
REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, SEPTEMBER 14, 2009, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Councilman Bill Scharffe 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, Amos O'Neal, Bill Scharffe, Paul Virciglio, Andrew Wendt and Mayor Joyce Seals-7.

Absent: Councilpersons Daniel Fitzpatrick and Amanda Kitterman-Miller-2.

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS

Councilman Scharffe moved to approve the minutes from the May 4, 2009 regular council meeting and the May 11, 2009 special council meeting, seconded by Councilman Branch.

Adopted unanimously.

ANNOUNCEMENTS

George Adams accepted a proclamation read by Councilman Coulouris designating Saturday, September 19, 2009, as Boys & Girls Club Day for Kids.

PUBLIC HEARINGS

Deputy City Clerk Lynnette Hagen announced the public hearing on the intent to amend the official City map by rezoning the area bounded by Durand Street, Pleasant Street, Schaefer Street and Davenport Avenue from R-2, one and two family residential to R-1, single family residential. Mayor Seals called for comments three times. No one was heard.

Councilman Scharffe moved to declare the hearing closed, seconded by Councilman Wendt.

Adopted unanimously.

Deputy City Clerk Lynnette Hagen announced the public hearing on the intent to vacate a 95' portion of the alley bounded by South Harrison Street, Van Buren Street, South Webster Street and Mackinaw Street, abutting the properties known as 415, 421 and 429 S. Harrison Street, 714 Mackinaw Street and 416 S. Webster Street, located in the City of Saginaw. Mayor Seals called for comments three times. No one was heard.

Councilman Coulouris moved to declare the hearing closed, seconded by Councilman Scharffe.

Adopted unanimously.

PERSONAL APPEARANCES

Earl Jesse, 310 S. Harrison, said he researched speaking at Council meetings. At regular meetings a citizen can speak on any issue pertaining to City business, if properly

signed up by the deadline.

Leola Wilson, 301 E. Genesee, gave a history on the NAACP both on a national and local level. Invited all to attend the 38th Annual Freedom Fund Banquet to be held Sunday, September 27, 2009, at 5:00 p.m. at the Horizon Conference Center.

REMARKS OF COUNCIL

Councilman Scharffe said he had joined the rally for New Life Ministries effort to build the recreation park, at which Councilman O'Neal was the keynote speaker. Noted they had raised over \$130,000 for the park and are still taking donations.

Councilman Virciglio said he attended a press conference that morning at DOW at which they announced an expansion of the Hemlock facility. Urged all to visit the solar panel display in Midland at the DOW offices.

Councilman Wendt thanked Police Chief Gerald Cliff and Officer Anthony Teneyuque for the Labor Day ride along; the Saginaw County Chamber of Commerce for hosting the After Hours last Thursday; citizens in the Covenant neighborhood for exercising their rights as citizens at the Board of Appeals on Zoning meeting; and SCENIC for their cleanup of boats in the St. Joseph Parish area. Noted Andersen Enrichment Center is a great place and urged all to rent it out for events. Announced St. Mary's Cathedral District outing on Saturday, September 20, 2009, and asked Council members for their help. Congratulated Pastor Bradley and New Life Ministries for their wonderful work.

Councilman Branch noted City Manager Darnell Earley is in Montreal being installed as President of the ICMA (International City/County Managers Association).

Councilman O'Neal congratulated Pastor Bradley for creating an anchor in the community. Thanked the City's Department of Development for their assistance in the process of the development of that area. Asked for a report from the Police Chief regarding guns on the streets and the efforts undertaken to address the issue.

Mayor Seals noted three new Police Officers were given the oath of office the previous Friday. Said Saturday, September 12, 2009, she attended the Emmaus House ribbon cutting for the new Community Resource Center; all funds were raised by volunteers. Reminded citizens of the 10:00 p.m. curfew for children, urged all to work together to protect our children.

(Council members congratulated the NAACP and expressed their appreciation and respect of Mrs. Wilson.)

REPORTS FROM CITY MANAGER

Recommended Actions

Subject: Sales Order Agreement for AutoMARK Purchase

Manager's Recommendation: I recommend approval of the Sales Order Agreement with Election Systems & Software (ES&S) as part of the purchase of the AutoMARK equipment required under the Help America Vote Act. It is further recommended that the City Manager or his designee be authorized to sign the agreement on behalf of the city. The contract is approved by me as to substance and by the City Attorney as to form.

