

COUNCIL AGENDA
April 21, 2014 – 6:30 p.m.
Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Linda Mitlyng from Trees for Tri-Cities to receive Proclamation to celebrate “Arbor Day” on April 25, 2014.
2. Christopher Enge, Attorney at Law, from the Saginaw County Bar Association to receive Proclamation designating May 1, 2014 as “Law Day.”

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided following submittal deadline)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

Management Update:

1. John Stemple, Chief Inspector, to present Neighborhood Quadrant Code Enforcement Program.
2. Chris Van Loo, Acting Fire Chief, Fire Apparatus Purchase; and Phil Karwat, Director of Public Services, Public Services Equipment Purchase.

CONSENT AGENDA:

1. Approve the April 7, 2014 regular Council meeting minutes.
2. Approve Petition 14-02 from Pulse 3 Foundation to erect banner located at Court Street from August 22 through September 10, 2014 to promote “Run for Your Heart” Race.
3. Approve Petition 14-03 from Saginaw County Community Mental Health to erect banners located at Court Street and West Genesee Avenue from May 1 through May 31, 2014 to promote May as “Mental Health Awareness Month.”
4. Approve the one-year telephone equipment maintenance agreements with I.T.I., Inc. and issue a purchase order for \$18,217.25 for the maintenance of telephone equipment at City Hall, the Police Department, Public Works, and Water Treatment Plants.

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5. Approve a purchase order to Howard Technology Solutions for \$3,603 for renewal of the City's VMware license fees to operate the computer servers for the City.
6. Approve an emergency purchase order to Wobig Construction Co., Inc. for \$2,266 for the emergency repair of the top of the junction chamber under Remington Street for the Maintenance and Services Division.
7. Approve a budget adjustment for FY 2014 to increase the Major Streets Fund – Reimbursements Account No. 202-0000-676.000 from \$10,000 to \$29,311, a \$19,311 increase, for the funds received from Progressive Insurance for accident damage to the Center Street Bridge railing and guardrail. This increase in revenues will be offset by an increase to the Major Streets Fund – Bridge Projects Division's Engineering Services Account No. 202-4616-802.000 by the same amount.
8. Approve the Ojibway Island User Agreement with La Union Civica Mexicana.
9. Approve to increase blanket purchase orders issued to various vendors by a total amount of \$24,700 for additional purchases of various vehicle parts, supplies, and services for the Garage Division.
10. Approve the Professional Services Agreement with Surveying Solutions, Inc. for \$67,500 for FY 2014 and \$139,000 for FY 2015 for survey services for the Streets Division.
11. Approve the Personal Services Agreement with contractor, Deepak Gupta for \$15,840 to provide technical and administrative support from April 22, 2014 through June 30, 2014 to the engineering section of the Right of Way Division.
12. Approve the contract agreement with Interstate Gas Supply, Inc. to provide natural gas to 45 service accounts for City facilities utilizing natural gas at set fixed rates through March 31, 2016.

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

1. Consideration of reappointing Glenn Fitkin to the Brownfield Redevelopment Authority with a term to expire December 31, 2016.

INTRODUCTION OF ORDINANCES:

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to add "Low Income Housing Tax Exemption for Finlay Brookwood Park Limited Dividend Housing Association Limited Partnership" to the Table of Special Ordinances, VIII, of the City of Saginaw Code of Ordinances, O-1.

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2. An Ordinance to add “Human Rights,” to Chapter 93, “Non-discrimination,” of Title IX, “General Regulations,” of the City of Saginaw Code of Ordinances, O-1.

RESOLUTIONS:

1. Authorization to enter into installment purchase contracts for the purchase of a fire truck for Community Public Safety – Fire and for various vehicles and equipment for the Department of Public Services.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

ADJOURN:

Tim 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 AVENUE, 989.759.1480.

City of Saginaw PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, and for our fires. Trees also increase property values, enhance the economic vitality of business areas, and beautify our community. Trees are a source of joy and spiritual renewal wherever they are planted.

WHEREAS, The City of Saginaw would like to recognize Trees For The Tri-Cities, established in 2008. Since its inception, this organization has planted over 450 trees in various locations in the City of Saginaw. The City of Saginaw has partnered with Trees For the Tri-Cities in order to monitor and replace 15 to 20 trees that were lost in 2013 including trees at Ojibway Island, Deindorfer Park, Adams Boulevard, Heritage Square, and Delaware Boulevard; and

WHEREAS, planting a tree gives the gift of nature not only to ourselves, but to our environment and to future generations to come. The renowned historian Thomas Fuller once said, "He that plants trees loves others besides himself."

NOW, THEREFORE BE IT RESOLVED, I, Dennis D. Browning, Mayor of the City of Saginaw, do hereby proclaim April 25, 2014 as

"ARBOR DAY"

in the City of Saginaw, and invite all citizens to celebrate Arbor Day and to support efforts to plant trees that help beautify our city, protect our environment, and preserve this precious earth for the future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 21st day of April in the year of our Lord two thousand and fourteen.



Dennis D. Browning, Mayor

Councilpersons

*Amos O'Neal, Mayor Pro Tem
Annie Boensch, Norman Braddock
Larry Coulouris, Daniel Fitzpatrick, Floyd Kloc,
Michael D. Balls, Brenda F. Moore and
Demond L. Tibbs*

April 21, 2014

Timothy Morales, City Manager

PROCLAMATION

WHEREAS, Law Day is an occasion of public acknowledgement of our nation's heritage of justice, liberty and equality under the law; and

WHEREAS, Congress issued a joint resolution in 1961 declaring May 1 Law Day; which is a national day to recognize and celebrate our justice system and the rule of law; and

WHEREAS, Law Day allows all citizens to recognize and honor the contributions of the lawyers, judges, and law enforcement agencies and individuals in our community for the responsibilities they bear to commitment of the rule of law; and

WHEREAS, The American Bar Association has identified the theme for Law Day 2014 as "American Democracy and the Rule of Law: Why Every Vote Matters"; and

WHEREAS, Law Day 2014 occurs as our Nation prepares to commemorate the fiftieth anniversaries of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, two landmark pieces of legislation protecting the civil, economic, and political rights of Americans.

