

Council Agenda

July 10, 2017 6:30 p.m.
Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

PUBLIC HEARINGS:

1. Request to amend the Brownfield Plan for the SSP/Michigan Works Redevelopment Project, located at 312 E. Genesee Avenue.

PERSONAL APPEARANCES:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

Management Update:

1. Defense Manufacturing Assistance Program Update, Tom Miller, Jr., Saginaw Future V.P. of Urban Development.

CONSENT AGENDA:

1. Approve the June 19, 2017 regular council meeting minutes.
2. Approve the Workers Compensation Insurance Renewal with Safety National Casualty Company for an annual premium of \$78,043, for a term of July 1, 2017 through June 30, 2019.
3. Approve the Workers Compensation Claims Management Service Agreement with York Risk Services Group, Inc. for \$40,200 for FY 2018, \$40,600 for FY 2019, and \$41,000 for FY 2020.
4. Approve the donation of an iRobot 510 Packbot Multi-Dimension Robot from the U.S. Department of Defense for use by the Police Department.
5. Approve a blanket purchase order to Douglass Safety Systems, LLC, a sole source, for \$7,000 for ISI self-contained breathing apparatus parts for the Fire Department.

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6. Approve a blanket purchase order to Douglass Safety Systems, LLC, a sole source, for \$12,000 for Micro-Blaze Out Foam for the Fire Department for FY 2018.
7. Approve a blanket purchase order to Tire Centers, LLC at the State bid price of \$10,000 for tires for the Fire Department's heavy apparatus fleet for FY 2018.
8. Approve a purchase order to Innovative Software Services, Inc. for \$8,048 for the renewal of annual software maintenance/support for the Fiscal Services Department, Income Tax Division.
9. Approve a purchase order to Alexander Chemical Corporation for \$19,710 for 30 tons of sulfur dioxide for the Wastewater Treatment Division for FY 2018; and pending approval of the FY 2019 budget, approve the bid from Alexander Chemical in an amount not to exceed \$19,710 for 30 tons of sulfur dioxide for FY 2019.
10. Approve a purchase order to Global Environmental Consulting for \$5,600 to perform Whole Effluent Toxicity (WET) analysis for the Wastewater Treatment Division effluent for FY 2018; and pending approval of the FY 2019 budget, approve the bid from Global Environmental Consulting for \$5,600 for WET analysis for FY 2019.

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

1. Approve the Mayoral appointment of Brian Dixon to the Hospital Finance Authority with a term to expire June 30, 2022.
2. Approve the Mayoral appointment of Ana Hidalgo to the Saginaw Economic Development Commission with a term to expire June 30, 2019.
3. Approve the Mayoral reappointment of Kristin Karwat to the Saginaw Arts and Enrichment Commission with a term to expire June 30, 2020.
4. Acknowledgement of the Mayoral reappointment of Peter Tyson to the Saginaw Housing Commission with a term to expire September 30, 2022.

INTRODUCTION OF ORDINANCES:

1. An Ordinance to amend Chapter 110, of Title XI, "Business Regulations," by amending §110.06 titled, "Suspension, Revocation, Denial of Renewal of License," of the City of Saginaw Code of Ordinances, O-1.

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2. An Ordinance to amend Chapter 96, of Title IX, "General Regulations," by amending §96.32 titled, "Curb Restoration," of the City of Saginaw Code of Ordinances, O-1.
3. An Ordinance to amend Chapter 14, titled "Finance and Purchasing," of Title I, "Administrative Code," of the City of Saginaw Code of Ordinances, O-1.

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to amend §52.15 "Water Meters", and §52.57 (A) "Water Billing," of Chapter 52, "Water," of Title V, "Public Works," of the City of Saginaw Code Of Ordinances, O-1.
2. An Ordinance to amend Chapter 71, of Title VII, "Traffic Regulations," by adding a new section titled, "Cost Recovery," of the City of Saginaw Code of Ordinances, O-1.

RESOLUTIONS:

3. Adopt the Resolution approving the amendment to the Brownfield Plan for the Michigan Works Redevelopment Project.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

ADJOURN:

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

PUBLIC HEARING NOTICE

BROWNFIELD PLAN

In compliance with requirements of P.A. 267 of 1976, and P.A. 381 of 1996,
as amended, the following notice is published:

Notice is hereby given that the Saginaw City Council has scheduled a public hearing to consider an amendment to the Brownfield Plan for SSP Michigan Works, located at 312 E. Genesee Avenue, Saginaw, Michigan within which the Brownfield Redevelopment Authority shall exercise its powers, all pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended. The description of the proposed Brownfield property is:

Land situated in the City of Saginaw, County of Saginaw, State of Michigan, described as follows:

BLK.45, MAP OF THE CITY OF EAST SAGINAW ALSO COMMONLY KNOWN AS HOYT'S PLAT

The description of the property along with any maps and a description of the Brownfield Plan are available for public inspection during regular business hours at the City Clerk's Office, Room 102, located at City Hall, 1315 S. Washington Avenue.

The public hearing will be held Monday, July 10, 2017, at 6:30 p.m. in the Council Chamber of City Hall, Room 205, located at 1315 S. Washington Avenue. All interested parties are invited to attend and provide input regarding all aspects of the amendment.

Janet Santos, CMMC/CMC/MMC
City Clerk

IF YOU ARE DISABLED AND NEED ACCOMMODATION TO PROVIDE YOU WITH AN OPPORTUNITY TO PARTICIPATE OR OBSERVE IN PROGRAMS, SERVICES, OR ACTIVITIES, PLEASE CALL THE SAGINAW CITY CLERK AT 989.759.1480.

Posted: __6-26-17_____
Posted By: __jks_____

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, WAS HELD MONDAY, JUNE 19, 2017, AT 6:30 P.M. IN THE COUNCIL CHAMBER AT CITY HALL, 1315 S. WASHINGTON AVENUE, SAGINAW, MICHIGAN.

PRAYER AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Browning called the meeting to order. Council Members present: John Milne, Demond Tibbs, Annie Boensch, Floyd Kloc, Brenda Moore, Clint Bryant, Michael Balls, John Humphreys, and Dennis Browning: 9. Council Members absent: 0.

ANNOUNCEMENTS

City Clerk Janet Santos announced the following:

- The Council Communication for consent agenda item #6 has been revised. The revision includes amounts regarding the Major Street FY 2017 budget adjustments.
- City Hall will be closed Tuesday, July 4 for Independence Holiday.
- The Brockway Street Reconstruction Project between Passolt Street to Gratiot Avenue began today and is expected to be completed October 13.
- The next service date for the City's Waste Convenience Station is July 8 from 10:00 am to 2:00 pm. City residents can use the Holland Avenue entrance to dispose of items that would otherwise be taken to the landfill that curbside does not pickup, such as building materials. Residents may also drop off recycling for glass, plastic and paper.

PERSONAL APPEARANCES

The following personal appearances addressed Council: Brad McKenna, Diane Makl, and Debbie Melkonian.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Boensch, Tibbs, Milne, Humphreys, Balls, Bryant, Moore, Kloc, and Mayor Browning.

REPORTS FROM CITY MANAGER

Management Update

City Manager Tim Morales presented informational updates of City meetings and projects.

Manager Morales introduced Chief Inspector John Stemple. Mr. Stemple presented informational updates on projects at 124, 132, 134 S. Baum Street, and 445 N. 2nd and 504 Carroll Streets. Both projects are consent agenda items 10 and 11 submitted for approval.

Mr. Stemple introduced Jordan Woodley of the Lamarr Woodley Foundation. Mrs. Woodley explained the development plans and activities for property at 445 N. 2nd and 504 Carroll Streets.

CONSENT AGENDA:

1. Approve the June 5, 2017 closed session and regular council meeting minutes.

2. Approve the Professional Legal Services Agreement with Giarmarco, Mullins & Horton, P.C.
3. Approve the Professional Legal Services Agreement with O'Neill, Wallace & Doyle, P.C.
4. Approve the Insurance Renewal with Saginaw Bay Underwriters for the City's General Liability, Automobile Liability, Michigan No Fault, Law Enforcement Liability, and Public Officials Liability for a total cost of \$426,430.
5. Approve the professional services contract and issue a purchase order to American Legal Publishing Corporation for \$12,500 for codification services of the City's Code of Ordinances.
6. Approve the amendments to the FY 2017 Approved Budget to recognize changes that occurred during the 4th quarter.
7. Approve the amendment to the HOME Subrecipient Agreement with Saginaw Shiawassee Habitat for Humanity to include the specific addresses and estimated funds for each project.
8. Approve the write off on the balance sheet of seven residential rehabilitation loan accounts deemed uncollectible for a total amount of \$92,846.28.
9. Approve a purchase order to Yeo & Yeo Consulting for \$29,991.13 for Microsoft SQL Standard 2016 Software and Licenses.
10. Approve the Purchase and Development Agreement for 124, 132, 134 S. Baum St. with the Staples Building LLC.
11. Approve the Purchase and Development Agreement for 445 N. 2nd and 504 Carroll with the Lamarr Woodley Foundation.
12. Approve purchase orders to LexisNexis Risk Data Management Service for \$5,000 for FY 2018 and for \$6,000 for FY 2019 for Internet Search Engine services for the Income Tax and Utility Billing Divisions to collect outstanding debt for the City.
13. Approve a blanket purchase order to Apollo Fire Apparatus Repair for \$20,000 for emergency repairs and preventive maintenance for the Fire Department's six pumpers and two aerial apparatus for FY 2018.
14. Approve a blanket purchase order to Diesel Truck Sales for \$40,000 for emergency repairs and preventive maintenance for the Fire Department's six pumpers and two aerial apparatus for FY 2018.
15. Approve a blanket purchase order to Douglass Safety Systems LLC, a sole source, for \$20,000 for turnout gear for the Fire Department for FY 2018.
16. Approve a blanket purchase order to Frontline Services for \$40,000 for emergency repairs and preventive maintenance for the Fire Department's six pumpers and two aerial apparatus for FY 2018.