Funds are budgeted in the General Fund Election Division Capital Outlay Office Equipment Account No. 101-1731-701-9760.

Justification: On May 28, 2008, City Council approved the purchase of two (2) AutoMARK voting terminals to be placed in Precincts 4A (Central Fire Station) and 18B (Butman-Fish Library). These precincts were added to better accommodate voters since the number of registered voters at Maplewood Manor and Rosein Towers were close to exceeding the 2,999 legal limit. Following approval of the purchase, the City Clerk received a Sales Order Agreement which provided terms and conditions for the purchase with regard to maintenance services during the post-warranty period for the equipment's hardware and software. Since that time, the City Attorney's Office has been working with ES&S and has reached amenable terms for the Sales Order Agreement. Generally, ES&S provides a one-year warranty for the equipment; however, the State of Michigan has agreed to warrant the equipment for three (3) years at no expense to the city. Following the three (3) years, if the city desires to continue the warranty, the maintenance cost will be \$909.00 annually. The city shall notify ES&S in writing if it chooses to terminate the warranty following the three-year period. The city will bear the expense for any future certifications or re-certifications required by the state and will also be responsible to properly store the equipment in one location in the event service is required.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved, seconded by Councilman Coulouris.
Adopted unanimously.

Subject: Child and Family Services Employee Assistance Program Agreement

Manager's Recommendation: I recommend approval of a two year Agreement between the City of Saginaw and Child and Family Services to provide an Employee Assistance Program to city employees. The Agreement cost per year is \$14,392.00 annually. The total amount of the Agreement is \$28,784.00. This Agreement has been approved by me as to substance and the City Attorney as to form.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances 0-1.

Funds have been budgeted in the Worker's Compensation Fund's - Employee Health Services – Professional Services Account Number, 678-1751-701-80-01.

Justification: Child and Family Services have provided assistance to city employees since 1995. They have provided excellent services to the city in assisting employees and their family members with personal problems such as job performance issues, emotional problems, substance abuse, financial issues and marital counseling. Staff members have demonstrated their need of this service as seen through increased utilization over the past two years. The agency also provides training seminars for supervisors and employees. The agreement can be terminated by either party providing 30 days notice.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved, seconded by Councilman Coulouris.
Adopted unanimously.

Subject: Benefit Administrative Services International Corporation Benefit Administration Agreement and Business Associate Agreement

Manager's Recommendation: I recommend approval of the Benefit Administration Agreement and Business Associate Agreement between the City of Saginaw and Benefit Administrative Services International Corporation ("BASIC") to provide the administration and record keeping function for a Health Care and Dependent Care Reimbursement plan. The Agreements are subject to my approval as to substance and the City Attorney as to form. It is also recommended that City Council authorize the City Manager or his designee to sign all documents.

Justification: Through the collective bargaining process, the City of Saginaw negotiated new contracts for all the bargaining units that changed health care benefits to include out of pocket cost for plan participants. Several collective bargaining units requested that the city establish a Health Care Reimbursement plan, also known as a flexible spending account (FSA) and a Dependent Care Reimbursement plan during the bargaining process to assist in offsetting their increased out of pocket expenses. One of the bargaining units, International Association of Firefighters, successfully negotiated this benefit.

The FSA plan allows employees to pay for health care expenses that are not covered elsewhere with pre-tax contributions. The Dependent Care Reimbursement plan allows employees to pay for dependent care expenses with pre-tax money. The establishment of the plan creates a benefit to both the city and the employee who elects to participate by reducing FICA taxes through pre-tax employee contributions. Furthermore, the employee who participates will also have federal, state and local taxes reduced through the pre-tax contributions. Administrative fees will be borne by the employee electing to participate. There is a one time set up fee of \$200.00 for the City of Saginaw.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved, seconded by Councilman Coulouris.

Adopted unanimously.

Subject: Cambridge Integrated Services Group Inc. Agreement

Manager's Recommendation: I recommend approval of a one-year agreement between the City of Saginaw ("City") and Cambridge Integrated Services Group, Inc. ("Cambridge"). This company provides for third-party administration of the City's self-insured workers' compensation program. The Agreement has been approved by the City Manager as to substance and the City Attorney as to form. The annual flat service fee is \$28,900.00.

Funds for this service are budgeted in the Workers' Compensation Fund – Professional Services Account No. 678-1750-701-8001.