NOW, THEREFORE BE IT RESOLVED, I, Dennis Browning, Mayor of the City of Saginaw, do hereby proclaim Thursday, May 1, 2014, as

"LAW DAY"

in the City of Saginaw and call upon the people of the City of Saginaw to acknowledge the importance of our legal and judicial systems with appropriate ceremonies and activities, in support of this observance. I further encourage schools, businesses, media, religious institutions, civic and service organizations to join members of the bar and bench in commemorating Law Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 21st day of April in the year of our Lord two thousand and fourteen.



April 21, 2014

Dennis D. Browning, Mayor

Councilpersons

*Amos O'Neal, Mayor Pro Tem
Michael D. Balls, Annie Boensch,
Larry Coulouris, Daniel Fitzpatrick, Floyd Kloc,
Brenda F. Moore, and Demond L. Tibbs*

Timothy Morales, City Manager

REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, APRIL 7, 2014, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem O'Neal offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Browning called the meeting to order. Council Members present: Demond Tibbs, Annie Boensch, Mayor Pro Tem Amos O'Neal, Larry Coulouris, Brenda Moore, Floyd Kloc and Mayor Dennis Browning - 7. Council Members absent: Daniel Fitzpatrick and Michael Balls - 2.

ANNOUNCEMENTS

Deputy City Clerk Lynnette Hagen announced:

- The Waste Convenience Station would be open April 12, 2014 from 10:00 a.m. to 2:00 p.m.
- A correction to Ordinance O-1, which is on the agenda under Introduction of Ordinances.

PERSONAL APPEARANCES

The following persons addressed the Council: Pastor Leona Glenn, Johnny Sanders, Patrice Boulware, John Acklin, Leo Romo, Jordan Haskins, Timothy Price, Alberto Jimenez, Dr. Peter Barry, Janice Timm, Christine Brennan, Leslie Gregory, Sheryl Gregory, John Humphreys, Jeff Liebmann, Mary Moylan, Chris Lauckner, Jennifer Romanelli, Marianne Woods, Paul Williams and John Stark.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Moore, Mayor Pro Tem O'Neal, Boensch, Tibbs, Kloc and Mayor Browning.

REPORTS FROM CITY MANAGER

Management Updates

City Manager Tim Morales provided an update of meetings attended and activities he has participated in since the last Council meeting.

Susan Greenberg, Child Abuse and Neglect (CAN) Council President/CEO, gave a presentation on the CAN Council and construction of their new facilities.

Consent Agenda

1. Approve the March 13, 2014, Committee of the Whole and Special Council meeting minutes.
2. Approve the March 17, 2014, regular Council meeting minutes.
3. Approve the 2013-2014 Third Quarter Budget Adjustment.
4. Approve the State Fire Protection Grant that was awarded to the City in the amount of \$46,223.53.

5. Approve the Grant Agreement with the State of Michigan, Department of State for the Qualified Voter File Oracle/Equipment Upgrade Project.
6. Approve a purchase order to Ricoh USA for one multi-function printer and one large format plotter/scanner for the City Manager's Office and the Engineering Division, with \$6,272.28 in annual payments, totaling \$31,361.40 on a five-year lease.
7. Approve a purchase order to F & E Trading, LLC, for \$4,475 for the purchase of 50 Nikon Coolpix cameras and supplemental accessories for the Police Department.
8. Approve a purchase order to Medler Electric for \$2,505.16 for the purchase of four electric motor starters for the Water Treatment Division.
9. Approve a contract with Dixon Engineering for \$2,750 for a finished water storage reservoir inspection for the Water Treatment Plant.
10. Approve payment to Martin Control Services for \$8,831 for the emergency purchase of six Accusonic velocity transmitters for the Salt/Fraser Retention Treatment Basin's flow monitoring system for the Wastewater Treatment Division.
11. Approve a Lease Agreement with the Department of Veteran Affairs (VA), 1500 Weiss St., and the City of Saginaw for the use and construction of a parking lot located within the City's water main right-of-way adjacent to the east side of the VA Hospital for a five-year period with one five-year extension.
12. Approve a purchase order to Flotation Docking Systems, a sole source, for \$23,620 for replacement of one of the aluminum ramps at Westside Dock.
13. Approve a purchase order to Etna Supply for \$36,900 for 300 replacement water meters for the Maintenance and Service Division.

Council Action:

Moved by Mayor Pro Tem O'Neal, seconded by Council Member Coulouris to approve consent agenda items 1 through 10 and 13 as presented. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Tibbs, seconded by Council Member Kloc, to approve consent agenda item 11 as presented. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Coulouris, seconded by Council Member Kloc, to approve consent agenda item 12 as presented. 7 ayes, 0 nays, 2 absent. Motion approved.

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

Council Member Coulouris reported on projects approved by the Planning Commission at their last meeting.

Council Member Coulouris reported the Saginaw County Land Bank is experimenting with planting vacant lots with a form of clover, foreclosures for the county will come close to 50 for the year, and the collaboration of the City and Land Bank for demolitions is highly regarded throughout the state.

Council Member Boensch announced the City/School Liaison Committee will be meeting on Thursday, April 10, 2014 at 6:30 p.m. in Council Chamber.

INTRODUCTION OF ORDINANCES

Moved by Council Member Kloc, seconded by Council Member Boensch to introduce an Ordinance to add "Low Income Housing Tax Exemption for Finlay Brookwood Park Limited Dividend Housing Association Limited Partnership" to the Table of Special Ordinances, VIII, of the City of Saginaw Code of Ordinances, O-1. Motion Approved. Mayor Browning announced the ordinance is laid over under Charter provision.

Moved by Council Member Boensch, seconded by Council Member Tibbs to introduce an Ordinance to add "Human Rights," to Chapter 93, "Non-Discrimination," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1. Mayor Browning asked the Deputy City Clerk for a roll call.

Ayes: Moore, Kloc, Tibbs, Boensch, Mayor Pro Tem O'Neal, Mayor Browning

Nays: Coulouris

Absent: Fitzpatrick, Balls

Abstain: None

Motion Approved. Mayor Browning announced the ordinance is laid over under Charter provision.

