

## **REVISED COUNCIL AGENDA**

August 11, 2014 6:30 p.m.

Council Chamber

### PRAYER AND PLEDGE OF ALLEGIANCE:

### ROLL CALL:

### ANNOUNCEMENTS:

1. Proclamation to honor Herbert A. Spence, Jr.

### PUBLIC HEARINGS:

1. Hearing to create an Obsolete Property Rehabilitation Act District at 412-416 Court Street.
2. Hearing to create an Obsolete Property Rehabilitation Act District at 110-112 N. Michigan Avenue.
3. Hearing to create an Obsolete Property Rehabilitation Act District at 106 N. Michigan Avenue.
4. Hearing to create an Obsolete Property Rehabilitation Act District at 110-112 N. Washington Avenue.

### PERSONAL APPEARANCES:

*(A list will be provided following submittal deadline.)*

### REMARKS OF COUNCIL:

### REPORTS FROM MANAGER:

#### Management Update:

### CONSENT AGENDA:

1. Approve the July 21, 2014 regular council meeting minutes.
2. Approve the July 25, 2014 Strategic Planning Session minutes.
3. Approve the amendments to the 2014/2015 Approved Budget to recognize any errors, omissions, or changes that have occurred during the 1<sup>st</sup> period.
4. Approve the appointment of Grace DeLeon as officer delegate and Dennis Jordan as alternate officer delegate, and Richard Massey as employee delegate and Mike Hagen as alternate employee delegate, to attend the Municipal Employees Retirement System's 68<sup>th</sup> Annual Meeting.

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5. Approve a purchase order for \$16,506 to IBM Corporation to renew the Lotus Notes subscription for maintenance coverage and license fees to operate the e-mail, calendar and workflow system.
6. Approve the Ojibway Island User Agreement with Mid-Michigan LGBT Pride for rental of Ojibway Island for Mid-Michigan LGBT Pride Fest on August 16, 2014.
7. Adopt the Resolution authorizing the sale and consumption of alcoholic beverages at Ojibway Island during the Mid-Michigan LGBT Pride Fest on August 16, 2014.
8. Adopt the Resolution authorizing the use of amplifying equipment at Bliss Park during the Parishoners on Patrol End of the Summer Fun Fest event on August 30, 2014, from 8:00 a.m. to 5:00 p.m.
9. Adopt the Resolution to approve Cost Agreement No. 14-5393 with the Michigan Department of Transportation for rehabilitation work on the Johnson Street Bridge.
10. Approve a purchase order to Michigan Pipe and Valve for \$89,060 for FY 2015 for catch basin and manhole coverings for the Maintenance and Service Division.
11. Approve the payment to Hoffman's Power Equipment, Inc. for \$56,316 for the emergency purchase of four Exmark zero-turn mowers and a payment to Beck's Trailer Superstore for \$2,565.10 for the emergency purchase of one tandem trailer for the Facilities Division.
12. Approve the payment to Stephens Tile, LLC for \$7,756 for FY 2015 for the emergency purchase of copper tubing for the Maintenance and Service Division.
13. Approve a purchase order to Billy's Contracting for \$36,000 for FY 2015 for catch basin and sewer debris hauling for the Maintenance and Service Division; and pending approval of the FY 2016 budget, accept the bid from Billy's Contracting for \$37,500 for the same services for FY 2016.
14. Approve a contract with Dixon Engineering for \$950 for a warranty inspection of the aqua storage tank for the Water Treatment Division.
15. Approve a purchase order to Kendall Electric, Inc., a sole source, for \$4,626 for FY 2015 for an Allen Bradley processor for the Wastewater Treatment Plant.
16. Approve a purchase order to Detroit Pump, a sole source, for \$13,122.30 for FY 2015 for stock pump parts to rebuild four Boerger pumps at the Wastewater Treatment Plant.
17. Approve a purchase order to JWC Environmental for \$25,844 for FY 2015 for parts to rebuild one fine bar screen mechanism and one Auger Monster for the Wastewater Treatment Plant.

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18. Approve Petition 14-09 from Saginaw County Veterans Memorial Plaza, Inc. to be recognized as a nonprofit organization for purposes of obtaining a charitable gaming license.

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

### INTRODUCTION OF ORDINANCES:

### CONSIDERATION AND PASSING OF ORDINANCES:

### RESOLUTIONS:

1. Establishing an Obsolete Property Rehabilitation District, located at 412–416 Court Street.
2. Establishing an Obsolete Property Rehabilitation District, located at 110-112 N. Michigan Avenue.
3. Establishing an Obsolete Property Rehabilitation District, located at 106 N. Michigan Avenue.
4. Establishing an Obsolete Property Rehabilitation District, located at 110-112 N. Washington Avenue.
5. Authorizing ballot language for the November 4, 2014 election to amend the City Charter by adding a new section.
6. Recognizing Saginaw County Veterans Memorial Plaza, Inc. as a non-profit organization for the purpose of obtaining a charitable gaming license.
7. Authorizing the request from Step Above Enterprises, Inc., d.b.a. Jake's Old City Grill located at 100 S. Hamilton Street, for a new Outdoor Service to be held in conjunction with 2014 Class C licensed business.
8. Authorizing the request from Step Above Enterprises, Inc., d.b.a. Jake's Old City Grill located at 100 S. Hamilton Street, to permit the service of alcoholic beverages on public property.

### UNFINISHED BUSINESS:

### MOTIONS AND MISCELLANEOUS BUSINESS:

1. Consideration of motion to go into a closed session to discuss pending litigation per MCL 15.268 Section 8.

**REVISED COUNCIL AGENDA**

August 11, 2014 6:30 p.m.

Council Chamber

ADJOURN:

Timothy Morales  
City Manager

IF YOU ARE DISABLED AND NEED ACCOMMODATION TO PROVIDE YOU WITH AN OPPORTUNITY TO PARTICIPATE OR OBSERVE IN PROGRAMS, SERVICES, OR ACTIVITIES, PLEASE CALL THE SAGINAW CITY CLERK, 1315 S. WASHINGTON AVE., 989.759.1480.

# PROCLAMATION

## IN MEMORY OF HERBERT A. SPENCE, JR.

**WHEREAS**, on behalf of the Saginaw City Council, we offer our warmest condolences and heartfelt sympathy to the family of Herbert A. Spence, Jr. whose life came to a close on July 22, 2014; and

**WHEREAS**, Herbert was born and raised in Saginaw and spent more than 40 years working at his family's Saginaw-based company, Spence Brothers Construction, serving as the company president for 11 years; and

**WHEREAS**, Spence Brothers, which is more than a century old, has been the lead contractor on many prominent structures throughout the City and the State, including much of the east side of Saginaw, including City Hall, after the devastating fire of 1933; and most recently, First Merit Event Park and the new terminal at MBS International Airport; and

**WHEREAS**, after retirement from Spence Brothers in 1990, Herbert served as volunteer Executive Director for Saginaw Habitat for Humanity, and helped to rebuild over 60 homes in the Saginaw area, and oversaw the first paid staff hiring in 1996; and

**WHEREAS**, Herbert took great pride in rebuilding the community and in helping others receive housing and hope through Habitat for Humanity. His death leaves our community with a deep feeling of sorrow for the loss of such an honored and respected citizen. Herbert A. Spence, Jr. will be remembered as a man of patience, generosity, and kindness; and

**WHEREAS**, Herbert earned the Spirit of Saginaw Award from the Saginaw County Chamber of Commerce in 1996 for his community and industry impact. He was also inducted into the Michigan Construction Hall of Fame in 2010; and

**WHEREAS**, a beloved husband, father, grandfather and great-grandfather, he leaves to cherish his memory his loving wife, Mary; four children, Herbert A. Spence III, Amy Konkle, John Spence, and Steven Spence; eight grandchildren and two great-grandchildren, of whom he was so proud, and a host of family and friends; and

**WHEREAS**, Herbert will be remembered for his tenacity and dedication to his family and his faith. He was an active member of St. John's Episcopal Church, serving as a Eucharist minister and senior warden; and

**WHEREAS**, Herbert A. Spence, Jr. was a man who "walked the walk." He was devoted to his Christian faith and to giving back to his community. He will be remembered by family and friends as a man with absolute integrity, a man of courage, and a role model to all.

**NOW, THEREFORE BE IT RESOLVED**, I, Dennis D. Browning, Mayor of the City of Saginaw, hereby urge all citizens of Saginaw to recognize, honor, and celebrate the life, outstanding achievements, and contributions of Herbert A. Spence, Jr. to the City of Saginaw.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 11<sup>th</sup> day of August in the year of our Lord two thousand fourteen.



**Dennis D. Browning, Mayor**



**August 11, 2014**

### **Councilpersons**

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

**Timothy Morales, City Manager**

# ***CITY OF SAGINAW***

## **NOTICE OF PUBLIC HEARINGS**

In compliance with requirements of Act 146, P.A. 2000, the following notice is posted:

Notice is hereby given that the Saginaw City Council has scheduled public hearings on the requests for an Obsolete Property Rehabilitation District at each the following locations:

- 412-416 Court Street
- 110-112 N. Michigan Avenue
- 106 N. Michigan Avenue
- 110-112 N. Washington Avenue

The public hearing will be held Monday, August 11, 2014, at 6:30 p.m. in the Council Chamber of the City Hall, 1315 S. Washington Avenue, Saginaw, MI. The legal description of the property is on file in the Office of the City Clerk.

