
REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, APRIL 20, 2009, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Police Chaplain Alvin King offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Joyce Seals called the meeting to order. The following Councilpersons were present: Gregory Branch, Larry Coulouris, Amanda Kitterman-Miller, Amos O'Neal, Bill Scharffe, Paul Virciglio and Mayor Joyce Seals-7.

Absent: Councilmen Daniel Fitzpatrick and Andrew Wendt-2.

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS

Councilwoman Kitterman-Miller moved to approve the minutes from the November 10, November 24, December 8 and December 22, 2008 Regular Council meetings, seconded by Councilman Branch.

Adopted unanimously.

ANNOUNCEMENTS

Amber Davis-Johnson, Vice President of the Saginaw Bar Association, accepted a proclamation read by Councilman O'Neal designating April 30, 2009 as Law Day in the City of Saginaw. Ms. Davis-Johnson recognized City Attorney Thomas Fancher for being the 2009 recipient of the F.H. Martin award for his years of participation and support given to the Law Day program.

(At 6:35 p.m., during the Law Day proclamation, Councilman Wendt arrived and took his seat.)

Anthony Turner and Danielle Brown, U.S. Department of Commerce – Bureau of the Census, accepted a proclamation read by Councilman Coulouris designating April 20th as U.S. Census Day in the City of Saginaw.

PERSONAL APPEARANCES

Earl Jesse, 110 S. Harrison, mentioned a couple recent incidents where youth were killed by the use of taser guns. Said the company selling the equipment to police across the country designed it like those used in slaughterhouses.

Johnny Sanders, 3420 Grant, commented on two people wearing hats at a prior Council meeting. Said the rules need to be the same for everyone. Criticized the City for raising the water and sewer rates, not tearing down houses and Council members not attending meetings on the Southside.

John Yrlas, 2738 Witters, Saginaw Firefighter, mentioned an article he read in the newspaper on Detroit firefighters and said it reminded him of Saginaw. Praised the Saginaw firefighters for their work and said they are being neglected by the City by having to work with aging apparatus and less employees.

Mark Schwager, 403 S. Mason, complained about loud music from cars. Requested Council refrain from increasing water bills due to the economy. Urged Council members to contact the President about his idea for a water pipe line across the United

States.

REMARKS OF COUNCIL

Councilman Coulouris expressed concerns about getting enough citizens to attend the Charter Review Committee's town hall sessions, which address the proposed Charter amendments. *(He announced the meeting dates and times.)* Urged citizens to attend. Spoke on the importance of the 2010 Census and the affect it will have on the City if the population falls below 50,000.

Councilman Scharffe echoed the sentiments of Councilman Coulouris on the Census. Mentioned the water and sewer rate increases and said the increase was necessary to repair and maintain the City's very old water system. The expense would be much more down the road if not maintained. Congratulated Dick Garber for Garber Buick being first in the nation for Buick auto sales during the month of March.

Councilman Virciglio in response to Mr. Sanders said he, his wife and Councilman O'Neal have been very active on the Southeast side in assisting with forming a Neighborhood Watch Group and Association. Commended the Community Police Officers and Neighborhood groups for attacking the blight by boarding up houses. Agreed with Councilman Scharffe on the City's aging water system. Said if the pipes break and sewage pours into basements, it would be more costly than to be proactive in maintaining the system.

Councilman Wendt thanked City management and staff for working with Union Civica on the Cinco De Mayo activities. Recommended citizens attend one of the Charter Review sessions so they have a full understanding of the recommended changes to the Charter. Noted that Saginaw is responsible for the delivery of water to its citizens and outlying communities and therefore capital improvements are a necessity. Requested a copy of the Fire Department's capital improvements. *(City Manager Darnell Earley said he would make it a part of the budget process, along with the needs of other departments.)*

Councilman Branch agreed with other Council members' comments on the water system. Read a draft letter he wrote to Andreas Prigge in response to a recent article in The Saginaw News. The letter criticized Mr. Prigge for purchasing a house at 2101 Parkwood over the Internet (sight unseen) and his plans to walk away from it due to its condition. Criticized him for buying a house he thought he could turn for a profit and irresponsibly abandoning it when he found out differently.

Councilman O'Neal echoed Councilman Virciglio's comments on Council members attending Southeast Neighborhood Association meetings. He noted that he, Councilman Virciglio and his wife and Councilman Scharffe all were in attendance at the last meeting. Said the City has been very aggressive with regard to demolishing blight homes in the City, particularly in a concentrated area on the Southside. Commended Parishioners on Patrol for its work throughout the City and mentioned a few of the group's recent projects.

Councilwoman Kitterman-Miller announced the Great American Cleanup scheduled for May 9-16, 2009 and elaborated on the many projects. Also announced the Arson Watch flower sale for Mother's Day and its work with the SCENIC group to board up houses. Thanked all those who have or will participate and urged others to get involved.