RESOLUTIONS

Moved by Mayor Pro Tem O'Neal, seconded by Council Member Coulouris to adopt a resolution authorizing the Saginaw Public Schools Foundation to use amplifying equipment during a special event on May 10, 2014 at Ojibway Island. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Moore, seconded by Council Member Boensch to adopt a resolution authorizing the Saginaw County Community Mental Health Authority to use amplifying equipment during a special event on August 12, 2014 at 500 Hancock. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Moore, seconded by Council Member Boensch to adopt a resolution authorizing the Circle of Love CDC to use amplifying equipment during a special event on June 27, 2014 at Bliss Park. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Boensch, seconded by Council Member Moore to adopt a resolution authorizing the City of Saginaw to actively seek FY 2017 Local Bridge Program funds. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Kloc, seconded by Council Member Moore to adopt a resolution approving the issuance of Hospital Revenue and Revenue Refunding Bonds by the City of Saginaw Hospital Finance Authority for the benefit of Covenant Medical Center, Inc. 7 ayes, 0 nays, 2 absent. Motion approved.

MOTIONS AND MISCELLANEOUS BUSINESS

Mayor Browning asked the Clerk to release to media a copy of the legal opinion provided to Council regarding the term of Council Member Tibbs.

Moved by Council Member Kloc, seconded by Council Member Moore to approve the City Manager contract. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Tibbs, seconded by Council Member Boensch to create a subcommittee to draft an ordinance similar to one in East Lansing for a Crime Free Addendum, with no more than 3 Council Members, to solicit input from the Landlord's Association, Neighborhood Associations and City staff. 7 ayes, 0 nays, 2 absent. Motion approved.

Mayor Browning appointed to the subcommittee Council Member Tibbs as Chairperson and Council Member Coulouris.

ADJOURNMENT

Moved by Council Member Kloc, seconded by Council Member Moore to adjourn the meeting at 9:46 p.m. 7 ayes, 0 nays, 2 absent. Motion approved.

Lynnette A. Hagen
Deputy City Clerk

#14-02

Petition for Banner

PLEASE NOTE: PETITION WILL NOT BE ACCEPTED PRIOR TO SIX (6) MONTHS BEFORE YOUR EVENT.

TO SAGINAW CITY COUNCIL:

We, the undersigned, do hereby petition your Honorable Body to give favorable consideration to the erection of a banner at not more than two (2) of the locations listed below. We are aware of the \$150.00 banner fee and understand that the fee must be paid to the Department of Engineering prior to hanging the banner. (Note: Fee set by Resolution of Council at a regularly scheduled meeting held 6/7/04.)

- ☒ 500 Block of Court Street
- ☐ 200 Block of West Genesee
- ☐ 300 Block of South Michigan
- ☐ 1000 Block of East Genesee Avenue

RECEIVED
CITY CLERK
CITY OF SAGINAW

MAR 18 2014

For: Pulse 3 Foundation
(Organization)

Advertise our Community Races
Purpose of Banner

MESSAGE ON BANNER Run For Your Heart Community Races

September 6, 2014 www.runforyourheart.org

Time Period Requested: 8/22/14 to 9/10/14
(Not to exceed 30 days)

PETITIONERS

Diane Fong
Stasi Schlenker

NAME, ADDRESS AND TELEPHONE NUMBER OF CONTACT PERSON:

NAME Stasi Schlenker PHONE 989-754-3368

ADDRESS: 1015 S. Washington, Saginaw, MI 48601

-----FOR OFFICE USE ONLY-----

DATE APPROVED BY COUNCIL: _____

CITY CLERK

Petition for Banner

PLEASE NOTE: PETITION WILL NOT BE ACCEPTED PRIOR TO SIX (6) MONTHS BEFORE YOUR EVENT.

TO SAGINAW CITY COUNCIL:

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- ☒ 500 Block of Court Street
- ☒ 200 Block of West Genesee
- ☐ 300 Block of South Michigan
- ☐ 1000 Block of East Genesee Avenue

RECEIVED
CITY CLERK
CITY OF SAGINAW

APR - 4 2014

For: Saginaw County Community Mental Health Authority
(Organization)

Mental Health Awareness
Purpose of Banner

MESSAGE ON BANNER May is Mental Health Awareness Month

Time Period Requested: MAY 1st to MAY 31st
(Not to exceed 30 days)

PETITIONERS

NAME, ADDRESS AND TELEPHONE NUMBER OF CONTACT PERSON:

NAME Tim Niemiec PHONE (989) 797-3467

ADDRESS: 500 Hancock St., Saginaw, MI 48602

-----FOR OFFICE USE ONLY-----

DATE APPROVED BY COUNCIL: _____

CITY CLERK

#14-03

From: Timothy Morales, City Manager
Subject: I.T.I, Inc., Maintenance Agreements
Prepared by: Jeff Klopac, Technical Services Department

Manager's Recommendation:

I recommend approval of the telephone equipment maintenance agreements with I.T.I., Inc. and that a purchase order be approved and issued to them in the amount of \$18,217.25. It is further recommended that the City Manager or his designee be authorized and directed to execute the six maintenance agreements. These agreements were approved by the City Manager as to substance and the City Attorney as to form.

Justification:

The I.T.I. Agreements cover the telephone equipment located at the City Hall, Public Services, Police Department, Maintenance and Service, Water and Sewer Division, and Water and Waste Water Treatment Plants for a one-year period. The agreements cover all service under normal wear and tear including parts, labor, and travel time. It also includes free user training, no charge for service related software updates, free loaner equipment, and 24 hour/seven day service with no after-hours premium.

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

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

Council Action:

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

From: Timothy Morales, City Manager
Subject: VMware Renewal
Prepared by: Chris Seager, Technical Services

Manager's Recommendation:

I recommend approval and issuance of a purchase order to Howard Technology Solutions, the low bidder, in the amount of \$3,603 as an annual payment for the renewal of the City's VMware license fees to operate the computer servers of the City of Saginaw.

Justification:

On April 1, 2014 bids were received for the annual VMware license renewal. VMware is software that allows the sharing of hardware amongst many servers thus using resources more efficiently. The annual subscription provides support, upgrades and license coverage for VMware.

The preference for local bidders calculation was applied but the results didn't change. The following is a tabulation of the bids received:

<u>Vendor</u>	<u>Total</u>
Yeo & Yeo Consulting Saginaw, MI (In-City)	\$3,877.09
Howard Technology Solutions Laurel, MS	\$3,603.00
Rose IT Solutions Bloomfield Hills, MI	\$15,315.10

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

Funds for this purchase are budgeted in the Technical Services - IS Fund, Operating Services Account No. 658-1720-805.000.

