

Council Agenda

October 21, 2013 6:30 p.m.
Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Valerie Kutz-Otway, Chair of the Saginaw County Bar Association Pro Bono Committee to accept Proclamation declaring October 20-26, 2013 as "Pro Bono Week."

PUBLIC HEARINGS:

1. Public Hearing relating to changing regular City election from odd-year elections to even-year elections.

PERSONAL APPEARANCES:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

Management Update:

1. Saginaw Future Inc. Update, Tom Miller, Jr.

CONSENT AGENDA:

1. Approve the October 7, 2013 regular Council meeting minutes.
2. Receive and file Petition 13-11 for rezoning classification of 2811 East Genesee Avenue from residential space to office space.
3. Receive and file Petition 13-12 from New ERA Community Group to erect banner located at South Michigan Avenue and West Genesee Avenue from October 22 through November 11, 2013 to promote the 2013 Central Downtown Saginaw Urban Design Charrette.
4. Approve the three-year Geographic Information Systems Professional Services Agreement with the Saginaw Area GIS Authority.
5. Approve a budget adjustment for Fiscal Year 2014 to increase various funds to recognize grant funding carried forward from Fiscal Year 2013.

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6. Approve the Michigan Forestry and Park Associations Community Tree Planting Grant Program Agreement with Consumers Energy Company. Further, approve a budget adjustment for Fiscal Year 2014 to increase the Major Street Fund Local Grants Account No. 202-0000-580.004 from \$0 to \$1,000. This increase in revenue will be offset by an increase in the Major Street Fund - Routine Maintenance Division Nursery Supplies Account No. 202-4651-738.000 by the same amount.
7. Approve a purchase order to Begick Nursery for \$3,262 for Redbud and Dogwood trees; John Deere Landscapes for \$756 for Ornamental Pear trees; and Schichtel's Nursery for \$2,100 for Hawthorne and Serviceberry trees to replace trees on Court Street from State Street to Goetz Street.
8. Approve a purchase order to RMD Holdings, Ltd, d/b/a Nationwide Construction Group, for \$19,640 for the repair of the Center Street Bridge guardrail.
9. Approve the increase of blanket purchase order #48949 to Morbark, Inc. by \$9,000 for chipper parts and supplies for the Garage Division.
10. Approve the resurfacing contract agreement with Lois Kay Contracting Company for \$171,248 for the 2014 CDBG Resurfacing Contract.
11. Approve the Metro Act Right of Way Permit Application from Great Lakes Comnet, Inc.
12. Approve the Metro Act Right of Way Permit Application from 123.Net, Inc.
13. Adopt the resolution to approve the Cost Agreement with the Michigan Department of Transportation for preliminary engineering services for the reconstruction of Bay Street from Court Street to State Street.
14. Adopt the resolution to approve the Cost Agreement with the Michigan Department of Transportation for rehabilitation work along East Genesee Avenue from Hess Avenue to Harold Street.
15. Adopt the resolution to approve the Cost Agreement with the Michigan Department of Transportation for intersection improvements at Hermansau Street and Weiss Street.
16. Adopt the resolution to approve the Cost Agreement with the Michigan Department of Transportation for preliminary engineering services for the reconstruction of Niagara Street from the railroad crossing to Davenport Avenue.

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17. Adopt the resolution to approve the Cost Agreement with the Michigan Department of Transportation for reconstruction at Hamilton Street from Lyon Street to Court Street.
18. Adopt the resolution to approve the Cost Agreement with the Michigan Department of Transportation for road reconstruction and lane reduction work on Remington Street from Michigan Avenue to Mason Street.
19. Adopt the resolution to approve the Cost Agreement with the Michigan Department of Transportation for a traffic signal optimization *study* on Michigan Avenue from Wheeler Street to Weiss Street and on Genesee Avenue from Bay Street to Hess Avenue.
20. Adopt the resolution to approve the Cost Agreement with the Michigan Department of Transportation for preliminary engineering services for the reconstruction and/or resurfacing of Mackinaw Street from Congress Avenue to Weiss Street.
21. Adopt the resolution to approve the Cost Agreement with the Michigan Department of Transportation for preliminary engineering services for the reconstruction of Williamson Street from Thayer Street to Treanor Street.
22. Adopt the resolution to approve the Cost Agreement with the Michigan Department of Transportation for traffic signal optimization *implementation and timing installation* on Michigan Avenue from Wheeler Street to Weiss Street and on Genesee Avenue from Bay Street to Hess Avenue.
23. Approve a budget adjustment for Fiscal Year 2014 to increase the Major Streets Fund – State Reimbursements Account No. 202-0000-576.003 from \$183,000 to \$312,850. This increase in revenues will be offset by an increase in the Major Streets Fund – Streets Projects Division Engineering Services Account No. 202-4614-802.000 by the same amount.
24. Approve a purchase order to JWC Environmental, a sole source, for \$7,556.60 for parts to rebuild the auger monster mechanism at the Wastewater Treatment Plant.
25. Approve a purchase order to Fife-Pearce Electric for \$4,980 for the purchase of a Motortronics variable speed AC motor drive for a pump at the Wastewater Treatment Plant.

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

1. Consideration of appointing Interim City Manager Timothy Morales to the MBS International Airport Commission to fill a vacancy with a term to expire October 15, 2014.
2. Consideration of appointing Interim City Manager Timothy Morales to the Saginaw Midland Municipal Water Supply Corporation to fill a vacancy with a term to expire December 31, 2017.

INTRODUCTION OF ORDINANCES:

1. 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.

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to add §92.21, "Outdoor and Open Burning," to Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1.
2. An Ordinance to amend subsection (J), "Section 307 (page 35) Chapter 3," of § 92.20, "International Fire Code," "Adopted; Fire Code Amendments," of Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1.
3. An Ordinance to amend subsection (A), "Open Burning," of § 50.10, "On-Site Burning," of Chapter 50, "Solid Waste," of Title V, "Public Works," of the City of Saginaw Code of Ordinances, O-1.

RESOLUTIONS:

1. Adopt resolution to support the Old Town Saginaw Association in their pursuit of the Michigan Main Street Program Associate Level Designation.
2. Adopt resolution changing regular City election from odd-year elections to even-year elections.

UNFINISHED BUSINESS:

1. Consideration of appointing Dawn Morrell to the City Planning Commission with a term to expire December 31, 2015.

Council Agenda

October 21, 2013 6:30 p.m.
Council Chamber

MOTIONS AND MISCELLANEOUS BUSINESS:

ADJOURN:

Timothy Morales
Interim 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, Access to justice is a fundamental and essential right to a democratic society; and

WHEREAS, Many people cannot afford the high cost of legal representation and cannot proceed on their own without an attorney; and

WHEREAS, The innumerable contributions of volunteer attorneys enable many people to obtain legal assistance they could not otherwise obtain; and

WHEREAS, The American Bar Association has designated October 20 – 26, 2013 as National Pro Bono Week, to recognize the valuable pro bono contributions made by lawyers throughout the year, and to increase pro bono participation across the country to narrow the justice gap.

NOW THEREFORE BE IT RESOLVED, I, Gregory L. Branch, Mayor of the City of Saginaw, hereby proclaim October 20 – 26, 2013, as

“PRO BONO WEEK”

in the City of Saginaw and urge all citizens of Saginaw to recognize the contributions of our legal community to help those most in need. We celebrate all the ways lawyers serve our communities, strengthen our justice system and support the rule of law.

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



October 21, 2013

Gregory L. Branch, Mayor

Councilpersons

*Dennis Browning, Mayor Pro Tem
Annie Boensch, Norman Braddock,
Larry Coulouris, Daniel Fitzpatrick, Floyd Kloc,
Amos O'Neal, and Andrew Wendt*

Timothy Morales, Interim City Manager

CITY OF SAGINAW

NOTICE OF PUBLIC HEARING

CITY GENERAL ELECTIONS CHANGE TO EVEN-YEAR ELECTIONS

This notice is posted in compliance with requirements of Act 523, P.A. 2012.

NOTICE IS HEREBY GIVEN that the City of Saginaw City Council will conduct a Public Hearing on October 21, 2013 at 6:30 p.m. at City Hall, 1315 S. Washington Avenue, Room 205, Saginaw, MI 48601 to receive public comment related to changing its regular election schedule for City offices from odd-year elections to even-year elections. Any change adopted by the Council will be effective January 1, 2014.

All interested parties are invited to attend and provide input. A copy of the proposed resolution can be viewed at the City Clerk's Office at 1315 S. Washington Avenue, Room 102, during regular business hours Monday – Friday between the hours of 8:00 a.m. and 4:00 p.m. Written comments will be accepted until 4:00 p.m. on October 21 2013.

Janet Santos, CMC/MMC
City Clerk

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

Posted: October 16, 2013
Posted By: __jks_____

REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, OCTOBER 7, 2013, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Council Member O'Neal offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Branch called the meeting to order. Council Members present: Floyd Kloc, Amos O'Neal, Daniel Fitzpatrick, Larry Coulouris, Mayor Pro Tem Dennis Browning, Andrew Wendt, Norman Braddock, Annie Boensch and Mayor Greg Branch - 9. Council Members absent: none - 0.

ANNOUNCEMENTS

City Clerk Janet Santos made the following announcements:

- the City's Waste Convenience Station will be open Saturday, October 12 from 10:00 a.m. to 2:00 p.m.;
- leaf and yard waste collection process;
- ballots for the November 5 City Election are available for absentee voting; and
- a reminder of City ordinances that political signs shall be removed within 7 days of the election and are not allowed in the public right-of-way.

Council Member Fitzpatrick read a proclamation declaring October 6-12, 2013 as "Fire Prevention Week." Fire Marshal Ralph Martin accepted the proclamation and stated that the theme this year is "Prevent Kitchen Fires."

PERSONAL APPEARANCES

The following persons addressed the Council: Daniel Soza, Brenda Moore, Patrice Boulware, and Leola Wilson.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Mayor Pro Tem Browning, Wendt, Braddock, Boensch, Kloc, O'Neal, Fitzpatrick and Mayor Branch.

REPORTS FROM CITY MANAGER

Management Update

City Manager Darnell Earley expressed his appreciation to serve the community for the past nine years with City Council Members, City staff and the residents. He presented an overview of the work accomplished during his tenure.