Justification: The purpose of the Agreement is to renew an ongoing successful working relationship between Cambridge and the City. This third party administrator has provided service since September 1989. The previous agreement expired on June 30, 2009. The renewal of the agreement for a one-year term will provide a continued proactive approach to reducing our workers' compensation payroll and medical costs.

The City has been very satisfied with their performance. They provide claims administration through a Mt. Clemens, Michigan branch office with services to include data processing and telephone reporting of injuries, cost containment services and utilization of Michigan Workers' Health Care Service Rules. It includes investigation of all claims by

establishing files, providing to State of Michigan all necessary State forms and reports including our self-insured status, providing monthly loss run, monthly deposit account activity and periodic injury summary reports.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved, seconded by Councilman Coulouris.

Adopted unanimously.

Subject: Fire Supply Hose

Manager's Recommendation: I recommend acceptance of the sole bid and issuance of a purchase order to Douglass Safety Systems in the amount of \$5,550.00 for the purchase of 5-inch diameter supply fire hose.

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

Funds for this purchase are budgeted and available in the Fire Operations Parts & Supplies Account No. 101-3751-751.73-30.

Justification: On August 18, 2009, the Saginaw Fire Department received bids on ten (10) 100 ft. lengths of 5-inch diameter supply hose to replace unserviceable hose. Douglass Safety Systems was the only bidder and their bid meets our specifications.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved, seconded by Councilman Coulouris.

Adopted unanimously.

Subject: Peerless Midwest Vibration Analysis Agreement

Manager's Recommendation: I recommend approval of the Agreement with Peerless Midwest, Inc. Vibration Analysis ("Peerless Midwest") and that a purchase order be approved and issued to them, in the amount of \$2,400.00 in fiscal year 2010, 2011 and 2012. The total amount of the Agreement is \$7,200.00 and the term of the Agreement is three years. The Agreement has been approved by me as to substance and the City Attorney as to form.

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

Funds are budgeted in the Water Treatment Operations Professional Services, Account Number 591-4730-861-8001.

Justification: The Water Treatment Plant has numerous pump and motor sets which deliver potable water to its customers and raw and processed water to the Water Treatment Plant. Pump and motor sets failures can be anticipated based on vibration analyses. Greater than normal vibration typically indicates initial failure of components/parts or misalignment of the pump and motor sets. Excessive or greater than normal vibration will cause premature failure and damage to the unit or parts of the unit. Replacement costs can exceed \$10,000.00.

Peerless Midwest submitted an Agreement for professional services for vibration analyses, including a yearly comprehensive report of results with the creation of an initial baseline. The baseline is created to detect excessive vibration. Subsequent testing will help detect problems in advance of severe damage to allow for preventative maintenance and corrective actions.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved, seconded by Councilman Coulouris.

Adopted unanimously.

Subject: Optimization Solutions Environmental, L.L.C., Maintenance Agreement

Manager's Recommendation: I recommend approval of a Maintenance Agreement ("Agreement") with Optimization Solutions Environmental, L.L.C. ("Optimization Solutions"), formerly known as A.Y. Consulting. The term of the Agreement is for three years and the total amount is \$24,000.00. The city will pay \$2,000.00 quarterly in fiscal years 2010, 2011 and 2012. The agreement has been approved by me as to substance and the City Attorney as to form.

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

Funds are budgeted in the Water Treatment Operations, Engineering Services Account No. 591-4730-861-8002.

Justification: On January 10, 2007, the city received an Agreement from A.Y. Consulting for the development of a customized computer model to assist the Water Treatment Plant in controlling coagulant chemical feed rates. Council subsequently approved the Agreement on February 19, 2007. Recently, Optimization Solutions submitted an Agreement maintenance including data base management and upgrades to the customized coagulation computer model.

The model continues to help detect and rectify various operational challenges, optimize process operations and increase the operators' awareness of factors affecting plant performance. The optimization of chemical feed rates and plant performance continues to be important. Chemical costs fluctuate, process changes are being made, regulatory requirements and source water quality are changing. This tool and the consulting services provided are very effective in helping the city deal with these challenges for a reasonable cost.

Since this model was created specifically for the City's Water Treatment Plant source water and associated processes, it was not bid out because Optimization Solutions is the sole source vendor.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved, seconded by Councilman Coulouris.

Adopted unanimously.

Subject: Annual Supply of Manhole Blocks

Manager's Recommendation: I recommend the bid from Acme Block and Supply be accepted and a purchase order be approved and issued to them in the amount of \$13,046.40 for an annual supply of manhole blocks.

