations - WHNN 96.1, WIOG 102.5, WKQZ 93, and WILZ 104.5, plus streaming from November 2019 through June 2020. This investment also includes 2 scheduled "Issues and Answers" interviews before June 28th, which will air on all four stations.

As it is important to be well-diversified in capturing the various demographics, it should be noted that this is the first step in the Marketing Team's pursuit of radio advertising activities. The team is still investigating other service providers that would reach a different audience and provide other services that may not fall under this specific agreement.

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, Offices of General Government, Office of Management and Budget, Marketing Account No. 101-1735-881.000.

This marketing plan is subject to the City Manager 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: First Amendment to CAN Council Agreement for Professional Services

Prepared by: Brian Rowell, Community Public Safety – Police

Manager's Recommendation:

I recommended approval of the First Amendment to the Professional Services Agreement with the Child Abuse and Neglect Council for the Police Department.

Justification:

On October 21, 2019, City Council approved the Child Abuse and Neglect (CAN) Council Agreement for Professional Services, allowing for the continuation of professional services provided to the Saginaw Police Department (SPD) by the CAN Council. The Agreement established the rights and obligations of both parties, where the CAN Council continues to place trained Victim Advocates at the SPD. The Amendment includes language that the City will provide the use of a city vehicle to be used in providing professional services to the City and defines the Victim Services Coordinator's essential duties. In all other respects the terms and conditions of the Agreement shall continue unchanged and in full force and effect.

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

Council Action:

Motion to approve the recommendation of the Manager.

From: Tim Morales, City Manager
Subject: Pole Building for Police Department Outdoor Range
Prepared by: Brian Rowell, Community Public Safety – Police

Manager's Recommendation:

I recommend the approval of purchase with Mark Hoffman Builders, Inc. for \$21,477.00 for the construction of a pole building located at the Police Department outdoor firing range.

Justification:

On October 15, 2019, five qualified vendors submitted bids in response to the City of Saginaw's request for bids for the construction of a 20'x30' pole building, with lean-to, to be erected at the site of the Police Department outdoor firing range.

The following is a tabulation of the bids received:

VENDOR & LOCATION	TOTAL COST
Mark Hoffman Builders, Inc Bay City, MI	\$21,477.00
Bossman Construction Company, LLC Flushing, MI	\$24,800.00
Martha Brown Custom Builders, LLC Saginaw, MI	\$32,400.00
J. Perez Construction, Inc Flint, MI	\$42,305.00
Graham Construction Corporation Saginaw, MI	\$69,500.00

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 Drug Forfeiture Fund, Construction Projects Account No. 264-3040-822.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Microfilm Conversion Project for Assessing and Clerk's Office
Prepared by: Jeff Klopac, Technical Services Department

Manager's Recommendation:

I recommend approval of a purchase with US Imaging for \$18,988.37 for the digital conversion of historical microfilm documents for the Assessing and City Clerk's Office.

Justification:

The Assessing and City Clerk's Office have a combined 600,000 pages of documents stored on microfilm for permanent retention. Digital conversion is necessary to maintain the integrity of the images, as the composition of aging microfilm tends to break down, rendering the images illegible. Upon conversion, the digital files will be stored on City servers and accessible for viewing via a software program provided by the vendor.

Due to the nature of this service and the importance of the chain of custody for sole copies of City records, US Imaging is being utilized as a City of Saginaw business.

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

Funds are budgeted in the Technical Services – Information Services Fund, Professional Services Account No. 658-1720-801.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Desktop Scanners for the Income Tax Division
Prepared by: Jeff Klopccic, Technical Services Department

Manager's Recommendation:

I recommend the approval of a purchase with Ricoh USA for \$4,194.00 for six Fujitsu desktop scanners for the Income Tax Division.

Justification:

On October 1, 2019, the City of Saginaw received bids for six Fujitsu desktop scanners for the Income Tax Division. Currently the Income Tax staff share a centralized scanner for scanning and digital processing of all income tax returns. Once the returns are processed they become available within the Income Tax Document Management System. The desktop scanners will allow staff to continue to work on other tasks and process returns from their desk. The following is a tabulation of the bids received:

Ricoh, USA Southfield, MI	<u>Total</u> \$4,194.00
Zones, LLC Auburn, WA	\$5,333.16
Adorama, Inc. New York, NY	\$5,370.00
Microwise Southfield, MI	\$5,406.00
Scan Technology Gainesvill, FL	\$5,489.76
CDW-G Vernon Hills, IL	\$5,521.74
Iron Horse Springfield, VA	\$5,910.00
Leepopo, Corp San Antonio, TX	\$6,077.24
Malor & Company, Inc. New York, NY	\$6,250.00