City Manager Early introduced Deputy City Manager/CFO Tim Morales and Police Chief Brian Lipe. They provided an informational activity recap of their respective departments.

Consent Agenda

1. Approve the September 19, 2013 Special Single-Subject meeting and September 23, 2013 regular Council meeting minutes.
2. Approve a Cost Allocation Plan Agreement with Maximus, Inc. for a cost allocation plan to be utilized in Fiscal Years 2015, 2016, and 2017 for a three year total cost of \$41,250.

3. Approve and authorize Employee Services to seek Request for Proposals for Executive Search firms to recruit City Manager candidates, in an amount not to exceed \$25,000.
4. Approve a budget adjustment for Fiscal Year 2014 to increase the General Fund Revenue's Use of Fund Equity Account No. 101-0000-989.000 from \$0 to \$5,000 to allow for the donation by the City/School Liaison Advisory Committee to the First Ward Community Center. This increase in revenues will be offset by an increase to the City/School Liaison Division's Professional Services Account No. 101-0105-801.000 by the same amount.
5. Approve a purchase order to Beyond Technology for \$2,286.30 for printer toner cartridges for the Saginaw Police Department.
6. Approve a purchase order to SQS, INC. d/b/a ERG Environmental Services for a total cost of \$4,228 for fiscal years 2014 and 2015 for the environmental clean-up on the small arms range for the Police Department.
7. Approve the Troubled Asset Relief Program Hardest Hit Grant Memorandum of Understanding with the Saginaw County Land Bank Authority for a two-year term.
8. Approve a purchase order to Custom Engineering, Inc. for \$11,850 for two Trane rooftop HVAC units for the Maintenance and Service Division.
9. Approve a purchase order to First Class Building for \$3,995 for painting at the Motor Pool Garage.
10. Approve the System Access User Agreement with the Michigan State Housing Development Authority for a term of two years.
11. Approve the Memorandum of Understanding with the Saginaw County Land Bank Authority and the Michigan Homeowner Assistance Nonprofit Housing Corporation for a two-year term.

Council Action:

Moved by Mayor Pro Tem Browning, seconded by Council Member Fitzpatrick to approve consent agenda items 1, 2, and 4 through 10 as presented. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Coulouris, seconded by Council Member O'Neal to postpone action of a City Manager search process until the end of Fiscal Year 2014. Mayor Branch asked the Clerk to restate the motion and to conduct a roll call vote.

Ayes: Coulouris

Nays: Fitzpatrick, Mayor Pro Tem Browning, Wendt, Braddock, Boensch, Kloc, O'Neal, Mayor Branch

Absent: None

Abstain: None

Motion denied.

Moved by Council Member Wendt, seconded by Mayor Pro Tem Browning to approve consent agenda item 3 as presented. Mayor Branch asked the Clerk to conduct a roll call

vote.

Ayes: Mayor Pro Tem Browning, Mayor Branch

Nays: Coulouris, Wendt, Braddock, Boensch, Kloc, O'Neal, Fitzpatrick

Absent: None

Abstain: None

Motion denied.

Moved by Council Member Wendt, seconded by Council Member Kloc to approve consent agenda item 11 as presented. 9 ayes, 0 nays, 0 absent. Motion approved.

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

Council Member Coulouris presented a report from the Planning Commission meeting held September 24, 2013 and their review and approval of several projects.

Moved by Council Member Boensch, seconded by Mayor Pro Tem Browning to appoint Dawn Morrell to the City Planning Commission with a term to expire December 31, 2015. Discussion was held.

Moved by Council Member Kloc, seconded by Council Member O'Neal to postpone the appointment of Dawn Morrell to the City Planning Commission with a term to expire December 31, 2015. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Boensch, seconded by Mayor Pro Tem Browning to reappoint Lori Brown to the Brownfield Redevelopment Authority with a term to expire December 31, 2015. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Boensch, seconded by Council Member Kloc to reappoint Susanna Sheltraw to the Human Planning Commission with a term to expire October 7, 2015. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Boensch, seconded by Council Member Kloc to reappoint William Ewald to the Saginaw Arts and Enrichment Commission with a term to expire June 30, 2016. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Boensch, seconded by Council Member Kloc to appoint Charles Haller, Jr. to the Saginaw Economic Development Corporation with a term to expire June 30, 2016. 9 ayes, 0 nays, 0 absent. Motion approved.

INTRODUCTION OF ORDINANCES

Moved by Council Member Kloc, seconded by Council Member Boensch to introduce an Ordinance to add §92.21, "Outdoor and Open Burning," to Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Kloc, seconded by Council Member Boensch to introduce an Ordinance to amend subsection (J), "Section 307 (page 35) Chapter 3," of § 92.20, "International Fire Code," "Adopted; Fire Code Amendments," of Chapter 92, "Fire Protection

and Public Safety,” of Title IX, “General Regulations,” of the City of Saginaw Code of Ordinances, O-1. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Kloc, seconded by Council Member Fitzpatrick to introduce an Ordinance to amend subsection (A), “Open Burning,” of § 50.10, “On-Site Burning,” of Chapter 50, “Solid Waste,” of Title V, “Public Works,” of the City of Saginaw Code of Ordinances, O-1. 9 ayes, 0 nays, 0 absent. Motion approved.

RESOLUTIONS

Moved by Council Member Coulouris, seconded by Council Member Boensch to adopt the resolution to authorize the use of Receiving Boards for all future Elections. 9 ayes, 0 nays, 0 absent. Motion approved.

UNFINISHED BUSINESS

Moved by Council Member Kloc, seconded by Council Member Boensch to appoint Timothy Morales as Interim City Manager effective October 8, 2013 and to waive the 30-day notice contract requirement for Darnell Earley’s retirement. 9 ayes, 0 nays, 0 absent. Motion approved.

MOTIONS AND MISCELLANEOUS BUSINESS

Council Member Wendt inquired on the status of the Retiree Health Care. Employee Services Director Dennis Jordan presented an update.

ADJOURNMENT

Moved by Council Member Kloc, seconded by Council Member O’Neal to adjourn the meeting at 8:57 p.m. 9 ayes, 0 nays, 0 absent. Motion approved.

Janet Santos, CMC/MMC
City Clerk

OCT 4 2013

REZONING APPLICATION

LEGAL DESCRIPTION OF AREA PROPOSED FOR REZONING

Lot 1, Popp & Wolf's Subdivision of a portion of the
W 1/2 of the NW 1/4 of Section 32, T12N R5E

GENERAL LOCATION (ADDRESS OR LOT & BLOCK NUMBER, AND STREET) OF AREA PROPOSED FOR REZONING:

2811 E GENESEE 21-2601-00000

EXISTING ZONING:

R-1a

PROPOSED ZONING:

B-1

EXISTING USE:

Residential

PROPOSED USE IF REZONED:

Office Space

CIRCULATOR/PETITIONER (PLEASE PRINT)

NAME: Stacy Enon Oakes

ADDRESS: 2811 E Genesee

TELEPHONE: (517) 303-6686

E-MAIL: enonproperties@yahoo.com

SIGNATURE: Stacy Enon Oakes DATE: 10/3/13

NAME	ADDRESS	DATE
Stacy E Brown Oakes	3241 Carter St Saginaw MI 48601	10-2-13

FEES: A FEE OF THREE HUNDRED DOLLARS (\$300) SHALL BE PAID FOR ANY REZONING REQUEST OR ZONING CODE TEXT AMENDMENT.

PETITION NUMBER: _____

Oct 16 13 03:47p

Sandra McKinney

9897460248

p.1



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

OCT 17 2013

For: New E.R.A Community Group

(Organization)

2013 Central Downtown Saginaw Urban Design Charrette

Purpose of Banner

Inviting the public to participate in the planning process

MESSAGE ON BANNER

Time Period Requested: 22-Oct-13 to 11-Nov-13
(Not to exceed 30 days)

PETITIONERS

New E.R.A Community Group

NAME, ADDRESS AND TELEPHONE NUMBER OF CONTACT PERSON:

NAME Pamela J. Parks PHONE 248-361-9504

ADDRESS: 2501 Madsen Road, Saginaw, Michigan 48601

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

DATE APPROVED BY COUNCIL: _____

CITY CLERK

PETITION # 13-12

From: Timothy Morales, Interim City Manager
Subject: GIS Professional Service Agreement
Prepared by: Jeff Klopchic, Technical Services Department

Manager's Recommendation:

I recommend that the Geographic Information Systems (GIS) Professional Services Agreement between the City of Saginaw and Saginaw Area GIS Authority (SAGA), for a period of three years, be approved. The agreement was approved by me as to substance and the City Attorney as to form.

Justification:

SAGA desires to enter into a Professional Services Agreement with the City of Saginaw, to contract designated GIS services. The City's Technical Services Department, GIS Division is considered a leader in this area, and has considerable GIS expertise in this area.

Therefore, City personnel will redesign, host and maintain the SAGA county-wide parcel and information retrieval program through the Internet (sagagis.org). The City will also provide an office location and access to the City's GIS equipment and software. The term of the Agreement is for a period of three years. It is retroactive to October 1, 2013 and ends on September 30, 2016.

The City will receive compensation in the amount of \$19,864 for the first year of the agreement. This amount of compensation will include a redesign of the sagagis.org website and parcel retrieval program. In the second and third year of the agreement, SAGA agrees to pay a yearly compensation of \$9,600 for hosting and maintaining the website.

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: FY 2013/2014 Budget Adjustments
Prepared by: Bill Ernat, Director of Community Services

Manager's Recommendation:

I recommend that the 2013/2014 Approved Budget for the funds listed below be amended. This adjustment is required to recognize the grant funds carried forward from the prior 2012/2013.

Justification:

The 2013/2014 annual budget will be adjusted in accordance with Public Act 2 of 1968 Uniform Budgeting and Accounting Act, the City Charter.

The Community Development Block Grant Fund (275) should be increased by \$78,610.73. This amendment reflects the acceptance of carryover funds from prior years that will be spent in FY 2014 for street resurfacing projects and demolition. Expenditures will be offset by an increase in the Block Grant Entitlement Account No. (275-0000-501.009). Further, increase the Demolition Account No. (275-6511-816.000) in the amount of \$66,553.69 and the Streets Account No. (275-6511-821.000) in the amount of \$12,057.04.