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17. Approve blanket purchase orders to various vendors for a total amount of \$14,000 for fire apparatus and staff vehicle emergency repairs and preventive maintenance for the Fire Department for FY 2018.
 18. Approve a blanket purchase order to McGard Special Products, a sole source, for \$5,000 for FY 2018 and FY 2019, pending budget approval, for parts to operate hydrant locks for the Maintenance and Service Division.
 19. Approve a blanket purchase order to Grainger, Inc. for \$7,700 for FY 2018 and FY 2019, pending budget approval, for miscellaneous tools and supplies for the Maintenance and Service Division.
 20. Approve a blanket purchase order to Michigan Meter, a sole source, for \$6,000 for FY 2018 and FY 2019, pending budget approval, for parts and supplies for the City's Neptune Meters at the Maintenance and Service Division.
 21. Approve a blanket purchase order to Larry's Auto Supply for \$5,000 for FY 2018 and FY 2019, pending budget approval, for miscellaneous engine repair parts and supplies for the Maintenance and Service Division.
 22. Approve a blanket purchase order to ETNA Supply, a sole source, for \$20,000 for FY 2018 and FY 2019, pending budget approval, for Sensus Water Meters for the Maintenance and Service Division.
 23. Approve a purchase order to Lois Kay Contracting Company for \$184,136.50 for the milling and resurfacing of various segments of City streets.
 24. Approve the Resolution authorizing the sale and consumption of alcoholic beverages during the "BASH" event on Hamilton Street between Court Street and Lyon Street on August 11-13, 2017.
 25. Approve the Michigan Department of Natural Resources Memorandum of Understanding regarding the Iron Belle Trail in the City of Saginaw.
 26. Approve the Michigan Department of Natural Resources Parks and Recreation Division Resolution, Memorandum of Understanding, and Agreement for the Iron Belle Trail – Round 3, Number 17-04, for hiring an engineering firm to complete survey and design for a 1.84 mile segment of the Iron Belle Trail. Further, approve a budget adjustment in the amount of \$21,468 to recognize the Iron Belle Grant funds.
 27. Approve to increase purchase order no. 499574 with BM Construction Consultants by \$12,000, for a new total of \$185,800, for construction inspection services to be completed through FY 2017.
 28. Approve a purchase order to ACE Cutting Equipment & Supply, Inc. for \$4,980 for a roller screed base motor unit with counterweight and tube end plugs; and 12', 16', and 20' roller tubes for the Streets Section of the Right of Way Division.
 29. Ratification of an increase to purchase order no. 499262 with Spartan Distributors, Inc. by \$500, for a new total of \$2,400, for parts and supplies for the maintenance of the Toro lawn mowing equipment for the Cemeteries Division for FY 2017.

30. Approve the Memorandum of Understanding with Saginaw County to allocate \$105,000 of county wide generated real property tax revenue to the City of Saginaw for the Ojibway Island Improvement Project.
31. Approve a blanket purchase order to Applied Industrial Technologies for \$5,000 for valve replacement parts to duplicate spur gears for the Maintenance and Service Division for FY 2018.
32. Approve a blanket purchase order to ETNA Supply, a sole source, for \$8,000 for FY 2018 and FY 2019, pending budget approval, for Sensus Meter parts and supplies for the Maintenance and Service Division.
33. Ratification of an emergency purchase order to John E. Green Company for \$24,000 for fabrication of two 48" diameter water main spool pieces for the Maintenance and Service Division.
34. Approve a blanket purchase order to Carrier & Gable, Inc. for \$6,000 for traffic signal equipment repairs for the Traffic Maintenance Section of the Right of Way Division for FY 2018.
35. Approve blanket purchase orders to Marshall E. Campbell Company and Standard Electric Company for \$4,000 each for electrical parts and supplies for the Traffic Maintenance Section of the Right of Way Division for FY 2018.
36. Approve a purchase order to Dell, Inc. for \$44,990.66 for new computers and servers for the Supervisory Control and Data Acquisition Systems at the Water and Wastewater Treatment Divisions.
37. Approve a purchase order to Polydyne, Inc. for \$9,800.00 for 20,000 lbs. of liquid PolyDMDAAC for the Water Treatment Division for FY 2018.
38. Approve a purchase order to Carbon Activated Corporation for \$27,760 for 40,000 pounds of powdered activated carbon for the Water Treatment Division for FY 2018.
39. Approve a purchase order to Michigan Switchgear Services for \$13,735 to perform switchgear maintenance for the Water Treatment Division for FY 2018.
40. Approve a purchase order to PVS Technologies, Inc. for \$97,000 for 250 tons of ferric chloride for the Water Treatment Division for FY 2018.
41. Approve a purchase order to Univar USA, Inc. for \$55,760.00 for 180 tons of Hydrofluorosilicic Acid for the Water Treatment Division for FY 2018.
42. Approve a purchase order to the Michigan Department of Environmental Quality for \$4,000 for laboratory analysis for the Water Treatment Division for FY 2018.
43. Approve a purchase order to PVS Technologies Inc. for \$27,936 for 72 dry tons of ferric chloride for the Wastewater Treatment Division for FY 2018.

Moved by Council Member Bryant, seconded by Council Member Moore to approve consent agenda items 2 through 9, and 12 through 43, as presented. 9 ayes, 0 nays, 0

absent. Motion approved.

Moved by Mayor Pro Tem Kloc, seconded by Council Member Boensch to approve consent agenda item 1 amended to read, "approve the June 5, 2017 closed session and regular council meeting minutes." 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Mayor Pro Tem Kloc, seconded by Council Member Boensch to amend the council communications for consent agenda items 10 and 11, to include the following statement "Approve to authorize the City Manager to sign all related documents." 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Mayor Pro Tem Kloc, seconded by Council Member Moore to approve consent agenda items 10 and 11, as amended. 9 ayes, 0 nays, 0 absent. Motion approved.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND
APPOINTMENT OF BOARD AND COMMISSION MEMBERS

Moved by Mayor Pro Tem Kloc, seconded by Council Member Moore to approve the following:

1. the Mayoral reappointment of Blanche Clark to the Saginaw Economic Development Commission with a term to expire June 30, 2020.
2. the Mayoral reappointment of William Scharffe to the Saginaw Economic Development Commission with a term to expire June 30, 2020.
3. the Mayoral appointment of John Humphreys to the Saginaw Economic Development Commission with a term to expire June 30, 2019.
4. the Mayoral reappointment of Gregory Dietrich to the Saginaw Economic Development Commission with a term to expire June 30, 2020.
5. the Mayoral appointment of Paul Virciglio to the Saginaw Economic Development Commission with a term to expire June 30, 2020.
6. the Council reappointment of Elaine Seder to the Human Planning Commission with a term to expire January 31, 2019.
7. the Council appointment of Christopher Traverse to the Human Planning Commission with a term to expire January 31, 2019.

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

INTRODUCTION OF ORDINANCES:

Moved by Council Member Balls, seconded by Council Member Moore, to introduce an ordinance to amend §52.15 "Water Meters", and §52.57 (A) "Water Billing," of Chapter 52, "Water," of Title V, "Public Works," of the City of Saginaw Code Of Ordinances, O-1. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Mayor Pro Tem Kloc, seconded by Council Member Balls to introduce an ordinance to amend Chapter 71, of Title VII, "Traffic Regulations," by adding a new section titled, "Cost Recovery," of the City of Saginaw Code of Ordinances, O-1. 9 ayes, 0 nays, 0 absent. Motion approved.

RESOLUTIONS

Motion by Council Member Boensch, seconded by Council Member Moore to adopt the resolution for the compilation and revision of the City's Code of Ordinances. 9 ayes, 0 nays, 0 absent. Motion approved.

MOTIONS AND MISCELLANEOUS BUSINESS

Council expressed their gratitude to the Lamarr Woodley foundation for their investment and participation in the community.

ADJOURNMENT

Moved by Mayor Pro Tem Kloc, seconded by Council Member Boensch to adjourn the meeting at 7:30 p.m. 9 ayes, 0 nays, 0 absent. Motion approved.

Janet Santos, CMMC/MMC
City Clerk

From: Tim Morales, City Manager

Subject: Workers Compensation Insurance Renewal

Prepared by: Dennis Jordan, Human Resources Director

Manager's Recommendation:

I recommend approval of the Workers Compensation Insurance Renewal with Safety National Casualty Company for an annual premium of \$78,043, with a term of July 1, 2017 through June 30, 2018.

Coverage documents, policy changes and contracts to implement the new insurance are subject to the City Manager's approval as to substance, and the City Attorney's approval as to form.

It is also recommended that the City Council authorize the City Manager or his designee to sign all documents related to this insurance renewal.

Justification:

The City is self-insured for workers compensation illnesses and injuries for indemnity, medical and legal claims up to a specific dollar limit per claim. At such time a claim reaches the specified retention limit, those claims then become the liability of the excess insurance company.

The City obtained quotes from multiple workers compensation excess insurance companies, including our current company Safety National. The incumbent company, Safety National, provided the most favorable pricing and terms.

Comparison between last year's premium and those proposed for FY 2016-2017 are as follows:

	<u>Expiring</u>	<u>Renewal</u>
Specific Retention Limit	\$750,000	\$750,000
Annual Excess Premium	\$76,562	\$78,043

The other quotes provided were over \$110,000 in renewal premiums.

The primary reason for the increase is due to a increase in payroll exposure.

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "General Provisions" of the Saginaw Code of Ordinances O-1.

The funds are budgeted in the Workers Compensation Fund – Employee Health Division's Insurance Account No 678-1751-806.000.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Tim Morales, City Manager

Subject: Workers Compensation Claims Management Service Agreement

Prepared by: Dennis Jordan, Human Resources Director

Manager's Recommendation:

I recommend approval of the Workers Compensation Claims Management Service Agreement with York Risk Services Group, Inc. for the initial annual premium of \$40,200, with a term of July 1, 2017 through June 30, 2020.

Coverage documents, terms of the initial agreement changes and contracts to implement the Claims Management Services are subject to the City Manager's approval as to substance, and the City Attorney's approval as to form.

It is also recommended that the City Council authorize the City Manager or his designee to sign all documents related to this Claims Management Service Agreement.

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. The current vendor who we are requesting this renewal for is York Risk Services Group. We initially contracted with York on July 1, 2014. They have managed our claims for the past three years where we have seen a continual reduction in the average number of "medical" claims by 27% and a reduction in "lost time" claims by 65%.

This amended service contract provides for a three year agreement with annual claims handling fees as follows:

Expiring Rate	FY 2018 Rate	FY 2019 Rate	FY 2020 Rate
\$40,200	\$40,200	\$40,600	\$41,000

The current expiring rate and the first year renewal rate is the same annual fee we have paid since the inception with York in 2014.

This vendor meets all requirements of 14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "General Provisions" of the Saginaw Code of Ordinances O-1.

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

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Tim Morales, City Manager
Subject: PackBot Multi-Dimension Robot
Prepared by: Robert Ruth, Chief of Police

Manager's Recommendation:

It is recommended to approve the donation of an iRobot 510 PackBot Multi-Dimension Robot from the U.S. Department of Defense to the Saginaw Police Department.