B & H Photo & Electronics
New York, NY

\$7,062.00

Howard Technology Solutions
Laurel, MS

\$7,476.00

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 Technical Services Department, Information Services Fund, Operating Services Account No. 658-1720-805.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Ricoh Multi-Function Copy Machine Lease Renewal
Prepared by: Jeff Klopac, Technical Services Department

Manager's Recommendation:

I recommend approval of a purchase with Ricoh USA at the State Bid price, for a five-year lease of one multi-function copier with \$756 in annual payments, for a total of \$3,778 for the Technical Services Department.

Justification:

The Technical Services Department conducted a copy/print study in 2011. The study concluded the City would see a dramatic decrease in print related cost if it were to remove all personal desktop printers from employees' desks and replace them with multi-function printers that were shared by a group of employees.

The Technical Services, Information Services will be replacing an end lease multi-function copy machine. This lease is responsible for monthly payments for the next five years.

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

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

Council Action:

Motion to approve the recommendation of the City Manager.

From: Tim Morales, City Manager
Subject: City Fees and Rates Schedule
Prepared by: Phillip Karwat, Director of Public Services

Manager's Recommendation:

I recommend approval of an amendment to the City Fees and Rates Schedule for the Public Services Department.

Justification:

On August 27, 2018, City Council approved the City Fees and Rates Schedule. City ordinance contains the language "the fee shall be established by Council and available in the Office of the City Clerk." The City Council has the authority to establish fees and rates by amending the City Fees and Rates Schedule as necessary for the operation of City business.

Public Services staff recently completed a review of the Engineering Division permit fees and compost services. The Engineering Division is recommending a fee increase for Oversized Load – Vehicles to cover the current rate expense to the City. The fees for compost and permit violation fines are included on the schedule.

The Saginaw Police Department Reserve Unit is staffed by unpaid volunteer Reserve Officers and the Police Reserve Special Event Fee rate has not been revised in 10 years. The Reserve Unit is totally funded by donations and fees, and the money raised is used for supplies, equipment, uniforms, etc. Due to the increased costs of uniforms and other required equipment, a price increase is needed in order to maintain the current level of community service and the safety of the Reserve Officers.

Rate amendments are listed on the following pages. The amended rates will have an immediate effect upon Council approval. The City Fees and Rates Schedule is maintained by and on file at the City Clerk's Office, available at all Departments, and posted on the City website.

Council Action:

Motion to approve the recommendation of the City Manager.

**City of Saginaw
Fee Schedule**

DEPT	DESCRIPTION	FEE	NEW
Engineering Division			
	<u>Streets and Sidewalks</u>		
	Sidewalk Permit	\$25.00	
	Right of Way Permit	\$30.00	
	Barricade Permit	\$25.00	
	Curb Cut Permi	\$25.00	
	Banner Petitions - per location	\$150.00	
	<u>Other Permits</u>		
	Flood Plain 100 and 500 year	No Charge	
	Temporary Parking for Construction only	No Charge	
	Oversized Load - Vehicles	\$25.00	\$50.00
	Fines for Permit Violations		\$500.00
	<i>Permits are obtained at the Public Services Building - Engineering Division</i>		
Compost	<u>Screened Compost</u>		
	City Residents:		
	Loaded by Resident	per Cubic Yard	No Charge
	Loaded by City Employee	per Cubic Yard	\$14.00
	Non Resident: Loaded by City Employee Only	per Cubic Yard	\$14.00
	<u>Wood Chips</u>		
	City Residents:		
	Loaded by Resident	per Cubic Yard	No Charge
	Loaded by City Employee	per Cubic Yard	\$3.00
	Non Resident: Loaded by City Employee Only	per Cubic Yard	\$3.00
	Yard Waste Dumping	per Cubic Yard	\$14.00
	Brush Dumping	per Cubic Yard	\$14.00
	<u>Compost Delivery:</u>		
	City Resident	3 Cubic Yards	\$67.00
	10 mile radius of Compost Site	3 Cubic Yards	\$77.00
	20 mile radius of Compost Site	3 Cubic Yards	\$87.00
	30 mile radius of Compost Site	3 Cubic Yards	\$97.00
	<u>Wood Chip Delivery:</u>		
	City Resident	3 Cubic Yards	\$35.00
	10 mile radius of Compost Site	3 Cubic Yards	\$45.00
	20 mile radius of Compost Site	3 Cubic Yards	\$55.00
	30 mile radius of Compost Site	3 Cubic Yards	\$65.00