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

Funds for this purchase are available in the Sewer Operations Account 590-4821-861.73-30 and will be accounted for through the Water Inventory Account 591-0000-171.11-30.

Justification: The Right of Way Division, Maintenance and Service section, received bids from three vendors for an annual supply of manhole blocks to be used in the

construction and repair of the city's combined sewer system. Acme Block's bid met all of our requirements. Municipal Supply's bid did not meet the minimum 4000 PSI compressive block strength, and Michigan Pipe and Valve did not supply the concrete block test data sheet, as the bid required. Therefore, they did not meet specifications. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

Municipal Supply Portland, MI	\$11,340.00
Michigan Pipe and Valve Mt. Pleasant, MI	\$12,000.00
Acme Block and Supply Saginaw, MI	\$13,046.40

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved, seconded by Councilman Coulouris.
Adopted unanimously.

Subject: Water Treatment Sodium Hypochlorite Purchase

Manager's Recommendation: I recommend that the bid from Jones Chemical Inc. be extended and purchase orders issued to them in the amounts of \$41,600.00 for fiscal year 2010 and \$44,200 for fiscal year 2011.

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

Funds for this material are budgeted in the Water Operation and Maintenance Chemicals Account No. 591-4730-861.73-02

Justification: On June 16, 2009, the City of Saginaw received bids for the supply of sodium hypochlorite for Fiscal Year 2010 and 2011 for the Wastewater Treatment Plant, to be used for disinfections. Jones Chemical, Inc. was the low bidder and was accepted by the Wastewater Treatment Plant. A construction project at the Water Treatment Plant is currently in progress to switch from liquid chlorine to sodium hypochlorite. On July 30, 2009 Jones Chemical, Inc. agreed to extend the same terms and conditions, at the current price of \$0.65/gallon, to the Water Treatment Plant.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved, seconded by Councilman Coulouris.
Adopted unanimously.

Subject: Michigan Department of Transportation Cost Agreement Number 09-5141 Preliminary Engineering for M-13 Reconstruction Project

Manager's Recommendation: I recommend that Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement"), Number 09-5141, be approved. 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 are available in FY 2010 Major Streets Engineering Services Account Number 202-4614-781-8002 (\$78,550.00). The Project Number is ST1001.

Justification: Transmitted herewith is a proposed Cost Agreement (City Clerk's File No. A-8001) with MDOT for the purpose of setting forth the rights and obligations of the parties in agreeing to the preliminary engineering activities associated with the reconstruction of Washington Avenue (M-13) from Hess Avenue to near Ezra Rust Drive, including intersection reconstruction work on Rust Avenue (M-46) from west of Harris Street to east of Lincoln Street; together with necessary related work. The construction portion of the project is being paid for by American Recovery and Reinvestment Act (ARRA) funds, and will require no financial participation from the city. An estimated cost to perform this work is \$628,400.00. Per Public Act 51 of 1951, Section 247.651, the City of Saginaw is responsible for 12.5% and MDOT is responsible for 87.5% of the preliminary engineering costs. MDOT funds will pay \$549,850.00 and the city's estimated share is \$78,550.00.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved, seconded by Councilman Coulouris.

Adopted unanimously.

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

Subject: 926 Howard St.

Manager's Recommendation: It is recommended that the sale of the property located at 926 Howard St. be approved and that the City Manager or his designee be authorized to execute all documents necessary to complete the transaction.

Justification: The property located at 926 Howard St. is owned by the city and has no strategic value for development plans. Furthermore, the neighboring property owner, Patricia Southern, is interested in purchasing the property to expand her yard. Patricia Southern lives at 932 Howard. Department of Development staff has looked at the vacant lot that is in need of maintenance and 932 Howard to ensure that this property is properly maintained. The city did seek bids from all surrounding property owners and Patricia Southern was the only bidder who offered \$200.00.

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

Adopted unanimously.

Subject: Road Salt for City Streets FY10

Manager's Recommendation: I recommend that the bid from North American Salt Company, Inc. be accepted at the State-bid price and that a purchase order be approved and issued to them in the amount of \$78,268.16 for the purchase of road salt for fiscal year 2010.

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

Funds are budgeted in the Major and Local Streets Funds, Street and Road

Materials Account Nos. 202-4655-841-73-40 (\$60,002.12), 202-4692-841-73-40 (\$5,204.00) and 203-4655-841-73.40 (\$13,062.04) and will be accounted for through the Municipal Streets Fund Account No. 204-4615-781-73-40.