Mayor Seals thanked the Fire Department for the work they do, and praised them for their Sesquicentennial Celebration, which she attended. Reminded Mr. Schwager that the City does have a noise ordinance and urged him to call the police when there is a problem in his neighborhood. Noted she personally cannot attend every meeting

throughout the City, but Council works as a team and members attend those she can't. Admitted she had made a mistake in allowing hats in the Council Chamber. Said it was an oversight she corrected it when it was called to her attention. Mentioned the Charter Review Ad Hoc Committee taking 18 months to review the Charter to make modifications. The group has not made any decisions, but want to provide the public with its findings. The recommendations will be presented to Council and Council will make the final decision. Announced the upcoming National Crime Victims Rights Week.

PETITIONS

- 09-07 from Tamar Chipp, Saginaw Community Foundation, requesting permission to erect a banner in the 500 block of Court Street from May 1-21, 2009 and the 1000 block of East Genesee from June 1-30, 2009 for the purpose of promoting the 25th Anniversary of the Saginaw Community Foundation.
Councilman O'Neal moved to approve the request, seconded by Councilman Scharffe,
Adopted unanimously.
- 09-08 from Daniel McGee, Executive Director of Saginaw Bay Symphony Orchestra, requesting that the Saginaw Symphony Association be recognized as a nonprofit organization in the City of Saginaw.
Councilwoman Kitterman-Miller moved to receive and file the request, seconded by Councilman Scharffe.
Adopted unanimously.

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

Councilman O'Neal reported the City/County/School Liaison Committee would meet Thursday, April 23, 2009.

Councilman O'Neal noted receiving a letter from Loomis Math, Science and Technology Academy requesting parent and community support for the Safe Routes to School initiative. Said Herig School received the first funds to address issues around the school's perimeters and Loomis was looking to do the same. Commended the School District for bringing together the stakeholders and community to gather the facts necessary to submit a successful application.

Mayor Seals noted the Job Fair sponsored by the City/County/School Liaison would be moved to the first week in June. Mentioned there would be 600 jobs for youth through the stimulus package. Questioned whether some of the students could work for the City.

Councilman Scharffe commended Councilwoman Kitterman-Miller for all her time and efforts with the Keep Saginaw Beautiful Campaign. Noted that paint cans ½ full or more can be brought to the Saginaw Habitat for Humanity for projects or to its resale shop.

Councilman Branch noted the only step left in the City Manager's Evaluation process was for the subcommittee to meet and discuss the evaluation with the City Manager.

Councilwoman Kitterman-Miller announced the next meeting of the Keep Saginaw

Beautiful Committee would be Wednesday, April 29, 2009 at 5:15 p.m. in the City Council Chamber.

REPORTS FROM CITY MANAGER

Management Update

Anthony Turner, U.S. Department of Commerce – Bureau of the Census, briefly discussed the 2010 Census and the importance in counting every resident of the City. Said it is about the City's power and money. Noted the population in Saginaw in 1990 was 69,512, in 2000 it was 61,799, and the official estimate for 2007 was 56,263. Said he is committed to 100% response level but would like to see at least 80%.

City Manager Darnell Earley advised Council that the City and the Saginaw Housing Commission had agreed to a repayment schedule for monies it owed to the City. Said it was a receivable, not new revenue.

The City Manager also advised Council it would receive copies of the proposed budget on Monday, April 27, 2009, in accordance with Chapter 43 of the City Charter. Noted it was a zero growth budget. Said City staff traveled to Lansing to review its CITI STAT program designed to address accountability, monitor the budget and refine performance measures.

The City Manager announced the following members had been appointed to the Saginaw Police Department Internal Affairs and Administration review panel: Attorney Gena Amos, James Woolfolk, General Adolph McQueen, Saginaw Police Officer Randy Mudd, and John Golaszewski and Aaron Henderson from the Michigan Department of Civil Rights. Said the group would be looking into the Internal Affairs operation and how it interfaces with police administration and would report directly to him.

Thomas Darnell, Director of Public Services, mentioned erection of the fence around the Water Treatment Plant and advised that 85% of the costs were paid by a Homeland Security Grant through FEMA.

Mr. Darnell also advised Council of changes made to the Water and Sewer rate ordinances since it was introduced at the last meeting.

Recommendation Actions

Subject: MSHDA Grant for the Deconstruction Program – Budget Adjustment

Manager's Recommendation: It is recommended that the 2008/2009 Approved Budget for General Fund/State Grant account (101-0000-511.51-09) be increased from \$504,000 to \$639,000; which equates to a \$135,000 increase. Likewise, the Inspection Division's Demolition account (101-3865-761.80-25) will be increased the same.

Justification: Through the Cities of Promise's Blight elimination program, the City of Saginaw was awarded \$135,000 for the implementation of the Deconstruction Program. This council communication recognizes the receipt and use of these funds.

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman O'Neal.

Adopted unanimously.

