
REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, OCTOBER 26, 2009, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Joyce Seals 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, Daniel Fitzpatrick, Amanda Kitterman-Miller, Amos O'Neal, Bill Scharffe, Paul Virciglio, Andrew Wendt and Mayor Joyce Seals-9.

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS

Councilman Coulouris moved to approve the minutes from the September 28, 2009 and October 12, 2009 regular council meetings, seconded by Councilman Branch. Adopted unanimously.

ANNOUNCEMENTS

Bill Cowdry, Pro Bono Committee Chairman, and Amber Davis Johnson, accepted a proclamation read by Councilman O'Neal designating October 25–31, 2009 as Pro Bono Week in the City of Saginaw.

Nancy Parker, Executive Director and David Case, Board Chairman from the Children's Zoo at Celebration Square, accepted a recognition read by Councilman Branch with regard to the Zoo receiving accreditation by the Association of Zoos and Aquariums.

City Clerk Diane Herman announced the next regular City Council meeting, scheduled for Monday, November 9, 2009, would begin at 7:30 p.m. in accordance with Section 18 of the City Charter.

PERSONAL APPEARANCES

Earl Jesse, 310 S. Harrison, said as a new board member he is learning about the Saginaw Housing Commission. Urged citizens to get out and vote. Said you can't complain if you don't vote.

Mark Oberschmidt, 404 S. Granger, said he was in opposition of all the ballot proposals, in particular, number 8. Said anyone with a taxable value on their home below \$30,000 would see a tax increase. This would include most of the people on the Eastside. Noted the Chamber of Commerce did not support the proposal. Believes the City is sticking it to the poor people and voters should bury proposal 8.

Julia Darnton, MSU Extension programs, 1 Tuscola Street, Suite 100, briefed Council on some of the items MSU Extension has partnered with the City on, such as the urban planning partnership program where students studied and reported on the Cathedral District and Northmoor Neighborhood, and the Houghton Jones student farm stand, to name a few.

Judith Andersen, 2207 Delaware Blvd., said she moved to Saginaw in 1963. Named many of the changes she had seen in Saginaw over the years, including the tax cap voters placed on the City 30 years prior. Commended Council members who have

organized neighborhood groups to beautify and unify Saginaw. Mentioned other positive accomplishments in the City such as Arson Watch, SCENIC, Parishioners on Patrol, Keep Saginaw Beautiful, Houghton-Jones garden, Friends of Hoyt Park, etc. Urged voters to vote "yes" on all proposals.

John Humphreys 228 Heyn, said he moved into the City in 2005 but has been a resident of the community almost all of his life. Thanked Council members for their stability, leadership, and guidance and the City Manager for the responsibility and character he has shown. Came to publicly announce his support for all proposals on the ballot. Said there had been a lot of disinformation about the proposals. Said a "no" vote would be damaging to the City. The City cannot continue to run on 1979 levels. Urged all to vote "yes."

REMARKS OF COUNCIL

Councilman Wendt commended the City employees who have learned to adapt and work harder and more efficient with less. Thanked all the volunteers throughout the region for believing in the City and wanting to make it something better. Said burying proposal 8 will bury the City. The City must move forward and needs a "yes" vote to do it. Said he was not happy about the illegal activities at the Saginaw Centre but knows the City Manager is working on it. Said it was a pleasure to serve the citizens the past four years.

Councilman Branch thanked Mayor Seals for her leadership in the past 2 years and the incredible time and effort she has given to the City. Addressed Council, City staff and the citizens and said it had been a pleasure to serve them. Said his goal three years ago was to hire a good City Manager, regain Council professionalism and leave the City better than when he started. Said whether he had been successful was up to the voters. Asked voters to give great consideration to the Charter proposals. Said for most City home owners, a "yes" vote for proposal 8 would lower their taxes. Requested that voters not only vote with their pocket book but their vision. A "yes" vote would allow the City to benefit from increased investment and economic growth.

Councilman O'Neal said Saginaw is better than an opinion. Also mentioned the SCENIC team, Parishioners on Patrol and fourteen plus neighborhood associations. Mentioned Saginaw being number one of the Cities of Promise in fighting blight. Saginaw has balanced budgets and works within its means. Announced another community summit meeting scheduled for October 28, 2009 at 5:00 p.m. Commended the Development Department for demolishing many homes.

Councilman Fitzpatrick said being on Council is not a job and they are not volunteers but are employees of the taxpayers. They get paid \$45 per meeting and the Mayor gets a little more. Said Council does not get anything out of lifting the tax cap. They are not out to raise their own taxes. The tax proposal will result in a more efficient way to gather taxes and move forward. Mentioned a couple incidents involving vicious dogs, caused by people not being responsible pet owners.

Councilwoman Kitterman-Miller reminded all this is Arson Watch week, which kicked off the prior week with a board-up event. Mentioned the police and fire departments joining together for a runway challenge at the Women's Expo and raising \$1,000. Urged all to support the Arson Watch free programs for kids. Said the 8 proposals on the ballot are revisions to the City's aging Charter, which will help the City become more efficient and financially stable. Said she would be voting "yes" on all 8 proposals. Noted that Council

members are City residents too and will share in any increased costs to rubbish removal or property taxes. Mentioned her financial situation and said she could not afford 20 mills either. Said number 8 is not a scam. It is a plan to make the City financially solvent. Urged all to get out and vote their conscience.

Councilman Coulouris said he doesn't consider himself an employee but rather a volunteer that the voter elected. Said he has seen a lot of great things happen in the past 4 years. In particular, if it weren't for the manager and staff doing a stellar job in cutting wherever they could, the City would be dipping into the rainy day fund. Noted that the Charter Review Committee volunteered for 18 months of meetings going over the Charter word-by-word, with intense dialog, conversation and thought. The purpose was the survival of the City. If the citizens want services, they have to pay for them. He mentioned the library millage and STARS and said people wanted those services so they voted to approve those millages. Commended several neighbors near Deindorfer Park for the many volunteer hours spent sprucing up the park.

Councilman Scharffe congratulated the Children's Zoo for its achievement. Urged citizens to donate or volunteer for Arson Watch. Reminded parents they must accompany their children at the Dow Center for Thursday's Arson Watch festivities. Spoke about the danger of Pit Bulls and Rottweilers and an incident where a little girl was maimed. Said he had recently read where someone suggested that a special license and fee vbe required for owning these animals and a fine imposed on those who fail to register.

Councilman Vircglio spoke on Proposal 8 and said the 7.5 mill cap, along with the money cap imposed, has actually reduced the millage rate to 5.3 mills. It put the City into crisis management mode, which resulted in the 6 mill public safety millage and 3 mill rubbish millage, and citizens paying 14.3 mills. Proposal 8 will remove the rubbish millage and lower the millage to 11.3 mills. He said it would eliminate the need to seek renewal of the public safety millage in 2011. Urged all to vote "yes." Said there would be an informational video following the Council meeting and gave information as to other resources for the video.