All interested persons are invited to attend this public hearing.

Janet Santos, CMC/MMC  
City Clerk

IF YOU ARE DISABLED AND NEED ACCOMMODATION TO PROVIDE YOU WITH AN OPPORTUNITY TO PARTICIPATE OR OBSERVE IN PROGRAMS, SERVICES, OR ACTIVITIES, PLEASE CALL THE SAGINAW CITY CLERK, 1315 S. WASHINGTON AVENUE, 759-1480.

Posted: 7-31-14  
By: \_\_jks\_\_\_\_

City of Saginaw  
City Assessors Office  
1315 S. Washington Ave.  
Saginaw, MI 48601  
989-759-1471



Lori D. Brown, CMAE III, PPE  
City Assessor

July 25, 2014

Michigan Department of Treasury  
State Tax Commission  
Treasury Building  
Lansing, MI 48922

Re: 412 -416 Court St. – Obsolete Property Rehabilitation Certificate Application

To Whom It May Concern:

Please allow this letter to serve as finding by the Assessor that the commercial building located at 412 – 416 Court St. is functionally obsolete.

The property is a three story commercial building built in 1872. The first floor is currently occupied by two retail shops but suffers from lack of modernization. The second and third floors are vacant. The building suffers from significant loss in value due to changes in technology since 1872 and lack of modernization. The second and third floors need considerable updates to be used for modern office, retail or residential living space. The building will need to undergo significant rehab including updates to plumbing, electrical, heating and cooling, window replacement, floor and wall updates and possible roof replacement.

If you have any questions please feel free to contact me.

Thank you,

A handwritten signature in cursive script that reads "Lori D. Brown".

Lori D. Brown, MAAO (3), R-7649  
City of Saginaw  
City Assessor

City of Saginaw  
City Assessors Office  
1315 S. Washington Ave.  
Saginaw, MI 48601  
989-759-1471



Lori D. Brown, CMAE III, PPE  
City Assessor

July 25, 2014

Michigan Department of Treasury  
State Tax Commission  
Treasury Building  
Lansing, MI 48922

Re: 106 N. Michigan Ave. – Obsolete Property Rehabilitation Certificate Application

To Whom It May Concern:

Please allow this letter to serve as finding by the Assessor that the commercial building located at 106 N. Michigan Ave. is functionally obsolete.

The property is a single story commercial building built in 1884. The building is currently vacant and suffers from lack of modernization to be used for modern commercial space. The building suffers from significant loss in value due to changes in technology since 1884. The exterior work needed includes removing exterior paneling that currently covers the original brick that is in need of repair. The interior needs considerable rehab including updates to plumbing, heating and cooling, electrical updates, floor and wall replacement and possible roof replacement.

If you have any questions please feel free to contact me.

Thank you,

A handwritten signature in cursive script that reads "Lori D. Brown".

Lori D. Brown, MAAO (3), R-7649  
City of Saginaw  
City Assessor



City of Saginaw  
City Assessors Office  
1315 S. Washington Ave.  
Saginaw, MI 48601  
989-759-1471



Lori D. Brown, CMAE III, PPE  
City Assessor

July 25, 2014

Michigan Department of Treasury  
State Tax Commission  
Treasury Building  
Lansing, MI 48922

Re: 110 N. Michigan Ave. – Obsolete Property Rehabilitation Certificate Application

To Whom It May Concern:

Please allow this letter to serve as finding by the Assessor that the commercial building located at 110 N. Michigan Ave. is functionally obsolete.

The property is a two story commercial building built in 1880. The building is currently vacant. The building suffers from significant loss of value due to changes in technology since 1880 and lack of modernization. The building will need to undergo significant rehab including updates to plumbing, heating and cooling, window replacement, electrical updates, floor and wall updates, exterior painting or improvement and possible roof replacement.

If you have any questions please feel free to contact me.

Thank you,

A handwritten signature in black ink that reads "Lori D. Brown". The signature is written in a cursive, flowing style.

Lori D. Brown, MAAO (3), R-7649  
City of Saginaw  
City Assessor

City of Saginaw  
City Assessors Office  
1315 S. Washington Ave.  
Saginaw, MI 48601  
989-759-1471



Lori D. Brown, CMAA III, PPE  
City Assessor

July 25, 2014

Michigan Department of Treasury  
State Tax Commission  
Treasury Building  
Lansing, MI 48922

Re: 110-112 N. Washington Ave. – Obsolete Property Rehabilitation Certificate Application

To Whom It May Concern:

Please allow this letter to serve as finding by the Assessor that the commercial building located at 110-112 N. Washington Ave is functionally obsolete.

The property is a three story commercial building built in 1928. The first floor was recently used as a restaurant but is currently vacant. Improvements were made over the last ten years, but many of the improvements were removed or unfinished. The second and third floors are vacant and gutted. Significant updates are needed to be used for modern office, retail or living space. The building is in need of updates to plumbing, ceiling replacement, floor and wall updates, bathroom remodeling, and updates to the kitchen and dining area. Overall, the building suffers from significant loss in value due to changes in technology since 1928 and lack of maintenance and modernization.

If you have any questions please feel free to contact me.

Thank you,

A handwritten signature in cursive script that reads "Lori D. Brown".

Lori D. Brown, MAAO (3), R-7649  
City of Saginaw  
City Assessor

REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, JULY 21, 2014, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Browning called the meeting to order. Council Members present: Demond Tibbs, Annie Boensch, Mayor Pro Tem Amos O'Neal, Larry Coulouris, Brenda Moore, Michael Balls, Floyd Kloc and Mayor Dennis Browning - 8. Council Members absent: Dan Fitzpatrick - 1.

ANNOUNCEMENTS

City Clerk Janet Santos made the following announcements:

- A revised agenda was issued which adds a 5<sup>th</sup> Proclamation and removes resolution (#R-4).
- City Council will hold a Strategic Planning Session Friday, July 25, at the Castle Museum beginning at 9:00 am.
- The Primary Election is Tuesday, August 5 with polls open at 7:00 am to 8:00 pm. Applications for an absentee ballot are available in the City Clerk's office during regular business hours and the City Clerk's Office will be open Saturday, August 2 until 2:00 pm for Absentee Ballot requests and Absentee Voting.
- Petitions are due tomorrow, Tuesday, July 22 at 4:00 pm, to be a candidate on the Saginaw Public School Board. Petitions are available at and must be filed with the City Clerk's Office. Two 6-year positions will be open and appear on the November 4 General Election ballot.
- The Fire Dept. has free smoke detectors available for residential homes within the City. To request installation, please call the Fire Department at 759-1393 to make arrangements.

Mayor Browning read and presented a proclamation to Maria Buko, a Saginaw Career Complex student, for finishing 1<sup>st</sup> place in the SkillsUSA National Championship.

Council Member Kloc read and presented a recognition certificate to Vincente Lopez, a Saginaw Career Complex student, for his performance at SkillsUSA in the Crime Scene Investigation Team category.

Council Member Balls read and presented a recognition certificate to Jacob Nauman, a Saginaw Career Complex student, for his performance at SkillsUSA in the Crime Scene Investigation Team category.

Council Member Moore read a recognition certificate for Nicole Tetreau, a Saginaw Career Complex student, for her performance at SkillsUSA in the Crime Scene Investigation Team category.

Council Member Coulouris read a recognition certificate for Kyle Chrysler, a Saginaw Career Complex student, for his performance at SkillsUSA in the Auto Collision & Repair category.

Mayor Pro Tem O'Neal read a recognition certificate for Alexis Alcock, a Saginaw Career Complex student, for her performance at Health Occupations of America in the Medical Assisting category.

Council Member Boensch read and presented a recognition certificate to Scott Labelle, a Saginaw Career Complex student, for his performance at Business Professionals of America in the Computer Network Technology & Systems Administration Using CISCO category.

Council Member Tibbs read and presented a recognition certificate to Aaron Labelle, a Saginaw Career Complex student, for his performance at Business Professionals of America in the Computer Network Technology & Systems Administration Using CISCO category.

Council Member Tibbs read a proclamation designating July 2014 as "Minority Mental Health Awareness Month." Yolanda Freeman of the Saginaw County Community Mental Health Authority accepted the proclamation.

Mayor Browning read and presented a proclamation to retired Saginaw Police Officer and "Range Master" Tom Heritier for 45 years of service to the City.

Mayor Browning read and presented a proclamation to Family First Credit Union recognizing 75 years of business in the City of Saginaw.

#### PUBLIC HEARINGS

City Clerk Janet Santos announced the public hearing to consider an Obsolete Property Rehabilitation Certificate at 2302 State Street. Mayor Browning called for comments three times. No comments were made.

Moved by Council Member Kloc, seconded by Council Member Boensch to close the public hearing. 8 ayes, 0 nays, 1 absent. Motion approved.

#### PERSONAL APPEARANCES

The following persons addressed the Council: Juan Arispe, Eric Layton, Joseph Stricker, Martha Brown, Rhonda Webb, George Brown, Christina Jones and Bill Schaiberger.

#### REMARKS OF COUNCIL

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

#### REPORTS FROM CITY MANAGER

##### Management Updates

City Manager Tim Morales provided informational updates on various City activities, meetings and events.