Justification:

The Saginaw Police Department is being offered the opportunity to obtain an iRobot called a 'PackBot Multi-Dimensional Robot' free of charge from the Department of Defense (D.O.D.). The unit will be used by the Saginaw Police Emergency Services Team (E.S.T.) to prevent citizen and law enforcement casualties during incidents of armed and barricaded suspects, including emergency rescue and evacuation of severely injured or incapacitated persons under threat of firearms. The DOD has placed the Saginaw Police Department on a national priority list to receive the iRobot.

The iRobot is considered a valuable life saving tool that is critical to victim rescue response during acts of domestic/foreign terrorism that place our children and families at risk in the City of Saginaw. Incidents are not going to stop, they're going to continue to occur throughout the United States and it's important that we be prepared. Mass shootings are occurring more often than we like. This type of equipment is very rarely utilized or seen by the public and is in storage most of the time until it is needed. It is our hope that we will never need to utilize this life saving equipment. However, we need to have it available to save lives in our city. The iRobot is designed for use by first responders to carry out dangerous missions in high threat scenarios. The 510 PackBot can perform surveillance and reconnaissance, building and route clearance, explosive ordnance disposal (EOD) and HazMat handling.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Timothy Morales, City Manager
Subject: Douglass Safety Systems – ISI SCBA Parts
Prepared by: Christopher Van Loo, Fire Chief

Manager's Recommendation:

I recommend that a blanket purchase order be approved and issued to Douglass Safety Systems LLC, a sole source provider, in the amount of \$7,000 for the purchase of ISI self-contained breathing apparatus (SCBA) parts for the Saginaw Fire Department for Fiscal Year 2018.

Justification:

The Saginaw Fire Department uses ISI self-contained breathing apparatus equipment exclusively and Douglass Safety Systems LLC is a sole source provider of ISI parts. These parts are needed in order to maintain and make repairs to the Fire Department's self-contained breathing apparatus.

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted and available in the Community Public Safety – Fire, Fire Operation's Parts and Supplies Account No. 101 3551 742.000.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Timothy Morales, City Manager
Subject: Douglass Safety Systems – Micro-Blaze Out Foam
Prepared by: Christopher Van Loo, Fire Chief

Manager's Recommendation:

I recommend that a blanket purchase order be approved and issued to Douglass Safety Systems, LLC, a sole source, in the amount of \$12,000 for the purchase of Micro-Blaze Out Foam for the Saginaw Fire Department for Fiscal Year 2018.

Justification:

The Saginaw Fire Department uses Micro Blaze-Out Foam when fighting structure fires. This foam enhances the penetration of water during extinguishment which increases firefighting efficiency. This product is also biodegradable so it can be used for hazardous waste cleanup. Douglass Safety Systems, LLC is a sole source provider of Micro-Blaze Out Foam.

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, General Provisions of the Saginaw Code of Ordinances O-1.

Funds are budgeted and available in the Community Public Safety – Fire, Fire Operation's Parts and Supplies Account No. 101 3551 742.000.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Timothy Morales, City Manager
Subject: Tire Centers LLC – Apparatus Tires
Prepared by: Christopher Van Loo, Fire Chief

Manager's Recommendation:

I recommend that a blanket purchase order be issued to Tire Centers LLC, Saginaw, in the amount of \$10,000 for tires for the Saginaw Fire Department's heavy apparatus fleet for Fiscal Year 2018. Tires purchased will be provided at the State of Michigan MIDEAL bid price.

Justification:

Maintaining proper care of tires on the Saginaw Fire Department apparatus is necessary and critical for the safety of department personnel and maintaining critical service levels for the residents of the City of Saginaw. Due to our limited department staffing and the resulting difficulty transporting apparatus to outside repair facilities, Tire Center LLC's close proximity to the City of Saginaw has proven very beneficial and cost effective for meeting the department's routine and emergency needs for apparatus tires.

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted and available in the Community Public Safety – Fire, Fire Apparatus and Maintenance Division's Motor Vehicle Repairs Account No.101 3554 931.000.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Timothy Morales, City Manager

Subject: Innovative Software Services, Inc. Annual Maintenance/Support Fees

Prepared by: Jeff Klopchic, Technical Services Department

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Innovative Software Services, Inc. (Eaton Rapids, MI) in the amount of \$8,048.00, for the renewal of annual software maintenance/support for calendar year 2017. The maintenance covers the Income Tax software used by the Fiscal Services Department, Income Tax Division, and includes all support and updates to the software for one year.

Justification:

The City annually renews our maintenance and license fees for City Tax Software. Innovative Software Services, Inc. is the proprietary owner of the City Tax income tax software. This annual renewal of maintenance and license fees is for a 12-month period and did not increase from last year.

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this payment are budgeted and available in the Technical Services, IS, Operating Services Account No. 658-1720-805.000.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Timothy Morales, City Manager
Subject: Sulfur Dioxide (SO₂) Annual
Prepared by: Brian Baldwin, Water and Wastewater

Manager's Recommendation:

I recommend that the low bid from Alexander Chemical Corp. of Peru, IL be accepted and a purchase order in the amount of \$19,710.00 be issued to them to supply the Wastewater Treatment Division with 30 tons of sulfur dioxide for Fiscal Year 2018; and pending approval of the budget for Fiscal Year 2019, acceptance of their not to exceed bid of \$19,710.00 for 30 tons of sulfur dioxide for FY 2019.

Justification:

The Wastewater Treatment Division uses sulfur dioxide to neutralize the chlorine remaining in the water after disinfection. Removal of chlorine is required under the City's National Pollutant Discharge Elimination System Permit. On June 20, 2017, the City opened sealed bids for sulfur dioxide. The low bid represents a 24.5% decrease from Fiscal Year 2017 costs. Following is a summary of the bids received;

Alexander Chemical Corp.	FY2018	\$19,710.00	(\$657.00/ton)
Peru, IL.	FY2019	\$19,710.00	(\$657.00/ton)
JCI Jones Chemical Inc.	FY2018	\$26,100.00	(\$870.00/ton)
Beulah, MI	FY2019	\$26,100.00	(\$870.00/ton)

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Sewer Operations and Maintenance Fund, Treatment and Pumping Division's Chemicals Account No. 590-4830-805.000 for Fiscal Year 2018 and will be budgeted in the same account for Fiscal Year 2019.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Timothy Morales, City Manager
Subject: Whole Effluent Toxicity Testing
Prepared by: Brian Baldwin, Water and Wastewater

Manager's Recommendation:

I recommend that the low bid from Global Environmental Consulting of Clinton, MI be accepted and a purchase order be issued to them in the amount of \$5,600.00 to perform Whole Effluent Toxicity (WET) analysis for the Wastewater Treatment Division effluent for Fiscal Year 2018; and pending approval of the Fiscal Year 2019 budget, approve acceptance of their bid for \$5,600.00 for WET analysis for Fiscal Year 2019.

Justification:

On June 20, 2017, the City received bids for the cost of WET Analysis for the Wastewater Treatment Division. This testing is required by our National Pollutant Discharge Elimination System (NPDES) Permit. The low bid represents a 23.1% increase from Fiscal Year 2017 costs. The bids received are as follows:

	<u>FY2018</u>	<u>FY2019</u>
Global Environmental Consulting Clinton, MI	\$5,600.00	\$5,600.00
Pace Labs Lavonia, MI	\$7,350.00	\$7,350.00
Paragon Laboratories Inc. Livonia, MI	\$7,700.00	\$7,700.00
ERM Holland, MI	\$8,120.00	\$8,120.00
Great Lakes Environmental Center Inc. Traverse City, MI	\$18,200.00	\$18,200.00
Ramboll Environ Arlington, VA	\$18,200.00	\$18,200.00

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Sewer Operations and Maintenance Fund, Treatment and Pumping Division's Chemicals Account No. 590-4830-727.000 for Fiscal Year 2018 and will be budgeted in the same account for Fiscal Year 2019, pending approval of future year budgets.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Tim Morales, City Manager
Subject: Ordinance Amendment §110.06 – Hearing Officer
Prepared by: Amy Lusk, City Attorney

Manager's Recommendation:

I recommend introduction of an ordinance to amend Chapter 110, of title XI, "Business Regulations," by amending §110.06 titled, "Suspension, Revocation, Denial of Renewal of License," of the City of Saginaw Code of Ordinances, O-1.

Justification:

Under the City's Code of Ordinances, hearing officers are appointed to determine matters relating to junk vehicles, business licenses, dangerous buildings, and a variety of other subjects. Throughout most of the Ordinances, the person serving in the role of the hearing officer is either specifically designated or appointed at the discretion of the City Manager. This ordinance amendment allows the City Manager to appoint any hearing officer including a disinterested third party, which will be both beneficial for the City and the appellant during the hearing process.

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

Council Action:

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

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

O-_____

AN ORDINANCE TO AMEND CHAPTER 110, OF TITLE XI, "BUSINESS REGULATIONS," BY AMENDING §110.06 TITLED, "SUSPENSION, REVOCATION, DENIAL OF RENEWAL OF LICENSE," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under Charter provision.

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced July 10, 2017, entitled and reading as follows, be taken up and enacted:

O-_____

AN ORDINANCE TO AMEND CHAPTER 110, OF TITLE XI, "BUSINESS REGULATIONS," BY AMENDING §110.06 TITLED, "SUSPENSION, REVOCATION, DENIAL OF RENEWAL OF LICENSE," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. An ordinance to amend Chapter 110, of title XI, "Business Regulations," by amending §110.06 titled, "Suspension, Revocation, Denial of Renewal of License," of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

(A) *Generally.* The City Manager or their designee may suspend, revoke, or deny renewal of a license for cause of any license or permit issued by the City in the manner herein provided. Divisions (A) through (D) of this section shall not apply to denial of new licenses.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAUSE. As used in this section shall include:

- (1) The doing or omitting of any act or permitting any condition to exist in connection with any trade, profession, business, or privilege for which a license or permit is granted under the provisions of this code, or any premises or facilities used in connection therewith, which act, omission, or condition is contrary to the health, morals, safety, or welfare of the public; is unlawful or fraudulent; is unauthorized or beyond the scope of the license or permit granted; or is forbidden by the provisions of this code or any duly established rule or regulation of the City applicable to the trade, profession, business, or privilege for which the license or permit has been granted;
- (2) The arrest and conviction of the licensee or permittee for any crime involving moral turpitude;
- (3) Fraud, misrepresentation, or any false statement made in the application of the license;

- (4) Fraud, misrepresentation, or any false statement made in the operation of a business;
- (5) Failure or inability of an applicant to meet and satisfy the requirements and provisions of this code;
- (6) Violation of any state or federal statute or duly adopted federal, state, or local rule and regulation as relates to the operation or business pertaining to the license or registration.