Subject: Termination of Prior Agreement regarding Lions Park

Manager's Recommendation: I recommend approval of the termination of the

prior lease agreement with the Saginaw Downtown Lions Club for use of the Lions Park. The termination agreement has been approved by me as to substance and by the City Attorney as to form.

Justification: On March 25, 1996, the City entered into an agreement with the Saginaw Downtown Lions Club for the maintenance and use of the small park located between the 500 Block of Lapeer Avenue and the 500 block of Genesee Avenue. This has been a successful enterprise, but the Lions Club notified the City that they are unable to maintain this effort because of the declining size of its organization.

Health Delivery, Inc. ("HDI") offered to take over the responsibilities of the Lions Club and maintain and improve this park. The City Council approved the new agreement with HDI on April 6, 2009. Now that the new agreement is effective, the City and the Lions Club wish to formally terminate the old agreement.

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman O'Neal.

Adopted unanimously.

Subject: Union Civica Mexicana Ojibway Island User Agreement

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

Justification: On May 2, 2009, UCM will host its annual Cinco De Mayo festival on Ojibway Island (Ojibway). UCM will pay the City a flat fee of Six Hundred and Sixty Dollars and 00/100 (\$660.00) for the rental of Ojibway. This is the first year that UCM will charge participants admission to the festival and sell alcoholic beverages.

Therefore, the parties have agreed that UCM will pay the City a minimum service fee of Two Hundred Dollars and 00/100 (\$200.00) for ticket sales. Moreover, UCM will pay the City, Ten Cents (\$0.10) per ticket for ticket sales over 2,000. Furthermore, UCM must provide an insurance certificate and liquor liability license to the City. UCM must provide a liquor liability license to the City because it plans to sell alcoholic beverages to participants.

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman O'Neal.

Adopted unanimously.

Subject: Pitney Bowes Lease Agreement

Manager's Recommendation: I recommend that the Lease Agreement (Agreement) with Pitney Bowes for a DM525 Digital Mailing System be approved. This Agreement includes equipment maintenance, Soft-Guard Subscription and IntelliLink meter rental. The term of the Agreement is 60 months and the monthly payment is \$315.00.

The Agreement is subject to my approval as to substance and the City Attorney as to form. It is further recommended that I and/or my designee be authorized by City Council to sign the Agreement and any other related documents on behalf of the City.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this lease are budgeted and spread over all departmental budgets.

Justification: The United States Postal Service (USPS) has announced postal rate changes effective May 11, 2009. The software used by the City's current Pitney Bowes Digital Mailing System will not support these changes. Pitney Bowes will provide an upgraded digital mailing system capable of supporting upcoming postal rate changes as well as adding network capabilities for better report generation and maintenance, at a \$5.00 decrease per month from our existing 60 month lease which was signed in January, 2005. The 2005 Agreement was due to expire in 2010. However, due to the new postal rate changes, the City will terminate the 2005 Agreement.

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman O'Neal.
Adopted unanimously.

Subject: Purchase of Pressure Seal Payroll/Accts Payable Checks & Payroll Direct Deposit Pressure Seal Forms

Manager's Recommendation: I recommend acceptance of the quote and issuance of a purchase order to Superior Business Systems in the amount of \$2,043.50 for the purchase of Pressure Seal Payroll/Accounts Payable Checks and Pressure Seal Payroll Direct Deposit forms.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for these forms are budgeted in the City Treasurer's Printing Account No. 101-1743-711-8030

Justification: Quotes for these forms were received on February 18, 2009, and initially the best low combination for the City resulted in splitting the bid between two companies with the total for each coming in under \$2,000.00. However, it was later determined that the second low bidder (Total Business Forms) made an error on their submission and could not honor their quote. With the time that passed in determining the above, it placed the department in a situation where the checks and forms had to be ordered. These forms are necessary to print bi-weekly pension, bi-weekly and weekly payroll checks, and the printing of weekly accounts payable checks.

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman O'Neal.
Adopted unanimously.

Subject: Hardware Maintenance

Manager's Recommendation: I recommend that a purchase order be approved and issued to Computer Management Technologies, (in city business) in the amount of \$3,982.00 as annual payment for hardware maintenance and support services. This support service will cover a modular tape library unit and a disk storage unit.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this payment are available in the Information Services Operating Services Account No. 658-1720-711.80-05.

Justification: This purchase order with Computer Management Technologies covers the City for a period of one year with hardware maintenance and support services.

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman O'Neal.
Adopted unanimously.

Subject: Rescue/Ventilation Saws

Manager's Recommendation: I recommend acceptance of the low bid and issuance of a purchase order to West Shore Fire in the amount of \$2,011.03 for one Tempest ventilation saw and two chains to be used by the Saginaw Fire Department.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44 of the Saginaw Code of Ordinances.

Funds for this purchase are budgeted and available in the Saginaw Fire Department's Capital Outlay Account No. 101-3751-751-9705 (\$1,673.53) and Parts and Supplies Account No. 101-3751-751-73-30 (\$337.50).