Mayor Seals thanked Council members for their dedication and participation throughout the community. Also congratulated the Zoological Society. Thanked MSU Extension for the assistance it gives Saginaw in moving forward. Reminded citizens of the meeting to be held on 10/28/09 at CAC, 2824 Perkins, from 5-7 p.m. on working together collaborately against crime in the City. Also announced the upcoming Ezekiel Public meeting on 10/29/09 at 403 S. Jefferson, at 6:30 p.m. Urged all to vote on Tuesday. Said Proposal 8 is a fair tax structure. Clarified with City Attorney Tom Fancher that Council minutes would be available on line, however, if the proposal passed it would no longer be necessary to publicize summaries of the minutes. Mentioned going to Lansing to protest in front of the capitol against State Revenue Sharing cuts. Spoke on domestic violence and thanked the Underground Railroad for the work they do.

PETITIONS

- 09-19 Request from James McIntyre, PRIDE in Saginaw, requesting permission for a fireworks display on November 20, 2009 at Ojibway Island to celebrate Holidays in the Heart of the City.
Councilman Coulouris moved to approve the request, seconded by Councilman

Wendt.

Adopted unanimously.

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

From the Boards and Commissions Committee:

Councilman Branch moved for consideration of reappointing Mollyann Sheltraw to the Human Planning Commission with a term to expire September 24, 2012, seconded by Councilman Wendt.

Adopted unanimously.

Reports from other Boards, Commission and Committees:

Councilman O'Neal reported on the October 21st meeting of the City/County/School Liaison Committee, which included a report from the 2010 Census Committee. The Committee stressed the importance of the Census count for cities like Saginaw to continue to leverage funds. Art O'Neal reported on school safety and the persistent traffic problem near Kempton School, in particular the speed limit. Announced the next meeting would be November 18, 2009 at the County.

Councilman O'Neal also reported Saginaw would be the host for the Michigan Municipal League's Region Four Newly Elected Officials session. The session would be held in Council Chamber on November 19, 2009 at a minimal cost of \$10.

Councilman Fitzpatrick reported on the E9-1-1 Board. He read a press release from Mobile Medical Response, which serves all of Saginaw County under a 5-year exclusive contract. Under the contract MMR must have an 8 minute, 59 second response time at least 90% of the time. Announced a ribbon-cutting and tour scheduled for Tuesday, November 10th for the updated 9-1-1 Dispatch Center.

REPORTS FROM CITY MANAGER

Management Update

Police Chief Gerald Cliff discussed the action plan with Michigan State Police (MSP). Said the state police have doubled their presence in Saginaw County. Said they plan to enhance the crime mapping function by overlaying the dangerous building violations, abandoned houses, etc., because there is a direct correlation between empty buildings and crime. Noted the citizens will see a lot more traffic stops. Said there would be a new sharing of information between MSP the City's Community Police Officers, Detectives and the County Prosecutor's Office. He also spoke on the Crime Stoppers program and MSP's connection with the new Shotspotter program.

City Manager Darnell Earley spoke on the City's financial status and said it's currently managing to hold its own; however, in five years the City will have reached a point where it can no longer cut without cutting services. Spoke briefly on the tax cap and how it causes the City to be reactive instead of proactive. Noted that if the tax cap does not pass, the City will need to look at the renewal of the public safety millage, which will need more than 6 mills to maintain the current level of police services or it will have to look at reducing all services. Stressed the need for voters to get the facts about the millage proposal on the November ballot. Said the nay-sayers fail to mention that the proposed tax structure will provide a fair and equitable approach to paying for the City's services.

Carl Johnson, Plante & Moran, contracted Controller for the City, spoke on the City's 5-year financial forecast. Said every school district and municipality is in dire straits. Unlike some Michigan cities, Saginaw has managed to balance its budget by living within its means. He noted the City's efforts to collect outstanding debt and gave credit to the City for successfully reacting to a \$400,000 cut in State Shared Revenue Sharing in May after its budget was balanced. Said the State now proposes an 11% further reduction and explained how it will affect the City, and how there will be further cuts in the future. Said the Police and Fire pension lost 30 million in its Pension Plan in the past year which is State-mandated to be funded. Said income is expected to drop every year in the next five years and costs are projected to go up. Noted that 66% of the City's expenditures are allocated to public safety, which has been Council's priority. If the City has to make a 1 or 1.5 million dollar cut, it means 20-30 people with salaries and fringe benefits. Said Saginaw to date has been doing an incredible job keeping its head above water.

Recommended Actions

Subject: Acceptance of Energy Efficiency and Conservation Block Grant

Manager's Recommendation: I recommend that the City accept the Energy Efficiency and Conservation Block Grant and authorize the City Manager or his designee to execute all documents necessary.

Justification: The City has been awarded \$566,200.00 from The American Recovery and Reinvestment Act of 2009 for planning and implementation of energy efficiency in municipal buildings and property. The goal is to minimize and avoid reduction in essential services and counterproductive State and local tax increases.

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

Adopted unanimously.

Subject: Etna Supply Company Contract

Manager's Recommendation: I recommend approval of the Agreement with Etna Supply Company ("Etna"). The Agreement has been approved by the City Manager as to substance and the City Attorney as to form. It is further recommended that City Council authorize the City Manager or his designee to sign the Agreement.

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.

Justification: The Agreement allows Etna Supply Company to demonstrate the capability of their most current technology to read water meters from a fixed base tower and to test the fixed base system for distance accuracy and reliability at no cost to the City. Current methods used by the City are obsolete. This technology would allow for hourly reads by radio from one location and the capability to target peak days. If this technology is adopted, it would allow for more efficient use of City personnel.

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

Adopted unanimously.

Subject: Bendzinski & Co., Municipal Finance Advisors Financial Advisory Services Agreement

Manager's Recommendation: I recommend approval of the Financial Advisory Service Agreement ("Agreement") with Bendzinski & Co., Municipal Finance Advisors ("Bendzinski"), in an amount not to exceed \$18,125.00. The Agreement has been approved by me as to substance and by 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 for these items are available in the Sewer Administration Professional Services Account, No. 590-4810-851-8001.

Justification: The City is entering into an Agreement with Bendzinski for a project known as the City of Saginaw Sewerage System Improvements Project. This project includes the replacement of the mechanical aerators with more energy efficient aerators and other miscellaneous equipment for the Wastewater Treatment Plant. Bendzinski will provide financial advisory services associated with securing a State Revolving Loan for this project and the successful delivery of funds from the Michigan Municipal Bond Authority for Sewage Disposal System Bonds in the amount of \$4,500,000.00.

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

Adopted unanimously.

Subject: Budget Adjustment Drug Forfeiture

Manager's Recommendation: It is recommended that a budget adjustment be completed to increase the Drug Forfeiture Fund's – Fund Equity revenue line item no. 264-0000-680.00-00 from \$15,933.00 to \$65,933.00, which equates to a \$50,000.00 increase. This increase in revenue will be offset by an increase in the Drug Forfeiture's - Parts & Supplies line item no. 264-3040-731.73-30 by the same amount.