(C) *Notice.* Whenever the City Manager or their designee shall have evidence to warrant the suspension, revocation, or denial of renewal of a license or permit, the City Manager or their designee shall send a notice to the licensee or permittee by certified mail to their last known address, which notice shall contain a statement of the charge against the licensee or permittee and a definite time and place for a hearing of the charge, and shall order the licensee or permittee to show why the license or permit should not be suspended, revoked, or denied renewal, and that failure by the licensee or permittee to appear at the hearing may result in suspension, revocation, or denial of renewal of the license or permit. Unless the licensee or permittee requests a longer time, the hearing shall be conducted within five (5) days from the order of suspension, revocation, or denial of renewal of a license or permit.

(D) *Hearing.*

- (1) The City Manager shall appoint a Hearing Officer to conduct a public hearing at which the licensee or permittee shall be granted an opportunity to show cause why the license or permit should not be suspended, revoked, or denied renewal. ~~The Hearing Officer may be the City Manager or any officer or employee of the City appointed or assigned to the Administrative Departments as set forth in Chapter 30 of this code.~~
- (2) In any proceedings under this section, the Hearing Officer has the power to administer oaths and affirmations and to certify official acts. The Hearing Officer shall proceed with reasonable dispatch to conclude any matter before them. Due regard shall be shown for the convenience and necessity of the parties and their representatives.
- (3) The Hearing Officer shall cause a record of the entire proceeding to be made by tape recording or by other means of permanent recording determined appropriated by the Hearing Officer. A transcript of the proceedings shall be made available to all parties upon request and upon payment of a fee prescribed **by the court reporter** therefor. ~~The fee may be established by the Hearing Officer but shall not be greater than the cost of making the transcript.~~

- (4) The hearing need not be conducted according to the technical rules of evidence adopted for the Courts of Record in the state.
- (5) The Hearing Officer shall take testimony from the licensee or permittee and any person having knowledge relevant to the suspension, revocation, or denial of renewal of a license or permit. Oral evidence shall be taken only upon oath or affirmation of the party offering the testimony.
- (6) Hearsay evidence may be used under the following guidelines:
 - (a) Hearsay evidence may be used to explain other direct evidence.
 - (b) Hearsay evidence may be used to support other direct evidence.
 - (c) Hearsay evidence shall not be used in itself to support a finding, unless it would be admissible in civil actions in courts of competent jurisdiction.
- (7) Any relevant evidence not otherwise excluded herein shall be admitted. **RELEVANT EVIDENCE** shall be defined, for the purpose of this section, as the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. Such relevant evidence shall be admitted regardless of whether or not it may be admissible in civil actions in courts of competent jurisdiction.
- (8) Irrelevant and unduly repetitious evidence shall be excluded. Each party shall have these rights:
 - (a) To call and examine witnesses on any matter relevant to the issues of the hearing;
 - (b) To introduce documentary and physical evidence;
 - (c) To cross-examine opposing witnesses on any matter relevant to the witness to testify;
 - (d) To impeach any witness regardless of which party first called the witness to testify;
 - (e) To refute the evidence;
 - (f) To represent himself or herself or to be represented by anyone of their choice who is lawfully permitted to do so;
 - (g) To make a closing statement at the conclusion of the evidentiary portion of the hearing.
- (9) Failure of the licensee or permittee or their representative to appear at the hearing may be deemed to be an admission by the licensee or permittee of the facts set forth in the City Manager's or their designee's notice and order.

- (10) ~~At the conclusion of the hearing, t~~The Hearing Officer shall make written findings of fact based upon the competent evidence and testimony admitted during the hearing.
- (11) The Hearing Officer shall make a finding whether or not the license or permit shall be denied, revoked, or suspended.

(E) Appeal upon denial, suspension, or revocation of a license.

- (1) Any party dissatisfied with the decision of the City Manager or other ~~appropriate Hearing Officer or body~~ shall have a right to appeal the decision. The appeal shall be in writing and shall contain a complete statement of the grounds for the appeal. It must be filed with the City Clerk, together with an appeal fee, within fourteen (14) days after notice of such denial, suspension, or revocation is mailed to the person's last known address. This appeal upon denial includes the denial of a new license.
- (2) Within ten (10) days of the receipt of the appeal by the City Clerk, the Clerk shall schedule an appeal hearing. Unless waived by the parties, the Clerk shall mail by first class mail a written notice of the time and location of the appeal hearing at least five (5) days prior to the hearing. The appeal hearing shall be an informal hearing held before a panel consisting of the City Manager or their designee, the affected department head or their designee, and the City Clerk or their designee.
- (3) The factual record made in the hearing, or license or permit application record in case of denial, shall constitute the basic record for the appeal. The appeal panel may, but need not, allow the presentation of additional evidence by a majority vote. Argument as to relevant factual and legal issues shall be permitted. The decision of the appeal panel shall be reached by majority vote and mailed to the parties within seven (7) days of the conclusion of the hearing. The decision of the appeal panel shall be final and conclusive.
- (4) A party aggrieved by the order or decision of the appeal panel may appeal the decision to a court of competent jurisdiction as provided by state statutes and court rules.

(F) *Immediate suspension.* Where the City Manager or their designee shall determine that in the interest of the public health, morals, safety, or welfare an immediate suspension is necessary, they shall order the same. In such case, the City Manager shall forthwith send a notice to the licensee or permittee by certified mail to their last known address, which notice shall contain a statement of the charge against the licensee or permittee and a definite time and place for a hearing of the charge and shall

order the licensee or permittee to show why their license or permit should not be suspended for an additional period of time or revoked. Unless the licensee or permittee requests a longer time, the City Manager or their designee shall conduct said hearing within five (5) days from the order of suspension, at which time and place the licensee or permittee shall have an opportunity to present a defense to the charge and cross-examine any witnesses and examine all evidence produced against them. The decision may be appealed pursuant to division (E) above.

(G) *Fee refund.* No fee for any license or permit which has been suspended or revoked pursuant to the provisions of this section shall be refunded.

This ordinance shall become effective August 3, 2017.

Enacted: July 24, 2017.

Yeas:

Nays:

Absent:

Abstain:

ORDINANCE DECLARED ADOPTED

Dennis D. Browning
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 July 24, 2017; 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: Tim Morales, City Manager
Subject: Ordinance Amendment §96.32 – Hearing Officer
Prepared by: Amy Lusk, City Attorney

Manager's Recommendation:

I recommend introduction of an ordinance to amend Chapter 96, of title IX, "General Regulations," by amending §96.32 titled, "Curb Restoration," of the City of Saginaw Code of Ordinances, O-1.

Justification:

Under the City's Code of Ordinances, hearing officers are appointed to determine matters relating to junk vehicles, business licenses, dangerous buildings, and a variety of other subjects. Throughout most of the Ordinances, the person serving in the role of the hearing officer is either specifically designated or appointed at the discretion of the City Manager. This ordinance amendment allows the City Manager to appoint any hearing officer including a disinterested third party, which will be both beneficial for the City and the appellant during the hearing process.

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

Council Action:

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

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

O-_____

AN ORDINANCE TO AMEND CHAPTER 96, OF TITLE IX, "GENERAL REGULATIONS," BY AMENDING §96.32 TITLED, "CURB RESTORATION," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under Charter provision.

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced July 10, 2017, entitled and reading as follows, be taken up and enacted:

O- _____

AN ORDINANCE TO AMEND CHAPTER 96, OF TITLE IX, "GENERAL REGULATIONS," BY AMENDING §96.32 TITLED, "CURB RESTORATION," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. An ordinance to amend Chapter 96, of title IX, "General Regulations," by amending §96.32 titled, "Curb Restoration," of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§96.32 CURB RESTORATION

(A) *Restoration of unauthorized curb cuts.* Any curb cut for which any required permission or permit has not been obtained shall be restored by replacement of the curb as herein provided.

(B) *Restoration of abandoned curb cuts.* Any curb cut which has been abandoned shall be restored as hereinafter provided except where such abandonment shall have been at the request of or for the convenience of the City. Any curb cut shall be deemed to be abandoned where structural or other changes on the adjoining premises make it no longer useful thereto.

(C) *Notice to show cause.* Whenever the City Engineer shall have evidence that any curb cut exists in violation of the provisions of divisions (A) or (B) hereof, he or she shall cause written notice to show cause why the same should not be reconstructed and the expense thereof charged against the adjoining premises to be given to the owners thereof as indicated by the records of the City Assessor. Such notice shall be given in accordance with the provisions of §36.02, and shall set forth the time and place of the hearing by the City Manager, **or their designee**, which time shall not be less than five (5) days after the service of the notice.

(D) *Hearing.* The owner of the premises, the person obligated to pay the taxes thereon, any other person having an interest therein, and counsel, if any, shall have an opportunity to show cause why the curb should not be restored, and to cross-examine any witnesses and examine any evidence produced to establish that the curb cut exists

in violation of divisions (A) or (B) hereof. The decision of the City Manager (or designee) shall be in writing and shall be final and conclusive.

(E) *Notice of decision; restoration of curb cut.* The City Manager (or designee) shall cause a copy of the decision to be served on the owner as shown by the records of the City Assessor and on any other persons who are interested in the affected property and who participated in the hearing, in accordance with the procedure established for the service of notices by §36.02. Thereupon, if the City Manager shall have found that the curb cut is required by the provisions of this subchapter to be restored, the City shall proceed to restore such curb cut by contract or force account and to charge the cost of such restoration against the adjoining premises and the owner thereof, and to collect such cost, all as provided in §33.26.

This ordinance shall become effective August 3, 2017.

Enacted: July 24, 2017.

Yeas:

Nays:

Absent:

Abstain:

ORDINANCE DECLARED ADOPTED

Dennis D. Browning
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 July 24, 2017; 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: Tim Morales, City Manager

Subject: Purchasing Ordinance Amendment

Prepared by: Yolanda M. Jones, OMB Director, and Amy Lusk, City Attorney

Manager's Recommendation:

I recommend introduction and approval of amendments to Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the City of Saginaw Code of Ordinances, O-1.

Justification:

The federal Office of Management and Budget issued the new Uniform Grant Guidance also known as the "OMB Super Circular" with the intent of streamlining the federal government's management of taxpayer dollars used in partnership with local stakeholders. Overall, the prescribed reforms require non-federal entities, such as the City of Saginaw, to use their own procurement procedures, provided those procedures also conform to the new federal regulations.