Justification: Rescue/ventilation saws are specialized pieces of equipment essential to Fire Department operations. These saws are used on a daily basis and are subjected to very harsh conditions. The saws currently in use have reached the end of their service life and need replacement due to rising repair costs and a lack of reliability.

On March 17, 2009 the Saginaw Fire Department received bids for two Tempest ventilation saws and four Raptor chainsaw chains. Following is a tabulation of bids received and reviewed by the Purchasing Committee:

Airgas Great Lakes Saginaw (out-City)	\$2,486.00
Care Controls Mill Creek, WA	\$2,387.02
West Shore Fire Allendale, MI	\$2,011.03

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman O'Neal.

Adopted unanimously.

Subject: Ro-Flo Compressor Parts

Manager's Recommendation: I recommend acceptance of the bid and issuance of a purchase order to Ro-Flo Compressors LLC in the amount of \$4,542.00 for the purchase of compressor parts.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the Sewer Surplus Repair and Replacements Account No. 576-4840-881.97-20.

Justification: These are the parts necessary to rebuild both of the compressors used to mix bio-solids in our above ground storage tanks. One of the compressors is currently out of service and the remaining one is in bad shape. This request for sealed bids was sent out twice and both times the sole bidder was Ro-Flo Compressors LLC.

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman O'Neal.

Adopted unanimously.

Subject: Traffic Engineering, Street light bulbs

Manager's Recommendation: I recommend acceptance of the low bid and issuance of a purchase order to Wholesale Electric in the amount of \$7,989.30 for the purchase of street light bulbs.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the Traffic Engineering Inventory Account No. 101-4620-791-7330.

Justification: On March 17, 2009, the City received bids for street light bulbs. These bulbs are necessary to maintain and repair street lighting. The price is for 588 bulbs and 30 fixtures. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

1000Bulbs.com Garland, TX (Disqualified, did not bid all items)	\$ 4,645.20
Wholesale Electric Bay City, MI	\$ 7,989.30
Gexpro Troy, MI	\$ 8,085.12
Graybar Electric Flint, MI	\$ 9,106.05
Standard Electric Saginaw (out-city)	\$ 9,181.14
Marshall Campbell Saginaw (in-city)	\$ 9,643.05
Light Bulb Depot Springfield, MO	\$10,011.00

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman O'Neal.
Adopted unanimously.

Subject: Chemical Feed System

Manager's Recommendation: I recommend acceptance of the low bid and issuance of a purchase order to American Controls, Inc. in the amount of \$15,829.00 for the purchase of a new chemical feed system.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the Sewer Surplus Repairs and

Replacements Account No. 576-4840-881.97-20.

Justification: This bid is for a new chemical feed system for feeding ferrous sulfate. Our old feed system was installed in the mid 1970's. Parts are no longer available and the fiberglass has deteriorated to the extent that leaks have to be patched regularly. Ferrous sulfate is metered into the wastewater to precipitate phosphorus as required by the MDEQ in our NPDES permit. Ferrous sulfate is an extremely corrosive chemical, making the replacement of this system a safety issue as well as a maintenance issue. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

American Controls Inc. Farmington Hills, MI	\$15,829.00
Kerr Pump & Supply. Oak Park, MI	\$17,870.00
Detroit Pump Co. Ferndale, MI	\$22,935.00
Jett Pump & Valve. Waterford, MI	\$26,599.44

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman O'Neal.
Adopted unanimously.

Subject: Michigan Department of Transportation Cost Agreement Number 08-5415

Manager's Recommendation: I recommend that Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 08-5415, be approved and that City officials be authorized to execute said Agreement. The Agreement has been approved by me as to substance and the City Attorney as to form. A resolution to approve the Agreement appears under the regular order of business.

Funds for the City's share will be made available in FY 2010 Major Streets Street Resurfacing Account No. 202-4614-781-8046 (\$49,800.00). The Project Number is ST0701.

Justification: Transmitted herewith is a proposed Cost Agreement (City Clerk's File No. A-7944) with MDOT for the purpose of setting forth the rights and obligations of the parties. Specifically, the parties agree to the streetscaping work along M-13 (Washington Avenue) between Holland Avenue and Janes Avenue. The improvements include, but are not limited to, the placement of decorative street lighting, stamped and conventional sidewalk and sidewalk ramp upgrades, burying of overhead utilities, installation of decorative mast arm signals and landscaping; together with necessary related work. The total project is estimated to cost \$1,995,200.00. Federal funds will pay \$1,596,200.00, MDOT funds will pay \$349,200.00 and the City's estimated share is \$49,800.00.

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman O'Neal.

Adopted unanimously.

All City Manager recommendations to this point were adopted by general consent. The following was considered after discussion

Subject: Approval of Saginaw Housing Commission Payment Plan

Manager's Recommendation: I recommend approval of the Payment Plan for the Housing Commission and that the City Manager be authorized to execute all relevant documents. The Payment Plan has been approved by me as to substance and by the City Attorney as to form.