*Council Member Kloc left the meeting at 8:20 p.m.*

Manager Morales introduced James McDonald, Financial Representative for AXA Advisors, LLC.

*Council Member Kloc returned to the meeting at 8:23 p.m.*

Mr. McDonald presented an update regarding the City's investment product for unfunded healthcare liability.

*Council Member Boensch left the meeting at 8:28 p.m. and returned at 8:32 p.m.*

Mr. McDonald stated that he will provide investment options with a comprehensive plan and alternative methods to the committee and City Manager in 30 days.

#### Consent Agenda

1. Approve the minutes from the June 23, 2014 closed session and the minutes from the July 7, 2014 regular Council meeting.
2. Approve Polling Place agreements with the Saginaw Art Museum, New Mt. Calvary Baptist Church, St. Stephen Church, Saginaw Public Libraries - Butman Fish Library, Saginaw Housing Commission, and the YMCA of Saginaw.
3. Approve a purchase order to Lansing Uniform Company for \$45,382.75 for uniforms for the Saginaw Police Department for FY 2015; and pending approval of the FY 2016 and 2017 budgets, approve the bid from Lansing Uniform Company for \$45,382.75 for FY 2016 and \$46,307.75 for FY 2017 for uniforms for the Police Department.
4. Approve the U.S. Department of Homeland Security FEMA – AFG Firefighter Fire Ground Survival Training Grant in the amount of \$71,140 for firefighter safety and survival training, requiring a 10% in-kind match of \$7,114.
5. Approve a blanket purchase order to Jerry's Tire, a sole source, for \$10,000 for tires for the Saginaw Fire Department heavy apparatus fleet for FY 2015.
6. Approve a blanket purchase order to Diesel Truck Sales, a sole source, for \$50,000 for emergency repairs and preventative maintenance to the Saginaw Fire Department's six pumpers and two aerial apparatus for FY 2015.
7. Approve a blanket purchase order to Frontline Services, a sole source, for \$20,000 for emergency repairs and preventative maintenance to the Saginaw Fire Department's six pumpers and two aerial apparatus for FY 2015.
8. Approve a blanket purchase order to Douglass Safety Systems, LLC, a sole source, for \$7,000 for ISI parts for the Saginaw Fire Department.
9. Approve a blanket purchase order to Douglass Safety Systems, LLC for \$10,000 for Micro-Blaze Out Foam for the Saginaw Fire Department.
10. Approve a blanket purchase order to each of the City's primary vendors for fire truck repair services and to maintain and operate all fire apparatus for the Fire Department.

11. Approve the addendum, which resulted from Public Act 34 of 2014, to the FEMA DR-4121-MI Grant Agreement Package with the Federal Emergency Management Agency.
12. Approve a blanket purchase order to Larry's Auto Supply for \$3,000 for various tools for the Motor Pool Operations Garage Division for FY 2015.
13. Approve a purchase order to AirGas, Inc. for \$2,800 for tank rental charges for the Motor Pool Operations Garage Division.
14. Approve blanket purchase orders for a combined total of \$28,800 to suppliers of local fleet vehicle services and repairs for the Motor Pool Operations Garage Division for FY 2015.
15. Approve blanket purchase orders for a combined total of \$191,500 to suppliers of local fleet vehicle parts and supplies for the Garage inventory for the Motor Pool Operations Garage Division for FY 2015.
16. Approve a purchase order to the Michigan Department of Environmental Quality for \$4,000 for laboratory analysis at the Water Treatment Plant for FY 2015.
17. Approve a purchase order to USABluebook for \$3,276.65 for a Reagent Distribution Plan for the Water Treatment Plant for FY 2015.

Council Action:

Moved by Council Member Moore, seconded by Council Member Kloc to approve consent agenda items 1 through 17. 8 ayes, 0 nays, 1 absent. Motion approved.

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

Mayor Pro Tem O'Neal announced that Council Member Moore was appointed as Secretary for MML Region 4.

Council Member Tibbs reported that the Crime Free Lease Addendum Committee will meet Tuesday, July 22 at 1:00 p.m. in Council Chamber.

Moved by Council Member Kloc, seconded by Council Member Moore to appoint Larry Coulouris to the Saginaw Economic Development Corporation with a term to expire June 30, 2017. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Boensch, seconded by Council Member Moore to approve the Mayoral reappointment of Thomas Darnell to the Saginaw Arts and Enrichment Commission with a term to expire June 30, 2017. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Moore, seconded by Council Member Boensch to approve the Mayoral reappointment of Robert S. Drew to the Saginaw Arts and Enrichment Commission with a term to expire June 30, 2017. 8 ayes, 0 nays, 1 absent. Motion approved.

CONSIDERATION AND PASSING OF ORDINANCES

Moved by Council Member Moore, seconded by Council Member Boensch to adopt the ordinance to amend §52.31, "Deposit," of Chapter 52, "Water," of Title V, "Public Works," of the City of Saginaw Code of Ordinances, O-1. 8 ayes, 0 nays, 1 absent. Motion approved.

RESOLUTIONS

Moved by Council Member Coulouris, seconded by Council Member Kloc to adopt a resolution authorizing an Obsolete Rehabilitation Certificate for 2302 State Street. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Kloc, seconded by Council Member Boensch to adopt a resolution authorizing ballot language for the November 4, 2014 election for a public safety special assessment district renewal. Discussion held.

Moved by Council Member Kloc, seconded by Council Member Coulouris to postpone consideration of the resolution authorizing ballot language for the November 4, 2014 election for a public safety special assessment district renewal until Friday, July 25, 2014 Strategic Planning Session. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Mayor Pro Tem O'Neal, seconded by Council Member Moore to adopt the resolution authorizing the amended and restated Articles of Incorporation of the Saginaw Transit Authority Regional Services. 8 ayes, 0 nays, 1 absent. Motion approved.

ADJOURNMENT

Moved by Council Member Balls, seconded by Council Member Boensch to adjourn the meeting at 9:56 p.m. 8 ayes, 0 nays, 1 absent. Motion approved.

Janet Santos, CMC/MMC  
City Clerk

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SPECIAL MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD FRIDAY, JULY 25, 2014, AT 9:00 A.M. AT THE CASTLE MUSEUM, 500 FEDERAL AVENUE, SAGINAW, MICHIGAN.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Dennis D. Browning offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Browning called the meeting to order. Council Members present: Daniel Fitzpatrick, Demond Tibbs, Annie Boensch, Larry Coulouris, Brenda Moore, Michael Balls, Floyd Kloc and Mayor Dennis Browning - 8. Council Members absent: Mayor Pro Tem Amos O'Neal - 1.

Also in attendance were the following City staff members: Tim Morales, City Manager; Debbie Buck, Executive Assistant to the City Manager; Janet Santos, City Clerk; Bill Smith, City Attorney; Yolanda Jones, Assistant to the City Manager/Budget Administration; Matthew Lane, OMB Administrative Budget Analyst; Talal Alonzi, OMB Intern; David Kendzioriski, Police Lieutenant.; Kim Mason, Director of Water/Wastewater Treatment; Dennis Jordan, Director of Human Resources; Beth Carson-Church, Assistant Director of Human Resources; Jeff Kloplic, Director of Technical Services; Phil Karwat, Director of Public Services; Lori Brown, Assessor; Chris Van Loo, Acting Fire Chief; Mike Hagen, Traffic Foreman; John Stemple, Chief Inspector.

Moved by Council Member Coulouris, seconded by Council Member Kloc to waive the Council Rules of Order and change the Order of Business to follow the Special Agenda prepared by the City Manager. 8 ayes, 0 nays, 1 absent. Motion approved.

Mayor Browning welcomed everyone to the session.

PERSONAL APPEARANCES

Council consent to allow for personal appearances at this time. Bill Schaiberger addressed the Council.

REPORTS FROM CITY MANAGER

Welcome

City Manager Timothy Morales offered a welcome to Council Members, City Staff, residents and media.

Unfinished Business

Moved by Council Members Balls, seconded by Council Member Kloc to adopt a resolution authorizing ballot language for the November 4, 2014 election for a public safety special assessment district renewal. Discussion held.

*Mayor Pro Tem O'Neal entered the meeting at 9:20 a.m.*

Mayor Browning asked for input from community stakeholders that were present. Council consent was given. Terry Pruitt, NAACP President and Pastor Robert Davis addressed the Council. Discussion continued.

Mayor Browning called for a voice vote. Mayor Browning then asked the Clerk to conduct a roll call vote.

Ayes: Kloc, Fitzpatrick, Tibbs, Boensch, Coulouris, Balls, Mayor Browning

Nays: Mayor Pro Tem O'Neal, Moore

Absent: None

Abstain: None

Motion approved.

*A short break was taken at 10:30 a.m. and returned to session at 10:40 a.m.*

Alternative Funding and Revenue Sources

City Manager Morales introduced Yolanda Jones, Assistant to the City Manager/Budget Administration. Ms. Jones, Matthew Lane, OMB Administrative Budget Analyst, and Talal Alonzi, OMB Intern presented the process and an analysis regarding a Street Light Special Assessment.