To conform with the requirements of the "OMB Super Circular," amendments have been made to the City's Purchasing, Contracting, and Selling Procedures. Notable changes include strengthening of conflict of interest language, as well as limiting the ability to use "local preference" in projects/purchases funded by federal dollars.

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

Council Action:

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

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

O- _____

AN ORDINANCE TO AMEND CHAPTER 14, TITLED "FINANCE AND PURCHASING," OF TITLE I, "ADMINISTRATIVE CODE," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under Charter provision.

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced July 10, 2017, entitled and reading as follows, be taken up and enacted:

O- _____

AN ORDINANCE TO AMEND CHAPTER 14, TITLED "FINANCE AND PURCHASING," OF TITLE I, "ADMINISTRATIVE CODE," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. An ordinance to amend Chapter 14, Titled "Finance and Purchasing," of Title I, "Administrative Code," of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§14.20 DEFINITIONS.

For purposes of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONFLICT OF INTEREST. A situation that arises when an employee or officer, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any such individuals, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

EMERGENCY PURCHASE or EMERGENCY CONTRACT. An immediate public improvement and purchase or contract of goods, professional or non-professional services, supplies, materials, equipment ~~or~~ and construction projects, whose immediate procurement is essential to the continuation of the work of the department concerned.

PROFESSIONAL SERVICES. A vocation or occupation ~~usually~~ requiring ~~usually~~ advanced education, special knowledge and skill, such as, but not limited to, law or medical professions. The labor and skill involved in ~~such~~ a profession is predominantly mental or intellectual, rather than physical or manual. **PROFESSIONAL SERVICES** include consultants hired for employee training.

PROJECT. An endeavor undertaken with any and all goods, professional or non-professional services, materials, and/or equipment necessary to obtain full operation of any repair, replacement, or construction to the extent that it is considered complete.

PURCHASE OF TWO THOUSAND DOLLARS (\$2,000.00) OR MORE. Any public improvement and purchase or contract of goods, professional or non-professional services, supplies, materials, equipment and constructions projects, whose procurement and/or complete installation for intended use will exceed a cost of two thousand dollars

(\$2,000.00). Whenever possible, purchases of items whose individual cost is less than two thousand dollars (\$2,000.00), but the extended cost of which is two thousand dollars (\$2,000.00) or more when purchased in quantity, is considered a purchase of two thousand dollars (\$2,000.00) or more. Whenever possible, purchases of items whose individual cost is less than two thousand dollars (\$2,000.00), but when combined with other items as part of the same project exceed two thousand dollars (\$2,000.00), is considered a purchase of two thousand dollars (\$2,000.00) or more.

PURCHASE ORDER. A document authorizing a seller to deliver goods with payment to be made later or a written authorization calling on the vendor or supplier to furnish goods to the person ordering such. It constitutes an offer, which is accepted when the vendor supplies the quantity and quality ordered.

PURCHASE ORDER CONTRACT. A standardized form contract on a form acceptable to the Purchasing Officer, or his/her designee, and City Attorney, or his/her designee, for the acquisition of goods, non-professional services, supplies, materials, equipment, etc., whereby no bid specifications are required, or where the bid specifications are so precisely detailed and defined that it is the purchaser's belief that such goods, non-professional services, supplies, materials and equipment will be provided without the necessity of a formal written contract.

SAGINAW-BASED BUSINESS.

(1) The physical and economic relationship to Saginaw determined by evidence of a building or office physically located in the City and the payment of:

- (a) City income taxes on the contractors' net profits; and
- (b) City property taxes on a plant or office and equipment such as is ordinarily required for the performance of the contract bid.

(2) Any business physically located in the City of Saginaw which operates under a City-authorized tax abatement or forgiveness program, or any other City-authorized tax credit program, is still considered a Saginaw-based business for purposes of this section.

TRANSACTION. The act of conducting or carrying out a request for public improvements, purchases or contracts for goods, professional and non-professional services, supplies, materials, equipment, and construction projects.

WRITTEN CONTRACT. An agreement in writing between two (2) or more parties for legal consideration, which creates an obligation to do or not to do a particular thing and is enforceable by law. It is within the discretion of the department head as to whether a formal written contract or a standardized written purchase order contract is necessary for the purchase of supplies, materials and equipment or for professional or non-professional services to be provided by the contractor. When considering the necessity of a formal written contract, the following may be considered:

- (1) The contract is for a large sum of money;
- (2) The City will incur obligations beyond the payment of the purchase price;

(3) There is a need for a more detailed accountability or description of scope of services by the contractor;

(4) The City may incur certain liability which needs specific insurance requirements; and

(5) More detailed remedies are necessary in the event the contractor breaches any of the terms and conditions of the contract.

§14.21 GENERAL POLICY.

(A) **Procurement transactions shall be conducted in a manner providing full and open competition.** Competitive bids and/or quotes for all purchases and public improvements shall be obtained where practicable and purchase orders and/or written contracts awarded to the lowest **responsive and responsible** and/or best bidders. Sealed bids shall be asked for in all transactions involving the expenditure of two thousand dollars (\$2,000.00) or more and the transaction submitted to and approved by Council; provided that in cases where it is clearly to the City's advantage to contract without competitive bidding, the Council, upon recommendation of the City Manager, may so authorize.

(1) Acquisition of unnecessary or duplicative items must be avoided. Consideration should be given to consolidating or breaking out procurements to obtain more economical purchases.

(B) Professional services as defined in §14.20 are not subject to competitive bidding. Administrative Regulation No. 4-7 shall govern the securing of professional services.

§14.22 WRITTEN CONTRACT POLICY.

(A) All contracts two thousand dollars (\$2,000.00) or more must be in writing as required by the Saginaw City Charter, Chapter 5, §33.

(B) All contracts less than two thousand dollars (\$2,000.00) concerning the purchase of goods and services which cannot be fulfilled within one (1) year of the contract, because of the Statute of Frauds, must be in writing and signed by an authorized signature by the party to be charged in order to be legally enforceable.

(C) All written contracts must be approved by the City Attorney, or his/her designee, as to form and the City Manager as to substance.

(D) All contracts two thousand dollars (\$2,000.00) or more must be approved by City Council. City Council may approve the contract in the annual budget as long as there is a specific category line item and dollar amount listed in the annual budget.

(E) All contracts less than two thousand dollars (\$2,000.00) for professional services shall be approved by the City Manager.

(F) All contracts less than two thousand dollars (\$2,000.00) for goods, non-professional services, supplies, materials, equipment and construction projects shall be purchased pursuant to §14.24.

(G) Contracts involving the expenditure of Federal funds shall, where applicable, include those provisions set forth in 2 C.F.R. Part 200, Appendix II, and pertaining to the following:

- (1) Administrative, contractual, or legal remedies, including possible sanctions and penalties, in instances where vendors violate or breach contract terms.
- (2) Termination for cause and convenience by the City, including the manner by which it will be effected and the basis for any settlement.
- (3) Compliance with Federal equal employment opportunity laws and regulations.
- (4) Compliance with the Davis-Bacon Act as supplemented by U.S. Department of Labor regulations, and the Copeland "Anti-Kickback" Act.
- (5) Compliance with the Contract Work Hours and Safety Standards Act.
- (6) Compliance with Federal rights to inventions laws and regulations.
- (7) Compliance with the Clean Air Act and the Federal Water Pollution Control Act.
- (8) Compliance with Federal debarment and suspension laws and regulations.
- (9) Compliance with Federal anti-lobbying laws and regulations.
- (10) Compliance with Section 6002 of the Solid Waste Disposal Act with regard to the procurement of recovered materials.

§14.23 VENDORS.

(A) Applications to be placed on City of Saginaw vendor database will be submitted on a standardized form acceptable to the Purchasing Officer, or his/her designee.

(B) Vendor application forms shall contain a statement requiring that the applying vendor affirms that they do not discriminate against any subcontractor, employee or applicant on the basis of **religion**, race, creed, color, age, national origin, sex, height, weight, disability, **familial status**, or marital status.

(C) The Purchasing Office will be responsible for maintaining vendor applications and for affirming that such completed applications are subsequently added to the City's vendor database. The City of Saginaw will approve applications to be placed on the City's vendor database without prejudice, provided the aforementioned application form is complete.

(D) Vendors must be in the vendor database prior to issuance of a purchase order, purchase order contract, written contract, and/or professional or non-professional service.

(E) Any vendor entering into a purchase order, purchase order contract, or written contract with the City of Saginaw who will be performing a professional or nonprofessional service must also have provided to the Purchasing Office, in advance of such services, certificates of insurance in the types and amounts specified in the bid proposal. When such proof of insurance is required, it is to be carried out within the following parameters:

(1) Limits of liability and types of coverage required will vary depending on the specifications involved in the project and the indemnification needs of the City as set forth in such individual project specifications.

(2) All certificates of insurance submitted to the Purchasing Officer, or his/her designee, must list the City of Saginaw as the certificate holder, and be delivered, either by facsimile transmission or mail, directly from the issuing agent.

(3) It is the responsibility of the insured contractor to confirm that such proofs of insurance are on file with, and their form acceptable to, the City of Saginaw Purchasing Officer, or his/her designee, respective of the individual project specifications, prior to the issuance of any purchase order, purchase order contract, written contract, or professional service.

(4) Contracts will be awarded only to responsible vendors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration will be given to such matters as vendor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(5) Upon reward of a contract to a vendor, the department head and/or his/her designee shall be responsible for maintaining an updated certificate of insurance from the vendor for the length and/or term of the contract or until completion of the project.

(6) The Purchasing Officer, or his or her designee, shall ensure that all prequalified lists of vendors are current and include enough qualified sources to ensure maximum open and free competition.

(7) The Purchasing Officer, or his or her designee, shall take affirmative steps to assure that small and minority businesses and women's business enterprises are in the vendor database and solicited whenever they are potential sources.

§14.24 BIDS AND BONDS.

(A) *Notices inviting sealed bids.*

(1) Notices inviting sealed competitive bids in all cases where required by this section, state or federal law or regulation, shall be posted and publicly advertised at least five (5) calendar days prior to the final date for submitting bids in the City Clerk's Office, on the City's cable channel and website and/or through other alternative electronic bidding resources as deemed by the Purchasing Officer to provide sufficient notification to prospective bidders.

(2) Such notice shall indicate the goods, non-professional services, supplies, materials or equipment desired, or the construction project to be undertaken, the place where bid specifications are available to be obtained, and the date, time and place the bids are due. Bid specifications shall incorporate a clear and accurate description of the

technical requirements for the material, product, or service to be procured, as well as identify all requirements which the bidders must fulfill and all other factors to be used in evaluating bids or proposals.