Justification: On April 15, 2009, the Housing Commission submitted a letter outlining the payment arrangements negotiated between the parties for the outstanding obligations of the parties. This will resolved the bulk of the issues. The City and the Housing Commission will continue to work out the remainder of the financial issues and expect that there will be a further refinement of this agreement within the next month. In the meantime, this initial payment plan will allow the bulk of the payments to now be made.

Council Action: Councilman Wendt, after requesting a copy of the plan, moved that the recommendation of the City Manager be approved, seconded by Councilman Branch.

Adopted unanimously.

CONSIDERATION AND PASSING OF ORDINANCES

Subject: Amendment to the Water Rate Ordinance Introduced April 6, 2009

Manager's Recommendation: I recommend that the proposed rates in the water rate ordinance introduced on April 6, 2009 be amended.

Justification: The proposed rates listed in the ordinance change introduced on April 6, 2009 should be amended as listed in the attached revision. The volume charge per 1,000 gallons for Bay County (Frankenlust Township) is changed from \$1.57 to \$1.33 for 2010, from \$1.66 to \$1.79 for 2011, and from \$1.77 to \$1.89 for 2012. Bay County had the second highest increase in rates for a wholesale customer at 31.99% for 2010 because of a very high peak demand factor. In order to give the residents more time to adjust to a higher rate, Bay County's peak ratio was dropped from 2.57 to 1.90 for 2010. The shortfall in their cost of service will be recovered equally in 2011 and 2012.

Council Action: This Council Communication is for explanation purposes only of the ordinance to be adopted.

Councilman Coulouris moved that an ordinance introduced on April 6, 2009, entitled and reading as follows, be taken up and enacted, seconded by Councilman Virciglio:

O-80

AN ORDINANCE TO AMEND §52.33, "CHARGE FOR PREMISES WITHIN CITY," AND §52.34, "CHARGE FOR PREMISES OUTSIDE CITY" OF CHAPTER 52, "WATER" OF TITLE V, "PUBLIC WORKS," OF THE SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw Ordains:

Section 1. §52.33, "Charge for Premises Within City" and §52.34, "Charge for Premises Outside City" of Title V, "Public Works" of the Saginaw Code of Ordinances, O-1, are hereby amended and shall read as follows:

§ 52.33 CHARGE FOR PREMISES WITHIN CITY.

(A) *Treated and filtered water.* The net rate charged for treated and filtered water to consumers within the limits of the City shall be the sum of the readiness-to-serve charge and the commodity charge.

(1) *Readiness-to-serve monthly charge.* Readiness- to-serve monthly charge, based on the size of the water meter:

Meter Size (inches)	2010 (5/9/09-6/30/10)	2011 (7/1/10-6/30/11)	2012 (7/1/11-6/30/12)
5/8	\$3.04	\$3.09	\$3.14
¾	\$3.46	\$3.54	\$3.62
1	\$4.32	\$4.44	\$4.58
1½	\$6.44	\$6.70	\$6.97
2	\$9.00	\$9.41	\$9.85
3	\$14.95	\$15.72	\$16.55
4	\$23.46	\$24.74	\$26.12
6	\$44.74	\$47.30	\$50.05
8	\$70.27	\$74.37	\$78.76
10	\$104.32	\$110.46	\$117.05

(2) *Commodity charge.* Commodity charge, based upon the amount of water used:

Usage per Month (gallons)	Charge per One Thousand (1,000) Gallons 2010	Charge per One Thousand (1,000) Gallons 2011	Charge per One Thousand (1,000) Gallons 2012
For all used	\$2.11	\$2.44	\$2.84

(B) *Unmetered fire connections.*

(1) The net rate charged per month for unmetered fire connections shall be a demand charge, based upon the size of the connection pipe as follows:

<i>Connection Size (inches)</i>	2010	2011	2012
4 or smaller	\$12.18	\$13.96	\$15.89
6	\$20.30	\$23.26	\$26.48
8	\$32.48	\$37.21	\$42.37
10	\$56.53	\$56.53	\$60.91
12	\$91.36	\$99.99	\$113.86

(2) The above charges shall include only water used to extinguish fires. No water shall be used from a fire connection for any purpose other than the extinguishment of fires unless such water is metered and paid for as follows:

(a) Water used to maintain pressure on a privately-owned fire line system at a pressure above the normal pressure maintained in the City water mains shall be charged at the standard commodity charge.

(b) Water used for any purpose other than subsection (a) above shall be metered separately and charged at the rate of two dollars (\$2.00) per one thousand (1,000) gallons.

(3) The unauthorized use of unmetered water from a fire connection shall upon notice by the Director of Finance terminate the customer's privilege of having an unmetered fire connection.

§ 52.34 CHARGE FOR PREMISES OUTSIDE CITY.