The Community Development Block Grant Residential Lending Fund (276) should be increased by \$396,915. This amendment reflects the acceptance of carryover funds from prior years that will be spent in FY 2014 for Residential Lending and Basic Needs Programs. Expenditures will be offset by an increase in the Block Grant Entitlement Account No. (276-0000-501.009). There will be an increase to the Residential Lending Account No. (276-6540-965.003) in the amount of \$340,898. and the Basic Needs Account No. (276-6550-965.003) in the amount of \$56,017.

The HOME Program Fund (278) should be increased by \$145,134. This amendment reflects the acceptance of carryover funds from prior years that will be spent in FY 2014 for the Residential HOME Program. Expenditures will be offset by an increase in the Block Grant HOME Revenue Account No. (278-0000-501.008). The HOME Program Grant Disbursements Expense Account No. (278-6580-965.004) will be increased by \$145,134.

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: Consumers Energy Company Tree Planting Agreement
Prepared by: Phillip Karwat, Public Services Department

Manager's Recommendation:

I recommend that the Agreement with Consumers Energy Company for the Michigan Forestry and Park Associations Community Tree Planting Grant Program be approved. Further, I recommend that the Director of Public Services or his designee be authorized to sign the agreement. The Agreement has been approved by me as to substance and the City Attorney as to form.

It is also recommended that the Approved 2014 Major Street Fund Local Grants Account No (202-0000-580.004) be increased from \$0 to \$1,000. This increase is due to the City receiving the Community Tree Planting Grant from Consumers Energy. To offset the increase in revenue in the Major Street Fund - Routine Maintenance Division Nursery Supplies Account No (202-4651-738.000) should be increased by the same.

Justification:

The City of Saginaw recently applied for and was approved by Consumers Energy Company to receive \$1,000 for planting up to a maximum of ten (10) trees. Consumers Energy Company – Forestry Operations Department has established a Community Tree Planting Program. The purpose of this program is to assist local municipalities with tree planting projects that focus on appropriate selection of tree species and planting locations on lands open to the public. Administration of the grant process and review is being conducted by the Michigan Forestry and Park Association (MFPA). This is a reimbursement grant and grant monies awarded will be paid for by Consumers Energy upon evidence of successful completion of the project. This tree planting must be completed by November 15, 2013 to allow time for verification and issuance of grant monies.

The City of Saginaw anticipates planting thirty-six (36) trees from five (5) different species – Hawthorn, Redbud, Ornamental Pear, Dogwood and Serviceberry. Based on recent tree bids received, it is estimated the Consumer's grant will pay for approximately five to seven trees. The remaining trees to be planted will be paid for with Major Streets Routine Maintenance Funds. Each of these tree species will be planted in predetermined intervals in a nine-block region within the boulevard area on Court Street between State Street and Goetz Street. The purpose of diversifying the species to be planted is to avoid future wide spread infected trees and required removal of all trees due to this. Majority of the trees to be removed are Ash trees which have been infected by the Emerald Ash Borer and are dying or completely dead. The City of Saginaw anticipates the removal and replacement of the remaining ash trees in a five-block

region located within the boulevard section on Court Street from Goetz Street to Alexander Street to be completed in the spring or fall of 2014, as funding becomes available.

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: Tree Bid for the Court Street Project – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the low bids be approved and individual purchase orders be issued to the following vendors in the amounts as listed: Begick Nursery, Bay City, MI in the amount of \$3,262 for seven Redbud and seven Dogwood trees; John Deere Landscapes, Cleveland, OH in the amount of \$756 for seven Ornamental Pear trees; and, Schichtel's Nursery, Springville, NY in the amount of \$2,100 for seven Hawthorn and eight Serviceberry trees.

Justification:

The City is purchasing 36 trees to replace Ash trees infected with the Emerald Ash Borer on Court Street from State Street (M-58) to Goetz Street. The cost of the trees will be paid for in part by a \$1,000 grant from the Consumer's Energy.

The following is a tabulation of the bids received:

<u>Vendor</u>	<u>Species</u>	<u>Unit Price</u>	<u>Cost</u>
Begick Nursery Bay City, MI (out city)	Hawthorn (7)	\$252 / tree	
	Redbud (7)	\$252 / tree	\$1,764
	Ornamental Pear (7)	\$227 / tree	
	Dogwood (7)	\$214 / tree	\$1,498
	Serviceberry (8)	\$282 / tree	
			<u>\$3,262</u>
Schichtel's Nursery Springville, NY (out city)	Hawthorn (7)	\$140 / tree	\$980
	Redbud (7)	No bid	
	Ornamental Pear (7)	\$140 / tree	
	Dogwood (7)	No bid	
	Serviceberry (8)	\$140 / tree	\$1,120
			<u>\$2,100</u>
John Deere Landscapes Cleveland, OH (out city)	Hawthorn (7)	No bid	
	Redbud (7)	No bid	
	Ornamental Pear (7)	\$108 / tree	\$756
	Dogwood (7)	No bid	
	Serviceberry (8)	No bid	
			<u>\$756</u>

<u>Vendor</u>	<u>Species</u>	<u>Unit Price</u>	<u>Cost</u>
Bay Landscaping	Hawthorn (7)	\$155 /tree	
Essexville, MI (out city)	Redbud (7)	No bid	
	Ornamental Pear (7)	\$165 / tree	
	Dogwood (7)	No bid	
	Serviceberry (8)	No bid	
			\$0

Begick Nursery, Schichtel's Nursery, and John Deere Landscapes 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 this purchase are budgeted in the Major Street Fund - Routine Maintenance Division's Nursery Supplies Account No. 202-4651-738-000 (\$6, 118).

Council Action:

Moved by Council Member_____, seconded by Council Member _____to approve the recommendation from the City Manager.

From: Timothy Morales, Interim City Manager
Subject: Center Street Guardrail Repair - ROW Division
Prepared by: Beth D. London, Public Services Department

Manager's Recommendation:

I recommend that the low bid from RMD Holdings, Ltd, d/b/a Nationwide Construction Group, Chesterfield, MI be accepted and that a purchase order be approved and issued to them in the amount of \$19,640 for the repair of the Center Street Bridge guardrail.

Justification:

On October 8, 2013, the Engineering Division received bids for the repair of the Center Street Bridge guardrail. The guardrail was damaged on March 7, 2013 from a vehicular accident. The driver's auto insurance company will be invoiced for all repair costs including the cost of design and staff time spent to implement the repair.

The following is a tabulation of the bids received:

<u>Vendor</u>	<u>Cost</u>
RMD Holdings, Ltd d/b/a Nationwide Construction Group Chesterfield, MI	\$19,640
Spence Brothers Saginaw, MI (in-City)	\$29,710

RMD Holdings, Ltd d/b/a Nationwide Construction Group 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 Major Streets Fund – Bridge Projects Division's Construction Projects Account No. 202-4616-822.000 (\$19,640). A future budget adjustment will be forthcoming to recognize additional revenue to be received from Progressive Insurance to reimburse the City for all costs incurred for the repair of this guardrail.

Council Action:

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

From: Timothy Morales, Interim City Manager

Subject: Blanket Purchase Order Increase

Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend that Blanket Purchase Order # 48949 issued on July 11, 2013 for \$1,900 to Morbark, Inc., Winn, MI, be increased by \$9,000 for chipper parts and supplies.

Justification:

On July 11, 2013, a purchase order was issued in the amount of \$1,900. Due to the continuous service that our municipal chippers perform our recommended replacement schedule is 7 to 10 years. The age of the city's current Chipper fleet ranges 10 to 14 years and the associated parts failures require additional funds. This requested increase will provide needed funds for the continued purchase of Original Equipment Manufacturer/Distributor chipper parts and supplies for the maintenance of the fleet equipment from July 1, 2013 to June 30, 2014. To issue individual purchase orders is costly and administratively time consuming.

Morbark, 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 these purchases are budgeted in the Motor Pool Operation Fund – Garage Division's Motor Vehicle Supplies Account No. 661-4480-737.000.

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: Contract with Lois Kay Contracting Co. (C-1616) - ROW Division
Prepared by: Beth D. London, Public Services Department

Manager's Recommendation:

I recommend that the low bid from Lois Kay Contracting Company for the 2014 CDBG Resurfacing Contract C-1616 be accepted and a contract awarded to them in that amount of \$171,248. The contract has been approved by me as to substance and the City Attorney as to form.

Justification:

On October 1, 2013, the City received bids for the 2014 CDBG Resurfacing project. The following is a tabulation of the bids received:

Lois Kay Contracting Co. Saginaw, MI (Out-City)	\$130,558.18
Pyramid Paving Co. Bay City, MI	\$136,834.30
Ace Saginaw Paving Co. Saginaw, MI (Out-City)	\$147,599.00

The bids for the CDBG project came in below the amount of CDBG Resurfacing funds that were awarded to Engineering for this project. The contract will be issued for the full amount of funding available and additional work will be added to the contract at the unit price bids to make full use of the funding up to \$171,248. Road work on this project includes milling and resurfacing and full depth pavement repairs where necessary on the following streets:

Simoneau Street west of Sheridan Avenue to S. Weadock Street
Martha Street from Sheridan Avenue to S. Weadock Street
S. Weadock Street from Gage Street to Hoyt Avenue

Lois Kay Contracting Company 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 are budgeted in the Community Development Block Grant Fund, Special Projects Division's Street Resurfacing Account No. 275-6511-821.000 (\$171,248).

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: Metro Act Right of Way Permit Application from Great Lakes Comnet Inc.

Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend approval of the Metro Act Right of Way Permit Application submitted by Great Lakes Comnet, Inc. of East Lansing, Michigan and authorization for the City Manager or his designee to execute the application and any related documents. The City Manager has approved the permit application as to substance and the City Attorney as to form.

Justification:

The Metropolitan Extension Telecommunications Rights of Way Oversight Act ("Metro Act") was created to streamline (among other things) the process for authorizing access use of public rights of way by telecommunications providers and ensures the reasonable control and management of public rights of way by municipalities. A telecommunications provider using or seeking to use the public rights of way for its facilities must obtain a permit from the municipality and pay all fees required under the Act. The Act determines all aspects of the permitting process, including application, dispute resolution and fees.