**City of Saginaw
Fee Schedule**

DEPT	DESCRIPTION	FEE	NEW FEE
Public Services			
Special Event Rates:			
	<u>Facility Use Fees</u>		
	Ojibway Island: includes stage, garage, concessions, restrooms and dressing rooms	\$700.00	
	Morley Plaza	\$75.00	
	Veterans Memorial Park	\$75.00	
	Skate Park	\$500.00	
	<u>Picnic Shelters</u>		
	Bliss Park: includes restrooms, electricity, water	\$125.00	
	Fordney Park: includes electricity, water accessible,	\$125.00	
	Celebration Park: includes electricity, restrooms	\$125.00	
	10:00 am - 7:00 pm Memorial Day through Labor Day Only		
Rates for events on/at City properties not listed will be charged a \$75.00 minimum and additional costs may apply. Parade fees are variable and determined by employees and equipment required. Barricade fees are also variable, labor not included in costs.			
	<u>Miscellaneous Costs</u>		
	Hang Banner/Signage in Park	Hourly Labor and Equipment Rates	
	Damage/Litter Deposit - variable	\$25.00 minimum	
	Police Reserves - required fee before event	4 hour event \$75.00	\$100.00
		8 hour event \$150.00	\$200.00
		8+ hours will be pro-rated per hour	\$37.50
	Picnic Tables - includes delivery and pick up	\$25.00	
	Trash Barrels	\$5.00	
	Snow Fence - 50 ft per roll, labor not included	\$25.00	
	Fence Post - each, labor not included	\$3.00	
	Traffic Cones - per cone/per day, labor not included	\$1.00	
	Hang Banner over Roadway	\$150.00	
	Block Party Application Fee - Local Streets Only	\$30.00	
	Public Address System - City Hall Events Only	\$40.00	
	<u>Application Fees</u>		
	Ojibway Island Facilities		
	60 or more days in advance	\$100.00	
	50 - 59 days in advance	\$200.00	
	31 - 49 days in advance	\$300.00	
	0 - 30 days in advance	\$400.00	

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

Manager's Recommendation:

I recommend approval of a purchase with Todd Wenzel Buick GMC for \$138,394.20 for two 2020 GMC Sierra 1500 Double Cab 4X4 Pickup Trucks and two 2020 GMC Sierra 2500 Double Cab 4X4 Pickup Trucks for the Wastewater Division.

Justification:

The Wastewater Treatment Division has budgeted to replace a 2001, two 2007, and a 2010 truck scheduled for replacement in 2011, 2014, and 2017 respectively. These vehicles have required extensive maintenance causing excessive down time. These trucks are used for transportation in the daily maintenance of the City's Wastewater Treatment Plant equipment and properties, and also for maintenance and storm operation of the Remote Facilities stations. As a Wastewater Treatment Plant vehicle, it must be maintained in a constant state of readiness in order to respond during emergencies and to storm operations of the City's Wastewater Treatment Plant and Remote Facilities stations. These vehicles will be purchased using MIDEAL Contract # 071B7700184.

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 – Surplus Division's Vehicles Account No. 590-4840-982.000 \$138,394.20.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Hook Loader Stake Rack Attachment
Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend approval of a purchase with Truck and Trailer Specialties, Inc. for \$20,075.00 for a hook loader stake rack attachment for the Wastewater Division.

Justification:

The Wastewater Treatment Division has budgeted to replace a 2001 stake rack, scheduled for replacement in 2008. This vehicle has required extensive maintenance causing excessive down time. This unit will allow the department to gain more use of their hook loader truck. This attachment will be used to transport service tools to remote locations and vendors. This attachment will be purchased using the City of Rochester Hills Contract #RFP-RH-13-030.

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 – Surplus Division's Vehicles Account No. 590-4840-982.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Overhead Door Replacement at City Hall Garage
Prepared by: Bruce Caradine, Public Services Department

Manager's Recommendation:

I recommend approval of purchase with Dover and Company for \$3,445.17 for overhead door replacement at the City Hall Garage.