City Manager Morales introduced Tom Miller, Jr. Mr. Miller presented information regarding a Business Improvement District (BID), Principal Shopping District (PSD), Business Improvement Zone (BIZ), and other financing mechanisms.

*Council Member Coulouris left the meeting at 11:42 a.m. and returned at 11:59 a.m.*

*Council Member Boensch left the meeting at 12:01 p.m. and returned at 12:06 p.m.*

*A working lunch break was taken at 12:10 p.m. with a return to session at 12:30 p.m.*

City Manager Morales introduced Phil Karwat, Director of Public Services. Mr. Karwat presented information regarding Saginaw Energy Efficiency/Renewable Energy. He recapped what projects have been completed and possible projects and funding sources for future planning.

*Council Member Tibbs left the meeting at 1:23 p.m. and returned at 1:25 p.m.*

City Manager Morales introduced Beth Church, Assistant Director of Employee Services. Ms. Church provided an update and information regarding Title VI.

Council consented that the 2015 City Council meeting schedule include two Strategic Planning sessions and that quarterly Committee of the Whole sessions can be utilized for project review and update discussion.

ADJOURNMENT

Moved by Council Member Balls, seconded by Council Member Kloc to adjourn at 2:30 p.m. 9 ayes, 0 nays, 0 absent. Motion approved.

Janet Santos, CMC/MMC  
City Clerk

**From:** Timothy Morales, City Manager  
**Subject:** 2014/2015 1st Period Budget Adjustment  
**Prepared by:** Yolanda M. Jones, Office of Management and Budget

**Manager's Recommendation:**

It is recommended that the 2014/2015 Approved Budget for the listed funds be amended. This adjustment is required to recognize any errors, omissions, or changes that have occurred during the 1st period.

**Justification:**

The 2014/2015 annual budget will be adjusted in accordance with Public Act 2 of 1968, Uniform Budgeting and Accounting Act, the City Charter; and the approved 2015 Budget Resolution, which states that the City Manager must provide budget adjustments to City Council quarterly and/or as a needed. As a result of the City Manager's 1st period analysis, the below-mentioned budget adjustments take into consideration any errors, omissions, or changes in the funding levels and expenditures approved by City Council as prescribed by the City Charter.

In the 1<sup>st</sup> period of FY 2015, the General Fund (101) will realize an increase of \$351,158 from \$31,467,754 to \$31,818,912.

- In June 2014, city council approved the budget adjustment for the purchase of a Fire Truck for Community Public Safety – Fire. Since the city did not receive the fire truck until August the fund were not expended in FY 2014. This budget adjustment reflects receiving the fire truck in the current year. The General Fund Revenues – Use of Fund Equity Account No (101-0000-989.000) as well as the Community Public Safety – Fire – Fire Apparatus and Maintenance Division's Vehicle Account No. (101-3554-982.000) should be increased by \$330,490 to reflect receiving and paying for the truck.
- On July 21, 2014, city council approved the addendum to FEMA Grant Agreement 2013. This agreement spelled out the repayment of the West Side Dock aluminum gangway dock ramps that were destroyed during a major flood event in the spring of 2013. The work on these docks was completed in July 2014. This budget adjustment reflects the completion of the work and the grant funds to reimburse the city. The General Fund Revenue's FEMA Account No (101-0000-501.012) should be increased by \$17,715 and the State Grant Account No (101-0000-539.000) should be increased by \$2,953. To offset the increase in revenues will be an increase to the General Fund – Department of Public Services – Facilities Division's Repair and Replacement Account No (101-7575-974.000) by \$20,668.

The Andersen Enrichment Commission Fund (236) should be decreased from the approved budget of \$239,011 to \$100,448. This represents a reduction of \$138,563. This reduction is primarily due to the restructuring of the Andersen Enrichment Commission Fund to the Andersen Center as well as the creation of the Saginaw Arts and Enrichment Commission Fund (237). This action was completed to reflect the legal framework of both entities. The Andersen Center will continue to be a special revenue fund and division of the Department of Public Services and the Saginaw Arts and Enrichment Commission will continue to function as a component unit of the City, and will be accounted as a separate special revenue fund.

The Saginaw Arts and Enrichment Commission Fund (237) should be created and will have a budget of \$188,300. This commission will have the same responsibility of the Enrichment Commission, which was previously budgeted with the Andersen Enrichment Commission Fund, but will be recorded separately as a component unit of the City.

**Council Action:**

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

**From:** Timothy Morales, City Manager  
**Subject:** Municipal Employees Retirement System 68<sup>th</sup> Annual Meeting  
**Prepared by:** Janet Santos, City Clerk

**Manager’s Recommendation:**

I recommend the appointment of Grace DeLeon as officer delegate and Dennis Jordan as alternate officer delegate, and Richard Massey as employee delegate and Mike Hagen as alternate employee delegate, to attend the Municipal Employees Retirement System’s (MERS) 68<sup>th</sup> Annual Meeting.

**Justification:**

The Municipal Employees Retirement Act provides that an annual meeting shall be held for representatives of participating municipalities for the purpose of selecting nominees for membership on the retirement board and to transact such business as may be required for the proper operation of the retirement system. The 2014 annual meeting has been scheduled for September 24-26, 2014 at the Detroit Marriott in Detroit, Michigan.

The officer delegate and alternate officer delegate are recommended based on appointing criteria. The employee delegate and employee alternate delegate are elected in accordance with the Act that requires the City Clerk to hold a secret ballot election for all eligible MERS members. This election has been noticed to the applicable employees and secretly conducted. Upon conclusion, votes were counted, tallied and verified resulting in Richard Massey receiving the highest number of votes and Mike Hagen the second highest.

**Council Action:**

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

**From:** Timothy Morales, City Manager  
**Subject:** Renewal of Lotus Notes Software Subscription  
**Prepared by:** Chris Seager, Technical Services

**Manager's Recommendation:**

I recommend approval and issuance of a purchase order to IBM Corporation in the amount of \$16,506 as an annual payment for the renewal of the City's Lotus Notes software subscription for maintenance coverage and license fees to operate the City of Saginaw's e-mail, calendar and workflow system.

**Justification:**

Lotus Notes is the e-mail and calendar software used by the City of Saginaw. The annual subscription provides support, upgrades and license coverage for Lotus Notes.

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

Funds are budgeted and available in the Technical Services Fund – IS Division's Operating Services Account No. 658-1720-805.000 for this purchase.

**Council Action:**

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

**From:** Timothy Morales, City Manager

**Subject:** Mid-Michigan LGBT Pride – Ojibway Island User Agreement

**Prepared by:** Evelyn McGovern, Public Services Department

**Manager’s Recommendation:**

I recommend approval of the Ojibway Island User Agreement between the City of Saginaw and Mid-Michigan LGBT Pride. The Agreement is approved by me as to substance and the City Attorney as to form.

**Justification:**

On August 16, 2014, Mid-Michigan LGBT Pride will host its annual Mid-Michigan LGBT Pride Fest on Ojibway Island. Mid-Michigan LGBT Pride will pay the City a flat fee of \$700 for the rental of Ojibway. This is the first year that LGBT will charge participants ticket fees to attend this event and sell alcoholic beverages.

Therefore, the parties have agreed that LGBT will pay the City a minimum service fee of \$125 for ticket sales. Moreover, LGBT will pay the City, twenty-five cents per ticket for ticket sales over 500. Payment for this fee must be remitted to the City 14 days after the event. Furthermore, LGBT must provide an insurance certificate and liquor liability license to the City. LGBT must provide a liquor liability license to the City because it plans to sell alcoholic beverages to participants.

**Council Action:**

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

**From:** Timothy Morales, City Manager

**Subject:** Authorization to Allow the Sale of Alcoholic Beverages on Ojibway Island

**Prepared by:** Evelyn McGovern, Public Services Department

**Manager's Recommendation:**

I recommend adoption of the attached Resolution authorizing the consumption and sale of alcoholic beverages on Ojibway Island, a public property, during the annual Mid-Michigan LGBT Pride (LGBT) Fest to be held on August 16, 2014.

**Justification:**

On August 16, 2014, Mid-Michigan LGBT Pride will host its annual Mid-Michigan LGBT Pride Fest on Ojibway Island, a public property. LGBT has requested that the City allow for alcoholic beverages to be served to participants for consumption during this event. Title XIII, Chapter 132, Section 132.01(C) of the Saginaw Code of Ordinances states that City Council can authorize the consumption and sale of alcoholic beverages on public property, if the vendor provides the following to the City:

- (1) The precise location where said beverages are to be sold and consumed;
- (2) The dates and times for said activities;
- (3) A proper state license for the sale and consumption of alcoholic beverages at the place and times listed in subsections (1) and (2) above;
- (4) Adequate public liability and property damage insurance for the benefit of the City with a company licensed to sell insurance in the State of Michigan;
- (5) Such other insurance as the City Council deems adequate for the benefit of the City;
- (6) Adequate personnel to control the premises where the alcoholic beverages are to be sold and consumed; and
- (7) Such other reasonable requirements as said City Council deems appropriate.

Approval to sell alcoholic beverages for this event is contingent upon the applicable vendors providing the proper required documents to the appropriate City department by



August 12, 2014. The City has set the insurance requirements and all insurance certificates must be reviewed and approved by the City. Furthermore, the vendor has been advised of the insurance requirements and the deadline for submitting insurance certificates to the City.