Justification: On April 18, 1977, City Council approved a cooperative purchasing agreement with the State of Michigan, which allows the city to purchase material and equipment at State-bid pricing. The city has used this agreement to purchase road salt for ice control.

North American Salt Company of Overland Park, Kansas was the low bidder at \$52.04 per ton. This price per ton includes the salt, weighing and loading, handling and the truck freight charges. This compares to a price of \$39.72 per ton for the bulk shipment of 2,500 tons received in October 2008. The city has contracted for 1,504 tons of early delivery salt.

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

Adopted unanimously.

CONSIDERATION AND PASSING OF ORDINANCE

Councilman Virciglio moved that an ordinance introduced August 10, 2009, entitled and reading as follows, be taken up and enacted, seconded by Councilman Scharffe:

O-87

AN ORDINANCE TO VACATE A 95' PORTION OF THE ALLEY BOUNDED BY SOUTH HARRISON STREET, VAN BUREN STREET, SOUTH WEBSTER STREET AND MACKINAW STREET, ABUTTING THE PROPERTIES KNOWN AS 421 AND 429 SOUTH HARRISON STREET, 415 SOUTH HARRISON STREET, 714 MACKINAW STREET AND 416 SOUTH WEBSTER STREET, LOCATED IN THE CITY OF SAGINAW AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS, TO BE ADDED TO THE TABLE OF SPECIAL ORDINANCES II OF THE SAGINAW CODE OF ORDINANCES.

The City of Saginaw Ordains:

Section 1. That a 95' portion of the alley bounded by South Harrison Street, Van Buren Street, South Webster Street, and Mackinaw Street, abutting the properties known as 421 and 429 South Harrison Street, 415 South Harrison Street, 714 Mackinaw Street and 416 South Webster Street, located in the City of Saginaw, be and same is hereby vacated.

Section 2. That there is hereby reserved in the alley vacated an easement for public utilities, cable TV and telecommunications to the same extent as though said alley had not been vacated and no structure shall hereafter be erected thereon without the prior written consent of the City of Saginaw.

Section 3. The official map of the City of Saginaw is hereby amended accordingly.

Section 4. This ordinance shall take effect on September 24, 2009.

Enacted: September 14, 2009.

Adopted unanimously.

Councilman Branch moved that an ordinance introduced August 10, 2009, entitled and reading as follows, be taken up and enacted, seconded by Councilman Wendt:

O-88

AN ORDINANCE TO AMEND TO THE ZONING MAP BY REZONING THE AREA BEGINNING AT A POINT 83 FEET WEST OF THE NORTHWEST CORNER OF LOT 7, BLOCK 3, UNION PARK PLAT ON THE NORTH LINE OF SAID PLAT EXTENDED, SAID POINT ALSO BEING ON THE WEST LINE OF THE OLD PERE MARQUETTE RAILROAD RIGHT OF WAY 120 FEET NORTH OF THE NORTH LINE OF PLEASANT STREET EXTENDED. THENCE EAST ALONG THE NORTH LINE OF SAID UNION PARK PLAT 1234.05 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 1 OF UNION PARK PLAT. THENCE SOUTH ALONG THE EAST LINE OF LOT 1 4.5 FEET TO THE NORTH LINE OF THE SMITH AND PARSON'S ADDITION, THENCE EAST ALONG THE NORTH LINE EXTENDED 943.8 FEET TO A POINT ON THE EAST LINE OF HERMANSAU STREET, THENCE NORTH ALONG THE EAST LINE OF HERMANSAU STREET 10 FEET TO A POINT 275 FEET NORTH OF THE NORTHEAST CORNER OF THE HERMANSAU STREET & CLARK STREET INTERSECTIONS, THENCE EAST, PARALLEL WITH CLARK STREET, 165 FEET, TO THE WEST LINE OF PAUL NUERMINGER'S ADDITION AT A POINT 20 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 7, BLOCK 2 OF SAID ADDITION, THENCE NORTH ALONG SAID WEST LINE 114.7 FEET TO THE NORTHWEST CORNER OF LOT 9, THENCE EAST 147 FEET TO THE NORTHEAST CORNER OF LOT 9. THENCE SOUTHEASTERLY ALONG THE WEST LINE OF SCHAFFER STREET 140.8 FEET TO THE SOUTHEAST CORNER OF LOT 7, THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SCHAFFER STREET TO A POINT AT THE NORTHEAST CORNER OF LOT 2 BLOCK 10 OF DAVENPORT FARM PLAT, THENCE SOUTH ALONG THE WEST LINE OF HILL STREET 426 FEET TO THE SOUTHEAST CORNER OF LOT 1 BLOCK 11 DAVENPORT FARM PLAT AND THE NORTH LINE OF DAVENPORT AVENUE. THENCE WEST ALONG THE NORTH LINE OF DAVENPORT AVENUE 2287.27 FEET TO THE WEST LINE OF THE OLD PERE MARQUETTE RAILROAD RIGHT OF WAY, THENCE NORTH ALONG WEST LINE OF RIGHT OF WAY TO THE POINT OF BEGINNING, FROM R-2, ONE AND TWO FAMILY RESIDENTIAL TO R-1, SINGLE FAMILY RESIDENTIAL.