Great Lakes Comnet, Inc. has applied for a Right of Way Telecommunications Permit pursuant to the ("METRO ACT"); Act No.48 of the Public Acts of 2002, as amended. Great Lakes Comnet, Inc. is a new provider in the City of Saginaw and its sales division Comlink is the Competitive Local Exchange Carrier. Great Lakes Comnet, Inc. plans to have fiber optic cable installed to expand high speed communications for its current internet providers. The City is required to approve this permit if Great Lakes Comnet, Inc. meets the appropriate criteria, which it does.

The recommendation is to approve the permit. It does not change the relationship between the parties, requirements regarding the payment of fees or requirements regarding construction and maintenance of telecommunications facilities within the City's rights of way.

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: Metro Act Right of Way Permit Application from 123.Net, Inc.
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend approval of the Metro Act Right of Way Permit Application submitted by 123.Net, Inc. of Michigan and authorization for the City Manager or his designee to execute the application and any related documents. The City Manager has approved the permit application as to substance and the City Attorney as to form.

Justification:

The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act ("Metro Act") was created to streamline (among other things) the process for authorizing access use of public rights-of-way by telecommunications providers and ensures the reasonable control and management of public rights-of-way by municipalities. A telecommunications provider using or seeking to use the public rights-of-way for its facilities must obtain a permit from the municipality and pay all fees required under the Act. The Act determines all aspects of the permitting process, including application, dispute resolution and fees.

123.Net, Inc. of Michigan has applied for a Right-of-Way Telecommunications Permit pursuant to the ("METRO ACT"); Act No.48 of the Public Acts of 2002, as amended. 123.Net, Inc. is a new provider in the City of Saginaw and is Competitive Local Exchange Carrier and is to install fiber optic cable to expand high speed communications for its current internet providers. The City is required to approve this permit if 123.Net, Inc. meets the appropriate criteria, which it does.

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

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: MDOT Cost Agreement for Bay Street (No.13-5565) – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 13-5565 for preliminary engineering services for the reconstruction of Bay Street from Court Street to State Street (M-58) be approved and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw. The agreement has been approved by me as to substance and the City Attorney as to form. A resolution to approve the subject Agreement appears under the regular order of business.

Justification:

The proposed Agreement with MDOT is for the purpose of fixing the rights and obligations of the parties in agreeing to the City of Saginaw performing preliminary engineering services, including the preparation of reports and studies, as well as the design and preparation of final construction plans and specifications necessary for the reconstruction of Bay Street from Court Street to State Street (M-58), including all necessary related work.

The total eligible project cost is estimated to be \$45,000. The project cost shall be met in part by contributions from the federal government. Federal Surface Transportation Funds shall be applied to eligible items of the project cost at the established federal participation ratio equal to 81.85 percent. The balance of the project cost, after deduction of the federal funds shall be paid by the City of Saginaw. Any items of the project cost not reimbursed by federal funds will be the sole responsibility of the City of Saginaw. Federal Surface Transportation Urban Local (STUL) funds will pay \$36,800 and the City's estimated share is \$8,200. The City of Saginaw is responsible for any cost overruns in excess of \$45,000.

MDOT 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 for the City's share are budgeted and available in the FY14 Major Streets Fund – Streets Projects Division's Engineering Services Account No. 202-4614-802.000 (\$4,100). The remaining City share (\$4,100) will be budgeted in FY15 in the Major Streets Fund – Streets Projects Division's Engineering Services Account No. 202-4614-802.000.

Council Action:

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

MDOT Cost Agreement No. 13-5565

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

WHEREAS: Cost Agreement Number 13-5565 has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in agreeing to the City of Saginaw performing preliminary engineering services, including the preparation of reports and studies, as well as the design and preparation of final construction plans and specifications necessary for the reconstruction of Bay Street from Court Street to State Street (M-58), including all necessary related work; and

WHEREAS: Cost Agreement Number 13-5565 has been approved by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE BE IT RESOLVED, that the Council for the City of Saginaw does hereby approve Cost Agreement Number 13-5565 submitted by the Michigan Department of Transportation and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

Ayes:
Nays:
Absent:
Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

From: Timothy Morales, Interim City Manager
Subject: MDOT Cost Agreement (No.13-5582) – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 13-5582 for rehabilitation work along East Genesee Avenue from Hess Avenue to Harold Street be approved and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw. The Agreement has been approved by me as to substance and the City Attorney as to form. A resolution to approve the subject Agreement appears under the regular order of business.

Justification:

The proposed Agreement with MDOT is for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements in the City of Saginaw:

Rehabilitation work along East Genesee Avenue from Hess Avenue to Harold Street, including hot mix asphalt paving, cold milling, pavement removal, aggregate base, drainage improvement, pavement repair, concrete curb and gutter, concrete sidewalk, and sidewalk ramp work, including all necessary related work.

Watermain work along East Genesee Avenue from Hess Avenue to Harold Street, including all necessary related work.

The project cost is estimated to be \$1,485,100. The project cost shall be met in part by contributions by the Federal Government. Federal Surface Transportation Funds shall be applied to the eligible items of the project cost up to the lesser of (1) \$608,000 or (2) 81.85 percent, the normal Federal participation ratio for such funds. The balance of the project cost, after deduction of all Federal Funds shall be paid by the City of Saginaw.

Federal Transportation Funds (STP) will pay \$608,000. The City's estimated share is \$877,100. The City of Saginaw is responsible for any cost overruns in excess of \$1,485,100.

MDOT 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.

This project is scheduled to start in June of 2014. Funds will be budgeted and made available in FY 2015 in the Major Streets Fund – Streets Projects Division's Construction Projects Account No. 202-4614-822.000 (\$152,000), Water Operations and Maintenance Fund –Water Refunding Bonds Division's Construction Projects Account No. 591-4741-822.000 (\$675,000), and Sewer Operations and Maintenance Fund-Surplus Division's Construction Projects Account No. 590-4840-822.000 (\$50,100).

Council Action:

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

MDOT Cost Agreement No. 13-5582

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

WHEREAS: Cost Agreement No. 13-5582 has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in road improvements in the City of Saginaw that include rehabilitation work along East Genesee Avenue from Hess Avenue to Harold Street; including hot mix asphalt paving, cold milling, pavement removal, aggregate base, drainage improvement, pavement repair, concrete curb and gutter, concrete sidewalk, and sidewalk ramp work including all necessary related work and watermain work along East Genesee Avenue from Hess Avenue to Harold Street and all necessary related work; and

WHEREAS: Cost Agreement No. 13-5582 has been approved by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE BE IT RESOLVED, that the Council for the City of Saginaw does hereby approve Cost Agreement No. 13-5582 submitted by the Michigan Department of Transportation and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

From: Timothy Morales, Interim City Manager
Subject: MDOT Cost Agreement (No.13-5578) – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 13-5578 for intersection improvements at Hermansau Street and Weiss Street be approved and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw. The Agreement has been approved by me as to substance and the City Attorney as to form. A resolution to approve the subject Agreement appears under the regular order of business.

Justification:

The proposed Agreement with MDOT is for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements in the City of Saginaw:

Traffic signal and right-turn lane taper work at the intersection of Weiss Street and Hermansau Street; including cold milling, hot mix asphalt paving, storm sewer, drainage improvement, concrete curb and gutter, concrete sidewalk, and sidewalk ramp work including all necessary related work.

The total eligible project cost is estimated to be \$191,900. The project cost shall be met in part by contributions by the Federal Government. Federal Surface Transportation Funds shall be applied to the eligible items of the project cost up to the lesser of (1) \$160,000 or (2) 81.85 percent, the normal Federal participation ratio for such funds. The balance of the project cost, after deduction of all Federal Funds shall be paid by the City of Saginaw. Any items of the project cost not reimbursed by Federal Funds will be the sole responsibility of the City of Saginaw. This is a joint project with Saginaw County, and they will be reimbursing the City for 50% of the cost not paid by federal funds. The City of Saginaw is responsible for any cost overruns in excess of \$191,900.

Based on the current project estimate of \$191,000, Federal Surface Transaction Funds will pay for \$157,100. The city of Saginaw will be responsible for \$34,800 of the estimated projected cost and cost overruns in excess of \$191,900.

MDOT 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.

This project is scheduled to be completed over a period of two fiscal years. Funds are budgeted in FY 2014 in Major Streets Fund – Streets Projects Division’s Construction Projects Account No. 202-4614-822.000 (\$20,000), and Funds will be budgeted and made available in FY 2015 in the Major Streets Fund – Streets Projects Division’s Construction Projects Account No. 202-4614-822.000 (\$14,800)

Council Action:

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

MDOT Cost Agreement No. 13-5578

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

WHEREAS: Cost Agreement No. 13-5578 has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in the road improvements in the City of Saginaw that include the installation of a traffic signal and right-turn lane taper at the intersection of Weiss Street and Hermansau Street; including cold milling, hot mix asphalt paving, storm sewer, drainage improvement, concrete curb and gutter, concrete sidewalk, and sidewalk ramp work, including all necessary related work; and

WHEREAS: Cost Agreement No. 13-5578 has been approved by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE BE IT RESOLVED, that the Council for the City of Saginaw does hereby approve Cost Agreement No. 13-5578 submitted by the Michigan Department of Transportation and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

From: Timothy Morales, Interim City Manager
Subject: MDOT Cost Agreement for Niagara St. (No.13-5566) – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 13-5566 for preliminary engineering services for the reconstruction of Niagara Street from the railroad crossing to Davenport Avenue be approved and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw. The agreement has been approved by me as to substance and the City Attorney as to form. A resolution to approve the subject Agreement appears under the regular order of business.

Justification:

The proposed Agreement with MDOT is for the purpose of fixing the rights and obligations of the parties in agreeing to the City of Saginaw performing preliminary engineering services, including the preparation of reports and studies, as well as the design and preparation of final construction plans and specifications necessary for the reconstruction of Niagara Street from the railroad Crossing to Davenport Avenue, including all necessary related work.

The total eligible project cost is estimated to be \$50,000. The project cost shall be met in part by contributions from the federal government. Federal Surface Transportation Funds shall be applied to eligible items of the project cost at the established federal participation ratio equal to 81.85 percent. The balance of the project cost, after deduction of the federal funds shall be paid by the City of Saginaw. Any items of the project cost not reimbursed by federal funds will be the sole responsibility of the City of Saginaw. Federal Surface Transportation Urban Local (STUL) funds will pay \$40,900 and the City's estimated share is \$9,100. The City of Saginaw is responsible for any cost overruns in excess of \$50,000.