**Council Action:**

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

## RESOLUTION TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT OJIBWAY ISLAND ON PUBLIC PROPERTY

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

**WHEREAS**, Mid-Michigan LGBT Pride (“LGBT”) plans to host the annual “Mid-Michigan LGBT Pride Fest,” on August 16, 2014 between the hours of 12:00 p.m. until 8:00 p.m.; and

**WHEREAS**, LGBT requests that they be allowed to consume and sell alcoholic beverages to participants at Ojibway Island on public property; and

**WHEREAS**, City Council can provide authorization for the consumption and sale of alcoholic beverages on public property; and

**WHEREAS**, LGBT must provide certain documents prior to their event; and

**WHEREAS**, if LGBT does not provide the documents by the stated date, they will not be allowed to sell alcoholic beverages for consumption during their event scheduled on August 16, 2014; and

**WHEREAS**, the City will set all insurance requirements and all insurance certificates must be reviewed and approved by the City;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Saginaw hereby authorizes the consumption and sale of alcoholic beverages on public property during the annual “Mid-Michigan LGBT Pride Fest,” outdoor event to be held on August 16, 2014 at Ojibway Island provided that the mandatory information listed in Title XIII, Section 132.01(C) of the Saginaw Code of Ordinances be provided to proper City Departments no later than August 12, 2014.

Ayes:

Nays:

Absent:

Abstain:

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### 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 August 11, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

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Janet Santos, CMC/MMC  
City Clerk

**RESOLUTION TO AUTHORIZE  
PARISHIONERS ON PATROL  
TO USE AMPLIFYING EQUIPMENT  
AUGUST 30, 2014 LOCATED AT BLISS PARK**

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

**WHEREAS:** The Parishioners on Patrol (POP) plans to have a POP End of the Summer Fun Fest for the community to be held at Bliss Park on August 30, 2014; and

**WHEREAS:** The Parishioners on Patrol requested permission to use amplifying equipment between the hours of 8:00 a.m. and 5:00 p.m.; and

**WHEREAS:** City Council can provide authorization for the use of amplifying equipment on public property; and

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Saginaw hereby authorizes the use of amplifying equipment during the POP End of the Summer Fun Fest special event to be held on August 30, 2014 between the hours of 8:00 a.m. and 5:00 p.m. located at Bliss Park.

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 August 11, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

\_\_\_\_\_  
Janet Santos, CMC/MMC  
City Clerk

**From:** Timothy Morales, City Manager  
**Subject:** MDOT Cost Agreement (No.14-5393) – ROW Division  
**Prepared by:** Beth London, Public Services Department

**Manager's Recommendation:**

I recommend that the Michigan Department of Transportation ("MDOT") Cost Agreement No. 14-5393 for the rehabilitation of the Johnson Street Bridge 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 for the structure B01 of 73-20-17 (#9737), which carries Johnson Street over the Saginaw River, T12N, R4E/R5E, City of Saginaw, Saginaw County, Michigan, including partial painting of steel beams, pin and hanger replacement, and traffic control work, and all together with necessary related work.

The project cost is estimated to be \$608,400. Federal Surface Transportation Funds shall be applied to the eligible items of the project cost up to the lesser of (1) \$486,700, or (2) 80 percent, the normal Federal participation ratio for such funds. State Local Bridge Funds, in the amount of \$91,300 or 15% of the total cost, shall be applied to the balance of the project after deductions of Federal Funds. The total project cost to be paid with Federal and State Funds is equal to 95% of the eligible costs. The balance of the project cost, \$30,400 or 5% shall be paid by the City of Saginaw.

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

Funds are budgeted and available in the FY 2015 Major Streets Fund – Bridge Projects Division's, Construction Projects Account No. 202-4616-822.000 (\$15,050). The remaining funds will be made available in same account, in the FY 2016 budget, pending Council approval.

**Council Action:**

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

## MDOT Cost Agreement No. 14-5393

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

**WHEREAS:** Cost Agreement No. 14-5393 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 bridge improvements in the City of Saginaw that include rehabilitation work for the structure B01 of 73-20-17 (#9737), which carries Johnson Street over the Saginaw River, T12N, R4E/R5E, City of Saginaw, Saginaw County, Michigan, including partial painting of steel beams, pin and hanger replacement, and traffic control work, and all together with necessary related work; and

**WHEREAS:** Cost Agreement No. 14-5393 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. 14-5393 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 August 11, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

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Janet Santos, CMC/MMC  
City Clerk

**From:** Timothy Morales, City Manager  
**Subject:** Annual Supply of Castings – Maintenance & Services  
**Prepared by:** John Premo, Public Services Department

**Manager’s Recommendation:**

I recommend that the low bid from Michigan Pipe and Valve, Zilwaukee, MI be accepted and a purchase order be issued to them in the amount of \$89,060 for FY 2015 for catch basin and manhole castings for the Maintenance and Service Division.

**Justification:**

On June 10, 2014, bids were received for an annual supply of catch basin and manhole castings totaling 160 pieces that will be used for the maintenance and construction of the Sewage Collection System throughout the City. A cost comparison shows an average increase of 21 percent from last year’s bid. The following is a tabulation of the bids received:

<u>Vendor</u>	<u>Cost</u>
Michigan Pipe and Valve Zilwaukee, MI	\$ 89,060.00
EJ USA, Inc. East Jordan, MI	\$159,673.10

Michigan Pipe and Valve meets all requirements of §14.23, “Vendors,” of “Purchasing, Contracting, and Selling Procedure,” of Chapter 14, “Finance and Purchasing” of Title I, “General Provisions” of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Sewer Operation and Maintenance Fund – Maintenance and Service Division’s Parts and Supplies Account No. 590-4821-742.000 and will be accounted for in the Water Operation and Maintenance Fund Water Inventory Account No. 591-0000-110.002 as material is installed.

**Council Action:**

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

**From:** Timothy Morales, City Manager  
**Subject:** Emergency Purchases – (4) Exmark Zero-Turn Mowers, (1) Tandem Trailer – Facilities Division

**Prepared by:** Bruce Caradine, Public Service Department

**Manager's Recommendation:**

I recommend that a payment be made to Hoffmann's Power Equipment, Inc., Saginaw, MI, at the State bid price, in the amount of \$56,316 for emergency purchase order no. 0494499 issued on July 8, 2014 for four Exmark zero-turn mowers used to cut grass throughout the City of Saginaw.

It is also recommended that the low quote be accepted and payment be made to Beck's Trailer Superstore, St. Johns, MI in the amount of \$2,565.10 for emergency purchase order no. 0494500 issued on July 8, 2014, for one tandem trailer to transport two zero turn mowers for cutting grass throughout the City of Saginaw.

**Justification:**

On July 8, 2014, purchase order no. 0494499 was issued to Hoffman's Power Equipment, Inc. at the State bid price. The Facilities Division purchased four (4) mowers that are needed in the Public Services Department to cut public right of ways and properties in violation of the City Noxious Weed Ordinance. Hoffman's Power Equipment, Inc. is an authorized dealer in the State Bid Pricing program listed on page 57 of the State contract # 071B0200328. The State bid price for the two (2) ExMark Laser DS-Series 60" cut width is \$13,919 each and two (2) ExMark Laser DS-Series 72" cut width is \$14,239 each.

On July 8, 2014, purchase order number 0494500 was issued to Beck's Trailer Superstore for the purchase of one (1) tandem trailer used to transport two (2) of the purchased ExMark zero-turn mowers from Hoffman's Power Equipment, Inc..

Hoffman's Power Equipment, Inc. and Beck's Trailer Superstore meets all requirements of §14.23, "Vendors," of Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the TARP Blight Elimination Grant Fund – Equipment Account No. 274-3866-984.000 (\$58,881.10).

**Council Action:**

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



**From:** Timothy Morales, City Manager  
**Subject:** Emergency Purchase of Copper Tubing – Maintenance & Service Division  
**Prepared by:** John Premo, Public Services Department

**Manager’s Recommendation:**

I recommend the low quote from Stephens Tile, LLC, Birch Run, MI be accepted and emergency purchase order no. 494696, issued on July 22, 2014, be approved in the amount of \$7,756 for Fiscal Year 2015 for copper tubing for the Maintenance and Service Division.

**Justification:**

On July 17, 2014, three quotes were received for 400 feet of 1 inch copper tubing and 2,000 feet of ¾ inch copper tubing. This was due to the volatility of the copper market as prices change every week and there’s no vendor who would hold costs beyond a week. **The City’s only means of securing an adequate amount of copper tubing at the best cost was to buy it as an emergency purchase.** A cost comparison shows a 4% savings from the previous purchase.

The following is a tabulation of the quotes received:

<u>Vendor</u>	<u>Cost</u>
Stephens Tile, LLC Birch Run, MI	\$7,756
Etna Supply Grand Rapids, MI	\$8,020
Michigan Pipe & Valve Zilwaukee, MI	\$8,200

Stephens Tile, LLC meets all requirements of §14.23, “Vendors,” of Purchasing, Contracting, and Selling Procedure,” of Chapter 14, “Finance and Purchasing,” of Title I, “General Provisions” of the Saginaw Code of Ordinance O-1.

Funds for this purchase are budgeted in the Water Operation and Maintenance Fund – Maintenance and Service Division’s, Parts and Supplies Account No. 591-4721-742.000.

