

REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, NOVEMBER 9, 2009, AT 7:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Pastor Christopher Wathen offered a prayer and Joshua Zastrow, Cub Scout Pack 3707, led the pledge of allegiance.

City Clerk Diane Herman called forth the newly elected members to the City Council: Gregory Branch, Dennis Browning, Larry Coulouris and Andrew Wendt, administered the oath of office, and they signed the oath and took their seats.

ROLL CALL

City Clerk Diane Herman called the meeting to order. The following Councilpersons were present: Gregory Branch, Dennis Browning, Larry Coulouris, Dan Fitzpatrick, Amanda Kitterman-Miller, Amos O'Neal, Joyce Seals, Paul Virciglio and Andrew Wendt-9.

* * * *

The first order of business was election of the Mayor. The City Clerk called for nominations. Councilman Dennis Browning nominated Councilman Gregory Branch. Councilman Larry Coulouris nominated Councilwoman Joyce Seals. Both Candidates accepted their nomination. The Clerk asked twice more for additional nominations and hearing none closed the nominations. She proceeded to take the roll call vote:

| | |
|-------------------------------|----------------|
| Councilman Browning | Gregory Branch |
| Councilman Coulouris | Joyce Seals |
| Councilman Fitzpatrick | Gregory Branch |
| Councilwoman Kitterman-Miller | Joyce Seals |
| Councilman O'Neal | Gregory Branch |
| Councilman Virciglio | Gregory Branch |
| Councilman Wendt | Gregory Branch |

Having received the highest number of votes, Gregory Branch was announced as the new Mayor of the City of Saginaw. Mayor Branch, after taking the oath of office, took his seat and proceeded with the election to fill the office of Mayor Pro-Tem.

Mayor Branch opened the floor for nominations for Mayor Pro Tem. Councilman Virciglio nominated Councilman Larry Coulouris. Mayor Branch nominated Councilman Amos O'Neal. Mayor Branch called for further nominations and hearing none closed the nominations. A roll call vote was taken and the following votes were cast:

| | |
|-------------------------------|-----------------|
| Councilman Browning | Amos O'Neal |
| Councilman Coulouris | Larry Coulouris |
| Councilman Fitzpatrick | Amos O'Neal |
| Councilwoman Kitterman-Miller | Amos O'Neal |

| | |
|----------------------|-----------------|
| Councilman O'Neal | Amos O'Neal |
| Councilwoman Seals | Larry Coulouris |
| Councilman Virciglio | Larry Coulouris |
| Councilman Wendt | Amos O'Neal |
| Mayor Branch | Amos O'Neal |

Councilman O'Neal having received the highest number of votes was announced as the new Mayor Pro Tem of the City of Saginaw. Councilman O'Neal was given the oath of office and took his seat next to Mayor Branch.

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS

Councilman Wendt moved to approve the minutes from the October 26, 2009 regular council meeting, seconded by Councilwoman Kitterman-Miller.
Adopted unanimously.

ANNOUNCEMENTS

City Clerk Diane Herman reminded all that under Chapter 153 of the City's Zoning regulations, all political signs must be removed within seven (7) days following the election.

PUBLIC HEARINGS

City Clerk Diane Herman announced the public hearing on the request from Central Property Development, Inc. for an Obsolete Property Rehabilitation District at 2115 Rust Avenue. Mayor Branch called for public comment three times. No one was heard.

Councilman O'Neal moved to declare the hearing closed, seconded by Councilman Browning.
Adopted unanimously.

PERSONAL APPEARANCES

Earl Jesse, 310 S. Harrison, said he predicted the outcome of the election. Mentioned he's been doing research on the Saginaw Housing Commission and believes there are some real problems.

Johnny Sanders, 3420 Grant, believes the City can grow if everyone puts their heads together. Said he hopes that next year there will be a better understanding like the former City Council. The City needs the right leaders to grow.

Pastor Christopher Wathen, (*no address given*), announced a Root Beer Summit to be held November 17, 2009 at SVSU, Curtiss Hall. Said the event mimics President Obama's Beer Summit. Encouraged participation.

REMARKS OF COUNCIL

Councilman Browning thanked the voters and acknowledged his family and friends. Recognized his dad and brother in honor of Veterans Day.