The City of Saginaw Ordains:

Section 1. That the area bounded by Durand Street, Pleasant Street, Schaefer Street, and Davenport Avenue be rezoned from R-2, One and Two Family Residential to R-1, Single Family Residential.

Section 2. The official map of the City of Saginaw is hereby amended accordingly.

Section 3. This ordinance shall take effect on September 24, 2009.

Enacted: September 14, 2009.

Adopted unanimously.

RESOLUTIONSRESOLUTION TO APPROVE MDOT COST AGREEMENT NUMBER 09-5141 FOR
PRELIMINARY ENGINEERING FOR M-13 RECONSTRUCTION PROJECT

Councilman Coulouris offered and moved adoption of the following resolution, seconded by Councilman Branch:

WHEREAS, a Cost Agreement, Number 09-5141, 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 preliminary engineering activities associated with the reconstruction of Washington Avenue (M-13) from Hess Avenue to near Ezra Rust Drive, including intersection reconstruction work on Rust Avenue (M-46) from west of Harris Street to east of Lincoln Street; 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.

RESOLUTION APPROVING THEATER PARKING FOR
HANCOCK THEATRE ART GALLERY, LLC.

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

WHEREAS, Hancock Theatre Art Gallery, LLC, has applied for a Theatre License at 417 Hancock Street in the City of Saginaw; and

WHEREAS, §110.34, "Theaters", of Chapter 110, "General Provisions," of Title XI, "Business Regulations" of the Saginaw Code of Ordinances, provides that no such license shall be granted except upon certification of the Police Chief, Fire Chief and Building Inspector; and

WHEREAS, the Police Chief, Fire Chief and Building Inspector or their designees, have inspected and approved 417 Hancock Street to operate as a Theatre; and

WHEREAS, §110.34, "Theaters", of Chapter 110, "General Provisions," of Title XI, "Business Regulations" further provides that City Council must approve the parking facilities available to patrons of the Theatre; and

WHEREAS, the City Inspector has advised that parking requirements for the Westside "Old Town" Business District are waived pursuant to Off-Street Parking regulations at §153.115 (B)(16), of Chapter 153, "Zoning Regulations" of Title XV, "Land Usage" of the Saginaw Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Saginaw does hereby approve the Theater License Application of Hancock Theatre Art Gallery LLC to operate a Theatre at 417 Hancock Street, in the City of Saginaw.

BE IT FURTHER RESOLVED that in accordance with §153.115 (B)(16), of Chapter 153, "Zoning Regulations" of Title XV, "Land Usage" of the Saginaw Code of Ordinances, Hancock Theatre Gallery LLC, 417 Hancock Street, are exempt from the parking requirements under §110.34, "Theaters", of Chapter 110, "General Provisions," of Title XI, "Business Regulations" of the Saginaw Code of Ordinances.

Adopted unanimously.

MOTIONS AND MISCELLANEOUS BUSINESS

Councilman O'Neal inquired on the committee for the November 3, 2009 election.

(Mayor Seals noted the committee is a group of private citizens, not a City committee.)

Councilman Wendt asked Acting City Manager Tim Morales to set up an appointment to meet with the City Manager and Employee Services Director Dennis Jordan regarding union issues.

ADJOURNMENT

At 7:20 p.m., Councilman Coulouris moved to adjourn the meeting, seconded by Councilman Scharffe.

Adopted unanimously.

Lynnette A. Hagen
Deputy City Clerk