(3) In all cases where sealed bids are invited, the Purchasing Office shall mail, and/or make available copies of bid forms, sealed bid instructions, and specifications to at least three (3) qualified vendors or contractors where possible in order to obtain competitive bidding. Bid lists shall be maintained by the City Purchasing Officer, or his/her designee, and shall be available for public inspection.

(B) Items not be subject to competitive bidding.

(1) The City Council has determined that the following list of goods, services, materials and supplies need not be subject to the competitive bidding process, as it may not be to the City's advantage to contract these services through competitive bidding:

- (a) Advertisements in periodicals;
- (b) Payments to arbitrators;
- (c) Firms providing deposition and court transcript services;
- (d) Dues and subscriptions;
- (e) Medical services;
- (f) Publications and copyrighted materials;
- (g) Conferences, seminars and classes;
- (h) Travel expenses;
- (i) Purchases covered by use of petty cash checks;
- (j) Utility bills, including gas, electric, water, sewage, and local telephone service;
- (k) Television and radio advertisements;
- (l) Fuel purchases;
- (m) Employee benefits payments, including, but not limited to, health, dental, vision and life insurance, pension, etc.; and
- (n) U.S. Postal, United Parcel Service, Federal Express, Airborne, or other delivery services.

(2) For the purpose of this provision, the City Manager may recommend and approve payment and purchase of the above items without submitting proposed invoices for such services to City Council as long as the amounts are a specific category line item in the annual budget approved by City Council, and the City Attorney, or his/her designee, and City Manager have approved the contract as to form and substance.

(C) Bid, performance and labor and material bonds.

(1) Except as otherwise required by any applicable law or regulation, any bid in excess of one hundred thousand dollars (\$100,000.00) shall be accompanied by a bid bond, bank money order, certified check, or cashier's check in the amount of five three percent (35%) of the total amount bid.

(2) Except as otherwise required by any applicable law or regulation, a performance bond and a labor and material bond shall be furnished with the contract documents executed by the bidder prior to the award of each contract exceeding fifty thousand dollars (\$50,000.00) for the construction, alteration or repair of any public

building or public work or improvement as provided by MCL 129.201 *et seq.*, and each such bond shall be in an amount equal to the total amount of the contract and executed by the contractor and a corporate surety company authorized to do business in Michigan.

(D) *Disqualification of bidders.*

(1) In addition to any other remedies authorized by law, a bidder may be disqualified from bidding on any City contracts for up to three (3) years by the City Manager if it has been determined that the bidder, after an award of a contract:

- (a) Failed to provide the service or supplies required;
- (b) Provided the service or supplies in an untimely manner causing delays and interference;
- (c) Lacked financial resources and the ability to satisfactorily perform the contract or provide the services or supplies;
- (d) Exhibited poor quality of performance in delivering the service;
- (e) Delivered poor quality of goods;
- (f) Failed to comply with laws and ordinances relating to contract performance;
- (g) Defaulted on its quotations; and/or
- (h) Such other action that leads the City to believe that the contractor's duties will not comport or comply with the bid requirements.

(2) The City Manager may determine that the bidder has good cause not to abide by the bid for reasons such as, but not limited to, honest and reasonable mistake, contractual impossibility, **or** fraud or misrepresentation by another.

(3) When the City Manager believes grounds for disqualification exist, a notice shall be sent to the vendor of the proposed disqualification indicating the grounds for disqualification and procedure for requesting a hearing. If the vendor does not respond with a written request for a hearing within twenty (20) calendar days, the City Manager will issue a final disqualification order without a hearing. If a hearing is requested, the City Manager will select a designee for the purpose of taking testimony from the contractor, or any other witnesses, concerning the decision to disqualify said contractor. The recommendation of the designee shall be sent to the City Manager for approval or denial. The decision of the City Manager is final.

(4) Any contractor disqualified a second time for any of the reasons set forth in division (D)(1) above, may be permanently disqualified.

(5) Any contractor disqualified for fraudulent actions, theft or other similar criminal behavior may not be reinstated and may be permanently disqualified.

(6) Such disqualification of a bidding contractor, company, corporation, partnership, or firm, shall also apply to its successors, assigns, officers and/or principals.

(7) In addition to the foregoing, a bidder's bid on any City contract will be disqualified if at the time the bid is received by the City, such bidder is in default to the City. A default is defined as when the City has placed the bidder on notice that moneys are due and owing and the bidder has failed to pay said debt ~~not~~ **or** enter into a payment plan with the City. Failure to file yearly income tax returns for taxable income under one thousand dollars (\$1,000.00) or file an Income Tax Affidavit or failure to file

corporate income tax for City-based businesses, is considered to be a default. A debt that is a subject of an administrative appeal or contested court case is not considered to be in default.

(E) *Form of bids.*

(1) Bids submitted in response to any such notice shall be submitted according to the following instructions or the bid may be disqualified:

- (a) Bids must be submitted on printed forms furnished by the City Purchasing Officer, or his/her designee. Voluntary alternates may be attached to the bid form, if necessary.
- (b) Bids must be in ink or typewritten.
- (c) Bids must contain bidder's complete name, address, and telephone number.
- (d) Bids must be signed in ink **by an authorized agent of the bidder** and dated.
- (e) Bids must include delivery or completion time.
- (f) If an addendum (~~form B02~~) is issued, it must be signed, dated, and returned with the bid.
- (g) A bid bond, bank money order, certified check or cashier's check in the amount of **five** ~~three~~ percent (**5**~~3~~%) of the total amount bid must be submitted with any bid in excess of one hundred thousand dollars (\$100,000.00), unless any applicable law or regulation requires a different percentage.
- (h) All erasures or corrections to pricing information must be initialed **and dated** in ink **by the same individual signing the bid**.
- (i) In case of a discrepancy between a unit price and its extension, the unit price will be considered correct and the bid will be recalculated to determine the amount bid. All addition errors will be corrected and the total bid will be adjusted to reflect the corrections. All unit prices must be stated where requested.
- (j) All bids must be in the City Purchasing Office by the date and time specified on the bid form.
- (k) Each bid must be enclosed in a separate sealed envelope with "SEALED BID" and the bid number marked on the front.

(2) The City reserves the right to accept or reject any and all bids, or parts thereof, and to waive any irregularities which do not materially affect the bid document or otherwise conflict with statute or ordinance. **Any rejections of bids shall be made only if there is a sound documented reason for same.**

(3) By signature, the bidder acknowledges that the signer has complete authority to execute the bid on behalf of the bidder and that the bid is genuine and not collusive in any manner; and that no other bidders were improperly induced to refrain from bidding or induced to submit a sham bid; and that the bidder agrees to have withheld from any payment due them, any amounts owed for taxes or other charges due the City of Saginaw; and that successful bidders are subject to mandatory City of Saginaw income tax withholdings.

(4) All bids for supplies, materials, or other commodities necessary for the regular operation of City functions ~~may~~ **must** contain the following language: "The Vendor hereby agrees to maintain the bid price for one year from the date of this bid, and the City reserves the right, in its sole discretion, to purchase such additional supplies as it deems necessary at said rate in an amount not to exceed the total contract price of the original bid."

(F) *Opening of bids.* Sealed bids shall be opened in public at the time and place indicated on the bid form in the presence of an administrative committee known as the Purchasing Committee, consisting of the Purchasing Officer or his/her designee, City Manager or his/her designee, and the City Clerk or his/her designee. The head of the department, or a designated representative, shall also attend the bid opening when a bid is opened which affects his/her department or division. At least three (3) of these persons shall be present at every bid opening.

(G) *Review of bids.*

(1) After opening the sealed bids, the Purchasing Officer, or his/her designee, shall refer the bids to the affected department head and/or his/her designee for tabulation and review. The Purchasing Officer, or his/her designee, may require a reference check for suitability prior to referring the bids to the affected department head.

(2) Upon review, the department head, or his/her designee, shall complete a Bid Evaluation Form and electronically submit the tabulation to the Purchasing Committee for review and approval. The form must contain the following:

- (a) The bid number and date of opening;
- (b) The department name;
- (c) A brief description of each of the item(s) as it appeared on the actual bid document;
- (d) The quantity requested, unit cost of each item (where applicable) and extended cost;
- (e) The total amount submitted;
- (f) The name of the company submitting the bid; and
- (g) The company the department head, or his/her designee, recommends with an explanation for the recommendation.
- (h) **The City, where applicable, shall perform a cost or price analysis in connection with every procurement involving the expenditure of Federal funds, as well as negotiate profit as a separate element of the price for each such contract. Estimated costs for contracts are allowable only to the extent such estimations are allowed under Federal regulation. In no case, may the cost plus a percentage of cost and percentage of construction cost methods of contracting be used.**

(3) The members of the Purchasing Committee will review the recommended bid(s), and electronically give its approval/disapproval response to the Purchasing Officer, or his/her designee, or request further clarification. In the event such explanation cannot be satisfied by electronic means, the Purchasing Committee will

formally meet to further discuss the recommendation. A majority vote of the Purchasing Committee is needed for approval.

(4) Upon approval of the recommended bid(s), the Purchasing Officer, or his/her designee, shall instruct the department head, or his/her designee, to prepare the appropriate Council Communication, which shall be transmitted to the City Manager with his/her recommendation for Council approval.

(5) The bids and the tabulation shall be available for public inspection in the City Purchasing Office.

(H) Council action on sealed bids.

(1) Upon receipt of the tabulation of bids and the recommendation from the City Manager, the Council may reject the bids or determine the lowest and best bidder or bidders and award the transaction or transactions accordingly.

(2) In case the Council determines that it is not possible to choose between two (2) or more suppliers of a commodity purchased regularly because the bids are equal, the transaction may be awarded to the bidder who was awarded the last transaction for the same commodity.

(I) Execution of transaction.

(1) Upon the approval of a transaction as hereinbefore provided, the Purchasing Officer, or his/her designee, shall execute the transactions in the manner set forth in §14.32, Approval of Purchase Orders and §14.22, Written Contract Policy (where applicable).

(2)(a) All forms of acceptable cash, including bank money orders, certified checks or cashier's checks accepted in accordance with division (C)(1) above will be processed as follows:

1. Funds received from the top three (3) companies/bidders shall be deposited by the Treasurer's Office.

2. Funds received from all other bidders shall be promptly returned to the respective companies following the opening of the bid(s).

3. Upon approval by City Council of the transaction/bid award, the Treasurer's Office will refund all funds held and deposited by way of City check.