Justification: The adjustment is due to additional equipment needed by the Saginaw Police Department which, when purchased, will exceed the amount budgeted for fiscal year 2010. The additional equipment consists of interview room technology, rebuilding department handguns, and new weapons for the Emergency Services Team.

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

Adopted unanimously.

Subject: Community Development Block Grant-R Budget Adjustment

Manager's Recommendation: I recommend that a budget adjustment be completed for the use of grant monies for the Community Development Block Grant R Program.

The Community Development Block Grant street resurfacing line item no. 275-6511-761-8046 should be increased by \$668,347.00 from \$93,500.00 to \$761,847.00. The increase in expenditures will be offset by an increase in the Federal Grant line item no. 275-0000-513-5822 by the same amount.

Justification: City Council approved the Community Development Block Grant – R

at the August 10, 2009, council meeting. The communication establishes the budget for this program.

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

Adopted unanimously.

Subject: Homeless Prevention and Rapid Re-Housing Program – Budget Adjustment

Manager's Recommendation: I recommend that a budget adjustment be completed for the use of grant monies for the Homeless Prevention and Rapid Re-Housing Program (HPRP).

The Community Development Block Grant – McKinley Homeless – Subgrantees line item no. 275-6585-761-8310 should be increased by \$1,022,000.00 from \$110,620.00 to \$1,132,620.00. The increase in expenditures will be offset by an increase in the Federal Grant/HPRP line item no. 275-0000-513-5824 by the same amount.

Justification: City council approved the Homeless Prevention and Rapid Re-Housing Program (HPRP) at the September 28, 2009 council meeting. The communication establishes the budget for this program.

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

Adopted unanimously.

Subject: Novell, Inc. annual licensing and support renewal payment.

Manager's Recommendation: I recommend that a purchase order be approved and issued to Novell, Inc., in the amount of \$14,700.00 for the renewal of annual licensing and support.

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

Funds are budgeted and available in the Information Services Operating Services Account No. 658-1720-711.80-05.

Justification: The City annually renews our license and support fees with Novell, Inc., the citywide network software. This renewal of license and support fees is for a 12-month period.

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

Adopted unanimously.

Subject: Crime Scene Technology 3 Advanced Techniques Workshop

Manager's Recommendation: I recommend approval to send Forensic Detective Randy Mudd to the Crime Scene Technology Training at Northwestern University in Evanston, IL scheduled to take place November 8, 2009 - November 14, 2009. The total cost is \$2,187.00 for Detective Randy Mudd to attend the training session.

Funds for this workshop are available in the Criminal Justice Training Account, No. 261-3323-741.80-90 (\$1,200.00), and the Criminal Justice Travel/Meals/Lodging Account, No. 261-3323-741.80-91 (\$987.00).

Justification: The City of Saginaw receives funds from the State of Michigan MCOLES (Michigan Commission on Law Enforcement Standards) that are strictly

designated for police officer training. The Saginaw Police Department would like to utilize part of the funds to send Forensic Detective Randy Mudd to Northwestern University for the specialized training in crime scene technology.

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

Adopted unanimously.

Subject: WNEM TV5 Lot 23 Parking Agreement

Manager's Recommendation: I recommend that the parking agreement with Meredith Corporation d/b/a WNEM TV5 ("TV5") to lease parking spaces in Lot Number 23 be approved. The agreement is for a period of one year commencing on November 1, 2009 and expiring on October 31, 2010. It has been approved by the City Manager as to substance and the City Attorney as to form.

Justification: Transmitted herewith is a standard group parking agreement between the City of Saginaw ("City") and TV5. Under the agreement, TV5 will pay the City Two Thousand Seven Hundred Thirty Six Dollars and 00/100 (\$2,736.00) per quarter to lease thirty-eight (38) parking spaces in the City's Municipal Parking Lot Number 23 located at 124 North Franklin. The term of this agreement is for one year.

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

Adopted unanimously.

Subject: Dickinson Wright, PLLC Agreement.

Manager's Recommendation: I recommend approval of the Agreement for Professional Legal Services with Dickinson Wright PLLC. Further, it is recommended that either the City Manager or his designee be authorized to execute the Agreement. This Agreement has been approved by the City Manager 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 available in the Sewer Operation Maintenance Division Bond Professional Legal Services Account, Number 590-4843-881-8001.

Justification: The City routinely uses the services of attorney Terence M. Donnelly of the law firm of Dickinson Wright for review of water and sewer bonds. The proposed Agreement will allow a continuation of that service. The legal fee will be in an amount not to exceed \$18,000.00, plus out of pocket expenses for legal services in connection with the issuance of approximately \$4,500,000.00 in general obligation bonds for work on the City's wastewater treatment plant.

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

Adopted unanimously.

Subject: Michigan Department of Transportation Cost Agreement Number 09-5518

Manager's Recommendation: I recommend that Michigan Department of Transportation ("MDOT") Cost Agreement ("Agreement") Number 09-5518 be approved and

that the City Manager be authorized to execute this 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.

Justification: Transmitted herewith is a proposed Cost Agreement (City Clerk's File No. _____) with MDOT for the purpose of setting forth the rights and obligations of the parties in agreeing to the improvements associated with the removal and replacement of concrete sidewalk including the installation of Americans with Disabilities Act (ADA) compliant ramps, cross walk improvements, pavement markings, school zone signing and placement of bicycle racks along various streets in the vicinity of Herig Elementary School; together with necessary related work. The project is being paid for by 100 percent Federal Funds under the National Safe Routes to Schools (SR2S) program, and will require no financial participation from the City. All of the project work will be performed by the Michigan Department of Transportation at no cost to the City. Funding for schools was established by Congress under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 (SAFETEA-LU), which is part of the surface transportation bill and was signed into law on August 10, 2005. Safe Routes to School (SR2S) is an international movement—and now a federal program—to make it safe, convenient and fun for children to bicycle and walk to school.

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

Adopted unanimously.

Subject: Tilt Switch Board & Probes

Manager's Recommendation: I recommend that the quote from Delta Controls be accepted and that a purchase order be issued to them in the amount of \$2,960.00 for the purchase of a tilt switchboard and probes to repair the Salt- Fraser flushing system.

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

Funds for this purchase are available in the Sewer Operation and Maintenance Parts and Supplies Account No. 590-4835-861.73-30.

Justification: The tilt switchboard and probes are a part of the Delta Controls control system that operates the flushing system for the Salt-Fraser retention basin. This system is used to flush debris from the basin after a storm event. Because this is a Delta Controls system, they are the sole source for repair parts.

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

Adopted unanimously.

Subject: Explosion Proof Refrigerator

Manager's Recommendation: I recommend that the low bid from Fisher Scientific be accepted and that a purchase order be issued to them in the amount of \$2,962.74 for the purchase of an explosion proof refrigerator.

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General

Provisions" of the Saginaw Code of Ordinances O-1

Funds for this purchase are budgeted in the Sewer Operation and Maintenance, Capital Purchases less than \$5,000 Account No. 590-4830-861.97-05.