Council Action:

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

From: Timothy Morales, City Manager
Subject: Emergency Repair of Remington Junction Chamber – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that a payment be made to Wobig Construction Co., Inc. in the amount of \$2,266 for the cost of an emergency purchase order issued on April 9, 2014 for the repair of the top of the junction chamber under Remington Street.

Justification:

On March 14, 2014, the City solicited quotes from RC Hendrick, JR Heineman and Sons, and Wobig Construction for the repair of the top of a junction chamber under Remington Street. Two quotes were received on March 19, 2014 as follows:

<u>Vendor</u>	<u>Cost</u>
Wobig Construction Co., Inc. Saginaw, MI (In-City)	\$ 2,266
JR Heineman & Sons Saginaw, MI (In-City)	\$12,800

The top of a sewer junction chamber under Remington Street between Hamilton Street and Niagara Street had deteriorated, causing a hole in the road. Two lanes of Remington Street were closed until repairs could be completed. The quote from Wobig Construction Co, Inc., was accepted and Wobig completed the repairs on March 31, 2014. The two lanes of Remington Street were opened to traffic on April 4, 2014.

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

Funds for this repair are available in the Sewer Operations and Maintenance Fund – Maintenance and Services Division's Professional Services Account No. 590-4821-801.000.

Council Action:

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

From: Timothy Morales, City Manager

Subject: Major Streets Reimbursement Budget Adjustment – ROW Division

Prepared by: Beth D. London, Public Services Department

Manager's Recommendation:

It is recommended that the 2014 Approved Budget be amended to increase the Major Streets Fund – Reimbursements Account No. 202-0000-676.000 from \$10,000 to \$29,311, which is a \$19,311 increase, for the funds received from Progressive Insurance for accident damage to the Center Street Bridge railing and guardrail. This increase in revenues will be offset by an increase to the Major Streets Fund – Bridge Projects Division's Engineering Services Account No. 202-4616-802.000 by the same amount.

Justification:

On March 7, 2013, the Center Street Bridge railing and guardrail were damaged from a vehicular accident. Spicer Group evaluated the damage and provided biddable documents to repair the bridge railing and guardrail. The Engineering Section received bids for the repair work on October 8, 2013, and selected Nationwide Construction Group to complete the repairs. All repair work was completed on January 31, 2014.

The insurance payment covered the cost of the design, repair and the City overhead for the administration of this project.

Council Action:

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

From: Timothy Morales, City Manager
Subject: La Union Civica Mexicana Ojibway Island User Agreement
Prepared by: Phillip Karwat, Public Services Department

Manager's Recommendation:

I recommend approval of the Ojibway Island User Agreement between the City of Saginaw and La Union Civica Mexicana (UCM). The Agreement is approved by me as to substance and the City Attorney as to form.

Justification:

On May 3, 2014, UCM will host its annual Cinco De Mayo festival on Ojibway Island. UCM will pay the City a flat fee of \$700 for the rental of Ojibway Island, due and payable 14 days before the event. The parties have further agreed that UCM will pay the City a flat service fee of \$1,000 based on ticket sales for the event. Payment for this fee must be remitted to the City within 14 days after the event.

UCM has agreed to carry and name the City as an additional insured on its commercial general liability insurance policy, indemnify the City against any potential claims arising from the event, and otherwise comply with all applicable laws, rules and ordinances.

Council Action:

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

From: Timothy Morales, City Manager
Subject: Blanket Purchase Order Increase – Garage Division
Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend that the blanket purchase orders that were approved by Council for Fiscal Year 2014 and issued to each vendor listed below in the amount totaling \$45,475 be increased or new purchase orders issued by \$24,700, for a new total amount of \$70,175 for various vehicle parts, supplies, and services.

Justification:

On August 5, 2013, the listed purchase orders below were approved in various amounts totaling \$45,475. Due to the age of the fleet and the excessive mechanical failures, additional funds are needed to continue purchasing equipment manufacturer/distributor vehicle parts, supplies, and services to maintain the City's fleet vehicles for Fiscal Year 2014. To issue individual purchase orders is costly and administratively time consuming. The Garage Division's personnel will price quote parts and services and award purchases to the lowest and best vendor for each item. The original blanket purchase orders including the purchase order numbers, vendors, amounts, and the recommended increase amounts are as follows:

Vehicle Supplies Account No. 661-4480-737.000

<u>PO Number</u>	<u>Vendor</u>	<u>Original PO Amount</u>	<u>Recommended Increase</u>	<u>Total PO Amount</u>
49185	AIS Bridgeport, MI (out-city)	\$13,000	\$ 5,000	\$18,000
49189 new PO 494080	Bushey's Radiator & Glass Saginaw, MI (in-city)	\$ 2,200	\$ 1,500	\$ 2,200 \$ 1,500
49193 new PO 494081	Flint New Holland Burton, MI (out-city)	\$ 6,000	\$ 2,000	\$ 6,000 \$ 2,000
49222	Graff Truck Center Saginaw, MI (out-city)	\$ 2,000	\$ 1,000	\$ 3,000
49224	Martin Chevrolet	\$12,275	\$ 4,500	\$16,775

Saginaw, MI (out-city)

<u>PO Number</u>	<u>Vendor</u>	<u>Original PO Amount</u>	<u>Recommended Increase</u>	<u>Total PO Amount</u>
49227	Michigan Truck Spring Saginaw, MI (out-city)	\$ 2,500	\$ 5,000	\$ 7,500
49231 new PO 494079	Tri-County Equipment Saginaw, MI (out-city)	\$ 5,000		\$ 5,000
			\$ 3,000	\$ 3,000
49232	Wieland Truck Center Saginaw, MI (out-city)	\$ 2,500	\$ 2,000	\$ 4,500
	Totals	\$45,475	\$24,000	\$69,475

Motor Vehicle Repairs Account No. 661-4480-931.000

<u>PO Number</u>	<u>Vendor</u>	<u>Original PO Amount</u>	<u>Recommended Increase</u>	<u>Total PO Amount</u>
49267	Tuffy Muffler Saginaw, MI (out-city)	\$ 2,000	\$ 700	\$ 2,700
	Total		\$ 700	
	Total Increase Requested		\$24,700	\$70, 175

These vendors meet all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for these purchases are budgeted in the Motor Pool Operation Fund – Garage Division's, Motor Vehicle Supplies Account No. 661-4480-737.000 (\$24,000), and the Motor Pool Operation Fund – Garage Division's, Motor Vehicle Repairs Account No. 661-4480-931.000 (\$700).