(b) If any successful bidder fails or refuses to enter into the transaction as herein provided, the deposit accompanying the bid shall be forfeited and the Council may award the transaction to the next lowest and best bidder, or reject all bids and re-advertise.

(3) All transactions shall be executed by the vendor and Purchasing Officer, or his/her designee. For all transactions two thousand dollars (\$2,000.00) or more, the Purchasing Officer or his/her designee, must first have Council's approval before execution of the transaction.

(4) An executed copy of all written contracts shall be filed with the City Clerk, or his/her designee. An executed copy of all purchase order contracts shall be filed with the Purchasing Officer, or his/her designee.

(5) The department head ~~and~~/or his/her designee, with the approval of the Finance Director and/or Budget **Director**, may allow for an increase or decrease in cost not to exceed ten percent (10%) of the total purchase order contract for goods,

nonprofessional services, supplies, materials, equipment, etc., due to unforeseen circumstances, necessity or redundancy not contemplated in the bid. Such increase or decrease shall be mutually agreed upon in writing between the department head, ~~and/or~~ his/her designee (with the approval of the Finance Director and/or Budget **Director**) and the Contractor. Upon such authorization, a change order shall be processed by the Purchasing Office to effectuate the increase or decrease. Any and all bids/purchase order contracts for goods, non-professional services, supplies, materials, equipment, etc., shall contain the following language:

"The Department Head ~~and/or~~ his/her designee, with the approval of the Finance Director and/or Budget **Director**, may allow for an increase or decrease of this purchase order contract/written contract by 10% of the total purchase order due to unforeseen circumstances, necessity or redundancy not contemplated in the bid. Such increase or decrease shall be mutually agreed upon in writing with the Contractor. In no event, however, will this purchase order contract/written contract be increased over 10% of the total purchase order without the prior approval of City Council."

(6) The City Engineer, ~~and/or~~ his/her designee, with the approval of the Finance Director and/or Budget **Director**, may allow for an increase or decrease in cost not to exceed twenty percent (20%) of the total contract for construction projects for building, altering, repairing, improving or demolishing any public structure or building, or other public improvements of any kind to any public property due to unforeseen circumstances, necessity or redundancy not contemplated in the bid, or an expansion or reduction of the scope of services due to unforeseen conditions. Such increase or decrease shall be mutually agreed upon in writing between the City Engineer, ~~and/or~~ his/her designee (with the approval of the Finance Director and/or Budget **Director**) and the Contractor. Upon such authorization, a change order shall be processed by the Purchasing Office to effectuate the increase or decrease. Any and all bids shall contain the following language:

"The City Engineer ~~and/or~~ his/her designee, with the approval of the Finance Director and/or Budget **Director**, may allow for an increase or decrease of this purchase order contract/written contract by 20% of the total purchase order due to unforeseen circumstances, necessity or redundancy not contemplated in the bid. Such increase or decrease shall be mutually agreed upon in writing with the Contractor. In no event, however, will this purchase order contract/written contract be increased over 20% of the total purchase order without the prior approval of City Council."

(J) *Records.* The Purchasing Officer, or his or her designee, shall maintain records sufficient to detail the history of the procurement.

(K) *Conflict of Interest.* No employee or officer of the City may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest.

§14.25 PURCHASES UNDER TWO THOUSAND DOLLARS (\$2,000.00).

(A) All public improvements and purchases for goods, non-professional services, professional services, supplies, materials, equipment and construction

projects, the cost of which is less than two thousand dollars (\$2,000.00), may be made in the open market, without official notice and irrespective of the procedure prescribed for purchases over two thousand dollars (\$2,000.00).

(B) All open market purchases shall, whenever possible, be based on at least three (3) competitive bids solicited by telephone, fax, electronic mail, or by direct mail request from prospective vendors. The Purchasing Officer, or his/her designee, shall award open market purchases to the lowest and/or best bidder and shall keep a record of all such purchases and the bids submitted in competition thereon. These records shall be available for public inspection in the City Purchasing Office.

(C) To the extent practicable, such purchases shall be distributed equitably among qualified vendors.

§14.26 PREFERENCE FOR LOCAL BIDDERS.

(A) If the lowest bidder is not a Saginaw-based bidder, as defined above, any Saginaw-based bidder with a bid within five percent (5%) but not more than five thousand dollars (\$5,000.00) of the lowest bid shall be deemed the lowest bidder if it agrees to reduce its bid to match the bid of the lowest bidder. A lowered bid by a Saginaw-based business which is premised upon, in whole or in part, changes to or variances to the bid specifications, contract requirements, or scope of work, shall be considered non-responsive and will not be considered.

(B) If such a Saginaw-based business refuses to reduce its bid to match the lowest bid, then the next lowest responsive and responsible Saginaw-based business with a bid within five percent (5%) but not less than five thousand dollars (\$5,000.00) of the lowest bid shall be deemed the lowest bidder, if it agrees to reduce its bid to match the bid of the lowest bidder.

(C) If no responsive and responsible Saginaw-based businesses within five percent (5%) but not more than five thousand dollars (\$5,000.00) of the lowest bid agree to reduce their bids, then the contract shall be awarded to the person or business with the lowest, most responsive and responsible bid.

(D) In the event of a tie between two (2) or more Saginaw-based businesses, where all other factors are equal, the award of the bid shall be by coin toss conducted by the Purchasing Officer or his/her designee.

(E) No contract awarded pursuant to this section shall be sublet in any manner that permits fifty percent (50%) or more of the dollar value of the contract to be performed by a subcontractor or subcontractors who do not meet the definition of "Saginaw-based **business**."

(F) The section shall not waive or constrain, in any manner, the right and prerogative of the City to reject any and all bids or proposals from any Saginaw-based

business which fails to meet the requirements of any other division of this section, or to reject a bid which is in any way incomplete, irregular, not responsive or not responsible.

(G) Local preferences shall not be applied in cases of procurements funded, even in part, with Federal dollars, unless such procurement is for architectural and engineering services. When contracting for architectural and engineering services, local preference may be a selection criterion provided its application leaves an appropriate number of qualified vendors, given the nature and size of the project, to complete the contract.

§14.27 SOLE SOURCE.

In the event there is only one (1) vendor capable of providing a particular product or service, then the competitive bidding procedures outlined in this subchapter may be waived by the Purchasing Committee. Whenever a department head or his/her designee determines that they must purchase goods or services from a “sole source” vendor, they ~~should~~ **must** document why only one (1) company or individual is capable of providing the goods or services required. This documentation ~~should~~ **will then** be forwarded to the Purchasing Committee for approval.

§14.28 “BRAND NAME OR EQUAL.”

(A) The use of “brand name or equal” specifications may be used when the department head or his/her designee determines that use of a “brand name or equal” specification is in the City's best interest.

(B) The department head or his/her designee shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one (1) source can supply the requirement, the procurement shall be made under §14.26, Sole Source.

§14.29 RECYCLING.

In recognition of the continuing need to be environmentally responsible, recycled goods should be considered when deemed appropriate and fiscally responsible.

§14.30 COOPERATIVE PURCHASING.

The City Manager or his/her designee, **upon City Council approval**, is authorized to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby, ~~upon City Council approval~~.

§14.31 EMERGENCY PURCHASES.

In the case of an emergency, any department head or his/her designee may purchase or contract directly for any public improvements, goods, non-professional services, supplies, materials, equipment and construction projects, whose immediate procurement is essential to the continuance of the work of the department concerned. Wherever possible, the department head or his/her designee shall contact the Purchasing Office for authorization prior to making any emergency purchases. A record of emergency purchase order authorizations shall be available for public inspection in the Purchasing Office. All purchases or contracts shall be submitted to City Council after the fact for subsequent ratification and/or approval for all purchases two thousand dollars (\$2,000.00) or more.

§14.32 APPROVAL OF PURCHASE ORDERS.

The Purchasing Officer, or his/her designee, shall approve and execute all purchase orders, purchase order contracts, and emergency purchases.

§14.33 INSPECTION OF MATERIALS.

The responsibility for the inspection and acceptance of all goods, materials, supplies, and equipment shall rest with the ordering department.

§14.34 SALE OF PROPERTY.

(A) Whenever any City property, real or personal, is not needed for corporate or public purposes, the same may be sold.

(B) Real and personal property not exceeding one thousand five hundred dollars (\$1,500.00) in value, may, upon approval of the City Manager, either be sold for cash by the Purchasing Officer, or his/her designee, after receiving quotations or competitive bids therefore for the best price obtainable, or traded to the vendor of new equipment replacing it.

(C) Personal property with a value in excess of one thousand five hundred dollars (\$1,500.00), may be sold after advertising and receiving competitive bids, as provided in §14.24, inclusive, of this subchapter, and after approval of the sale has been given by the City Council; or such personal property may be traded to the vendor of the new equipment replacing it, upon approval of the City Manager.

(D) In addition to the provisions above made for the sale of personal property, in general, the City Manager may:

(1) Authorize the sale of goods or supplies which have become obsolete, worn out or scrapped, unsuitable for use by the City, or otherwise lawfully acquired by the City and having no value or use to the City at private or public auction, including on-line auction services. In this regard, the department head, and/or his/her designee, with

the assistance of the Purchasing Officer, or his/her designee, shall explore the various services available and select a public auction service which shall dispose of such personal property in the most efficient and cost effective means for the City. All such sales under this section shall be made to the highest bidder, subject, however, to the published terms of such sale.

(2) Authorize the donation of goods or supplies which have become obsolete, worn out or scrapped, unsuitable for use by the City, or otherwise having no value or use, to one (1) or more charitable organizations having need and/or use of the defunct item(s), giving first preference to those Saginaw-based organizations.

(3) Authorize the transfer of surplus supplies or equipment within any department in order to maximize the use and benefit thereof.

(E) Real property exceeding one thousand five hundred dollars (\$1,500.00), shall be sold in the same manner as personal property over one thousand five hundred dollars (\$1,500.00) in value, unless the Council shall determine that it is clearly to the City's advantage either to sell such property without competitive bidding or to exchange the same for other land required by the City. The sale of land which shall have been approved by three-fifths (3/5) of the City electors voting thereon at any general or special election, and property sold pursuant to federal and state statute and regulations, shall not be subject to the provisions of this subchapter.

(F) Any and all tax reverted properties may be acquired and disposed of pursuant to state law and administrative regulation established by the City Manager.

§14.35 VALIDITY OF CONTRACTS.