Councilman Fitzpatrick spoke on the defeat of proposal 8. Said it leaves the City no choice but to trim its budget and get ready for harder times. Questioned the low voter turnout and whether it indicates disinterest or lack of trust. Mentioned also the proposed

cuts for State Revenue Sharing. Said when he began his Council term two years ago there were 800 vacant and/or abandoned homes on the demolition list and now there are over 1,000. Said the City should not lose sight of the many well-built and attractive dwellings in viable neighborhoods that should not be allowed to join the list. Commended the Arson Watch team for their hard work and said he hopes some day it can be an Autumn Youth Night Celebration.

Councilman Coulouris thanked voters for their overwhelming support. Said he promises to work as hard as he did the first four years and with the same passion. Said there is a lot to be done and the City will need to sharpen its pencils due to the defeat of the Charter tax cap issue. Also expressed concern about the low voter turnout.

Councilwoman Kitterman-Miller said she is looking forward to continuing to work with people dedicated to making Saginaw the best it can be. Also thanked the Arson Watch team for organizing safe activities for kids and for patrolling neighborhoods. Said the vote for the Charter was disappointing both in voter turnout and financial support. The choices Council will now have to make will be more difficult.

Councilman O'Neal thanked his colleagues for their vote of confidence. Said he will work hard and collaboratively with them and the community to continue to push the issues which are important to citizens. Thanked the City Manager and staff for the work they do. Commended the Arson Watch group, the strong neighborhood associations and support given by the faith-based community, including Ezekiel and Parishioners on Patrol. Said voters gave the City their marching orders and the City will bring the best proposal back to the citizens on its ability to provide services.

Councilman Wendt thanked his family and friends for their support and sacrifice and those who came out to vote. Thanked teachers, staff and students from Arthur Hill High School for the recent dinner provided to the Disabled American Veterans. Said times will be tough but there are great citizens working hard to make sure the City will continue to strive, such as Stop the Violence and Arson Watch. Said voters have voted and Council will have to take their mandate and do the job it is expected to do, which will not be easy.

Councilman Virciglio said there are approximately 40,000 voters and 4,030 voted "no," or 10% of the voters. Said 4,000 people decided the future of the City. He said staff and Council members worked hard to educate the voters but believed a lot of citizens did not take the time, which was disappointing. Council will continue to be good stewards of the money the citizens give to run the City, which is much more difficult every year.

Councilwoman Seals believes if you live in a community, you have to be involved. Shared how her father had instilled in her the privilege of voting. He always said if you didn't vote, you couldn't complain. Said she will not quit serving the community and will complete the projects she started as Mayor, particularly with regard to youth violence. Said the Mayor, Mayor Pro Tem and Council members have her full support and she's looking forward to working with everyone.

Mayor Branch said he has some pretty big shoes to fill from those who previously sat in his chair. Said nothing gives you confidence like having good people at your side, which included Council, staff and citizens, who all want Saginaw to be a great place to live. Thanked family members, coworkers and friends for their support. Said his parents taught him that if you think you can do something better than someone else, you shut up and do it. Thanked Bill Scharffe for his 20 months of service and Armando Falcon for being a

candidate for office. Thanked the Charter Review Committee, City staff and the committee members who worked on the campaign for the Charter proposals. Said it must have been a disappointing effort. Thanked all who have faith that he can fill some of the shoes that were previously under his chair.

(Council members thanked the prior Mayor and Mayor Pro Tem for their service and congratulated the newly elected. Also welcomed Councilman Browning. In honor of Veterans Day, several members gave recognition to veterans and thanked them for their service.)

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

From the Boards and Commissions Committee:

Councilman Coulouris moved for consideration of reappointing Kathryn Ann Rood to the Human Planning Commission with a term to expire November 24, 2011, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Councilwoman Kitterman-Miller moved for consideration of reappointing Susanne M. Smokoska to the Human Planning Commission with a term to expire September 24, 2011, seconded by Councilman Browning.

Adopted unanimously.

Councilman Fitzpatrick moved for consideration of reappointing Edna C. Webb to the Zoning Board of Appeals with a term to expire December 31, 2012, seconded by Councilman Wendt.

Adopted unanimously.

Reports from other Boards, Commission and Committees:

Councilwoman Kitterman-Miller reminded City residents of the Waste Collection Convenience Station available to citizens on Saturday, November 14, 2009, at the Public Services building from 10:00 a.m.-2:00 p.m. She advised what materials would be accepted.