Council Action:

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

From: Timothy Morales, City Manager
Subject: 2014 Construction Season Survey Services – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the Professional Services Agreement with Surveying Solutions, Inc. for Survey Services during the 2014 construction season be approved in the amount of \$67,500 and in the amount of \$139,000 for FY 2015. The Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

On March 26, 2014, the City received proposals from five (5) engineering and surveying firms pre-qualified to provide survey services on federally funded road construction projects bid through the Michigan Department of Transportation (MDOT). Selection of the design firm was based upon the City of Saginaw Administrative Regulation No. 4 - 7 dated November 1, 2002, and was a quality based process. Three (3) proposals were received and ranked by the Review Committee. The review panel ranked each firm according to each firm's ability as to the understanding of the project, experience on similar projects, clarity and completeness of the proposal, qualifications, references, commitment to meeting staffing requirements and the type of survey equipment to be used. Surveying Solutions, Inc. submitted the highest ranked proposal.

These survey services are necessary to provide the as needed survey services during the 2014 construction season as the City no longer has an in-house surveying staff.

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

Funds are budgeted and available in the FY 2014 Major Streets Fund – Engineering Division's, Professional Services Account No. 202-4614-801.000 (\$35,000), Water Operations and Maintenance Fund – Water Refunding Bonds Division's, Professional Services Account No. 591-4741-801.000 (\$25,000), and Sewer Operations and Maintenance Fund – Sewer Surplus Division's, Professional Services Account No. 590-4840-801.000 (\$7,500).

Council Action:

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

From: Timothy Morales, City Manager
Subject: Personal Services Agreement with Deepak Gupta
Prepared by: Phillip Karwat, Public Services Department

Manager's Recommendation:

I recommend that the Personal Services Agreement between the City of Saginaw and Deepak Gupta be approved for engineering services from April 22, 2014 through June 30, 2014, for an amount not to exceed \$15,840 (480 hours). Services shall be paid at a rate of \$33.00 per hour. Either party with 30 days advance notice can cancel the Agreement. This Agreement shall commence on April 22, 2014, and terminate on June 30, 2014 with a (1) one-year renewal option for Fiscal Year 2015, beginning July 1, 2014 and ending June 30, 2015. The Fiscal Year 2015 amount is not to exceed \$52,800 (1,600 hours). The Agreement has been approved by the City Manager as to substance and by the City Attorney as to form.

Justification:

The City of Saginaw has need of experienced personnel in its Right of Way Division – Engineering Section due to elimination of engineering job positions in the past several years, including Engineering Administrator and Assistant City Engineer positions. Mr. Gupta is an experienced professional engineer, licensed in the State of Michigan, and offers more than 26 years of municipal engineering experience to Saginaw, providing administrative and technical support to the Engineering section of the Right of Way Division. The Contractor shall defend, indemnify, and hold harmless the City of Saginaw from and against any and all charges, claims, etc. as a result of the Contractor's performance or non-performance of this Agreement. During the term of this Agreement, the Contractor shall maintain professional and general liability insurance in the amount deemed sufficient by the City.

Funds for this Agreement for FY 2014 are budgeted in the Major Streets Fund – Engineering Division's, Professional Services Account No. 202-4612-801.000 (FY14 \$3,960), Local Streets Fund – Engineering Division's, Professional Services Account No. 203-4612-801.000 (FY14 \$2,060), Garbage and Rubbish Collection Fund – Administration Division's, Professional Services Account No. 226-4581-801.000 (FY14 \$1,900), Sewer Fund – Engineering Division's, Professional Services Account No. 590-4811-801.000 (FY14 \$3,960), and the Water Fund – Engineering Division's, Professional Services Account No. 591-4711-801.000 (FY14 \$3,960).

Council Action:

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

From: Timothy Morales, City Manager
Subject: Natural Gas Choice Program
Prepared by: Phillip Karwat, Director of Public Services

Manager's Recommendation:

I recommend the contract between Interstate Gas Supply, Inc. (IGS) and the City of Saginaw be approved to provide natural gas from June 1, 2014 through March 31, 2015 at a fixed rate of \$4.95 per thousand cubic feet (Mcf); and at a fixed rate of \$4.54 per Mcf from April 1, 2015 through March 31, 2016. The fixed rate will apply to 45 service accounts for City facilities utilizing natural gas. The contract has been approved by me as to substance and the City Attorney as to form. It is also recommended that City Council authorize the City Manager or his designee to execute all related documents.

Justification:

On March 25, 2014, quotes were received for the City's natural gas needs. The Michigan Public Service Commission and Consumers Energy allow natural gas customers to select third party gas suppliers in lieu of Consumers Energy as a gas provider. The Natural Gas Choice program will allow customers to select a licensed gas supplier in Consumers Energy's service territory to purchase natural gas and utilize Consumers Energy's infrastructure and metering system to deliver and meter natural gas. Delivery and meter billing charges assessed by Consumers Energy still apply.

In an effort to minimize City expenditures related to natural gas prices, the City received quotes from two licensed natural gas providers in the Consumers Energy service territory for natural gas for 45 service accounts for municipal buildings. A low fixed price of \$4.95 per Mcf from June 1, 2014 to March 31, 2015 and \$4.54 per Mcf from April 1, 2015 to March 31, 2016 was received from IGS. One Mcf unit is equivalent to 1000 cubic feet. In comparison, Consumers Energy's current variable gas cost recovery fee is \$4.74 per Mcf. However, on February 28, 2014, Consumers Energy filed for a gas cost recovery (GCR) rate increase with the Michigan Public Service Commission. Consumers Energy is requesting a GCR of no less than \$5.575 - \$5.8092 per Mcf for a period beginning April 1, 2014 through March 31, 2015. Accepting the low quote from IGS may result in an average savings of 10 percent in the first year and 30 percent in the second year when compared to Consumers Energy's proposed rates for 2014/15 per Mcf. The City began using the natural gas choice program in June 2012 and to date estimates its total savings for the two years to be around \$225,000.