Justification: The Wastewater Treatment Plant laboratory needs an explosion proof refrigerator for storage of samples and chemicals used in analysis in order to comply with MIOSHA requirements. The old refrigerator has out lived its usable life and has become unreliable. Following is a tabulation of the bids received ad reviewed by the Purchasing Commission:

Fisher Scientific Pittsburgh, PA	\$2,962.74
Government Scientific Reston, VA	\$3,135.52
Airgas Great Lakes Saginaw, MI	\$3,418.00

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

Subject: Miter Saw

Manager's Recommendation: I recommend that the low bid from W.W. Grainger be accepted and that a purchase order be issued to them in the amount of \$4,561.46 for the purchase of a miter saw.

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

Funds for this purchase are budgeted in the Sewer Operation and Maintenance, Capital Purchases less than \$5,000 Account No. 590-4830-861.97-05.

Justification: As the Wastewater Treatment Plant ages, replacement of metal framework and supports are becoming more critical. The maintenance staff for metal fabrication work uses the miter saw. The old miter saw is worn out and is no longer reliable in making the straight, even cuts needed for fabrication work. Following is a list of bids received and reviewed by the Purchasing Commission:

W.W. Grainger Northbrook, IL	\$4,561.46
E&R Industrial Bay City, MI	\$4,823.00
Airgas Great Lakes Saginaw, MI	\$5,502.00
Mile-X Equipment Coldwater, OH	\$5,629.00
Fastenal Co. Saginaw, MI	\$6,137.90
Northern Industrial Supply Saginaw, MI	\$6,219.00

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

Adopted unanimously.

Subject: Traffic Engineering, Aluminum Sign Blanks

Manager's Recommendation: I recommend that the low bid received from Dornbos Sign be accepted and a purchase order be approved and issued to them in the amount of \$5,078.85 for the purchase of 620 aluminum sign blanks for the Traffic Engineering Department.

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

Funds for this purchase are available in the Major Streets Traffic Engineering Supplies Account No. 202-4621-791-7350.

Justification: On September 29, 2009, the City received bids for aluminum sign blanks. These blanks are necessary to stock signing needs. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

Dornbos Signs Charlotte, MI	\$ 5,078.85
Vulcan Aluminum Foley, AL	\$ 5,416.60
Osburn Assoc. Logan, OH	\$ 5,884.40
Hall Signs Bloomington, IN	\$ 6,060.90
Custom Products Jackson, MS	\$ 6,069.10
US Standard Sign Franklin Park, IL	\$ 6,339.15
Newman Signs Inc. Jamestown, ND	\$ 6,493.20
Rathco Safety Supply Portage, MI	\$ 6,631.95
Rocal Inc. Frankfort, OH	\$ 6,888.75
M D Solutions	\$ 6,907.10

Dublin, OH
 American Technical Fabricators \$ 24,797.50
 Bad Axe, MI

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

Subject: Traffic Engineering, Signposts

Manager's Recommendation: I recommend that the low bid from Newman Signs be accepted and a purchase order be approved and issued to them in the amount of \$8,787.00 for the purchase of 550 signposts for the Traffic Engineering Department.

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

Funds for this purchase are available in the Major Streets Traffic Engineering Supplies Account No. 202-4621-791-7350.

Justification: On September 29, 2009, the City received bids for steel signposts. These posts are necessary to stock signing needs. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

Newman Signs Jamestown, ND	\$ 8,787.00
Osburn Assoc. Logan, OH	\$ 9,188.00
Dornbos Sign Charlotte, MI	\$ 9,417.00
Hall Signs Bloomington, IN	\$ 9,565.00
Vulcan Signs Foley, AL	\$ 9,679.00
Rathco Safety Supply Portage, MI	\$ 9,867.50
Custom Products Jackson, MS	\$ 10,236.00
M D Solutions Dublin, OH	\$ 11,099.00

Council Action: Councilman O'Neal moved that the recommendation of the City

Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Zero Turn Radius Mower

Manager's Recommendation: I recommend that the low bid from Hoffman's Power Equipment be accepted and that a purchase order be issued to them in the amount of \$11,687.00.

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

Funds for this purchase are budgeted in the Sewer Operation and Maintenance, Maintenance Equipment Account No. 590-4830-861.97-41.

Justification: On September 22, 2009, the City received bids for the purchase of a zero turn radius mower used to maintain the grounds at the Wastewater Treatment Plant. The mower currently used for this purpose is twenty years old, worn out, and frequently out of service for repairs. One bidder was disqualified for failure to meet several requirements in the specification. The results of the remaining bids were as follows:

Hoffman's Power Equipment Saginaw, MI	Toro 74269/Z	\$11,687.00
Spartan Distributors Auburn Hills, MI	Toro 74268	\$12,299.00
H & B Equipment Saginaw, MI	Grasshopper 430D	\$12,490.00
Bader Brothers Saginaw, MI	X-Mark Laser 2XS	\$13,244.16

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

Adopted unanimously.

Subject: Contract with Lois Kay Contracting Company

Manager's Recommendation: I recommend that the sole bid from Lois Kay Contracting Company in the amount of \$220,028.19 be accepted and a contract awarded them in the amount of \$278,000 be approved. Contract documents forwarded herein (City Clerk's File _____), have been signed by the contractor. The contract is subject to approval by me as to substance and the City Attorney as to form.

Funds for this contract are available in the Community Development Block Grant (CDBG) Street Resurfacing Fund Account No. 275-6511-761-8046 (\$278,000) in Fiscal Year July 1, 2009 to June 30, 2010. The American Recovery and Reinvestment Act have made these funds available to the City of Saginaw.

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General

Provisions" of the Saginaw Code of Ordinances O-1.

Justification: On October 6, 2009, the City received a single bid for the 2009-2010 CDBG Resurfacing. Work includes milling and street resurfacing on N. Niagara St., W. Genesee to Congress Ave. and Atwater St., Sheridan Ave. to S. Warren Ave. and pavement reconstruction on Meredith St., Owen St. to Sheridan Ave. and the installation of ADA compliant sidewalk ramps/domes at specified locations in the project areas. Additional milling and street resurfacing or pavement reconstruction will be added to the contract at the unit prices bid to bring the total contract amount up to \$278,000, which is the current amount of CDBG-R funds available for this project. Work will be added to the existing streets slated for resurfacing or other streets that are on the current 2010 resurfacing list as approved by the United States Department of Housing and Urban Development for the City of Saginaw's CDBG resurfacing project.

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

Adopted unanimously.

Subject: Cost Agreement (No. 09-5587) for the Genesee Avenue Reconstruction and Streetscaping project

Manager's Recommendation: I recommend that the Cost Agreement (No. 09-5587) be approved and that the City Manager be authorized to execute this agreement on behalf of the City. The agreement has been approved by the City Manager as to substance and the City Attorney as to form. A resolution to approve the subject agreement appears under the regular order of business for your consideration.