MDOT 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 for the City's share are budgeted and available in the FY14 Major Streets Fund – Streets Projects Division's Engineering Services Account No. 202-4614-802.000 (\$9,100). The Project Number is ST 1203.

Council Action:

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

MDOT Cost Agreement No. 13-5566

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

WHEREAS: Cost Agreement Number 13-5566 has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in agreeing to the City of Saginaw performing preliminary engineering services, including the preparation of reports and studies, as well as the design and preparation of final construction plans and specifications necessary for the reconstruction of Niagara Street from the railroad crossing to Davenport Avenue, including all necessary related work; and

WHEREAS: Cost Agreement Number 13-5566 has been approved by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE BE IT RESOLVED, that the Council for the City of Saginaw does hereby approve Cost Agreement Number 13-5566 submitted by the Michigan Department of Transportation and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

From: Timothy Morales, Interim City Manager
Subject: MDOT Cost Agreement (No.13-5569) – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 13-5569 for reconstruction along Hamilton Street from Lyon Street to Court Street be approved and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw. The Agreement has been approved by me as to substance and the City Attorney as to form. A resolution to approve the subject Agreement appears under the regular order of business.

Justification:

The proposed Agreement with MDOT is for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements in the City of Saginaw:

Reconstruction work along Hamilton Street from Lyon Street to Court Street; including pavement removal, sand subbase, aggregate base, drainage improvement, hot mix asphalt paving, concrete curb and gutter, concrete sidewalk, and sidewalk ramp work including all necessary related work.

Watermain work along Hamilton Street from Lyon Street to Court Street, including all necessary related work.

The project cost is estimated to be \$1,125,400. The project cost shall be met in part by contributions by the Federal Government. Federal Surface Transportation Funds shall be applied to the eligible items of the project cost up to the lesser of (1) \$440,000 or (2) 81.85 percent, the normal Federal participation ratio for such funds. The balance of the project cost, after deduction of all Federal Funds shall be paid by the City of Saginaw.

Federal Transportation Funds (STP) will pay \$440,000. The City's estimated share is \$685,400. The City of Saginaw is responsible for any cost overruns in excess of \$1,125,400.

MDOT 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.

This project is scheduled to be completed over a period of two fiscal years. Funds are budgeted in FY 2014 in the Sewer Operations and Maintenance Fund – Surplus Division's Construction Projects Account No. 590-4840-822.000 (\$135,000), and Water Operations and Maintenance Fund – Water Refunding Bonds Division's Construction Projects Account No. 591-4741-822.000 (\$250,000).

Funds will be budgeted and made available in FY 2015 in the Major Streets Fund – Streets Projects Division's Construction Projects Account No. 202-4614-822.000 (\$110,000), and Water Operations and Maintenance Fund – Water Refunding Bond's Division's Construction Projects Account No. 591-4741-822.000 (\$190,400).

Council Action:

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

MDOT Cost Agreement No. 13-5569

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

WHEREAS: Cost Agreement No. 13-5569 has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in agreeing to road improvements in the City of Saginaw that include reconstruction work along Hamilton Street from Lyon Street to Court Street; including pavement removal, sand subbase, aggregate base, drainage improvement, hot mix asphalt paving, concrete curb and gutter, concrete sidewalk, and sidewalk ramp work including all necessary related work and watermain work along Hamilton Street from Lyon Street to Court Street including all necessary related work; and

WHEREAS: Cost Agreement No. 13-5569 has been approved by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE BE IT RESOLVED, that the Council for the City of Saginaw does hereby approve Cost Agreement No. 13-5569 submitted by the Michigan Department of Transportation and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

From: Timothy Morales, Interim City Manager
Subject: MDOT Cost Agreement (No.13-5570) – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 13-5570 for reconstruction for road reconstruction and lane reduction work along Remington Street from Michigan Avenue to Mason Street be approved and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw. The Agreement has been approved by me as to substance and the City Attorney as to form. A resolution to approve the subject Agreement appears under the regular order of business.

Justification:

The proposed Agreement with MDOT is for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements in the City of Saginaw:

Reconstruction for a lane reduction work along Remington Street from Michigan Avenue to Mason Street; including pavement removal, sand subbase, aggregate base, storm sewer, drainage improvement, hot mix asphalt paving, concrete curb and gutter, and sidewalk ramp work, including all necessary related work.

Watermain work along Remington Street from Michigan Avenue to Mason Street including all necessary related work.

The project cost is estimated to be \$1,590,300. The project cost shall be met in part by contributions by the Federal Government. Federal Surface Transportation Funds shall be applied to the eligible items of the project cost up to the lesser of (1) \$720,000 or (2) 81.85 percent, the normal Federal participation ratio for such funds. The balance of the project cost, after deduction of all Federal Funds shall be paid by the City of Saginaw. Any items of the project cost not reimbursed by Federal Funds will be the sole responsibility of the City of Saginaw.

Federal Transportation Funds (STP) will pay \$720,000. The City's estimated share is \$870,300. The City of Saginaw is responsible for any cost overruns in excess of \$1,590,300.

MDOT 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.

This project is scheduled to start in May of 2014. Funds for this project will be budgeted in FY 2015 in the Major Streets Fund – Streets Projects Division's Construction Projects Account No. 202-4614-822.000 (\$180,000), Sewer Operations and Maintenance Fund – Surplus Division's Construction Projects Account No. 590-4840-822.00 (\$90,300), and Water Operations and Maintenance Fund – Water Refunding Bonds Division's Construction Projects Account No. 591-4741-822.000 (\$600,000).

Council Action:

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

MDOT Cost Agreement No. 13-5570

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

WHEREAS: Cost Agreement No. 13-5570 has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in agreeing to road improvements in the City of Saginaw that include reconstruction for road reconstruction and lane reduction work along Remington Street from Michigan Avenue to Mason Street; including pavement removal, sand subbase, aggregate base, storm sewer, drainage improvement, hot mix asphalt paving, concrete curb and gutter, and sidewalk ramp work including all necessary related work and watermain work along Remington Street from Michigan Avenue to Mason Street and all necessary related work; and

WHEREAS: Cost Agreement No. 13-5570 has been approved by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE BE IT RESOLVED, that the Council for the City of Saginaw does hereby approve Cost Agreement No. 13-5570 submitted by the Michigan Department of Transportation and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

From: Timothy Morales, Interim City Manager
Subject: MDOT Cost Agreement (No.13-5628) – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 13-5628 for a traffic signal optimization study along Michigan Avenue from Wheeler Street to Weiss Street and along Genesee Avenue from Bay Street to Hess Street be approved and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw. The Agreement has been approved by me as to substance and the City Attorney as to form. A resolution to approve the subject Agreement appears under the regular order of business.

Justification:

The proposed Agreement with MDOT is for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements in the City of Saginaw:

Traffic signal optimization study along Michigan Avenue from Wheeler Street to Weiss Street and along Genesee Avenue from Bay Street to Hess Street, including all related work.

The project cost for the signal optimization is estimated to be \$129,300. The project cost shall be met in part by contributions by the Federal Government. Federal Surface Transportation Hazard Elimination (STH) Funds shall be applied to the eligible items of the project cost up 80 percent the normal Federal participation ratio for such funds. The balance of the project cost, after deduction of all Federal Funds shall be paid by the City of Saginaw.

Federal Transportation Funds (STP) will pay \$103,400. The City's estimated share is \$25,900.

MDOT 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.

This project is scheduled to be completed over a period of two fiscal years. Funds are budgeted in FY 2014 in the Major Streets Fund – Streets Projects Division's Engineering Services Account No. 202-4614-802.000 (\$15,000).

Funds will be budgeted and made available in FY 2015 in the Major Streets Fund – Streets Projects Division's Engineering Services Account No. 202-4614-802.000 (\$10,900).

Council Action:

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

MDOT Cost Agreement No. 13-5628

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

WHEREAS: Cost Agreement No. 13-5628 has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in agreeing to a traffic signal study in the City of Saginaw that includes a traffic signal optimization study along Michigan Avenue from Wheeler Street to Weiss Street and along Genesee Avenue from Bay Street to Hess Street, including all related work; and

WHEREAS: Cost Agreement No. 13-5628 has been approved by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE BE IT RESOLVED, that the Council for the City of Saginaw does hereby approve Cost Agreement No. 13-5628 submitted by the Michigan Department of Transportation and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

From: Timothy Morales, Interim City Manager
Subject: MDOT Cost Agreement for Mackinaw (No.13-5563) – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 13-5563 for preliminary engineering services for the reconstruction and/or resurfacing of Mackinaw Street from Congress Avenue to Weiss Street be approved and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw. The agreement has been approved by me as to substance and the City Attorney as to form. A resolution to approve the subject Agreement appears under the regular order of business.

Justification:

The proposed Agreement with MDOT is for the purpose of fixing the rights and obligations of the parties in agreeing to the City of Saginaw performing preliminary engineering services, including the preparation of reports and studies, as well as the design and preparation of final construction plans and specifications necessary for the reconstruction and/or resurfacing of Mackinaw Street from Congress Avenue to Weiss Street, including all necessary related work.

The project cost is estimated to be \$50,800. The project cost shall be met in part by contributions from the federal government. Federal Surface Transportation Funds shall be applied to eligible items of the project cost at the established federal participation ratio equal to 81.85 percent. The balance of the project cost, after deduction of the federal funds shall be paid by the City of Saginaw. Any items of the project cost not reimbursed by federal funds will be the sole responsibility of the City of Saginaw. Federal Surface Transportation Urban Local (STUL) funds will pay \$41,600 and the City's estimated share is \$9,200. The City of Saginaw is responsible for any cost overruns in excess of \$50,800.

MDOT 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 for the City's share are budgeted and available in the FY14 Major Streets Fund – Streets Projects Division's Engineering Services Account No. 202-4614-802.000 (\$9,200).