In 2013, the City purchased 40,204 Mcf of natural gas over a 12-month period and paid \$150,362 to IGS Energy for the natural gas supply. This amount does not include

applicable customer charges, gas distribution fees, energy optimization and gas cost recovery fees that all customers pay through Consumers Energy. Assuming an equivalent consumption for 2014 and 2015 with IGS as a provider, the City may realize a savings of approximately \$28,500 and \$52,600 in the first and second years for gas usage.

Two companies provided quotes to provide the City's natural gas. The City's Purchasing Committee reviewed the quotes and recommended IGS to provide the service at their low bid price. However, it must be understood we're dealing with a very volatile market where pricing may change several times a day and the bidders cannot lock in their prices until a contract or purchase order is approved, guaranteeing them a contract. Therefore, we recommend approval of the lowest bidder at the time of the final inquiry, which will allow the City to take advantage of the best possible pricing over the next fiscal year. Quotes will again be obtained from bidders by noon on April 21, 2014, and an updated Communication will be laid at Council's Seats. The following is a tabulation of the quotes received:

<u>Company</u>	<u>Cost per Mcf</u> <u>(6-14 to 3-15)</u>	<u>Cost per Mcf</u> <u>(4-15 to 3-16)</u>
Interstate Gas Supply, Inc. Dublin, Ohio	\$4.95	\$4.54
Constellation Energy Gas Choice, Inc. Fort Gratiot, Michigan	\$5.18	\$4.94

Interstate Gas Supply, Inc. meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedures," of Chapter 14, "Finance and Purchasing," of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Natural gas services are paid for separately from each Division's Operating Service accounts. Therefore, each Division's funds may realize savings generated by the reduction in operating expenses.

Council Action:

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

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced on April 7, 2014, entitled and reading as follows, be taken up and enacted:

O-_____

AN ORDINANCE TO ADD "LOW INCOME HOUSING TAX EXEMPTION FOR FINLAY BROOKWOOD PARK LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP" TO THE TABLE OF SPECIAL ORDINANCES, VIII.

The City of Saginaw Ordains:

Section 1. "Low Income Housing Tax Exemption for Finlay Brookwood Park Limited Dividend Housing Association Limited Partnership," is hereby added to the Table of Special Ordinances VIII, of the City Of Saginaw Code Of Ordinances, O-1, and shall read as follows:

LOW INCOME HOUSING TAX EXEMPTION

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

(A) Preamble.

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

The City acknowledges that Finlay Brookwood Park Limited Dividend Housing Association Limited Partnership (Finlay Brookwood) has received Low Income Housing Tax Credits from the Michigan State Housing Development Authority on certain property located in the City of Saginaw, County of Saginaw, State of Michigan described in Exhibit A which is kept on file with the City Clerk, the keeper of records for the City of

Saginaw, and is incorporated herein by reference to serve persons of low income; that each Housing Development has been constructed on part of Exhibit A owned by a Sponsor that was formed by Finlay Brookwood which is in the form of a separate limited dividend housing association formed in accordance with the laws of the State of Michigan for the sole purpose of owning and operating that Housing Development; that the Sponsor shall pay to the City on account of such Housing Development an annual service charge for public services in lieu of all taxes; and that the provisions of this Ordinance are intended to establish such annual service charge in lieu of taxes for each Housing Development constructed and operated on any portion of Exhibit A that complies with and satisfies the provisions of this Ordinance.

(B) *Definitions.*

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

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

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

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

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

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

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

(8) Mortgage Loan means a construction loan to be made by the Authority to the Sponsor for the acquisition and construction of the Housing Development.

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

(10) Sponsor means person(s) or entities, which have applied to the Authority for a Mortgage Loan to finance a Housing Development, its successors or assigns.

(11) Utilities mean fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.

(C) *Class of Housing Developments.*

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

(D) *Establishment of Annual Service Charge.*

The Housing Development and the real property forming a part of Exhibit A on which it has been constructed shall be exempt from all property taxes from and after the date hereof. The City, acknowledging that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, and in consideration of the Sponsor's offer, subject to receipt of an allocation of Low Income Housing Tax Credits from the Authority to construct, own, and operate the Housing Development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes for the Housing Development. The annual service charge shall be equal to ten (10%) percent of the Annual Shelter Rents for a period not to exceed fifty (50) years.

(E) *Limitation on the Payment of Annual Service Charge.*

Notwithstanding Section D, the service charge to be paid each year in lieu of taxes for the part of the Housing Development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

The term "low income" as used herein shall be the same meaning as found in 15(a)(7) of the Act.

(F) *Contractual Effect of Ordinance.*

Notwithstanding the provisions of Section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as a third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes as previously described, is effectuated by enactment of this Ordinance.

(G) *Payment of Service Charge.*

The annual service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the City except that the annual payment shall be paid on or before the first (1st) day of August of each year. Prior to the first day of June each year, the Sponsor or Owner shall submit to the City a Copy of its certified audit as submitted to the Authority in order for the City to verify the payment to be made hereunder.

(H) *Duration.*

This Ordinance shall remain in effect as to each Housing Development and shall not terminate so long as long as the property is subject to a Mortgage Loan, tax credit regulations under Section 42 of the Code, or the Authority has any interest in the property not to exceed fifty (50) years after the date from this ordinance.

(I) *Severability.*

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

Section 2. This ordinance shall become effective May 1, 2014.
Enacted: April 21, 2014.

Yeas:
Nays:
Absent:
Abstain:
Motion Carried.