Justification: Transmitted herewith is a proposed Cost Agreement (City Clerk's File No. _____) with the Michigan Department of Transportation (MDOT) for the purpose of fixing the rights and obligations of the parties agreeing to the reconstruction and streetscape work along East Genesee Avenue from Franklin Street to Janes Avenue; including Hot Mix Asphalt (HMA) Paving, concrete pavement, traffic and pedestrian signal upgrades, decorative sidewalk, crosswalks, streetlights, fencing, decorative columns, landscaping, water main, sewer main and storm sewer replacement, concrete curb and gutter, ADA sidewalk ramps; together with necessary related work. The total project is estimated to cost \$5,933,200.00 of which Federal American Recovery and Reinvestment Act Urban Local (ARUL) funds will pay \$1,444,074.00, Federal Surface Transportation Urban Local (STUL) funds will pay \$760,000.00, Section 112 Federal Surface Transportation Project Grant #MI277 (Federal Earmark) funds will pay \$990,000.00 and the City's estimated share is \$2,739,126.00. The City of Saginaw is responsible for any cost overruns in excess of \$5,933,200.00.

Funds for the City's share will be made available in the Sewer Operation and Maintenance Surplus Fund Account No. 590-4840-881-9720 (\$1,482,563.00), Water Operation and Maintenance Refunding Bonds Fund Account No. 591-4741-881-8047 (\$1,228,063.00) and Major Streets Construction Projects Account No. 202-4614-781-8047 (\$28,500.00). The Project No. is ST 0801.

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

Adopted unanimously.

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

Subject: SMG Corporation (Dow Event Center) Use License Agreement U

Manager's Recommendation: I recommend approval of the Use License Agreement with SMG Corporation, the managing agent for the Dow Event Center. The Agreement is subject to my approval as to substance and the City Attorney as to form.

Justification: The City of Saginaw will hold its annual Arson Watch festivities on Thursday, October 30, 2009 at the Dow Event Center. The Arson Watch event is designed to provide a safe place for young residents in the City of Saginaw to participate in Halloween activities. The event will occur between the hours of 5:00 p.m. and 9:00 p.m. Arson Watch has received sufficient contributions to pay for all costs of the event.

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

Subject: Certifications of Consistency with the Consolidated Plan

Manager's Recommendation: I recommend that the Mayor be authorized to sign the following Certifications of Consistency with the Consolidated Plan for the Saginaw Housing Commission, Saginaw County Community Mental Health Authority, the Underground Railroad, Inc., the Saginaw Housing Commission, Restoration Community Outreach, Saginaw County Youth Protection Council, Homes From Heaven, Michigan Department of Community Health and Emmaus House. I further request that the Mayor be given blanket authorization to sign future certificates for local agencies to receive grants from HUD until June 30, 2012.

Justification: There are several homeless programs throughout the City of Saginaw. Local community organizations sponsor the programs. However, in order for the groups to obtain federal grants, the Saginaw Housing Commission or other agencies must obtain a signed Certification of Consistency from the Mayor.

These agencies operate several homeless programs including Underground Railroad, Inc., Restoration Community Outreach and Emmaus House. As a necessary step in obtaining grants from HUD, each municipality must formally approve the Certification of Consistency Programs. In the future, the Mayor may need to sign additional certificates related to these programs to fulfill HUD's requirements.

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

Subject: Snow Removal Services for Surface Lots & Parking Ramp

Manager's Recommendation: I recommend that the low bid received from Tri-City Contracting be accepted and a purchase order be issued to them in the amount of \$25,000.00 for snow removal services for surface lots and parking ramps.

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 Parking System Operating Services Account No. 516-7510-761.80-05

Justification: On September 22, 2009, the City received bids from five vendors for snow removal services for surface lots and parking ramp #1. This service will provide snow and ice removal for Group #1 - Lots 4 & 23, which is approximately 94,480 square feet; Group #2 - Lots 10 & 32 which is approximately 77,713 square feet; Group #3 - Lot at 101 S. Hamilton, which is approximately 17,281 square feet and Group #4 - Ramp #1 at 220 S. Franklin which is approximately 21,213 square feet.

Following is a tabulation of bids received and reviewed by the Purchasing Committee:

Tri-City Contracting	<u>2009-2010</u>	<u>2010-2011</u>
<u>Saginaw, MI</u>		
Group #1 est. 10 hrs w/4wd, w/plow	\$50.00	\$50.00
Group #2 est. 12 hrs w/4wd, w/plow	\$50.00	\$50.00
Group #3 est. 12 hrs w/4wd, w/plow	\$50.00	\$50.00
Group #4 est. 12 hrs w/4wd, w/plow	\$50.00	\$50.00
Salting	\$120.00	\$120.00
Loaders	\$75.00/hr.	\$75.00/hr
Tandem Trucks	\$55.00/hr	\$75.00/hr
Bobcat Loaders	\$60.00/hr	\$60.00/hr
Weyand Brothers	<u>2009-2010</u>	<u>2010-2011</u>
<u>Saginaw, MI</u>		
Group #1 est. 10 hrs w/4wd, w/plow	\$55.00	\$60.00
Group #2 est. 12 hrs w/4wd, w/plow	\$55.00	\$60.00
Group #3 est. 12 hrs w/4wd, w/plow	\$55.00	\$60.00
Group #4 est. 12 hrs w/4wd, w/plow	\$275.00/plow	\$300.00/plow
Salting	\$175.00	\$195.00
Loaders	\$90.00/hr.	\$100.00/hr
Tandem Trucks	\$55.00/hr	\$62.50/hr
Bobcat Loaders	\$50.00/hr	\$55.00/hr
Heinz Tree Service	<u>2009-2010</u>	<u>2010-2011</u>
<u>Saginaw, MI</u>		
Group #1 est. 10 hrs w/4wd, w/plow	\$55.00	\$55.00
Group #2 est. 12 hrs w/4wd, w/plow	\$55.00	\$55.00
Group #3 est. 12 hrs w/4wd, w/plow	\$55.00	\$55.00
Group #4 est. 12 hrs w/4wd, w/plow	\$55.00	\$55.00
Salting	\$90.00	\$90.00
Loaders	\$110.00/hr.	\$110.00/hr
Tandem Trucks	\$65.00/hr	\$65.00/hr
Bobcat Loaders	\$45.00/hr	\$45.00/hr

	<u>2009-2010</u>	<u>2010-2011</u>
Land Development		
<u>Saginaw, MI</u>		
Group #1 est. 10 hrs w/4wd, w/plow	\$62.00	\$64.00
Group #2 est. 12 hrs w/4wd, w/plow	\$62.00	\$64.00
Group #3 est. 12 hrs w/4wd, w/plow	\$62.00	\$64.00
Group #4 est. 12 hrs w/4wd, w/plow	\$62.00	\$64.00
Salting	\$125.00	\$130.00
Loaders	\$105.00/hr.	\$105.00/hr
Tandem Trucks	\$65.00/hr	\$65.00/hr
Bobcat Loaders	\$70.00/hr	\$70.00/hr
Joan Marx Trucking	<u>2009-2010</u>	<u>2010-2011</u>
<u>Saginaw, MI</u>		
Group #1 est. 10 hrs w/4wd, w/plow	\$70.00	\$70.00
Group #2 est. 12 hrs w/4wd, w/plow	\$66.67	\$66.67
Group #3 est. 12 hrs w/4wd, w/plow	\$66.67	\$66.67
Group #4 est. 12 hrs w/4wd, w/plow	\$33.34	\$33.34
Salting	\$125.00	\$120.00
Loaders	\$125.00/hr.	\$125.00/hr
Tandem Trucks	\$80.00/hr	\$85.00/hr
Bobcat Loaders	\$60.00/hr	\$60.00/hr

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

Adopted unanimously.