Justification:

On October 4, 2019, a sole quote was received for the replacement of the overhead door at the City Hall Garage. Dover Door is a current approved vendor for overhead doors for the City of Saginaw. This is the only overhead door for the garage and needs to be replaced immediately due to door's usage in the day-to-day operations in the building. The door at the old City garage is currently broken and has exceeded its useful life and needs to be replaced. This replacement includes a Thermacore ribbed sectional door, track radius, wood jamb, counter balance and springs.

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, General Repairs Account No. 101-7575-930.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Annual CSD-1 and Monthly Boiler Inspection Services
Prepared by: Bruce Caradine, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with Three Rivers Corporation for \$6,738 for FY 2020; and pending budget approval for FY 2021 and FY 2022, for annual boiler inspections for the Facilities Division.

Justification:

On October 8, 2019, two qualifying bids were received for an annual CSD-1 and Monthly Boiler Inspection Services at various City properties. This service requires boilers at designated City properties be inspected annually according to the State of Michigan CSD-1, Rule 27, Testing and Documentation of the boiler controls and safety devices. The City properties to be inspected include the City Hall, Police Department, Forest Lawn Cemetery, Greenpoint Nature Center, Hoyt Park, and Merrill Park. The following is a tabulation of the bids received as follows:

<u>Vendor</u>		<u>Cost</u>
Three Rivers Corporation Midland, MI	FY20	\$ 6,738
	FY21	\$ 6,738
	FY22	<u>\$ 6,738</u>
	Total	\$20,214
William E. Walter, Inc Flint, MI	FY20	\$ 7,280
	FY21	\$ 7,420
	FY22	<u>\$ 7,565</u>
	Total	\$22,265

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 \$1,440, General Fund, Community Public Safety, Police, Building Management Division's Operating Services, Account No. 101-3514-805.000 \$2,160, General Fund Department of Public Services, Cemeteries Division's Operating Services Account No. 101-1747-805.000 \$706, General Fund, Parks and Grounds Maintenance Operating Services Account No. 101-7570-805.000 \$2,432, and will be budgeted in the same account for FY2021 and FY2022, pending budget approval.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Boat Launch Roofs
Prepared by: Bruce Caradine, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with Drew Gulliver Builders for \$8,910.00 for the replacement of three roofs at the boat launch for the Facilities Division.

Justification:

The City received eight bids for the replacement of three roofs at the Lee Street Boat Launch. These repairs include, removal of the existing roof down to the roof deck, replacing any damaged or deteriorated roof decking and fascia boards, installing the new roofing materials, removing and disposal of all debris for the bathroom, pavilion and the guard shack. The following is a tabulation of the bids received:

<u>Vendor</u>	<u>Cost</u>
Drew Gulliver Builders Saginaw, MI	\$8,910.00
Martha Brown Customer Builders, LLC Burt, MI	\$9,717.00
All R's Construction, LLC Saginaw, MI	\$10,634.00
Gerald G. Bergman, Inc. Saginaw, MI	\$11,594.00
Marlo Build and Remodel Saginaw, MI	\$12,889.65
Weatherseal Home Improvements, Co. Shelby Township, MI	\$15,379.00
R.F. Koester, Inc. Hemlock, MI	\$16,393.47
Thomas Brown & Son Roofing, Co. Bay City, MI	\$17,148.00
Oak Construction Corporation Flushing, MI	\$19,000.00

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

Funds are budgeted in the Boat Launch Operation Fund, Repairs and Replacement Account No. 239-7546-974.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Ratification for the City Hall Garage Roof
Prepared by: Bruce Caradine, Public Services Department

Manager's Recommendation:

I recommend ratification of a purchase with Beyer Roofing Company, Inc. for \$3,535.00 for the replacement of the City Hall Garage Roof for the Facilities Division.

Justification:

On October 14, 2019, emergency purchase order number 507184 was issued to Beyer Roofing Company, Inc. to repair the roof on the City Hall Garage. Upon inspection for other repairs it was discovered that the rubber roof facing the west had been blown back from high winds. Beyer Roofing is a local contractor specializing in commercial roofing and was called for an emergency repair. This repair included refastening the membrane, hole patching, and removal of debris from roof. This work was needed to mitigate any further damage to the garage.

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, Repairs and Replacement Account No. 101-7575-974.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Andersen Center Roof Replacement
Prepared by: Bruce Caradine, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with Beyer Roofing Company, Inc. for \$31,200.00 for the replacement of the roof at the Andersen Center.

