



City of Saginaw

City of Saginaw

Meeting Date: 12/15/2015

Staff Contact: Doug Spears
Fire Chief

Agenda Item: 5
(CC-1215-09)

E-mail: dspears@saginawtx.org

Phone: 817-230-0412

SUBJECT: Consideration and Action regarding Memorandum of Understanding between the City of Saginaw and Trinity Industries for outdoor warning siren; and donation of outdoor emergency warning siren

BACKGROUND/DISCUSSION:

Representatives of Trinity Industries located at 104 East Bailey Boswell Road recently expressed a desire to locate an outdoor emergency warning siren on their property. They are proposing to purchase and install the siren. After installation is complete, they are proposing to donate the siren to the City. The siren will be tested, monitored, and activated by the Fire Department in conjunction with the City's existing outdoor emergency warning sirens. The proposed Memorandum of Understanding and donation paperwork were prepared by the City Attorney. Additional information is included in the attached memo from Fire Chief Spears.

(Note: This item was tabled at the December 1st City Council Meeting.)

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the Memorandum of Understanding between the City of Saginaw and Trinity Industries for outdoor warning siren; and donation of outdoor emergency warning siren.

Attachments

Memo from Attachments from Doug Spears



DOUG SPEARS
FIRE CHIEF

Saginaw Fire Department

400 S. Saginaw Blvd. Saginaw, Texas 76179
Tel: 817-230-0412 Fax: 817-232-3731

TO: City Manager Nan Stanford
FROM: Fire Chief Doug Spears
DATE: November 24, 2015
RE: Outdoor Warning Siren Trinity Agreement

Approximately two months ago Trinity Industries inquired about any pertinent regulations regarding their ability to install an audible warning device/siren at their Bailey Boswell Road facility. The primary intent of the siren was to be used to warn their large number of employees on duty of severe weather conditions with many employees frequently working outside at all hours. The siren would also be used for other significant emergencies at their facility to notify employees throughout the property.

With the primary intent of outdoor warning systems to alert the general public of potential danger there are federal regulations that prohibit anyone from operating a system that could cause confusion for the general public. Non-governmental entities, primarily industry, may be permitted to operate an outdoor warning system provided the warnings are not audible beyond their designated property. With Trinity's large expanse of property there is no effective way to accomplish this and with their proximity to the general public and residential areas we would not permit them to operate a standalone system at their facility.

We do have a desperate need to have an outdoor warning siren operational in that area of our city as presented in the most recent city budget process. In cooperation to find a viable solution Trinity officials have offered to fund an outdoor warning siren adjacent to their facility that would satisfy their need to notify employees while benefiting the community as a whole. More importantly the ownership and control of activation of the warning siren would remain with public officials as intended. The siren would become property of the City and part of our city wide system with the manufacturer and model of the siren mirroring what we currently utilize and had planned to install.

The attached MOU delineates operational authority, responsibility and procedures. It also provides for the request of activation of the siren by Trinity for Trinity facility emergencies and drills but the activation can still only be performed by the TCFAC or remotely by an FD Chief Officer.

The attached Bill of Sale/Donor document provides method for the siren to come under the ownership of the City.

I recommend approval as presented.

Memorandum of Understanding

Between The

City of Saginaw

And

Trinity Industries

This Memorandum of Understanding is entered into and by the City of Saginaw, Texas and Trinity Industries.

I. PURPOSE

To delineate responsibilities for the activation, testing, maintenance, and monitoring of the outdoor warning siren owned by and located in the City of Saginaw.

II. SCOPE

The provisions of this Memorandum of Understanding (MOU) apply to all activities pertaining to the outdoor warning siren located in and owned by the City of Saginaw. Activities include, but are not limited to, testing, maintenance, emergency activation, plant activation request or ground monitoring. These activities may be in conjunction with, or in preparation of, a city, local, or county emergency.

III. PERIOD OF PERFORMANCE

This MOU shall begin as of the date of the last signature and shall be in effect until both parties give written notice of termination.