Dennis D. Browning
Mayor

Lynnette A. Hagen
Deputy City Clerk

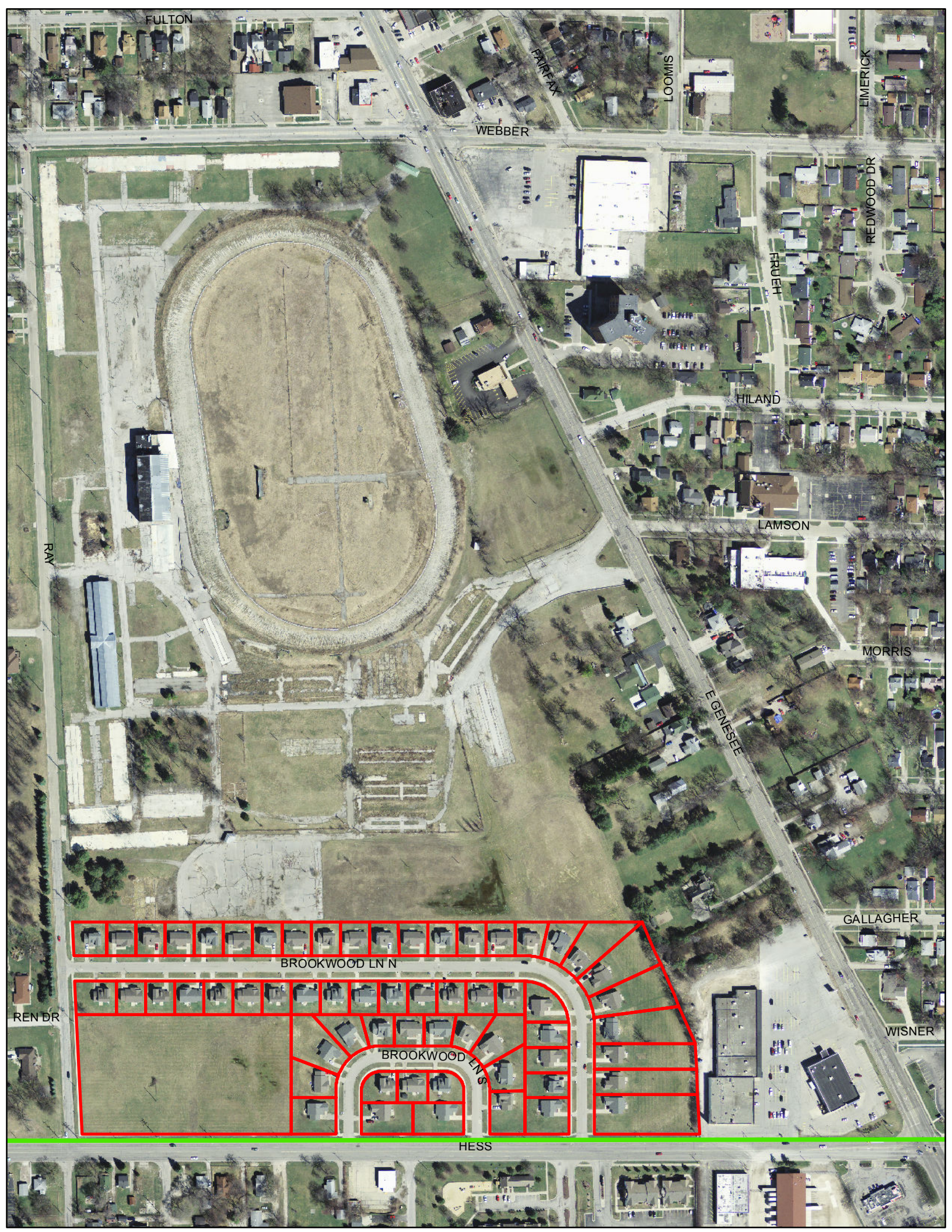
ORDINANCE DECLARED ADOPTED

I, Lynnette A. Hagen, Deputy 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 April 7, 2014; 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.

Lynnette A. Hagen
Deputy City Clerk

EXHIBIT A

Lots 1 through 61, Brookwood Park, according to the plat thereof as recorded in Liber 30 of Plats, Pages 9 through 14, Saginaw County Records.



FULTON

FAIRFAX

LOOMIS

LIMERICK

WEBBER

REDWOOD DR

TRUST

HILAND

LAMSON

MORRIS

E GENESEE

GALLAGHER

WISNER

RAY

REN DR

BROOKWOOD LN N

BROOKWOOD LN S

HESS

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced April 7, 2014, entitled and reading as follows, be taken up and enacted:

A NEW ORDINANCE TO ADD "HUMAN RIGHTS" TO CHAPTER 93, "NON-DISCRIMINATION," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. The "Human Rights" ordinance is hereby added to Chapter 93, "Non-Discrimination," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1, and shall read as follows:

HUMAN RIGHTS

§93.24 PURPOSE. It is the intent of the City of Saginaw that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil rights or be discriminated against because of his or her actual or perceived sex, sexual orientation, or gender identity.

§93.25 DEFINITIONS. As used in this subchapter, the following words and phrases have the following meanings:

A. **City.** The City of Saginaw.

B. **Discriminate.** To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the actual or perceived sex, sexual orientation, or gender identity of another person or that person's relatives or associates.

Discrimination includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

1. Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment or public accommodation.
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment or public accommodation.
3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or public accommodation, or creating an intimidating, hostile, or offensive employment or public accommodation environment.

C. **Employer.** A person who has 1 or more employees; includes an agent of that person.

D. Gender Identity. A person's actual or perceived gender, including a person's gender identity, self-image, appearance, expression, or behavior, whether or not that gender identity, self-image, appearance, expression, or behavior is different from that traditionally associated with the person's sex at birth as being either female or male.

E. Perceived. The perception of the person who acts and not the perception of the person for or against whom the action is taken.

F. Person. A person as defined by Michigan's Elliott-Larsen Civil Rights Act, being Public Act 453 of 1976, as amended, and including an individual, agent, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, or any other legal or commercial entity. However, other than the City of Saginaw, the definition of person does not include a public entity.

G. Place of Public Accommodation. A place of public accommodation as defined by Michigan's Elliott-Larsen Civil Rights Act, being Public Act 453 of 1976, as amended, and including a business, or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. However, other than those facilities owned or operated by the City of Saginaw, the definition of place of public accommodation does not include a place owned or operated by a public entity.

H. Sexual Orientation. Male or female homosexuality, heterosexuality or bisexuality, by orientation or practice.

§93.26 DISCRIMINATORY PUBLIC ACCOMMODATION PRACTICES.

A. No person shall discriminate against or deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service because of the individual's actual or perceived sex, sexual orientation, or gender identity.

§ 93.27 DISCRIMINATORY EMPLOYMENT PRACTICES.

A. No person shall limit, segregate, classify, fail or refuse to hire, fail or refuse to recruit, discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of the individual's actual or perceived sex, sexual orientation, or gender identity.

B. No person shall discriminate against an individual by limiting, conditioning, or terminating membership in any labor union or apprenticeship program because of the individual's actual or perceived sex, sexual orientation, or gender identity.

§ 93.28 DISCRIMINATORY EFFECTS.