Subject: Contract with JR Heineman & Sons Inc.

Manager's Recommendation: I recommend that the low bid from JR Heineman & Sons, Inc. in the amount of \$48,988.29 be accepted and a contract be awarded to them in that amount. Contract documents forwarded herein (City Clerk's File _____), have been signed by the contractor. The contract is subject to approval by me as to substance and the City Attorney as to form.

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

Funds for this contract are available in the Major Streets Bridge Repairs Account No. 202-4616-781-80.47.

Justification: On October 9, 2009, the City received quotes to repair the deteriorated sidewalk on the Andersen Bridge. Unless these repairs are made this year, the sidewalk and fascia on the west side of the Andersen Bridge may have to be closed to pedestrian traffic and possibly one lane of vehicular traffic in each direction. In order to expedite this process and have the bridge repaired this year, the City of Saginaw received quotes in lieu of bidding. Following is a tabulation of the bids received:

J R Heineman & Sons Inc. Saginaw, MI	\$ 49,000.00 *
Wobig Construction Saginaw, MI	\$ 85,858.00
Gerace Construction Midland, MI	\$ 85,885.00

** Should be \$49,988.29 due to multiplication error.*

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

INTRODUCTION OF ORDINANCES

Subject: Amendment to Human Planning Commission Ordinance.

Manager's Recommendation: I recommended that Paragraph (B), "Neighborhood Districts", of §12.33 "Saginaw Human Planning Commission" of Chapter 12, "Boards and Commissions" of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1 be amended. The reason for this amendment is described below. An Ordinance has been prepared and appears under the regular order of business.

Justification: In June 2007, City Council adopted a new ordinance for the Saginaw Human Planning Commission. The ordinance established 20 districts for membership based upon the then 20 polling precincts located in the City. Since that time, City Council approved the addition of two (2) precincts and the relocation of several others either to better accommodate voters or due to school closures. Giving the foregoing, the Saginaw Human Planning Commission ordinance is being amended to reflect these changes.

Council Action: This Council Communication is being submitted to explain the ordinance to be introduced in a subsequent portion of the agenda.

Councilman O'Neal moved to introduce an ordinance entitled and reading as follows, seconded by Councilwoman Kitterman-Miller:

AN ORDINANCE TO AMEND PARAGRAPH (B), "NEIGHBORHOOD DISTRICTS," OF §12.33, "SAGINAW HUMAN PLANNING COMMISSION", OF CHAPTER 12, "BOARDS AND COMMISSIONS", OF TITLE I, ADMINISTRATIVE CODE OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Adopted unanimously. Mayor Seals announced the ordinance would be laid over under the Charter provision.

Subject: Amendment to Curfew Ordinance

Manager's Recommendation: I recommended that Section 130.51 of Chapter 130 "Offenses Against Public Peace and Safety" of Title XIII, "General Offenses" of the City of Saginaw Code of Ordinances, O-1, be amended to add a daytime curfew provision. An Ordinance has been prepared and appears under the regular order of business.

Justification: The current ordinance prohibits children under the age of 17 from being in public between the hours of 10:00 p.m. and 7:00 a.m. The proposed amendment would similarly prohibit school age children from being in public areas while public schools are in session. This would apply to both children who are truant as well as those on suspension (and not allowed to attend school).

This will provide additional tools for police whom sometimes encounter groups of school-aged children in public areas during the day. The school system has also sought

this change to encourage children on school suspension to attend voluntary programs that the school would create and maintain.

Exceptions for the daytime curfew would include children under parental supervision, on school field trips and authorized home-schooled children.

Council Action: This Council Communication is being submitted to explain the ordinance to be introduced in a subsequent portion of the agenda.

Councilman Coulouris moved to introduce an ordinance entitled and reading as follows, seconded by Councilwoman Kitterman-Miller:

AN ORDINANCE TO AMEND SECTION 130.51, "LOITERING" OF SECTIONS 130.50, ET SEQ., "CURFEW FOR MINORS", OF CHAPTER 130, "OFFENSES AGAINST PUBLIC PEACE AND SAFETY", OF TITLE XIII, "GENERAL OFFENSES", OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

After much discussion on the matter, it was adopted unanimously. Mayor Seals announced the ordinance would be laid over under the Charter provision.

RESOLUTIONS
APPOINTMENT OF RECEIVING BOARDS FOR THE
NOVEMBER 3, 2009 GENERAL ELECTION

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

WHEREAS, a General Election will be held in the City of Saginaw on Tuesday, November 3, 2009; and

WHEREAS, each of the City's twenty-two (22) precincts at the close of the polls, prepare the necessary paperwork to be sealed in specified envelopes, seal the ballots in the ballot box, and deliver the materials to the City Clerk's Office; and

WHEREAS, under Michigan law (MCL 168.679a), the legislative body of a City, by resolution, can authorize the Election Commissioners of the City to appoint receiving boards to accept and open the sealed envelopes and containers for review and verification.

NOW, THEREFORE, BE IT RESOLVED that the Election Commissioners for the City of Saginaw (consisting of the Chief of Police, City Attorney and City Clerk) are hereby authorized to appoint the necessary receiving boards to receive the materials (ballot boxes, poll books, and statement of votes) from the precincts at the close of the polls on Tuesday, November 3, 2009.

BE IT FURTHER RESOLVED, that in accordance with MCL 168.679a, each board will consist of an equal number (or as near as possible) of inspectors from each major political party.

BE IT FURTHER RESOLVED, that the receiving boards will be authorized to open any sealed envelopes, transfer bags and ballot boxes to verify: (1) that the number of ballots issued equals the number of voters in the poll book and statement of votes; (2) confirm that the ballot box has been properly sealed and that nothing other than ballots are contained within; and (3) verify that all necessary documents have been properly signed by the election inspectors of each precinct.

BE IT FURTHER RESOLVED, that the receiving board, with the election inspectors, shall together take the necessary steps to correct any discrepancies, making notation of such correction in the poll book and shall notify the clerk of the board of canvassers of the corrective action taken. Upon review and correction, if necessary, the receiving board shall properly reseal the ballot boxes and envelopes.

Adopted unanimously.

RESOLUTION TO APPROVE MDOT COST AGREEMENT
NUMBER 09-5587 FOR EAST GENESEE AVENUE STREETScape AND
RECONSTRUCTION PROJECT

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

WHEREAS, a Cost Agreement, Number 09-5587, 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 reconstruction and streetscape work along East Genesee Avenue from Franklin Street to Janes Avenue; including Hot Mix Asphalt (HMA) Paving, concrete pavement, traffic and pedestrian signal upgrades, decorative sidewalk, crosswalks, streetlights, fencing, decorative columns, landscaping, water main, sewer main and storm sewer replacement, concrete curb and gutter, ADA sidewalk ramps; 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 the City Manager be authorized to execute this agreement on behalf of the City of Saginaw.