IV. DEFINITIONS

- A. Testing: the purpose of maintaining a state of readiness. All outdoor warning sirens are tested the first Wednesday of every month weather permitting. In the event of threatening weather conditions or other events in the area, testing will be conducted the next favorable day available.
- B. Periodic Testing: conducted on individual sirens for the purpose of distance testing or after a maintenance issue has been corrected. These tests can be conducted anytime with the notification of the appropriate 911 centers and personnel of the City of Saginaw or the City of Blue Mound.
- C. Maintenance: the repair, or checking of components, of the siren itself. The siren is made up of a power supply, batteries, radio, amplifiers, drivers, speakers, control boards, and movement motors. Any and all of these components must be cleaned and checked for proper function on a regular basis. Any and all of these components can be replaced should a malfunction be found.
- D. Activation: the process of turning on the siren. This is done by radio signal or manually at the siren control board. Activation is the act of the siren sounding and rotating in a 360

degree cycle. Activation by radio signal can be done by 911 dispatch center or by portable radio with proper programming. A manual activation is done by opening the control board located on the siren pole and pressing the correct sequence of manual test buttons.

- E. Monitoring: the activity of checking the actual sound distance of the siren when activated. While testing the sirens, on occasion, personnel will be placed in preplanned areas, a distance from the siren, and evaluate the ability to hear the siren in those locations. Monitoring allows for the determination of which geographical areas are covered by the sound of sirens at any given time. If the distances vary greatly from previous monitoring this could be a sign that there is a problem with the performance of the siren itself.
- F. Outdoor Warning Sirens: are parts of an emergency notification system designed to provide immediate and valuable information to citizens. The system is not designed to alert those who are inside a residence, business or other type structure. These sirens are used to warn citizens of approaching and immediate danger. The sirens are sounded in situations of severe weather directly threatening the City of Saginaw or City of Blue Mound and in most situations one of the following criteria must be met.
- Rotation in a dangerous cloud formation or a tornado
 - Straight-line winds approaching 70 mph or greater
 - Significantly large and damaging hail storm

The decision to sound the sirens is a judgment call made by a Saginaw Fire Department Officer with the primary goal of protecting citizens by attempting to provide advance warning of a dangerous situation. This judgment is made from information from several resources including:

- The National Weather Service
- The Tarrant County SKYWARN – RACES network with trained storm spotters positioned throughout the county providing real-time updates
- Two independent real-time weather radar systems
- Simultaneous monitoring of all the local TV network's weather bulletins

V. Agreement

1. Trinity Industries will provide funding for the purchase and installation of the new outdoor warning siren to be placed on City of Saginaw property adjacent to the Trinity Industries facility, which shall be evidenced by a "Bill of Sale or Donation".

2. The siren will be tested every month in conjunction with all other City of Saginaw sirens. This will take place the first Wednesday of every month, weather and event permitting, at approximately 1:00 PM. Saginaw Fire Department personnel will monitor the siren for proper operation during all tests and provide routine maintenance checks.

3. The City of Saginaw accepts all responsibility for repairs and repair costs associated with the siren location. Should a repair or operational issue be found during testing or normal operation, the City of Saginaw will act immediately to diagnose the defect in operation and have the siren repaired. The City

of Saginaw shall also be responsible for all routine monthly and yearly cost associated with the siren operation.

4. Trinity Industries shall not be held liable for the proper operation, or lack thereof, of the City of Saginaw outdoor warning siren during either testing or emergency operations.

5. Trinity Industries shall reserve the right to request the activation of the siren for routine drills and emergency notification of plant personnel. These activation requests will be requested through the Tarrant County Fire Alarm Center and will include to notification of a Saginaw Fire Department Chief Officer. These activations will need to fall under the following guidelines to insure proper siren use and required notifications of surrounding residential and commercial properties.

Activation for Plant Drills and Tests:

- 1) Weather conditions shall be clear with no forecast weather events predicted to be in the area for a time frame of 4 hours prior to or after the activation request.
- 2) A Plant Manager will notify the Tarrant County Fire Alarm Center and a Saginaw Fire Department Chief Officer 24 hours prior to the activation time to request the siren activation. A Plant Manager will be on the phone, at the time of the activation, with Tarrant County Fire Alarm to insure proper activation and silencing of the siren.