**Council Action:**

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

**From:** Timothy Morales, City Manager  
**Subject:** Annual Catch Basin and Sewer Debris Hauling – Maintenance & Service Division

**Prepared by:** John Premo, Public Services Department

**Manager’s Recommendation:**

I recommend approval of a purchase order to Billy’s Contracting, Carrollton, MI in the amount of \$36,000 FY 2015 for catch basin and sewer debris hauling for the Maintenance and Service Division. I further recommend upon approval of the Fiscal Year 2016 budget, acceptance of the bid from Billy’s Contracting for \$37,500 for catch basin and sewer debris hauling for FY 2016.

**Justification:**

On July 15, 2014, bids were received for catch basin and sewer debris hauling for Fiscal Year 2015 and Fiscal Year 2016. This service provides 20 yard containers to landfill the City’s sewer debris from main line sewer and catch basin activities. Bids were received from two (2) vendors, Republic Services and Billy’s Contracting. Republic’s bid was weighted, if we exceeded 10 tons, an added cost of \$31.00 per ton would be incurred in addition to the \$10.00 per ton and a disposal fee of up to \$446.00 per 20 yards. The City’s typical load will weigh from 17 to 20 tons, thereby making Republics bid cost on average greater than \$1,000.00 per pull. Billy’s Contracting bids are \$600.00 per pull the first year and \$625.00 for the second year. This represents a 40% increase from FY 2014 due to an increase in tipping fees at the landfill.

The following is a tabulation of the bids received:

<b><u>Fiscal Year 2015</u></b>	<b><u>Cost</u></b>
Billy’s Contracting Carrollton, MI	\$600.00 (per pull)
Max. Load size per CYD.	NA
Container Rental per month	NA
Disposal Cost per CYD.	NA
Republic Services Flint, MI	\$1,000 plus (per pull)

Max. Load size per CYD.	\$10.00/Ton - 20 yds.
Container Rental per month	\$45.00
Disposal Cost per CYD.	\$22.30
All Loads over 10 Tons is an extra charge	\$31.00 per Ton.

**Fiscal Year 2016**

**Cost**

Billy’s Contracting Carrollton, MI	\$625.00 (per pull)
---------------------------------------	---------------------

Max. Load size per CYD.	NA
Container Rental per month	NA
Disposal Cost per CYD.	NA

Republic Services Flint, MI	\$1,000 plus (per pull)
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Max. Load size per CYD.	\$10.00/Ton and/or 20 yds.
Container Rental per month	\$30.00
Disposal Cost per CYD.	\$23.10
All Loads over 10 Tons is an extra charge	\$31.00 per Ton.

Billy’s Contracting meets all requirements of §14.23, “Vendors,” of Purchasing, Contracting, and Selling Procedure,” of Chapter 14, “Finance and Purchasing,” of Title I, “General Provisions” of the Saginaw Code of Ordinances O-1.

Funds for this purchases are budgeted in the Sewer Operation and Maintenance Fund – Maintenance and Service Division’s, Operating Services Account No. 590-4821-805.000 for Fiscal Year 2015 and will be budgeted in the same account for Fiscal Year 2016.

**Council Action:**

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

**From:** Timothy Morales, City Manager  
**Subject:** Finished Water Reservoir Warranty Inspection Contract  
**Prepared by:** Paul Reinsch, Water and Wastewater

**Manager's Recommendation:**

It is recommended that the contract from Dixon Engineering, Inc. be accepted and that a purchase order be issued to them in the amount of \$950 for a warranty inspection of the aqua storage tank for the Water Treatment Division. The Agreement has been approved by the City Manager as to substance and the City Attorney as to form. It is further recommended City Council authorize the City Manager or his designee to execute all related documents.

**Justification:**

The 4 million gallon steel ground storage tank painting project at the Aqua Booster Station was substantially completed on October 17, 2013. The warranty period ends one year and one month after the substantial completion date. It is prudent that an inspection be done prior to the end of the warranty period to determine if there are any warranty items that require action. There were no additional quotes sought for the warranty inspection since Dixon Engineering was the engineer on the original contract. It is normal practice to use the same engineer for the warranty inspection.

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

Funds for this purchase are budgeted in the Water Operations and Maintenance Fund – Treatment and Pumping Division's Engineering Services Account Number 591-4730-802.000 for FY 2015.

**Council Action:**

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

**From:** Tim Morales, City Manager  
**Subject:** Allen Bradley Processor  
**Prepared by:** Brian Baldwin, Water and Wastewater

**Manager's Recommendation:**

I recommend that the quote from Kendall Electric, Inc., a sole source, of Saginaw, MI be accepted and a purchase order be issued to them in the amount of \$4,626 for FY 2015 for an Allen Bradley processor used to control pumping functions at several Retention Treatment Basin's and pumping stations throughout the City.

**Justification:**

Allen Bradley processors are used throughout the wastewater system to control pumping functions and monitor pump conditions. The processor at the Drake Street pump station recently failed and was replaced with one from stock. This will replace the stock processor used. On July 17, 2014, we received a quote from Kendall Electric, Inc. for a replacement Allen Bradley processor. Kendall Electric, Inc. is the manufacturer's representative for Allen Bradley and the sole source for replacement parts.

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

Funds for this purchase are budgeted in the Sewer Operations and Maintenance Fund, Remote Facilities Division's Parts and Supplies Account No. 590-4835-742.000.

**Council Action:**

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

**From:** Timothy Morales, City Manager  
**Subject:** Boerger Pump Parts  
**Prepared by:** Brian Baldwin, Water and Wastewater

**Manager's Recommendation:**

I recommend that the quote from Detroit Pump of Ferndale, MI, a sole source, be accepted and a purchase order be issued to them in the amount of \$13,122.30 for FY 2015 to purchase stock pump parts for the rebuild of four Boerger rotary lobe pumps at the Wastewater Treatment Plant.

**Justification:**

The Wastewater Plant has eight Boerger rotary lobe pumps which pump sludge from the bottom of our primary clarifiers to our above ground storage tanks. Parts are stocked to rebuild one of these pumps. A pump was recently rebuilt using stock parts. On April 17, 2014 we received a quote from Detroit Pump to replace the stock parts used. Detroit Pump is offering a 25% discount if we purchase enough stock to rebuild four pumps. The quote is for the parts to rebuild four pumps in order to take advantage of the 25% discount. Detroit Pump is the manufacturer's representative for Boerger Pumps and the sole source for replacement parts.

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

Funds for this purchase are budgeted in the Sewer Operations and Maintenance Fund, Treatment and Pumping Division's Parts and Supplies Account No. 590-4830-742.000

**Council Action:**

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

**From:** Timothy Morales, City Manager  
**Subject:** JWC Fine Bar Screen & Auger Rebuilds  
**Prepared by:** Brian Baldwin, Water and Wastewater

**Manager's Recommendation:**

I recommend that the quote from JWC Environmental of Buford, GA be accepted and a purchase order be issued to them in the amount of \$25,844 for FY 2015 for the purchase of parts to rebuild one fine bar screen mechanism and one Auger Monster for the Wastewater Treatment Plant.

**Justification:**

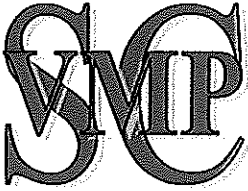
The Wastewater Treatment Plant has four ¼ inch fine bar screens located in the grit delivery channel. They remove rags and debris from wastewater before it enters the treatment process. After screenings are removed from the incoming wastewater they are conveyed through a sluice trough to a grinder which 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. On July 15, 2014, we received a quote from JWC Environmental for the parts needed to rebuild one fine bar screen mechanism and the auger monster. JWC Environmental is the manufacturer of the fine bar screen and 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 I, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Sewer Operations and Maintenance Fund, Treatment and Pumping Division's Parts and Supplies Account No. 590-4830-742.000.

**Council Action:**

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



**SAGINAW COUNTY VETERANS MEMORIAL PLAZA, INC.**  
P.O. BOX 1382 – SAGINAW, MI 48605  
PHONE (989) 752-4000 + FAX (989) 752-4000

RECEIVED  
CITY CLERK  
CITY OF SAGINAW

JUL 22 2014

June 16, 2014

# 14-09

Saginaw City Council  
Saginaw, Michigan

To Whom It May Concern:

Saginaw County Veterans Memorial Plaza, Inc. had to reapply for a local civic organization license to conduct a millionaire party. One of the requirements is to have a copy of a resolution passed by the local body of government stating the organization is a recognized nonprofit organization in the community (form attached) for a charitable gaming license.

Enclosed are the following documents:

- 1) Local Governing Body Resolution for Charitable Gaming Licenses
- 2) Local Civic Organization Qualification Requirements
- 3) Copy of IRS 501 (C) (3)
- 4) Bank Statement
- 5) SCVMP Bylaws

President  
Stephen Brown

Vice President  
Jeanne Conger

Secretary  
Connie Brown

Treasurer  
Christine Porras

Trustees  
Robin Heise  
Richard Honig  
Bob Pence

Thank you in advance for your assistance in this matter. Offering periodical fund raisers assist in required ground maintenance and improvements that are necessary to keep the Plaza in good shape to honor our men and women who have served our country well.