Adopted unanimously.

RESOLUTION TO APPROVE MDOT COST AGREEMENT NUMBER 09-5518
FOR HERIG ELEMENTARY SAFE ROUTES TO SCHOOL PROJECT

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

WHEREAS, a Cost Agreement, Number 09-5518, 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 removal and replacement of concrete sidewalk including the installation of Americans with Disabilities Act (ADA) compliant ramps, cross walk improvements, pavement markings, school zone signing and placement of bicycle racks along various streets in the vicinity of Herig Elementary School; 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 the City Manager be authorized to execute this agreement on behalf of the City of Saginaw.

Adopted unanimously.

AUTHORIZING ISSUANCE OF GENERAL OBLIGATION
LIMITED TAX BONDS, SERIES 2010

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

WHEREAS, the City Council of the City of Saginaw (the "City") has determined to undertake capital improvements to the City's wastewater treatment plant (the "Project"); and

WHEREAS, the City is authorized to issue bonds under Section 517 of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), and use the proceeds of the sale of such bonds to pay all or part of the cost of capital improvement items such as the Project; and

WHEREAS, the City has determined that it is in the best interest of the City to issue bonds under Section 517 of Act 34 for the purpose of paying all or part of the cost of the Project and to sell the bonds in a private negotiated sale to the Michigan Municipal Bond Authority (the "MMBA") as authorized by Act 227, Public Acts of Michigan, 1985, as amended ("Act 227"), in order to enable the MMBA to provide assistance with respect to the Project from the proceeds of the State Water Pollution Control Revolving Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, as follows:

1. AUTHORIZATION OF BONDS - PURPOSE. Bonds of the City aggregating the principal sum of not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) shall be issued and sold for the purpose of defraying all or part of the cost of the Project.

2. BOND DETAILS. The bonds shall be designated "General Obligation Limited Tax Bonds, Series 2010"; shall be dated as of such date as approved by the Mayor at the time of sale; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof (provided, however, that so long as the bonds are registered in the name of the MMBA, the bonds may be in the form of a single bond in the denomination of \$4,500,000, or such lower amount as shall be approved by the Mayor at the time of sale, with an exhibit attached thereto which identifies the annual maturities for the bonds, and the references herein to "bonds" shall mean that single bond registered in the name of the MMBA); shall bear interest at a rate that shall not exceed 2.5% per annum from the date of delivery of the various principal installments as hereinafter described, payable on such dates as shall be determined by the Mayor at the time of sale; and shall mature on such dates and in such years as shall be determined by the Mayor at the time of sale.

The bonds are expected to be delivered to the MMBA as the initial purchaser thereof in installments (the "Installments") equal to the amounts advanced from time to time by the MMBA to the City pursuant to the Purchase Contract and the Supplemental Agreement (each as hereinafter defined).

3. PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the bonds shall be payable in lawful money of the United States. So long as the bonds are registered in the name of the MMBA, the bonds are payable as to principal, redemption premium, if any, and interest at The Bank of New York Mellon Trust Company, N. A., Detroit, Michigan, or at such other place as shall be designated in writing to the City by the MMBA (the "MMBA's Depository"). So long as the MMBA is the owner of the bonds, the

City agrees that it will deposit with the MMBA's Depository payments of the principal of, premium, if any, and interest on the bonds in immediately available funds at least five business days prior to the date on which any such payment is due, whether by maturity, redemption or otherwise. If the bonds are not registered in the name of the MMBA, the principal of and premium, if any, on the bonds are payable upon surrender thereof at the office of the bond registrar and paying agent and the interest is payable by check or draft mailed by the bond registrar and paying agent to the registered owner of the bonds at the address appearing on the registration books of the City kept by the bond registrar and paying agent as of the 15th day of the month preceding the month in which an interest payment is due.

4. PRIOR REDEMPTION. The bonds shall be subject to redemption prior to maturity only with the prior written consent of the MMBA and on such terms and conditions as may be required by the MMBA.

5. BOND REGISTRAR AND PAYING AGENT. Until a successor is appointed by the City Council, the City Treasurer shall act as bond registrar and paying agent for the bonds.

6. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS. The bonds shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and the City Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the City (or a facsimile thereof) shall be impressed or imprinted on the bonds. After the bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the City Treasurer to the purchaser upon receipt of the purchase price. Additional bonds bearing the facsimile signatures of the Mayor and the City Clerk and upon which the seal of the City (or a facsimile thereof) is impressed or imprinted may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of bonds. The bond registrar and paying agent shall indicate on each bond the date of its authentication.

7. EXCHANGE AND TRANSFER OF BONDS. Any bond, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond.

Each bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any bond, the bond registrar and paying agent on behalf of the City shall cancel the surrendered bond and shall authenticate and deliver to the transferee a new bond or bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond. If, at the time the bond registrar and paying agent authenticates and delivers a new bond pursuant to this section, payment of interest on the bonds is in default, the bond registrar and paying agent shall endorse upon the new bond the following: "Payment of

interest on this bond is in default. The last date to which interest has been paid is _____.”

The City and the bond registrar and paying agent may deem and treat the person in whose name any bond shall be registered upon the books of the City as the absolute owner of such bond, whether such bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 3 of this Bond Resolution shall be valid and effectual to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.

8. FORM OF BONDS. The bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF SAGINAW
CITY OF SAGINAW
GENERAL OBLIGATION LIMITED TAX BOND
SERIES 2007

INTEREST RATE MATURITY DATE DATE OF ORIGINAL ISSUE

See Exhibit A

Registered Owner:
Principal Amount:

The City of Saginaw, County of Saginaw, State of Michigan (the "City"), acknowledges itself indebted to, and for value received, hereby promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount set forth above or so much thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Michigan Municipal Bond Authority (the "MMBA") and a Supplemental Agreement by and among the City, the MMBA and the State of Michigan acting through the Department of Environmental Quality on the maturity dates and in the

amounts set forth on Exhibit A attached hereto unless redeemed prior thereto as hereinafter provided, the final payment to be made upon presentation and surrender of this bond at the office of the City Treasurer, Saginaw, Michigan, the bond registrar and paying agent, or at such successor bond registrar and paying agent as may be designated pursuant to the Resolution identified below, and to pay to the Registered Owner at the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal Amount, to the extent advanced to the City pursuant to the Purchase Contract and the Supplemental Agreement until the City's obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on the first days of April and October in each year, commencing on _____. Principal and interest are payable in lawful money of the United States of America.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the MMBA's cost of providing funds (as determined by the MMBA) to make payment on the bonds of the MMBA issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the MMBA has been fully reimbursed for all costs incurred by the MMBA (as determined by the MMBA) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the MMBA. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the MMBA) the investment of amounts in the reserve account established by the MMBA for the bonds of the MMBA issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the MMBA issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the MMBA) of such deficiency as additional interest on this bond.