Activation for Plant Emergencies:

- 1) The Siren may be activated for emergency plant situations by calling Tarrant County Fire Alarm. Tarrant County Fire Alarm will activate the siren and contact a Saginaw Fire Department Chief Officer to advise of the activation request and the situation for the request.
- 2) The siren may be utilized for the notification of plant personnel of the need to evacuate the plant buildings and the surrounding property in an emergency situation. These situations could include, but not limited to, chemical spills, container ruptures, building fires, and rail emergencies.

6) This Memorandum of Understanding, in no way, shall assign liability to either party for failure to activate or failure of any device to properly activate prior to or during an emergency event. Each party hereby waives all claims against the other party for any loss, damage, personal injury or death resulting from activation of the City of Saginaw outdoor warning siren or any result of non-activation of the siren.

7) This Memorandum of Understanding shall not be construed to limit or waive the City of Saginaw's police powers or governmental immunities.

This Memorandum of Understanding is entered into by and between the following parties:

The City of Saginaw:

Authorized Signature

Printed Name

Date

Mayor- City of Saginaw

Trinity Industries:

Authorized Signature

Printed Name

Date

**BILL OF SALE OR DONATION
OUTDOOR EMERGENCY WARNING SIREN**

Date: _____, 2015.

Seller/Donor: Trinity Industries, Inc.

Seller's/Donor's Mailing Address: [include county]

Buyer: City of Saginaw

Buyer's Mailing Address: 333 West McLeroy Blvd. Saginaw, Tarrant County Texas 76179

Consideration: _____ (\$ _____) paid directly to _____
_____ (Bank Name and Address) _____, on behalf of
Seller/Donor and other good and valuable consideration.

Transferred Properties: New Emergency Notification Outdoor Warning Siren and related mechanical, computer, and other system components.

Reservations from Transfer: None.

Exceptions to Transfer and Warranty: None.

Seller/Donor, for the Consideration and subject to the Reservations from Transfer and the Exceptions to Transfer and Warranty, conveys, transfers, and delivers the Transferred Properties to Buyer, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Buyer and Buyer's heirs, successors, and assigns forever. Seller/Donor binds itself and its heirs and successors to warrant and forever defend all and singular the Transferred Properties to Buyer and Buyer's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Seller/Donor but not otherwise, except as to the Reservations from Transfer and the Exceptions to Transfer and Warranty.

WITH THE EXCEPTION OF THE WARRANTIES OF TITLE, INCLUDING THE WARRANTY THAT NO LIENS EXIST ON THE TRANSFERRED PROPERTIES EXCEPT AS RECITED, SELLER/DONOR HAS MADE NO AFFIRMATION OF FACT OR PROMISE RELATING TO THE TRANSFERRED PROPERTIES THAT HAS BECOME ANY BASIS OF THIS BARGAIN, AND FURTHER, SELLER/DONOR HAS MADE NO AFFIRMATION OF FACT OR PROMISE RELATING TO THE TRANSFERRED PROPERTIES THAT WOULD CONFORM TO ANY SUCH AFFIRMATION OR PROMISE. SELLER/DONOR DISCLAIMS ANY WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE WHATEVER WITH RESPECT TO THE TRANSFERRED PROPERTIES. THE TRANSFERRED PROPERTIES ARE SOLD ON AN "AS IS" BASIS.

When the context requires, singular nouns and pronouns include the plural.

SELLER/DONOR: Trinity Industries, Inc.

By: _____

THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on _____, 2015, by _____, _____, of Trinity Industries, Inc., a for profit corporation authorized to do business in the State of Texas, on behalf of said Corporation.

Notary Public, State of Texas

BUYER: CITY OF SAGINAW

By: _____
Gary Brinkley, Mayor

THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on _____, 2015, by Gary Brinkley, Mayor of the City of Saginaw, a Texas Home Rule Municipality, on behalf of said Municipality.

Notary Public, State of Texas