The foregoing provisions of this subchapter shall be deemed to establish, in general, the procedure to be followed in purchases and contracts by the City, but shall not be held to be mandatory, except those provisions which may be contained in state or federal law or in the Charter. Any contract approved by the Council and not prohibited by state or federal law or the provisions of the Charter, shall be valid even though one (1) or more of the provisions of this subchapter may not have been observed. Only a majority of City Council can authorize and bind the City for any contract two thousand dollars (\$2,000.00) or more.

This ordinance shall become effective August 3, 2017.

Enacted: July 24, 2017.

Yeas:

Nays:

Absent:

Abstain:

ORDINANCE DECLARED ADOPTED

Dennis D. Browning
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 July 24, 2017; 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 June 19, 2017, entitled and reading as follows, be taken up and enacted:

O-_____

AN ORDINANCE TO AMEND §52.15 "WATER METERS", AND §52.57 (A) "WATER BILLING," OF CHAPTER 52, "WATER," OF TITLE V, "PUBLIC WORKS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. §52.15 "Water Meters", and §52.57 "Water Billing," of Chapter 52, "Water," of Title V, "Public Works," of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 52.15 WATER METERS

(A) All premises using water shall be metered. Meters and other necessary equipment will be furnished by the City and shall remain the property of and under the control of the City at all times.

(1) The type of meter, meter reading device, and other equipment utilized shall be determined by and at the sole discretion of the City. The Director of Finance, or his/her designee, is hereby empowered to discontinue water service at and/or charge the customer any additional costs incurred by the City for any location where such equipment is not compliant with the City's system.

(B) No person other than an authorized employee of the City shall break or injure the seal on, or change the location of, alter, or interfere in any way with, any equipment installed by the City. The Director of Finance, or his/her designee, is hereby empowered to discontinue water service for any violation of this subsection.

(C) Whenever any equipment installed by the City is injured because of any act or negligence on the part of the owner or occupant of the premises where such equipment is installed, the expense to the City caused thereby shall be charged to and collected from such owner or occupant.

(D) In the event a meter shall fail to register properly, the Director of Finance, or his/her designee, is empowered to estimate the quantity of water used on the basis of former consumption and bill accordingly.

§ 52.57 BILLING

(A) (1) Water service charges may be billed monthly or quarterly as determined by the City. Water service billed monthly shall be computed so that the total cost per quarter shall be the same as if billed quarterly.

(2) The City will assume no responsibility for water bills caused by a leak in the water service beyond the meter and/or in a private service extension, and the property owner shall be responsible for the costs of any repairs relating to same. The City Manager, or his/her designee, shall establish rules and regulations pertaining to the construction and maintenance of such private service extensions.

(3) In the event one (1) water connection serves two (2) or more customers, the meter shall be in the name of the individual or organized group of individuals contracting with the City for service and said individual or organized group of individuals shall be responsible for all water service charges.

This ordinance shall become effective July 20, 2017.

Enacted: July 10, 2017.

Yeas:

Nays:

Absent:

Abstain:

ORDINANCE DECLARED ADOPTED

Dennis D. Browning
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 July 10, 2017; 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 June 19, 2017, entitled and reading as follows, be taken up and enacted:

O- _____

AN ORDINANCE TO AMEND CHAPTER 71, OF TITLE VII, "TRAFFIC REGULATIONS," BY ADDING A NEW SECTION TITLED, "COST RECOVERY," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. An ordinance to amend Chapter 71, of Title VII, "Traffic Regulations," by adding a new section titled, "Cost Recovery," of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§71.50 PURPOSE.

The City finds that a significant number of the traffic arrests and traffic accidents in the City involve drivers operating a motor vehicle while under the influence of intoxicants, such as alcoholic beverages or a controlled substance or a combination thereof. Furthermore, the City finds that there is a greater likelihood of personal injury or property damage in accidents involving a driver operating under the influence of intoxicants. As a result, the City finds that a greater operational and financial burden has been placed on the City's public safety services by persons operating a motor vehicle under the influence of intoxicants, and that it is necessary to recover these increased costs of enforcement activities caused by such persons.

§71.51 DEFINITIONS.

For the purpose of this subchapter, the terms listed below shall have the following meanings:

(A) *Emergency response* shall mean:

(1) The providing, sending, and/or utilizing of public services, police, firefighting, rescue services, and/or any other agents of the City to a motor vehicle accident, or an arrest, in which one or more drivers were operating a motor vehicle under the influence of one or more intoxicants; or

(2) The providing, sending, and/or utilizing of public services, police, firefighting, rescue services, and/or any other agents of the City to any scene where a person and/or driver becomes helpless, endangered, or otherwise in need of assistance by reason, in whole or in part, of being under the influence of one or more intoxicants; or

(3) The making of a traffic stop and arrest by a law enforcement officer when the driver is or was operating a motor vehicle while under the influence of one or more intoxicants.

(B) *Expense of emergency response* shall mean the direct and reasonable costs associated with the occurrence of an emergency response. These costs shall include, but are not limited to: all of the salaries, wages (including overtime pay), workers' compensation benefits and fringe benefits of the city personnel responding to the incident or engaged in the investigation, supervision and report preparation associated with the incident; all costs connected with the administration and provision of breathalyzer or chemical tests related to any prosecution of the person involved in the incident; cost of equipment operation and supplies used in responding to the incident; cost of materials obtained directly by the City in relation to the incident; and cost of any contract labor or materials obtained by the City in relation to the incident.

(C) *Operating under the influence of one or more intoxicants* shall mean:

(1) Operating a motor vehicle while under the influence of an alcoholic beverage, controlled substance, or a combination of intoxicants; or

(2) Operating with an unlawful blood alcohol content as defined by the Michigan Vehicle Code; or

(3) Operating while visibly impaired due to the consumption of alcoholic beverages, controlled substances, or a combination of intoxicants.

§71.52 LIABILITY FOR EXPENSE OF AN EMERGENCY RESPONSE.

(A) Any person is liable for the expense of an emergency response if that person, while under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, proximately causes any incident resulting in an emergency response as defined by this subchapter, and is convicted of a related criminal offense.

(B) This subchapter shall be construed to impose a responsibility and liability of a civil nature on the part of the operator of the motor vehicle and shall not be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines and costs which may be imposed by a court on a person who is convicted of any criminal offense arising from the incident that resulted in an emergency response.

§71.53 COST RECOVERY SCHEDULE.

(A) The Police Department, Fire Department, and City Manager shall periodically evaluate the actual costs incurred in making such emergency responses and determine an average cost during emergency responses. This amount shall be amended from time to time to reflect increases or decreases in the salaries of all personnel, along with the costs for vehicles and other necessary equipment.

(B) The City Manager, or his or her designee, shall forward the average cost developed in subsection (A) of this section to the district court and circuit court having jurisdiction over the City. This cost, as restitution to the City, may be imposed by the court during the imposition of any sentence upon any person liable under this section.

§71.54 COLLECTION AND ENFORCEMENT.

(A) The amount ordered to be paid under this subchapter shall be paid to the clerk of the court who shall transmit the payment amount to the City Treasurer.

(B) If not otherwise ordered by the court, the reimbursement amount ordered shall be made immediately. The court may order that reimbursement be made within a specified period or in specified installments.

(C) If the person convicted is placed on probation, any reimbursement ordered under this section shall be a condition of that probation.

(D) A court order for reimbursement under this subchapter may be enforced in the same manner as a judgment in a civil action.

This ordinance shall become effective July 20, 2017.

Enacted: July 10, 2017.

Yeas:

Nays:

Absent:

Abstain:

ORDINANCE DECLARED ADOPTED

Dennis D. Browning
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 July 10, 2017; 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: Brownfield Redevelopment Authority

Subject: Amend the Brownfield Plan for the Michigan Works Redevelopment Project

Prepared by: Yolanda M. Jones, Office of Management and Budget

Manager's Recommendation:

It is recommended that City Council adopt the resolution approving the amendment to the Brownfield Plan for the Michigan Works Redevelopment Project. Furthermore, City Council authorizes the Mayor and/or his designee to sign all necessary and related documents.

Justification:

On May 24, 2017, the Brownfield Redevelopment Authority approved the amendment to the Brownfield Plan to the Michigan Works Redevelopment Project. The amendment to the brownfield plan is specifically related to the tax capture. Under the original brownfield plan, tax increment revenue (TIR) generated by the project was split between the Downtown Development Authority (DDA) and the Brownfield Redevelopment Authority (BRA). Both the DDA and the BRA agreed to reimburse the developer with TIR generated by project. Since the approval of the reimbursement agreement, both the DDA and the BRA have determined that splitting the TIR prior to the developer reimbursement is an inefficient method of managing the TIR. Both entities now have agreed that all of the TIR created by the project should be transmitted to the BRA, and for the BRA to reimburse the developer for brownfield eligible costs. Furthermore, the DDA has agreed to forgo any tax capture from the eligible property until the brownfield plan TIR reimbursement to the developer is completed.

Council Action:

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

**A RESOLUTION TO AMEND THE BROWNFIELD PLAN FOR THE CITY OF
SAGINAW, MICHIGAN TO AMEND THE MICHIGAN WORKS REDEVELOPMENT
PROJECT, IN COMPLIANCE WITH THE PROVISIONS OF PUBLIC ACT 381 OF
1996**

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

WHEREAS, the Saginaw City Council approved a resolution on September 29, 1997, creating a Brownfield Redevelopment Authority and designated the boundaries of the Brownfield Redevelopment Zone; and

WHEREAS, the Saginaw City Council approved a resolution on May 17, 1999, adopting a development plan for the Brownfield Redevelopment Zone which complies with the provisions of Public Act 381 of 1996, as amended; and

WHEREAS, the Saginaw City Council approved a resolution on June 11, 2012, adopting the twenty-fifth amendment to the Development Plan for the City of Saginaw Brownfield Redevelopment Zone to include Brownfield Plan Project No. 2012-01, Michigan Works Redevelopment Project; and

WHEREAS, on May 24, 2017 the Brownfield Redevelopment Authority approved an amendment to the Brownfield Plan for Michigan Works Redevelopment Project, which complies with the provisions of Public Act 381 of 1996, as amended; and

WHEREAS, the amended Brownfield Plan constitutes a public purpose and eligible activities provided in the amended plan are feasible and the cost of the eligible activities is reasonable to carry out the purpose of the Act,

NOW, THEREFORE, BE IT RESOLVED, that the Saginaw City Council does hereby approve the amendment to the Development Plan for the City of Saginaw Brownfield Redevelopment Zone by approving the amendment to the Brownfield Plan for Michigan Works Redevelopment Project.

BE IT FURTHER RESOLVED that the Saginaw City Council authorizes the Mayor and/or his designee to sign all necessary documents.

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 July 10, 2017; 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, CMC/MMC
City Clerk