No person shall adopt, enforce, or employ any policy or requirement which has the effect of creating unequal opportunities according to actual or perceived sex, sexual orientation, or gender identity, for a person to obtain employment or public accommodation, except for a bona fide business necessity. Such a necessity does not arise due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons.

§ 93.29 EXCEPTIONS.

A. Notwithstanding anything contained in this subchapter, it shall not be a violation of this subchapter to discriminate based on a person's protected class when such discrimination is allowed by State, Federal, or local law.

§ 93.30 ENFORCEMENT.

A. Any person who claims to have been injured under this subchapter may file a written complaint with the City Manager (or designee), setting forth therein the details, including location of property, names, dates, witnesses, and other factual matters. All such complaints shall be signed by the complainant and notarized. Such complaints shall be filed within one hundred eighty (180) days after the alleged violation of this subchapter.

B. Any timely-filed complaint shall be referred immediately to the City Attorney for prosecution.

C. A violation of this subchapter is a civil infraction punishable by a fine of not more than \$500.00 per violation, plus all costs of the action.

1. Each day upon which a violation occurs shall constitute a separate violation.

§ 93.31 PRIVATE ACTION.

A. Nothing contained within this subchapter shall be construed to limit an individual who is the victim of discriminatory action in violation of federal or state law from bringing a civil action for appropriate injunctive relief or damages or both against the person(s) who acted in violation of the law.

B. Private actions and remedies under this section shall be in addition to any actions for violations which the City may take.

This ordinance shall become effective May 1, 2014.

Enacted: April 21, 2014.

Yeas:
Nays:
Absent:
Abstain:
Motion Carried.

ORDINANCE DECLARED ADOPTED

Mayor

Lynnette A. Hagen
Deputy City Clerk

I, Lynnette A. Hagen, Deputy 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 April 21, 2014; the original thereof is on file in the records of the office of the City Clerk; 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.

Lynnette A. Hagen
Deputy City Clerk

Resolution Authorizing Installment Purchase Contracts for Fire Truck and Public Services Trucks

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

WHEREAS: the City of Saginaw (the "City") has approved contracts with (i) Crimson Fire, Inc. d/b/a Spartan ERV (the "Fire Department Vendor"), providing for the acquisition of one fire truck (the "Fire Department Property") and (ii) AIS Construction Equipment Corporation and Holman Automotive Group, Inc. d/b/a Red Holman Buick-GMC (collectively, the "Public Services Department Vendors"), providing for the acquisition of one high lift loader with 5 yard bucket and two pickup trucks with plow attachments, respectively (collectively, the "Public Services Department Property" and together with the Fire Department Property, the "Property"); and

WHEREAS: it is determined to be necessary and desirable and in the best interest of the City that the acquisition of the Property be financed by installment purchase authorized under the provisions of Act No. 99, Public Acts of Michigan, 1933, as amended ("Act 99"), and more specifically by the acquisition of (i) the Fire Department Property pursuant to an installment purchase contract with the Fire Department Vendor and FirstMerit Bank N.A. ("FirstMerit") to be dated the date of delivery thereof (the "Fire Department Contract") and (ii) the Public Services Department Property pursuant to an installment purchase contract with the Public Services Department Vendors and FirstMerit to be dated the date of delivery thereof (the "Public Services Department Contract" and together with the Fire Department Contract, the "Contracts"); and

WHEREAS: the aggregate outstanding balance, exclusive of interest, of all purchases made by the City pursuant to Act 99, including the Contracts, does not exceed 1-¼% of the taxable value of the real and personal property in the City.

NOW, THEREFORE, BE IT RESOLVED, that

1. It is hereby found to be necessary and desirable for the City to finance the cost of the Property in the aggregate principal amount of not to exceed \$694,872 by purchasing the Property pursuant to the terms and conditions of the Contracts; and the City hereby pledges its full faith and credit for the payment of its obligations thereunder and under any other installment purchase contracts delivered in lieu of the Public Services Department Contract pursuant to Paragraph 4 hereof.

2. The City shall include in its budget and pay the sum or sums necessary each year to meet the payments due pursuant to the provisions of the Contracts.
3. Each Contract shall be dated the date of delivery thereof. The interest rate on the outstanding principal balance of each Contract shall equal 3.37% per annum, and each Contract shall be payable as to principal and interest in twenty semiannual installments on the dates and in the amounts set forth in Exhibit A to such Contract.
4. Each Contract, in the form presented to this meeting, is hereby approved, and the Mayor and the City Clerk are hereby authorized to execute and deliver each Contract in substantially the form approved, with such changes approved by them and consistent with the terms of this resolution; provided that, the City is first furnished with evidence satisfactory to bond counsel that Covenant HealthCare has agreed to pay to the City an amount equal to the difference between the total amount of interest payable with respect to the Contracts and the total amount of interest that would have been payable had the Contracts borne interest at the rate of 2.87% per annum. The approval of such changes shall be conclusively evidenced by their signatures on the Contracts. Each Contract may be executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. If necessary, the Mayor and the City Clerk are authorized to deliver two separate installment purchase contracts for the Public Services Department Property, one with each Public Services Department Vendor, in substantially the form as the Public Services Department Contract, with such changes approved by them and consistent with this resolution, except that the principal and interest payments on each such installment purchase contract shall equal in the aggregate the principal and interest payments set forth in the Public Services Department Contract and shall be prorated based on the cost of the respective truck(s) constituting the Public Services Department Property being financed by such contract to the total cost of the Public Services Department Property being financed.
5. The City covenants to comply with all provisions of the Internal Revenue Code of 1986, as amended, necessary to maintain the exclusion of interest on the Contracts from gross income for federal income tax purposes.
6. The Mayor, the City Clerk, the Treasurer, the City Manager and other officers of the City as may be necessary are each hereby authorized to execute and deliver such documents, instruments and certificates as are necessary or desirable to consummate the described transactions and to maintain the exclusion of the interest on the Contracts from gross income for federal income tax purposes.
7. The useful life of the Property is determined to be 10 years and upwards.

8. Dickinson Wright PLLC, Troy, Michigan, is hereby appointed as bond counsel with respect to the Contracts.
9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Lynnette A. Hagen, Deputy 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 April 21, 2014; the original thereof is on file in the records of the office of City Clerk; 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.

Lynnette A. Hagen
Deputy City Clerk