Justification:

On October 15, 2019, three bids were received to replace the roof at the Andersen Center. These repairs include removal of the existing roof to the roof deck, replacing any damaged or deteriorated roof decking and fascia boards, installing the new roofing materials, and removal and disposal of all debris. The following is a tabulation of the bids received:

<u>Vendor</u>	<u>Cost</u>
Beyer Roofing Company Inc. Saginaw, MI (Alternate)	\$31,200.00
Beyer Roofing Company Inc. Saginaw, MI	\$43,288.00
Mid Michigan Roofing, LLC Saginaw, MI	\$54,716.00

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, Facilities Division's Repairs and Replacement Account No. 101-7575-974.000 \$27,000 and Andersen Center Operation Fund, Repairs and Replacements Account No. 236-7540-974-000 in the amount of \$4,200.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Sewer Camera Crane Hoist
Prepared by: Joshua Hoffman, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with MTech Company for \$7,285.03 for a Mud Master Crane Hoist and accessories for the Maintenance and Service Division.

Justification:

On August 6, 2019, the Maintenance and Service Division received a sole source quote for the purchase and installation of a Mud Master Crane Hoist on the Cues CCTV Sewer Inspection Truck. The Mud Master Crane Hoist is designed for lowering and lifting the sewer inspection camera rover unit down manholes to perform sewer inspections. Currently Maintenance and Service staff physically lower the rover unit by hand into the sewer; the rover unit weighs upwards of 100 lbs. By purchasing the crane unit it will protect the rover unit from accidental damage from lowering by hand using a rod and hook system. MTech Company is the only recognized company by CUES to perform installations and repairs to their equipment.

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 Operation and Maintenance Fund, Maintenance and Service Division's Maintenance Equipment Account No. 590-4821-978.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Increase Blanket Purchase Order
Prepared by: Joshua Hoffman, Public Services Department

Manager's Recommendation:

I recommend the approval to increase the blanket purchase order with Wohlfeil's Hardware and Tools Inc. by \$2,001.00, for a new total of \$4,000.00, for small engine parts and supplies for the Maintenance and Service Division.

Justification:

The Maintenance and Service Division requires miscellaneous supplies throughout the fiscal year and an efficient way of purchasing these items is to establish a blanket purchase order. This allows the Maintenance and Service Division to purchase items that include small engine repair parts, belts, and other equipment parts required to complete water and sewer work without having to establish a purchase order each time for products.

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 Parts and Supplies Account No. 591-4721-742.000 \$1,000.50, Sewer Operations and Maintenance Fund, Maintenance and Service Division's Parts and Supplies Account No. 590-4821-742.000 \$1,000.50.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Purchase of Vinyl Sign Production Materials
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with 3M for \$3,153.16 for vinyl sign production materials for the Traffic Maintenance Section, Right of Way Division.

Justification:

The sign production materials are being purchased through State of Michigan contract number 071B6600018, at the state bid price. The order includes 17 rolls of various vinyl film and 5 bags of nylon sign installation washers. The Traffic Maintenance Section maintains and installs the traffic signs throughout the City of Saginaw. This purchase is for the normal maintenance of the signs throughout the 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 Major Street Fund, Traffic Engineering Division's Parts and Supplies Account No. 202-4621-742.000.

Council Action:

Motion to approve the recommendation of the City Manager.

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 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: Saginaw Area Storm Water Authority Apportionment
Prepared by: Joshua Hoffman, Public Services Department

Manager's Recommendation:

I recommend that adoption of the apportionment be approved for the City of Saginaw as a Member of the Saginaw Area Storm Water Authority. The FY 2020 apportionment is \$6,893.33, to be paid in quarterly amounts of \$1,723.33.

Justification:

On October 16, 2019 at the Saginaw Area Storm Water Authority (SASWA) general board meeting, a FY 2020 proposed budget and apportionment was submitted for each member to present to their governing body for approval. From its inception in 2003, as a means for communities to comply with the EPA's MS4 requirements, SASWA has proven beneficial for all members as the alternative was for each municipality to hire engineering firms individually to meet storm water requirements, a cost that was once estimated at \$50,000 annually per community.

For FY 2020, the apportionment for all members is 6.67% to recognize the engineering and technical services that each community needed relative to the size of their MS4 completion. Now each member benefits the same in respect to direct service rendered from the engineering firm and continued compliance with the National Pollution Discharge Elimination Permit for storm water. The FY 2020 SASWA budget is proposed in the amount of \$103,400.00, which amounts to \$6,893.33 per member invoiced quarterly. This is in contrast to the FY 2019 budget, which was set in the amount of \$81,800.00

Funds are budgeted in the Sewer Operations and Maintenance Fund, Maintenance and Service Division's Operating Services Account No. 590-4821-805.000.