During the time funds are being drawn down by the City under this bond, the MMBA periodically will provide the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the MMBA to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this bond.

This bond is one of a series of bonds aggregating the principal sum of _____ Dollars (\$_____) issued by the City under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act 34, Public Acts of 2001, as amended), the Charter of the City and a bond authorizing resolution adopted by the City Council of the City (the "Resolution") to defray all or part of the costs of making capital improvements to the City's wastewater treatment plant

consisting of raw sewage pumping station improvements and related improvements. The full faith and credit of the City have been pledged to the prompt payment of the principal of and interest on this bond. The principal of and interest on the bonds of this series are payable as a first budget obligation of the City from its general funds. The ability of the City to raise such funds is subject to applicable constitutional, statutory and charter limitations on the taxing power of the City.

This bond is transferable, as provided in the Resolution, only upon the books of the City kept for that purpose by the bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefor as provided in the Resolution, and upon payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.

This bond is subject to redemption prior to maturity at the option of the City only with the prior written consent of the MMBA and upon such terms as may be required by the MMBA. That portion of this bond called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.

Notwithstanding any other provision of this bond, so long as the MMBA is the owner of this bond, (a) this bond is payable as to principal, premium, if any, and interest at The Bank of New York Trust Company, N. A., Detroit, Michigan or at such other place as shall be designated in writing to the City by the MMBA (the "MMBA's Depository"); (b) the City agrees that it will deposit with the MMBA's Depository payments of the principal of, premium, if any, and interest on this bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the MMBA's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the MMBA as invoiced by the MMBA an amount to recover the MMBA's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this bond shall be given by the City and received by the MMBA's Depository at least 40 days prior to the date on which redemption is to be made.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the City, including the series of bonds of which this bond is one, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, the City of Saginaw, Saginaw County, Michigan, by its City Council, has caused this bond to be executed in its name by the manual or facsimile signatures of the Mayor and the City Clerk and its corporate seal (or a facsimile thereof) to

be impressed or imprinted hereon. This bond shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the bond registrar and paying agent.

CITY OF SAGINAW
(SEAL)

By: _____ By: _____
City Clerk Mayor

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Resolution.

Treasurer, City of Saginaw
Bond Registrar and Paying Agent

AUTHENTICATION DATE:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ (please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed _____

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

EXHIBIT A

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the bond to which this Exhibit A is attached (the "Bond") shall be made until the full amount advanced to the City is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the City and described below provides for payment of a total principal amount greater than the amount of assistance approved by the

Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the City by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the City.

The principal amounts and maturity dates applicable to the bond to which this Exhibit A is attached are as follows:

MATURITY
DATE

PRINCIPAL
MATURITY

END OF BOND FORM

9. SECURITY. The bonds shall be limited tax general obligations of the City. The full faith and credit of the City are pledged for the prompt payment of the principal of and interest on the bonds as the same shall become due. Each year the City shall include in its budget as a first budget obligation an amount sufficient to pay such principal and interest as the same shall become due. The ability of the City to raise funds to pay such amounts is subject to applicable constitutional, statutory and charter limitations on the taxing power of the City.

10. DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the bonds, or any portion thereof, shall have been deposited in trust, this Bond Resolution shall be defeased with respect to such bonds, and the owners of the bonds shall have no further rights under this Bond Resolution except to receive payment of the principal of, premium, if any, and interest on such bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein.

11. PRINCIPAL AND INTEREST FUND. There shall be established for the bonds a Principal and Interest Fund which shall be kept in a separate bank account. From the proceeds of the sale of the bonds there shall be set aside in the Principal and Interest Fund any premium and accrued interest received from the purchaser of the bonds at the time of delivery of the same. All payments made by the City pursuant to Section 9 of this Bond Resolution are pledged for payment of the principal of and interest on the bonds and as made shall be placed in the Principal and Interest Fund.

12. CONSTRUCTION FUND. The remainder of the proceeds of the sale of the bonds shall be set aside in a construction fund for the Project and used to acquire and construct the Project.

13. ESTIMATES OF PERIOD OF USEFULNESS AND COST. The estimates of \$5,452,375 as the cost of the Project and of 20 years and upwards as the period of usefulness thereof, as submitted to this City Council, are approved and adopted.

14. APPROVAL OF MICHIGAN DEPARTMENT OF TREASURY. The issuance and sale of the bonds is subject to approval being granted therefor by the Department of Treasury of the State of Michigan in accordance with Act 34, and, if necessary, the City Manager or City Clerk is authorized and directed to file an application with the Department of Treasury for permission to issue and sell the bonds as provided in Act 34.

15. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF BONDS.

The bonds shall be sold at a private, negotiated sale to the MMBA, as authorized by Act 227. The sale shall be made pursuant to the terms and conditions to be set forth in a Purchase Contract (the "Purchase Contract") and a Supplemental Agreement (the "Supplemental Agreement") and the Mayor and/or the City Clerk are each authorized to execute and deliver the Purchase Contract and the Supplemental Agreement in such form as shall be approved by the Mayor at the time of sale. In addition, the Mayor, the City Clerk and the City Treasurer and other City employees and officials are authorized to execute and deliver to the MMBA an Issuer's Certificate and such other certificates or documents as the MMBA or bond counsel shall require and to do all other things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the bonds in accordance with the provisions of this Bond Resolution.

16. REPLACEMENT OF BONDS. Upon receipt by the City Clerk of proof of ownership of an unmatured bond, of satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the City Clerk, the City Clerk may authorize the bond registrar and paying agent to deliver a new executed bond to replace the bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured bond is lost, apparently destroyed or wrongfully taken, the City Clerk may authorize the bond registrar and paying agent to pay the bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The bond registrar and paying agent, for each new bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the bond registrar and paying agent and the City in the premises. Any bond delivered pursuant the provisions of this Section 16 in lieu of any bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the bond in substitution for which such bond was delivered.

17. TAX COVENANT. The City covenants to comply with all requirements of the Internal Revenue Code of 1986, as amended, necessary to assure that the interest on the bonds will be and will remain excludable from gross income for federal income tax purposes. The Mayor, the City Clerk, the City Treasurer and other appropriate City officials are authorized to do all things necessary to assure that the interest on the bonds will be and will remain excludable from gross income for federal income tax purposes.

18. CONFLICTING RESOLUTIONS. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

Adopted unanimously.

MOTIONS AND MISCELLANEOUS BUSINESS

Councilman Wendt provided general information with regard to voting absentee for the November 3, 2009 general election.

Councilman Fitzpatrick wished good luck to his fellow councilmen on Tuesday's election.

Councilman Scharffe said it was a privilege to have been appointed 20 months prior and the experience had been educational. Thanked the Mayor, all Council members and City Management and said he hoped he would be back.

ADJOURNMENT

At 9:20 p.m., Councilman O'Neal moved to adjourn the meeting, seconded by Councilman Branch.

Adopted unanimously.

Diane M. Herman
City Clerk