Sincerely,

Stephen W. Brown  
President

Attachments



## ESTABLISHING OBSOLETE PROPERTY REHABILITATION DISTRICT AT 412 - 416 COURT STREET

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

**WHEREAS**, under P.A. 146 of 2000 the City of Saginaw is authorized to form Obsolete Property Rehabilitation Districts; and

**WHEREAS**, the property at 412-416 Court Street, TAX ID # 16-0005-00000 has been deemed functionally obsolete by the City of Saginaw; and

**WHEREAS**, the owner of the property has been notified by certified mail that a public meeting will be conducted on August 11, 2014, in accordance with P.A. 146 of 2000.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Saginaw hereby approves the formation of an Obsolete Property Rehabilitation District pursuant to Public Act 146 of 2000, as amended, for the eligible property legally described as:

412-416 COURT STREET  
ASSESSOR'S FILE #: 16-0005-00000  
LOT 6,EXC.S.ELY.6 INCHES,LOT 7, EXC.N.WLY.6 INCHES,P.C.ANDRES SUBDIVISION OF LOTS 1,2,3 & 4, BLOCK 13,CITY OF SAGINAW IN DIVISION NORTH OF CASS STREET

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 August 11, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

\_\_\_\_\_  
Janet Santos, CMC/MMC  
City Clerk

## ESTABLISHING OBSOLETE PROPERTY REHABILITATION DISTRICT AT 110-112 N. MICHIGAN AVENUE

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

**WHEREAS**, under P.A. 146 of 2000 the City of Saginaw is authorized to form Obsolete Property Rehabilitation Districts; and

**WHEREAS**, the property at 110-112 N. Michigan Avenue, TAX ID 16-0007-00000 has been deemed functionally obsolete by the City of Saginaw; and

**WHEREAS**, the owner of the property has been notified by certified mail that a public meeting will be conducted on August 11, 2014, in accordance with P.A. 146 of 2000.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Saginaw hereby approves the formation of an Obsolete Property Rehabilitation District pursuant to Public Act 146 of 2000, as amended, for the eligible property legally described as:

110-112 N. MICHIGAN AVENUE  
ASSESSOR'S FILE #: 16-0007-00000  
LOT 11, EXC. N. ELY. 1 1/2 FT. OF N. WLY. 50 FT., LOT 12, P.C.ANDRES SUBDIVISION OF LOTS 1, 2, 3 & 4, BLOCK 13, CITY OF SAGINAW IN DIVISION NORTH OF CASS STREET

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 August 11, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

\_\_\_\_\_  
Janet Santos, CMC/MMC  
City Clerk

## ESTABLISHING OBSOLETE PROPERTY REHABILITATION DISTRICT AT 106 N. MICHIGAN AVENUE

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

**WHEREAS**, under P.A. 146 of 2000 the City of Saginaw is authorized to form Obsolete Property Rehabilitation Districts; and

**WHEREAS**, the property at 106 N. Michigan Avenue, TAX ID # 16-0006-00000 has been deemed functionally obsolete by the City of Saginaw; and

**WHEREAS**, the owner of the property has been notified by certified mail that a public meeting will be conducted on August 11, 2014, in accordance with P.A. 146 of 2000.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Saginaw hereby approves the formation of an Obsolete Property Rehabilitation District pursuant to Public Act 146 of 2000, as amended, for the eligible property legally described as:

106 N. MICHIGAN AVENUE  
ASSESSOR'S FILE #: 16-0006-00000  
N. WLY. 6 INCHES OF LOT 7, LOTS 8, 9 & 10, P.C. ANDRES SUBDIVISION OF LOTS 1, 2, 3 & 4 BLOCK 13, CITY OF SAGINAW IN DIVISION NORTH OF CASS STREET

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 August 11, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

\_\_\_\_\_  
Janet Santos, CMC/MMC  
City Clerk

## ESTABLISHING OBSOLETE PROPERTY REHABILITATION DISTRICT AT 110-112 N. WASHINGTON AVENUE

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

**WHEREAS**, under P.A. 146 of 2000 the City of Saginaw is authorized to form Obsolete Property Rehabilitation Districts; and

**WHEREAS**, the property at 110-112 N. Washington Avenue, TAX ID #03-0148-00000 has been deemed functionally obsolete by the City of Saginaw; and

**WHEREAS**, the owner of the property has been notified by certified mail that a public meeting will be conducted on August 11, 2014, in accordance with P.A. 146 of 2000.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Saginaw hereby approves the formation of an Obsolete Property Rehabilitation District pursuant to Public Act 146 of 2000, as amended, for the eligible property legally described as:

110-112 N. WASHINGTON AVENUE  
ASSESSOR'S FILE #: 03-0148-00000  
N. 25 FT. OF LOT 2, LOT 3, BLK. 35, MAP OF THE CITY OF EAST SAGINAW, ALSO  
COMMONLY KNOWN AS HOYTS PLAT

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 August 11, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

\_\_\_\_\_  
Janet Santos, CMC/MMC  
City Clerk

# **RESOLUTION**

***REVISED R - 5***

## **INITIATORY PETITION FOR BALLOT A PROPOSAL TO AMEND THE CITY CHARTER**

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

**WHEREAS:** the Home Rule City Act, Act 279 of 1909, as amended (HRCA), provides for City Charter amendments by initiatory petition; and

**WHEREAS:** an initiatory petition to amend the Saginaw City Charter by adding Section 24A was filed with the City Clerk on July 16, 2014; and

**WHEREAS:** in accordance with the HRCA, specifically MCL 117.25, the City Clerk has canvassed the petition to ascertain if it has been signed by the requisite number of registered electors and has certified the sufficiency thereof; and

**WHEREAS:** in accordance with the HRCA, specifically MCL 117.21 and MCL 117.25, if the petition contains the requisite number of signatures of registered electors, the Clerk shall submit the proposed amendment to the electors of the City at the next regular municipal or general state election held in the City which shall occur not less than 90 days following the filing of the petition, which will be the general election to be held Tuesday, November 4, 2014; and

**WHEREAS:** in accordance with the HRCA, specifically MCL 117.21, the form in which a proposed Charter amendment shall appear on the ballot shall be provided for in the initiatory petition, however, City Council may add an explanatory caption; and

**WHEREAS:** in accordance with the HRCA, specifically MCL 117.21, the purpose of the proposed charter amendment or question shall be designated on the ballot in not more than 100 words, exclusive of caption, that shall consist of a true and impartial statement of the purpose of the amendment or question in language that does not create prejudice for or against the amendment or question; and the text of the statement shall be submitted to the Attorney General for approval as to compliance with this requirement before being printed; and

**WHEREAS:** on or about July 31, 2014, the City Clerk received correspondence from the Attorney General's office, which is attached to this resolution; and

**WHEREAS:** in accordance with the HRCA, specifically MCL 117.22, every amendment to a city charter, before its submission to the electors shall be transmitted to the Governor; if he shall approve it, he shall sign it; if not, he shall return the amendment to the legislative body of the city, with his objections thereto, which shall be spread at large on the journal of the body receiving them. and if it be an amendment proposed by

# **RESOLUTION**

**REVISED R - 5**

initiatory petition, it shall be submitted to the electors notwithstanding such objections; and

**WHEREAS:** the language of the proposal herein is as stated in the initiatory petition, but for the caption, which is provided for explanatory purposes.

**NOW, THEREFORE, BE IT RESOLVED,** that in accordance with the Home Rule City Act and Michigan Election Law, a proposal to amend the Saginaw City Charter by adding a new Section 24A, entitled, "Marijuana," shall be placed before the qualified electors of the City of Saginaw on the ballot for the general election to be held Tuesday, November 4, 2014, subject to the requirements as set forth in the Home Rule City Act; and

**BE IT FURTHER RESOLVED** that the form of the ballot shall be as follows:

## **PROPOSAL2**

### **PROPOSAL TO AMEND THE CITY CHARTER BY ADDING A NEW SECTION 24A ENTITLED, "MARIJUANA"**

Shall the Charter of the City of Saginaw, Michigan be amended by adding a new Section 24A, entitled, "Marijuana," to state that: "Nothing in the Code of Ordinances shall apply to the use, possession or transfer of less than 1 ounce of marijuana, on private property not used by the public, or transportation of 1 ounce or less of marijuana, by a person who has attained the age of 21 years?"

YES \_\_\_\_\_

NO \_\_\_\_\_

**BE IT FURTHER RESOLVED,** that subject to the requirements as set forth in the Home Rule City Act, said proposal shall be and the same is hereby ordered to be submitted to the qualified electors of the City of Saginaw on the ballot for the general election to be held Tuesday, November 4, 2014, and the City Clerk shall certify such ballot proposal language to the County Clerk and to perform all acts required by City Charter, ordinance and state law for the conduct of this election; and

**BE IT FURTHER RESOLVED,** that the ballot proposal shall be posted and/or published as required by law.

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 August 11, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

---

Janet Santos,  
CMC/MMC City Clerk

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



BILL SCHUETTE  
ATTORNEY GENERAL

P.O. Box 30212  
LANSING, MICHIGAN 48909

Honorable Richard D. Snyder  
Governor, State of Michigan  
The George Romney Building  
Lansing, MI 48909

Attention: Michael F. Gadola  
Legal Counsel to the Governor

Re: City of Saginaw- Proposed Charter Amendment by Initiative  
Petition

Section 24A- adds a new Section 24A to the city charter, which would provide "Nothing in the Code of Ordinances shall apply to the use, possession, or transfer of less than 1 ounce of marijuana, on private property not used by the public, or transportation of less than 1 ounce of marijuana, by a person who has attained the age of 21 years."