Council Action:

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

MDOT Cost Agreement No. 13-5563

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

WHEREAS: Cost Agreement Number 13-5563 has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in agreeing to the City of Saginaw performing preliminary engineering services, including the preparation of reports and studies, as well as the design and preparation of final construction plans and specifications necessary for the reconstruction of Mackinaw Street from Congress Avenue to Weiss Street, including all necessary related work; and

WHEREAS: Cost Agreement Number 13-5563 has been approved by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE BE IT RESOLVED, that the Council for the City of Saginaw does hereby approve Cost Agreement Number 13-5563 submitted by the Michigan Department of Transportation and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

From: Timothy Morales, Interim City Manager
Subject: MDOT Cost Agreement for Williamson (No.13-5650) – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 13-5650 for preliminary engineering services for the reconstruction of Williamson Street from Thayer Street to Treanor Street be approved and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw. The agreement has been approved by me as to substance and the City Attorney as to form. A resolution to approve the subject Agreement appears under the regular order of business.

Justification:

The proposed Agreement with MDOT is for the purpose of fixing the rights and obligations of the parties in agreeing to the City of Saginaw performing preliminary engineering services, including the preparation of reports and studies, as well as the design and preparation of final construction plans and specifications necessary for the reconstruction of Williamson Street from Thayer Street to Treanor Street, including all necessary related work.

The project cost is estimated to be \$70,000. The project cost shall be met in part by contributions from the federal government. Federal Surface Transportation Funds shall be applied to eligible items of the project cost at the established federal participation ratio equal to 81.85 percent. The balance of the project cost, after deduction of the federal funds shall be paid by the City of Saginaw. Any items of the project cost not reimbursed by federal funds will be the sole responsibility of the City of Saginaw. Federal Surface Transportation Urban Local (STUL) funds will pay \$57,300 and the City's estimated share is \$12,700. The City of Saginaw is responsible for any cost overruns in excess of \$70,000.

MDOT 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 for the City's share are budgeted and available in the FY14 Major Streets Fund – Streets Projects Division's Engineering Services Account No. 202-4614-802.000 (\$6,350). The remaining City share (\$6,350) will be budgeted in FY15 in the Major Streets Fund – Streets Projects Division's Engineering Services Account No. 202-4614-802-000.

Council Action:

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

MDOT Cost Agreement No. 13-5650

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

WHEREAS: Cost Agreement Number 13-5650 has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in agreeing to the City of Saginaw performing preliminary engineering services, including the preparation of reports and studies, as well as the design and preparation of final construction plans and specifications necessary for the reconstruction of Williamson Street from Thayer Street to Treanor Street, including all necessary related work; and

WHEREAS: Cost Agreement Number 13-5650 has been approved by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE BE IT RESOLVED, that the Council for the City of Saginaw does hereby approve Cost Agreement Number 13-5650 submitted by the Michigan Department of Transportation and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

From: Timothy Morales, Interim City Manager
Subject: MDOT Cost Agreement (No.13-5629) – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 13-5629 for traffic signal optimization implementation and timing installation on Michigan Avenue from Wheeler Street to Weiss Street and on Genesee Avenue from Bay Street to Hess Avenue be approved and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw. The Agreement has been approved by me as to substance and the City Attorney as to form. A resolution to approve the subject Agreement appears under the regular order of business.

Justification:

The proposed Agreement with MDOT is for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements in the City of Saginaw.

Traffic signal optimization implementation and timing installation along Michigan Avenue from Wheeler Street to Weiss Street and along Genesee Avenue from Bay Street to Hess Street and all necessary related work.

The project cost is estimated to be \$35,668. All work will be performed by City of Saginaw personnel. The project cost shall be met in part by contributions by the Federal Government with Federal Surface Transportation Hazard Elimination (STH) Funds. The City will be reimbursed an estimated \$28,534 or 80% of the project cost the normal Federal participation ratio for STH projects. The City will be responsible for \$7,134 of the estimated project costs.

MDOT 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.

Reimbursements received from the Michigan Department of Transportation for the portion of the project funded with STH funds will be budgeted and recognized in the FY 2015 Major Streets Funds – State Reimbursements Account No. 202-0000-576-003.

Council Action:

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

MDOT Cost Agreement No. 13-5629

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

WHEREAS: Cost Agreement No. 13-5629 has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in agreeing to a traffic signals improvements in the City of Saginaw that include traffic signal optimization implementation and timing installation along Michigan Avenue from Wheeler Street to Weiss Street and along Genesee Avenue from Bay Street to Hess Street; and all together with necessary related work; and

WHEREAS: Cost Agreement No. 13-5629 has been approved by the City Manager as to substance and the City Attorney as to form.

NOW, THEREFORE BE IT RESOLVED, that the Council for the City of Saginaw does hereby approve Cost Agreement No. 13-5629 submitted by the Michigan Department of Transportation and that the Mayor or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

From: Timothy Morales, Interim City Manager

Subject: Michigan Department of Transportation Reimbursement Budget Adjustment

Prepared by: Beth D. London, Department of Public Services

Manager's Recommendation:

It is recommended that the FY 2014 Approved Budget be amended to increase the Major Streets Fund – State Reimbursements Account No. 202-0000-576.003 from \$183,000 to \$312,850. This is a reimbursement for the federal portion of the preliminary engineering phase of road reconstruction projects. The total amount of reimbursements estimated to be received in FY14 is \$312,850 an increase of \$129,850 over the amount budgeted. This increase in revenues will be offset by an increase in the Major Streets Fund – Streets Projects Division Engineering Services Account No. 202-4614-802.000 by the same amount.

Justification:

The City is entering into cost agreements with the Michigan Department of Transportation (MDOT) that will allow the City to use Federal Surface Transportation Urban Local Funds to pay for 81.85 percent of the total eligible design costs for the reconstruction of Mackinaw Street from Congress Avenue to Weiss Street, Niagara Street from the RR Crossing to Davenport Avenue, Bay Street from Court Street to State Street (M-58) and Williamson Street from Thayer Street to Treanor Street.

The City is required to pay for all design costs and submit paperwork for reimbursement through the State Local Agency Reimbursement System (LARS). It is estimated that the design of the roadways will not be completed until FY15. Design cost expenditures and reimbursements estimated for FY15 will be included in the FY15 budget. This budget adjustment is for the reimbursements and design expenditures estimated for FY14.

Council Action:

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

From: Timothy Morales, Interim City Manager

Subject: JWC Auger Monster Rebuild

Prepared by: Brian Baldwin, Water and Wastewater

Manager's Recommendation:

I recommend that the quote from JWC Environmental of Buford, GA, a sole source, be accepted and a purchase order be issued to them in the amount of \$7,556.60 for the purchase of parts to rebuild the auger monster mechanism at the Wastewater Treatment Plant.

Justification:

After screenings are removed from the incoming wastewater, they are conveyed through a sluice trough to a grinder which grinds them up. The ground screenings are then pushed by an auger through a pipe and into a roll off container for transport to the landfill. Regular preventative maintenance and inspection has shown that the auger is worn and needs to be replaced. On August 16, 2013, we received a quote from JWC Environmental for the parts needed to replace the auger. JWC Environmental is the manufacturer of the auger monster and the sole source for spare parts.

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 available in the Sewer Operations and Maintenance Fund, Treatment and Pumping Division Parts and Supplies Account No. 590-4830-742.000.

Council Action:

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

From: Timothy Morales, Interim City Manager

Subject: Motortronics Variable Frequency Drive

Prepared by: Brian Baldwin, Water and Wastewater

Manager's Recommendation:

I recommend that the quote from Fife-Pearce Electric of Detroit, MI be accepted and that a purchase order be issued to them in the amount of \$4,980.00 for the purchase of a Motortronics variable speed AC motor drive for a return activated sludge pump at the Wastewater Treatment Plant.

Justification:

The Wastewater Treatment Plant has over time equipped many of their pumps with variable speed drives. Variable speed drives reduce pump wear and provide substantial energy savings. Motortronics has become our drive of choice because of historical value and reliability; we currently have six of these units in service. The quote is for replacement of an eleven year old drive on one of our return active sludge pumps which has failed. Sealed bids were opened on October 1, 2013 and four valid bids were received. Following is a summary of the bids received:

Fife-Pearce Electric Detroit, MI	\$4,980.00
Hamilton Electric Saginaw, MI	\$5,199.00
Applied Industrial Technologies Saginaw, MI	\$5,550.17
Lange & Leaman Electric Saginaw, MI	\$9,700.00

This vendor meets all requirements of §14.23, "Vendors", 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 available in the Sewer Operations and Maintenance Fund, Treatment and Pumping Division Parts and Supplies Account No. 590-4830-742.000.

Council Action:

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

From: Timothy Morales, Interim City Manager

Subject: Human Rights New Ordinance

Prepared by: Janet Santos, City Clerk

Date: October 21, 2013

Manager's Recommendation:

I recommend approval to add a new ordinance titled "Human Rights," to Chapter 93, "Non-Discrimination," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1.

Justification:

Requests have been presented by citizens and members of city council, for a non-discrimination ordinance for employment and public accommodations in an effort to be consistent with the City's existing non-discrimination ordinance, Chapter 93, "Non-Discrimination in Housing."

This new ordinance seeks to prohibit discrimination in employment and places of public accommodation on the basis of an individual's actual or perceived race, color, creed, religion, ancestry, national or sectional origin, sex, age, height, weight, marital status, condition of pregnancy, disability, or source of income. The ordinance further extends such protections on the basis of sexual orientation and gender identity.

Along with those rights provided for under Federal and State law, the ordinance provides that an injured individual may file a complaint with the City for investigation. If such an investigation ultimately reveals discriminatory practices on the part of an employer or place of public accommodation, the City may a) commence legal action to obtain injunctive relief to prevent the alleged discrimination, b) enter into a conciliation agreement with the offender prescribing a plan to eliminate the alleged discrimination, and/or c) seek criminal sanctions.

I have reviewed the ordinance for content and the City Attorney has reviewed it for substance. 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:

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.

Laid over under Charter provision.

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced October 21, 2013, 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 to 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 actual or perceived race, color, creed, religion, ancestry, national or sectional origin, sex, age, height, weight, marital status, condition of pregnancy, disability, sexual orientation, gender identity, or source of income.