Council Action:

This communication is for explanation purposes only of the Resolution to be adopted.

**APPROVING THE APPORTIONMENT OF OPERATIONAL COSTS
AND ACCEPTING THE FISCAL YEAR 2020 BUDGET
OF THE SAGINAW AREA STORM WATER AUTHORITY**

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

WHEREAS: the City of Saginaw has previously joined the Saginaw Area Storm Water Authority, hereafter "Authority," and is a constituent municipality pursuant to the Articles of Incorporation adopted by the Authority; and

WHEREAS: two-third (2/3) of the legislative bodies of the Member Municipalities are required to approve the apportionment of the annual operating costs of the Authority; and

WHEREAS: the Authority is required to file with the legislative bodies of the Member Municipalities an annual budget for the next fiscal year covering the proposed expenditures to be made for the organization and operation of the Authority.

NOW, THEREFORE, BE IT RESOLVED, that

1. The City of Saginaw apportionment of the 2020 annual operational costs for the Authority is accepted and approved as presented.
2. The City of Saginaw 2020 annual budget, for the Authority is accepted and approved as presented, in the amount of \$6,893.33.

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 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

TO ESTABLISH RATES, CHARGES, AND FEES ASSOCIATED WITH WIRELESS COMMUNICATIONS EQUIPMENT, SUPPORT STRUCTURES, AND SMALL CELL WIRELESS FACILITIES AND ASSOCIATED STRUCTURES

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

WHEREAS: the State of Michigan adopted Public Act 365 of 2018 ("Act 365") and Public Act 366 of 2018 ("Act 366"), both taking effect on March 12, 2019; and

WHEREAS: Act 365 significantly impinges on the City of Saginaw's authority and control over its rights of way and other public places by mandating that small cell wireless facilities and associated support structures be allowed to use and operate within those public spaces; and

WHEREAS: Act 365 further limits the maximum amount which the City can charge to small cell wireless services providers for use of these public resources, which are maintained and operated by the City; and

WHEREAS: Act 366 amends the Michigan Zoning Enabling Act, Public Act 110 of 2006, with respect to wireless communications equipment and supporting structures and also small cell wireless facilities; and

WHEREAS: This resolution is adopted in order to implement the rates, charges, and fees permitted to be assessed by the City to utilize and operate within the City's public rights of way and other public spaces by the providers of small cell wireless services and wireless communications services.

NOW, THEREFORE, BE IT RESOLVED, the City's fee schedule is hereby amended to add the following rates, charges, and fees:

A. The zoning application fee for wireless communications equipment and support structures, as defined by Act 366, shall be \$400.00.

B. The zoning application fee for non-exempt co-location of small cell wireless facilities and support structures, as defined by Act 365, shall be:

(1) \$1,000.00 for a new wireless support structure or modification of an existing wireless support structure.

(2) \$500.00 for a new small cell wireless facility or modification of an existing small cell wireless facility.

C. The application fee for a permit to co-locate a small cell wireless facility and/or associated support structure shall not exceed and shall be set as follows:

(1) \$200.00 for each small cell wireless facility alone.

(2) \$300.00 for each small cell wireless facility and a new utility pole or wireless support structure to which it will be attached.

Provided that every 5 years after November 4, 2019, and without further action of the City Council, the maximum fees then authorized under this subsection C shall be increased by 10% and rounded to the nearest dollar.

D. The annual permit fee for each utility pole or wireless support structure in the public right-of-way in the City on which a wireless provider has approval to co-locate a small cell wireless facility shall not exceed and shall be set as follows:

(1) \$20.00 annually, unless subsection D(2) applies.

(2) \$125.00 annually, if the utility pole or wireless support structure was erected by or on behalf of the wireless provider on or after November 4, 2019. This subdivision does not apply to the replacement of a utility pole that was not designed to support small cell wireless facilities.

Provided that every 5 years after November 4, 2019, and without further action of the City Council, the maximum rates then authorized under this subsection D shall be increased by 10% and rounded to the nearest dollar.

2. All words, terms, and phrases used in this Resolution shall be interpreted in a manner consistent with Act 365 and Act 366.

3. This Resolution shall take immediate effect.

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 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