Dear Governor Snyder:

You have referred to this office a charter amendment, proposed by initiative petition filed with the City of Saginaw City Clerk on July 16, 2014 and forwarded on July 17, 2014. A subsequent letter from the City Clerk, which your office received on July 28, 2014, and which this office received on July 29, 2014, indicates that the City Clerk certified the sufficiency of the petitions on July-23, 2014.

I have reviewed the proposed amendment to the Charter of the City of Saginaw in light of the Home Rule City Act (HRCA), 1909 PA 279, MCL 117.1 *et seq.* I conclude that the amendment is not consistent with the HRCA. Accordingly, I recommend that the Governor not approve the charter amendment for the reasons set forth below.

Nothing in this proposed amendment limits the responsibility of a Saginaw city police officer to enforce the state's criminal laws, including those applicable to marijuana. To the contrary, "[p]olice are charged to enforce laws until and unless they are declared unconstitutional." *People v MacLeod*, 254 Mich App 222, 230; 656 NW2d 844 (2002). Regardless of whether the proposed amendment is approved by the voters, marijuana will remain a controlled substance under state and federal law. City law enforcement will retain the authority to enforce criminal laws,



Honorable Richard D. Snyder  
Page 2

without regard to any provision in the charter. *Joslin v 14th District Judge*, 76 Mich App 90; 255 NW2d 782 (1977). That same conclusion would apply to county, state, and federal law enforcement personnel who, in any event, would not be subject to any city charter provisions.

Currently, MOL 750.479 and the Saginaw Code of Ordinances §133.02 and §133.03 prohibit any person from obstructing or resisting law enforcement officials performing their law enforcement duties. If adopted, the proposed amendment to the city charter seeks to carve out an exception to §133.02, §133.03, and any other marijuana-related city ordinance, that is not found in MOL 750.479. Under Section 36 of the HRCA, however, no city charter provision "shall conflict with or contravene the provisions of any general law of the state."

The Attorney General has a separate responsibility to review proposed ballot language for compliance with the requirements of Section 21 of the HRCA. I have examined the ballot language for the proposed amendment as set forth in the petition. The ballot language is inaccurate because it does not inform the voters that the proposed amendment conflicts with state law. The ballot language also does not inform the voters that state law will control regardless of whether the proposed amendment is adopted. Therefore, I conclude that the ballot language does not conform to the requirements of Section 21 of the HRCA, which require the ballot language to consist of a true and impartial statement of the purpose of the amendment.

It should be noted that Section 22 of the HRCA requires that all proposed amendments submitted by initiative petition shall be submitted to the city's voters for approval – even if the Governor has declined to approve the charter amendment. Neither of the City Clerk's letters states when the proposed amendment will be submitted to the voters, but Section 21 of the HRCA, MOL 117.21, provides the proposed amendments must be placed on the ballot at the November 2014 election, that being the next general election not less than 90 days after the filing of the petitions with the City Clerk on July 16, 2014.

Sincerely,



Matthew Schneider  
Chief Legal Counsel

MS:jjk

Enc.

cc: Janet Santos, City Clerk

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSE FOR SAGINAW COUNTY VETERANS MEMORIAL PLAZA, INC.**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to offer and adopt the following resolution:

**WHEREAS:** the Saginaw County Veterans Memorial Plaza, Inc., of Saginaw, MI has submitted a request, Petition #14-09, to be recognized as a nonprofit organization for purposes of obtaining a charitable gaming license; and

**WHEREAS:** the Michigan Bureau of State Lottery, pursuant to MCL 432.103, requires a Resolution be adopted by the local governing body approving this recognition.

**NOW, THEREFORE, BE IT RESOLVED:** that the request from the Saginaw County Veterans Memorial Plaza, Inc. of the City of Saginaw and County of Saginaw, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered approved.

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 August 11, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

\_\_\_\_\_  
Janet Santos, CMC/MMC  
City Clerk

## OUTDOOR SERVICE AREA AT 100 S. HAMILTON STREET

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

**WHEREAS:** on or about July 24, 2014, the City Clerk's Office received an application for permission for Outdoor Service license at 100 S. Hamilton Street; and

**WHEREAS:** the request from Step Above Enterprises I, Inc., d.b.a. Jake's Old City Grill, is for a new Outdoor Service (1 area) to be held in conjunction with 2014 Class C licensed business with Sunday Sales, located at 100 S. Hamilton Street, Saginaw, MI 48602, Saginaw County; and

**WHEREAS:** a separate resolution is to be adopted simultaneously herewith permitting the service of alcoholic beverages on public property at 100 S. Hamilton; and

**WHEREAS:** Chapter 111, "Alcoholic Beverages," §111.11, "Application for License," wherein the City Manager is to review all applications and departmental reports and give his recommendation to City Council of his approval or disapproval of the license; and

**WHEREAS:** the City of Saginaw Fire Prevention, City Police Department and the City Building Inspections Division have conducted their respective inspections and determined compliance of the applicable codes at 100 S. Hamilton Street.

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Saginaw approves the request received from Step Above Enterprises I, Inc., d.b.a. Jake's Old City Grill, for a new Outdoor Service (1 area) to be held in conjunction with 2014 Class C licensed business, located at 100 S. Hamilton Street, Saginaw, MI 48602, Saginaw County.

Ayes:  
Nays:  
Absent:  
Abstain:

### **RESOLUTION DECLARED ADOPTED**

I, Janet Santos, CMC/MMC, 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 August 11, 2014; the original thereof is on file in the records of the Office of the City Clerk; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

\_\_\_\_\_  
Janet Santos, CMC/MMC  
City Clerk

## PERMIT THE SERVICE OF ALCHOLIC BEVERAGES ON PUBLIC PROPERTY AT 100 S. HAMILTON STREET

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

**WHEREAS:** on or about July 24, 2014, Step Above Enterprises I, Inc., d.b.a. Jake's Old City Grill, submitted an application for Encroachment Permit; and

**WHEREAS:** on August 7, 2014 Step Above Enterprises I, Inc., d.b.a. Jake's Old City Grill, was issued a Class II Encroachment Permit from the City Zoning Division for 100 S. Hamilton Street to include the installation of a semi-permanent fence in an area on the City's sidewalk at 100 S. Hamilton Street; and

**WHEREAS:** pursuant to §96.45 through §96.59, Chapter 96, Title IX, of the Saginaw Code of Ordinances, "Encroachments," such Encroachment Permit is to be renewed annually, have routine inspections, require insurance naming the City as additional insured, and may be revoked at any time; and

**WHEREAS:** the Step Above Enterprises I, Inc., d.b.a. Jake's Old City Grill, has further requested that it be allowed to serve alcoholic beverages in this fenced area during the hours of operation; and

**WHEREAS:** the City Council can provide authorization for the service of alcoholic beverages on public property in accordance with §132.01 (C), Chapter 132, Title XII, of the Saginaw Code of Ordinances; and

**WHEREAS:** §132.01 (c), Chapter 132, Title XIII of the Saginaw Code of Ordinances states that City Council can authorize the service of alcoholic beverages on public property if the vendor provides evidence of all of the following to the satisfaction of the City:

- (1) The precise location where said beverages are to be sold and consumed;
- (2) The date and times for said activities;
- (3) A proper state license for the sale and consumption of alcoholic beverages at the place and times listed in the subsections (1) and (2) above;
- (4) Adequate public liability and property damage insurance for the benefit of the City with a company licensed to sell insurance by the state;
- (5) Such other insurance as the City Council deems adequate for the benefit of the City;
- (6) Adequate personnel to control the premises where the alcoholic beverages are to be sold and consumed; and
- (7) Such other reasonable requirements as said City Council deems appropriate.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Saginaw hereby authorizes the service of alcoholic beverages on public property in a fenced area

on the City's sidewalk at 100 S. Hamilton Street, contingent upon the Step Above Enterprises I, Inc., d.b.a. Jake's Old City Grill, providing to the City mandatory documents and proofs listed in §132.01 (c), Chapter 132, Title XIII, of the Saginaw Code of Ordinances and receives approval from the Michigan Liquor Control Commission.

**BE IT FURTHER RESOLVED** that all insurance requirements will be set by the City and all insurance certificates must be reviewed and approved by the City.

**BE IT FURTHER RESOLVED**, if Step Above Enterprises I, Inc., d.b.a. Jake's Old City Grill, does not provide the aforementioned mandatory documents and proofs as itemized in § 132.01 (c), Chapter 132, Title XIII, of the Saginaw Code of Ordinances, it will not be allowed to serve alcoholic beverages in the encroachment area at 100 S. Hamilton Street, Saginaw, Michigan during its hours of operation.

Ayes:

Nays:

Absent:

Abstain:

## RESOLUTION DECLARED ADOPTED

I, Janet Santos, CMC/MMC, 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 August 11, 2014; the original thereof is on file in the records of the Office of the City Clerk; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

---

Janet Santos, CMC/MMC  
City Clerk