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

- A. **Age.** Chronological age except as otherwise provided by law.
- B. **City.** The City of Saginaw.
- C. **Contractor.** A person who, by contract, furnishes services, materials or supplies.
- D. **Disability.** A disability as defined by Michigan's Persons with Disabilities Civil Rights Act, being Public Act 220 of 1976, as amended.
- E. **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 race, color, creed, religion, ancestry, national or sectional origin, sex, age, height, weight, marital status, condition of pregnancy, disability, sexual orientation, gender identity, or source of income of another person or that person's relatives or associates.

Discrimination based on sex 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.

Discrimination based on actual or perceived disability includes discrimination because of the use by an individual of adaptive devices or aids.

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

G. **Family Responsibilities.** The state of being or the potential to become a contributor to the support of a person or persons in a dependent relationship.

H. **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.

I. **Marital Status.** The state of being married, unmarried, divorced or widowed.

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

K. **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, the state or a political subdivision of the state or an agency of the state, or any other legal or commercial entity.

L. **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. A place of public accommodation includes 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.

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

N. **Source of Income.** Any legal source from which a person obtains money.

§93.26 DISCRIMINATORY PUBLIC ACCOMMODATION PRACTICES.

No person shall discriminate in making available full and equal access to all goods, services, activities, privileges, and accommodations of any place of public accommodation.

§ 93.27 DISCRIMINATORY EMPLOYMENT PRACTICES.

A. No person shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.

B. No person shall discriminate in limiting membership, conditions of membership, or termination of membership in any labor union or apprenticeship program.

§ 93.28 OTHER PROHIBITED PRACTICES.

A. No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing employment or public accommodation.

B. No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding employment or public accommodation.

C. No agent, broker, labor union, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to employment or public accommodation. A report of the conviction of any such person for a violation of this subchapter shall be made to the applicable licensing or regulatory agency for such person or business.

D. No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this subchapter, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.

E. No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this subchapter.

§ 93.29 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 race, color, creed, religion, ancestry, national or sectional origin, sex, age, height, weight, marital status, condition of pregnancy, disability, sexual orientation, gender identity, or source

of income 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.

§ 93.30 EXCEPTIONS.

Notwithstanding anything contained in this subchapter, the following practices shall not be violations of this subchapter:

A. For a religious organization or institution to restrict any of its facilities which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination.

B. For the owner of a facility devoted entirely to the housing and accommodation of individuals of one sex to restrict occupancy and use on the basis of sex.

C. To provide public accommodations or employment privileges or assistance to persons of low income, over fifty-five (55) years of age, or who are handicapped.

D. To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment for minorities and women consistent with applicable State and Federal law.

E. To the employment of an individual by one's family.

F. To discriminate based on a person's protected class when such discrimination is required or allowed by State, Federal, or local law.

G. To refuse to enter a contract with an unemancipated minor.

H. To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.

I. To refuse to admit to a place persons under eighteen (18) years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors.

J. For an educational institution to limit the use of its facilities to those affiliated with such institution.

K. To provide discounts on products or services to students, minors, and/or senior citizens.

L. To restrict use of lavatories and locker room facilities on the basis of sex.

M. For a governmental institution or other public body to restrict any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to Federal and State laws and regulations.

N. To restrict participation in an instructional program, athletic event, or on an athletic team on the basis of age or sex.

O. To hire and selection a person based on bona fide occupational qualifications.

§ 93.31 DUTY TO ACCOMMODATE PERSONS WITH DISABILITIES.

A person shall accommodate a person with disabilities for purposes of employment, public accommodation, public service, or education unless the person demonstrates that the accommodation would impose an undue hardship.

§ 93.32 INFORMATION AND INVESTIGATION.

A. Any person who claims to have been injured under this subchapter may file a written or oral complaint with the City. Complaints shall be in writing or, if oral, shall be reduced to writing, shall be verified, shall contain such information and be in such form as the City requires, and shall specify the section of this subchapter alleged to be violated.

B. The City shall take steps to investigate the complaint and give notice in writing to the complainant and to the respondent of the investigation and the actions, if any, which will be taken. The City may defer its investigation to state or federal authorities when the same or similar complaint has been filed with state or federal authorities.

C. A complaint under division (A) shall be filed within one hundred eighty (180) days after the alleged violation of this subchapter. Complaints may be amended reasonably and fairly at any time. A respondent may file an answer to the complaint within twenty (20) days after receipt of the complaint and, with leave of the City, reasonably amend the answer. All complaints and answers shall be verified.

D. Complaints which tend to be supported by the evidence, after investigation by the City, may be referred to a hearing panel consisting of five (5) persons representing various interests in the City. The panel for each case shall be selected by the City Manager from a list of individuals prepared by the Saginaw Human Planning Commission.

E. After the hearing, the panel shall refer its findings and recommendations to the City Manager for action.

F. No person shall provide false or substantially misleading information to any authorized person investigating a complaint regarding a violation of this subchapter, or

sign a complaint for violation of this subchapter based upon false or substantially misleading information.

§ 93.33 ENFORCEMENT.

A. The City Manager is hereby authorized and directed to promulgate any rules and regulations deemed necessary to implement the provisions of this subchapter.

B. The City may commence an action to obtain injunctive relief to prevent discrimination prohibited by this subchapter, to enforce corrective orders and conciliation agreements authorized by this subchapter.

C. The City, through the appropriate judicial processes, may compel a person to produce books, papers, records, or other documents which may be relevant to a violation or alleged violation of this subchapter.

D. In cases involving alleged violations of this subchapter, the City may enter into agreements whereby persons agree to methods of terminating alleged discrimination. The form of such agreements may be reviewed jointly by the Saginaw Human Planning Commission. Violations of such agreements shall be violations of this subchapter and may be punishable through the appropriate judicial processes. Such agreements shall be a part of the public record, and the City shall maintain the right to make any and all parts of such agreements public.

E. A violation of this subchapter shall be deemed a misdemeanor. Each violation of this subchapter shall be punished by a fine not to exceed five hundred dollars (\$500.00), imprisonment of not more than ninety (90) days, or both.

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

(2) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.

F. If, thirty (30) days after a complaint has been filed, or after the expiration of any other period of time set for voluntary compliance under this subchapter, there has been no compliance, then the person aggrieved may commence a civil action in any appropriate court to enforce the rights created or protected by this subchapter, as well as other applicable federal, state, or local laws. Upon request or upon its own motion, the court may enter such orders as are appropriate to the enforcement of this subchapter and other applicable laws, including enjoining respondents from engaging in practices in violation of this subchapter and the granting of actual damages, plus costs and attorney's fees. Private actions and remedies under this subsection shall be in addition to any actions for violations which the City may take.

This ordinance shall become effective November 22, 2013.

Enacted: November 12, 2013.

Yeas:

Nays:

Absent:

Abstain:

Motion Carried.

ORDINANCE DECLARED ADOPTED

Gregory L. Branch
Mayor

Janet Santos, CMC/MMC
City Clerk

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on November 12, 2013; 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

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced October 7, 2013, entitled and reading as follows, be taken up and enacted:

A NEW ORDINANCE TO ADD § 92.21, "OUTDOOR AND OPEN BURNING," TO CHAPTER 92, "FIRE PROTECTION AND PUBLIC SAFETY," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. § 92.21, "Outdoor and Open Burning," is hereby added to Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1, and shall read as follows:

§92.21 OUTDOOR AND OPEN BURNING

(A) Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Saginaw by regulating the air pollution and fire hazards of open burning and outdoor burning.

(B) Title. This ordinance shall be known as the "City of Saginaw Outdoor and Open Burning Ordinance."

(C) Applicability. This ordinance applies to all outdoor burning and open burning within the City of Saginaw.

1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
2. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(D) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(E) Definitions.

1. "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with

preservatives; and does not contain resins or glues as in plywood or other composite wood products.

2. "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
3. "Fire Chief" means the Chief of the City of Saginaw Fire Department or other person designated by the City Manager.
4. "Municipality" means a county, township, city, or village.
5. "Nuisance" means a foul or obnoxious odor, the emission of smoke that obstructs vehicle or pedestrian traffic on a nearby public road, sidewalk, or walkway; the emission of smoke that interferes unreasonably with the peaceful enjoyment of the adjacent properties, or any other by-product of outdoor or open burning that creates a nuisance as defined by §94.01 by the Saginaw Code of Ordinances.
6. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler, patio wood burning unit or approved fire pit.
7. "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.
8. "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
9. "Patio wood-burning unit" means a chimenea, patio warmer, fire pit, or other portable wood-burning device used for outdoor recreation and/or heating.
10. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.
11. "Fire pit" means a brick, masonry, cement or stone constructed fireplace or metal fire ring for open burning the upper surface of which is not more than eighteen (18) inches above the surrounding grade, with an inside bottom surface that is not more than six (6) inches below the surrounding grade, and with an inside dimension where combustion can take place that is not more than nine (9) square feet of area at either the top or bottom.

(F) General prohibition on outdoor burning and open burning. Open burning and outdoor burning are prohibited in the City of Saginaw unless the burning is specifically permitted by this ordinance.

(G) Agricultural burning. Open burning of weeds, brush, and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

(H) Prescribed burning.

1. "Prescribed Burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.
2. Fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with Part 515 of the Natural Resources and Environmental Protection Act, MCL 324.51501 et seq.
3. The owner of the property where the prescribed burn is to occur shall first obtain a permit as required in Section (L) of this ordinance.

(I) Outdoor wood-fired boilers. An outdoor wood-fired boiler may be installed and used in the City of Saginaw only in accordance with all of the following provisions:

1. The outdoor wood-fired boiler shall be installed and used only in an area zoned for R-1A use and consistent with other zoning requirements.
2. The outdoor wood-fired boiler shall not be used to burn refuse.
3. The outdoor wood-fired boiler shall be located at least 100 feet from the nearest building which is not on the same property as the outdoor wood-fired boiler and at least 25 feet from the nearest building which is on the same property.
4. The outdoor wood-fired boiler shall have a chimney that extends at least 10 feet above the ground surface. If there are any residences within 300 feet of the outdoor wood-fired boiler, the chimney shall also extend at least as high above the ground surface as the height of the roof of the tallest of such residences. The Fire Chief may approve a lesser height on a case-by-case basis if necessary to comply with the boiler's manufacturer recommendations and if the smoke from the

lower chimney height does not create a nuisance for adjacent neighbors.