(A) *Treated and filtered water to retail consumers.* The net rate charged for treated and filtered water to retail consumers outside the limits of the City, except other municipalities and public agencies authorized by law to own or operate a water supply system and except consumers having an agreement approved by the Council which does not refer to this section to determine rates, and shall be the sum of the readiness-to-serve charge and the Commodity Charge.

(1) *Readiness-to-serve monthly charge.* Readiness- to-serve monthly charges based upon size of meter:

<i>Meter Size (inches)</i>	2010	2011	2012
5/8	\$5.00	\$5.00	\$5.00
3/4	\$8.33	\$8.33	\$8.33

1	\$16.67	\$16.67	\$16.67
1½	\$33.33	\$33.33	\$33.33
2	\$56.67	\$56.67	\$56.67

(2) *Commodity charge.* Commodity charge based upon the amount of water used per one thousand (1,000) gallons.

<i>Usage per Month (gallons)</i>	<i>Charge per One Thousand (1,000) Gallons 2010</i>	<i>Charge per One Thousand (1,000) Gallons 2011</i>	<i>Charge per One Thousand (1,000) Gallons 2012</i>
For all used	\$3.40	\$3.78	\$4.17

(B) *Out of City wholesale water rates for other municipalities and other wholesale customers.*

(1) *Commodity charges.* The net rate charged for treated and filtered water to wholesale customers, based on the total amount of water used, irrespective of the number of connections or meters:

<i>Wholesale Customer</i>	<i>Charge per One Thousand (1,000) Gallons 2010</i>	<i>Charge per One Thousand (1,000) Gallons 2011</i>	<i>Charge per One Thousand (1,000) Gallons 2012</i>
Bay City Country Club	\$3.03	\$3.22	\$3.43
Bay County/Frankenlust	\$1.33	\$1.79	\$1.89
Birch Run Twp.	\$1.33	\$1.41	\$1.50
Birch Run Village	\$1.33	\$1.41	\$1.50
Blumfield-Reese	\$1.39	\$1.47	\$1.57
Bridgeport	\$0.96	\$1.02	\$1.09
Buena Vista	\$0.91	\$0.97	\$1.03
Carrollton	\$0.87	\$0.92	\$0.98
Delta College	\$1.94	\$2.06	\$2.19
Frankenmuth	\$1.28	\$1.36	\$1.45
Saginaw County	\$1.02	\$1.08	\$1.15

Kochville	\$1.12	\$1.19	\$1.25
Saginaw Township	\$1.08	\$1.15	\$1.22
Spaulding	\$0.92	\$0.98	\$1.04
Taymouth	\$1.25	\$1.33	\$1.41
Thomas	\$1.13	\$1.20	\$1.27
Tittabawassee	\$1.28	\$1.36	\$1.45
Zilwaukee	\$1.10	\$1.17	\$1.24

(2) Readiness-to-serve monthly charge. Readiness-to-serve monthly charge the size of charged monthly as indicated:

<i>Wholesale Customer</i>	2010	2011	2012
Bay City Country Club	\$995.00	\$1,083.00	\$1,169.00
Bay County/Frankenlust	\$5,359.00	\$5,927.00	\$6,481.00
Birch Run Twp.	\$4,246.00	\$4,811.00	\$5,362.00
Birch Run Village	\$6,930.00	\$8,000.00	\$9,043.00
Blumfield-Reese	\$6,165.00	\$7,008.00	\$7,831.00
Bridgeport	\$17,453.00	\$19,049.00	\$20,606.00
Buena Vista	\$34,040.00	\$36,972.00	\$39,832.00
Carrollton	\$8,870.00	\$9,694.00	\$10,497.00
Delta College	\$1,678.00	\$1,861.00	\$2,039.00
Frankenmuth	\$20,539.00	\$23,489.00	\$26,367.00
Saginaw County	\$11,753.00	\$12,964.00	\$14,145.00
Kochville	\$11,255.00	\$12,379.00	\$13,477.00
Saginaw Township	\$89,491.00	\$98,006.00	\$106,314.00
Spaulding	\$3,794.00	\$4,119.00	\$4,436.00
Taymouth	\$3,034.00	\$3,344.00	\$3,647.00
Thomas	\$60,976.00	\$67,358.00	\$73,581.00

Tittabawassee	\$15,866.00	\$17,712.00	\$19,513.00
Zilwaukee	\$3,320.00	\$3,645.00	\$3,963.00

Section 2: This ordinance shall become effective on April 30, 2009.
 Enacted: April 20, 2009.
 Adopted unanimously.

Subject: Amendment to the Sewer Rate Ordinance Introduced April 6, 2009

Manager's Recommendation: I recommend that the proposed rates in the sewer rate ordinance introduced on April 6, 2009 be amended.

Justification: The proposed rates listed in the ordinance change introduced on April 6, 2009 should be amended as listed in the attached revision. The amended rates are slightly lower due to a change in the allocation of charges to all customers. The consultant originally omitted charges for debt service for one of the wholesale customers. After that correction was made, the rates for City retail customers decreased slightly.

Council Action: This Council Communication is for explanation purposes only of the ordinance to be adopted.

Councilman Scharffe moved that an ordinance introduced on April 6, 2009, entitled and reading as follows, be taken up and enacted, seconded by Councilman Branch:
 O-81

AN ORDINANCE TO AMEND §51.55, "WASTEWATER DISPOSAL CHARGES FOR PREMISES WITHIN AND OUTSIDE THE CITY" OF CHAPTER 51, "SEWER" OF TITLE V, "PUBLIC WORKS", OF THE SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw Ordains:

Section 1. §51.55, "Wastewater Disposal Charges for Premises Within and Outside the City", of Title V, "Public Works", of the Saginaw Code of Ordinances, O-1, is hereby amended and shall read as follows:

§51.55 WASTEWATER DISPOSAL CHARGES FOR PREMISES WITHIN AND OUTSIDE THE CITY.

(A) The net rate charged for wastewater disposal for premises within the limits of the City classified as Residential-Commercial and Industrial Users, but excluding those users for which a different rate is established pursuant to this Article, shall be the sum of the following commodity and readiness-to-serve charges over the next five years, corresponding to the City's fiscal year as indicated:

(1) Commodity charge, based on water consumption, or on the discharge into the POTW, whichever is applicable, at the rate indicated below per 1,000 gallons.

2009	2010	2011	2012	2013
5/1/09-6/30/09	7/1/09- 6/30/10	7/1/10- 6/30/11	7/1/11- 6/30/12	7/1/12- 6/30/13
\$3.94	\$4.14	\$4.34	\$4.59	\$4.82

(2) Readiness-to-serve monthly charge, based on the size of each water meter measuring water, any part of which is discharged into a public sewer, or the equivalent size of water meter established by the Director as provided in this subchapter:

2009		
	inch meter	\$35.32
	¾ inch meter	\$63.91
	1 inch meter	\$112.68
	1½ inch meter	\$260.67
	2 inch meter	\$454.07
	3 inch meter	\$955.23
	4 inch meter	\$1,760.79
	6 inch meter	\$3,881.48
	8 inch meter	\$6,817.81
	10 inch meter	\$10,736.29

2010		
7/1/09-6/30/10	inch meter	\$36.66
	¾ inch meter	\$66.34
	1 inch meter	\$116.97
	1½ inch meter	\$270.59
	2 inch meter	\$471.36
	3 inch meter	\$991.60
	4 inch meter	\$1,827.82
	6 inch meter	\$4,029.23
	8 inch meter	\$7,077.34
	10 inch meter	\$11,144.98
2011		
7/1/10-6/30/11	inch meter	\$38.03
	¾ inch meter	\$68.81
	1 inch meter	\$121.32
	1½ inch meter	\$280.67
	2 inch meter	\$488.90

	3 inch meter	\$1,028.51
	4 inch meter	\$1,895.86
	6 inch meter	\$4,179.23
	8 inch meter	\$7,340.82
	10 inch meter	\$11,559.88
2012		
7/1/11-6/30/12	inch meter	\$38.79
	¾ inch meter	\$70.19
	1 inch meter	\$123.75
	1½ inch meter	\$286.30
	2 inch meter	\$498.71
	3 inch meter	\$1,049.15
	4 inch meter	\$1,933.90
	6 inch meter	\$4,263.08
	8 inch meter	\$7,488.10
	10 inch meter	\$11,791.82

2013		
7/1/12-6/30/13	inch meter	\$39.65
	¾ inch meter	\$71.75
	1 inch meter	\$126.50
	1½ inch meter	\$292.65
	2 inch meter	\$509.77
	3 inch meter	\$1,072.41
	4 inch meter	\$1,976.79
	6 inch meter	\$4,357.63
	8 inch meter	\$7,654.17
	10 inch meter	\$12,053.33

Section 2: The ordinance shall become effective on April 30, 2009.
 Enacted: April 20, 2009.
 Adopted unanimously.

RESOLUTIONS

RESOLUTION TO APPROVE MDOT COST AGREEMENT
 NUMBER 08-5415 FOR M-13 STREETSCAPING PROJECT

Councilman O'Neal offered and moved adoption of the following resolution, seconded by Councilman Wendt:

WHEREAS, a Cost Agreement, Number 08-5415, has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in the streetscaping work along M-13 (Washington Avenue) between Holland Avenue and Janes Avenue; including the placement of decorative street lighting, stamped and conventional sidewalk and sidewalk ramp upgrades, burying of overhead utilities, installation of decorative mast arm signals and

landscaping; together with necessary related work; and

WHEREAS, the Agreement has been approved by the City Manager as to substance and by the City Attorney as to form.

NOW, THEREFORE, BE IT RESOLVED, that City Officials be authorized to execute said agreement on behalf of the City of Saginaw.

Adopted unanimously.

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

Manager's Recommendation: I recommend adoption of the attached Resolution authorizing the sale of alcoholic beverages on Ojibway Island, a public property, during the annual Cinco De Mayo Festival to be held on May 2, 2009.