5. The owner of the outdoor wood-fired boiler shall obtain an annual permit from the Fire Chief in accordance with Section (L) of this ordinance.

(J) Patio wood-burning units. A patio wood-burning unit may be installed and used in the City of Saginaw only in accordance with all of the following provisions:

1. The patio wood-burning unit shall not be used to burn refuse.
2. The patio wood-burning unit shall burn only clean wood.
3. The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
4. The patio wood-burning unit shall not cause a nuisance to neighbors.
5. The owner of the property where the patio wood-burning unit is used has obtained a permit as required in Section (L) of this ordinance.
6. A fire contained in an approved patio wood burning unit shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

(K) Fire suppression training. Notwithstanding sections (F) and (G) of this ordinance, structures and other materials may be burned for fire suppression training only in accordance with appropriate fire department policies and procedures.

(L) Burning Permits.

1. No person shall start or maintain any outdoor burning or open burning covered under this section without a permit issued by the Fire Chief.
2. No person shall use a patio wood-burning unit without first having obtained a one-time patio wood-burning unit permit issued by the Fire Chief. The fee for each one-time burning permit shall be \$50.00 and the permit shall only allow use of the unit for which it is issued and shall apply only to the use of that patio wood-burning unit on the property for which it was issued.

3. The owner or occupant of the property shall obtain an annual burning permit for each wood-fired boiler as appropriate and as required by section (I) 5 before using the outdoor wood-fired boiler. The fee for each annual burning permit shall be \$25.00. An annual permit expires on June 1st of each year.
4. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open or outdoor burning.
5. A permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
6. Any violation of the conditions of a permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the permit shall void the permit.
7. Before conducting an outdoor burning or open burning or using a patio wood-burning unit, the property owner, or other person needing a permit, shall contact the fire chief for an inspection of the property and/or any outdoor burning appliance to obtain the required permit. A permit will not be issued until an inspection has been conducted by the fire Chief or their designee.

(M) Liability. A person utilizing or maintaining a fire as an outdoor or open burn shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(N) Right of entry and inspection.

1. The Fire Chief or any authorized person who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.
2. Any person applying for a permit for a patio wood-burning unit shall permit inspection by the Fire Chief or any authorized person of the unit and the location where it will be located for compliance with this Ordinance before using the unit.

(O) Enforcement and penalties.

1. The Fire Chief or any authorized officer, agent, employee or representative of the City of Saginaw is authorized to enforce the provisions of this ordinance.

2. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and as provided by Chapter 37 of the City of Saginaw CODE OF ORDINANCES, which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 st Offense within 3-year period*	Warning	\$100.00
2 nd Offense within 3-year period*	\$100.00	\$500.00
3 rd Offense within 3-year period*	\$250.00	\$500.00
4 th or More Offense within 3-year period*	\$500.00	\$500.00

**Determined on the basis of the date of commission of the offense(s).*

3. The responsible party, upon determination of responsibility for a violation, shall also be assessed an additional penalty of \$5.00 for each day each violation is allowed to continue after written notice of the violation has been served on the violator by posting on the property or by first class mail return receipt requested.
4. The violator shall also be ordered to pay costs which may include all expenses, direct and indirect, which the City of Saginaw has incurred in connection with each municipal infraction. In no case, however, shall costs of less than \$50.00, nor more than \$500.00, be ordered for each violation. In addition, the City of Saginaw shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

This ordinance shall become effective October 31, 2013.

Enacted: October 21, 2013.

Yeas:

Nays:

Absent:

Abstain:

Motion Carried.

ORDINANCE DECLARED ADOPTED

Gregory L. Branch
Mayor

Janet Santos, CMC/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 October 21, 2013; 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

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced October 7, 2013, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND SUBSECTION (J), "SECTION 307 (PAGE 35) CHAPTER 3," OF § 92.20, "INTERNATIONAL FIRE CODE," "ADOPTED; FIRE CODE AMENDMENTS," OF CHAPTER 92, "FIRE PROTECTION AND PUBLIC SAFETY," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Subsection (J), "Section 307 (page 35) Chapter 3," of § 92.20, "International Fire Code," "Adopted; Fire Code Amendments," of Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 92.20 ADOPTED; FIRE CODE AMENDMENTS.

(J) Section 307 (page 35) Chapter 3 is amended to read as follows:

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning, except as provided in ordinance § 92.21.

This ordinance shall become effective October 31, 2013.

Enacted: October 21, 2013.

Yeas:

Nays:

Absent:

Abstain:

Motion Carried.

Gregory L. Branch
Mayor

Janet Santos, CMC/MMC
City Clerk

ORDINANCE 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 ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced October 7, 2013, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND SUBSECTION (A), "OPEN BURNING," OF § 50.10, "ON-SITE BURNING," OF CHAPTER 50, "SOLID WASTE," OF TITLE V, "PUBLIC WORKS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Subsection (A), "Open burning," of § 50.10, "On-Site Burning," of Chapter 50, "Solid Waste," of Title V, "Public Works," of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 50.10 ON-SITE BURNING.

- (A) *Open burning.* Open burning of refuse in the City is specifically prohibited, except as provided in ordinance §92.21. Any person found guilty of such act shall be subject to the penalties as set forth in § 50.99.

This ordinance shall become effective October 31, 2013.

Enacted: October 21, 2013.

Yeas:

Nays:

Absent:

Abstain:

Motion Carried.

Gregory L. Branch
Mayor

Janet Santos, CMC/MMC
City Clerk

ORDINANCE 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 ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

From: Darnell Earley, City Manager
Subject: Main Street Resolution – Old Town Saginaw
Prepared by: Bill Ernat, Interim Director of Development

Manager's Recommendation:

I recommend support for the Old Town Saginaw Association (formerly the West Saginaw Civic Association) in their continued pursuit of the Michigan Main Street Program's Associate Level Designation.

Justification:

The Michigan State Housing Development Authority ("MSHDA") commissioned Beckett & Raeder, Inc., to develop a 3-5 year action-oriented strategic plan for the revitalization and economic redevelopment of Old Town Saginaw, which is home to the Old Town Saginaw Association ("Old Town"). This study was completed in November 2010. As identified in the plan, Old Town applied for and was accepted into the Associate Level designation of the Program in 2011. This application would allow Old Town to continue in the Associate Level of the Program, preparing them for the Selected Level designation. This is the entry level of the Main Street Program ("Program"), which provides an introduction to the other levels of the Program. The Old Town Saginaw Association was accepted into the Main Street Program in 2011 and renewed their participation in 2012. This Resolution of support will allow them to continue in the Program. This Program is sponsored by the Main Street Center at the Michigan State Housing Development Authority. Participation in the Program is also included as a short range action item for the Master Plan.

The Program utilizes the National Trust for Historic Preservation's Main Street Four-Point Approach. This volunteer-driven approach to economic development through historic preservation focuses on four areas: Organization, Promotion, Design, and Economic Restructuring.

The Associate Level Michigan Main Street program consists of a program agreement between the community and the Michigan Main Street Center. Community can include the municipality or a civic organization. In the case of Saginaw, the agency that is submitting the application is the Old Town Saginaw Association and they require a resolution from the City of Saginaw supporting the application. As Old Town wishes to continue the program for another year before applying to the Selected Level it must renew the program agreement and provide a new resolution of support from the City of Saginaw. All Associate Level training must be completed prior to applying for Selected Level status. Old Town would be responsible for attending the training sessions provided by the Main Street Program, at no expense to the City of Saginaw.

Council Action:

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

ENDORSE SUBMITTAL OF MAIN STREET APPLICATION

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

WHEREAS: the Michigan State Housing Development Authority (MSHDA) commissioned a study to be completed by Beckett & Raeder, Inc., to develop a strategic plan for the revitalization of Old Town Saginaw, which identified Main Street Program participation as a goal; and

WHEREAS: the Master Plan for the City of Saginaw, which was adopted in 2011, identified improving and enhancing Old Town Saginaw as an action step; and

WHEREAS: the application for participation in the Associate Level of the Main Street Program would address goals identified in the Strategic Plan for Old Town Saginaw and the Master Plan was approved in 2011; and

WHEREAS: the Old Town Saginaw Association was accepted into the Associate Level of the Main Street Program in 2012 and 2013, and wishes to continue at the Associate Level of the Main Street Program; and

WHEREAS: there are no costs to the City of Saginaw for the submittal of the application or the administration of the Associate Level of the Main Street Program, as all costs will be paid by the Old Town Saginaw Association.

NOW, THEREFORE BE IT RESOLVED, that the City of Saginaw hereby endorses the submittal of the Associate Level Application by the Old Town Saginaw Association to MSHDA.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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

ESTABLISH EVEN-YEAR CITY GENERAL ELECTIONS

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

WHEREAS, Public Act 523, of 2012, made comprehensive changes to Michigan Election Law; and

WHEREAS, the Act provides that cities wishing to change their election date to the even year election may do so by Resolution as prescribed in Public Act 523 of 2012, including the requirement of holding a public hearing; and

WHEREAS, the required public hearing was held on October 21, 2013 with citizens and Council members afforded an opportunity to comment on the selected even-year November election date; and

WHEREAS, the City of Saginaw currently holds its regular election for local offices at the November odd-year election date and desires to change the date on which it holds its regular election for local offices to the November even-year election date; and

WHEREAS, the terms of office will be extended by law, MCL 168.644g prohibits a term from being shortened by the switch to even-year elections.

NOW, THEREFORE BE IT RESOLVED:

1. The City of Saginaw resolves to hold its regular election for local offices on the even-year November election dates, which is the first Tuesday after the first Monday of November of each even numbered year commencing with the regular city election in November 2016, resulting in the last city regular odd-year November election being held on November 5, 2013.
2. The term of the four (4) Council Members duly elected at the odd-year November 2013 election, which would otherwise expire in November 2017, shall continue until their successors are elected and qualified in November 2018.
3. The terms of the five (5) Council Members duly elected at the odd-year November 2011 election, which would otherwise expire in November 2015, shall continue until their successors are elected and qualified in November 2016.
4. The City Clerk is hereby instructed to file this resolution with the County Clerk of Saginaw County and the elections division of the Secretary of State of the State of Michigan.

Roll Call Vote:

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 21, 2013; 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