Justification: On May 2, 2009, Union Civica Mexicana (UCM) will host its annual Cinco De Mayo festival on Ojibway Island, a public property. The sponsor has requested that the City allow it to sell alcoholic beverages during the event. Title XIII, Chapter 132, Section 132.01(C) of the Saginaw Code of Ordinances states that City Council can authorize the 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.

The vendor will provide the proper documents to the proper City officials. If the vendor fails to provide the documentation by April 28, 2009, it will not be allowed to sell alcoholic beverages on Ojibway Island. The City has set the insurance requirements and all insurance certificates must be reviewed and approved by the City Attorney. Furthermore, the vendor has been advised of the insurance requirements and the deadline for submitting insurance certificates to the City.

Council Action: This council communication is for explanation purposes only of the resolution to be adopted.

RESOLUTION TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES
ON PUBLIC PROPERTY

Councilman Wendt offered and moved adoption of the following resolution, seconded by Councilwoman Kitterman-Miller:

WHEREAS, the Union Civica Mexicana (UCM) plans to hold its annual Cinco De

Mayo festival on Ojibway Island on May 2, 2009; and

WHEREAS, UCM requested that it be allowed to sell alcoholic beverages to participants on Ojibway Island; and

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

WHEREAS, the UCM must provide certain documents prior to the event.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the sale of alcoholic beverages on public property during the Cinco De Mayo festival to be held May 2, 2009 on Ojibway Island, provided that UCM provides the mandatory information listed in Title XIII, Section 132.01(C) of the Saginaw Code of Ordinances no later than April 28, 2009 to the proper City officials.

BE IT FURTHER RESOLVED, if UCM does not provide the documents by the stated date, it will not be allowed to sell alcoholic beverages during the event on May 2, 2009.

BE IT FURTHER RESOLVED, that the City has set all insurance requirements and all insurance certificates must be reviewed and approved by the City Attorney.

Adopted unanimously.

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING
LICENSES FOR SAGINAW BAY SYMPHONY ORCHESTRA

Councilman Scharffe offered and moved adoption of the following resolution, seconded by Councilman Wendt:

WHEREAS, the Saginaw Bay Symphony Orchestra has submitted a request (Petition No. 09-08) 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(9), requires a Resolution be adopted by the local governing body approving this recognition.

NOW THEREFORE, BE IT RESOLVED that the request from Saginaw Bay Symphony Orchestra 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 for approval.

Adopted unanimously.

RESOLUTION SUPPORTING AMERICAN PRODUCTS AND SERVICES

Councilman Scharffe offered and moved adoption of the following resolution, seconded by Councilwoman Kitterman-Miller:

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment; and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services; and

WHEREAS, Congress approved and President Obama signed into law a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and

other projects that will require manufactured components; and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and to restore the economic vitality of our communities; and

WHEREAS, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy; and

WHEREAS, any economic recovery plan spending should - to every extent possible - include a commitment from the City of Saginaw to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place.

NOW, THEREFORE, BE IT RESOLVED, the City of Saginaw will work to maximize the creation of American jobs and restore economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed; and

BE IT FURTHER RESOLVED THAT, the City of Saginaw will, to the extent it is consistent with its obligations under the Charter and ordinances, commit to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the City of Saginaw by the American taxpayers.

Adopted unanimously.

MOTIONS AND MISCELLANEOUS BUSINESS

Councilman O'Neal moved to go into closed session to consult with the City's attorney regarding settlement strategy in a pending employment case, seconded by Councilman Branch. Adopted by the following vote:

Ayes: Councilpersons Kitterman-Miller, O'Neal, Scharffe, Virgilgio, Wendt, Branch, Coulouris and Mayor Seals-8.

Nays: 0.

Absent: Councilman Fitzpatrick-1.

(Council entered closed session at 8:22 p.m.)

Upon returning from closed session at 9:37 p.m., Councilman Virgilgio moved to approve the following City Manager recommendation, seconded by Councilwoman Kitterman-Miller:

Subject: Settlement Agreement for Nothelfer case

Manager's Recommendation: I recommended approval of the proposed settlement agreement resolving the pending litigation in Nothelfer v City of Saginaw. This agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification: This matter arises out of a claim of age discrimination from a retiree who had applied for a second position with the City. It was scheduled for a jury trial on April 14, 2009. The City had offered an open position of Stock Clerk to Mr. Nothelfer recently, which he had accepted. That action reduced the financial exposure in the case substantially. The case was to be tried on the issues of back wages and differential future

wages. The parties reached an agreement on the day of trial to settle this for the amount of \$104,000.

Adopted unanimously.

ADJOURNMENT

At 9:39 p.m. Councilwoman Kitterman-Miller moved to adjourn the meeting, seconded by Councilman Scharffe.

Adopted unanimously.

Diane M. Herman
City Clerk