Councilman Fitzpatrick announced a ribbon-cutting and Open House to be held Tuesday, November 10, 2009, at 4:00 p.m., for E9-1-1's updated dispatch center. Said anyone owning a cell phone or landline is contributing to the E9-1-1 service.

Councilman O'Neal reported the next City/County/School Liaison Committee meeting would be held November 18, 2009 at 5:30 p.m. in the County Courthouse.

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 5:30 p.m. The fee is only \$10 due to grant funds received.

REPORTS FROM CITY MANAGER

Management Update

City Manager Darnell Earley explained the restructuring of the Department of

Development and the need to hire an Assistant Development Director at a cost savings to the City.

City Manager Darnell Earley shared the effects of the current city property tax structure and the issues which the City will face as a result of the vote and citizens saying they don't want to pay any more taxes for existing services. He said the City is currently operating on a balanced budget, but those circumstances are rapidly changing given the current economic climate and the 5-year forecast. The City will need strong, unified leadership, difficult decision-making and continued strategic planning. Believes long-term plans will require bold and innovative thinking from Council, staff and citizens. The ultimate future of Saginaw is at stake. Said in January 2010, Management will have to give City Council recommended scenarios for amending the FY2010 budget. Mentioned having to go back for renewal of the Public Safety millage and said it will not buy the same thing it bought in 2006. Said if the City does nothing, its debt will exceed 20 million by the end of 2014. Noted that Plante and Moran will help identify the most efficient and effective use of financial and human resources.

Public Services Director Thomas Darnell explained the City's Settlement Agreement with the United States Environmental Protection Agency for deficiencies in the City's Water Treatment Plant regulations as it pertains to record keeping.

Recommended Actions

Subject: United States Environmental Protection Agency Expedited Settlement Agreement

Manager's Recommendation: I recommend that the United States Environmental Protection Agency ("EPA") Expedited Settlement Agreement ("Agreement") for violations of Risk Management Program ("RMP") regulations at the Water Treatment Plant ("WTP") be approved and that the penalty amount of \$1,950.00 be paid to the EPA. The Agreement has been approved by me as to substance and the City Attorney as to form. It is further recommended that Council authorize me or my designee to sign the Agreement.

Funds for this service are budgeted in the Water Treatment Operation Service Fees Account, Number 591-4730-861-8063.

Justification: On October 14, 2009, the WTP received a letter from the EPA regarding a compliance inspection, conducted of its RMP, on July 16, 2009. The purpose of the RMP is to set up procedures to detect and prevent or minimize the accidental release of extremely hazardous substances and to provide prompt emergency response to any such release in order to protect human health and the environment. The letter identified certain deficiencies in the WTP's program. The deficiencies were minor in nature. All of the correctable deficiencies identified have been corrected by WTP staff, as evidenced in the conclusions section of the inspection report.

The Agreement requires the owner or operator to correct violations discovered during the inspection, certify compliance with the Act and pay a significantly reduced penalty. Once both parties have signed the Agreement, it is binding upon them. Moreover, the EPA will take no further action for the specific violations cited and the City will have waived an opportunity for a hearing pursuant to Section 113 of the Act.

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

Adopted unanimously.

Subject: I.T.I. Inc. Internet Services Agreement

Manager's Recommendation: I recommend approval of the Internet Services Agreement between the City of Saginaw ("City") and I.T.I., Inc. ("ITI"). This Agreement sets terms for the City's access to the Internet, which is currently provided by ITI. It is further recommended that the City Manager or his designee be authorized and directed to execute this agreement. I have approved the Agreement as to substance and the City Attorney as to form.

Justification: In 2007, City Council approved an agreement with ITI to provide Internet services to the City. The City continues to experience a significant increase in demand for Internet bandwidth due to increased City website traffic and the implementation of new technology such as Shot Spotter. The maximum bandwidth capacity is reached on a regular basis causing delay in Internet response times. The parties have agreed to enter into a new Agreement for a period of three (3) years with an increase in Internet access. The increased access will provide quicker website response, double bandwidth availability and the redundancy of an additional line. The monthly charge for Internet services will increase by \$319 a month to a total of \$893 a month.

This Agreement contains terms that are not favorable to the City, such as a one-sided indemnification clause, two year limitation for filing of lawsuits and imposition of late fees and collection charges. It is recommended that we accept the Agreement in its present form as these terms and conditions are standard in most Internet service agreements.

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

Adopted unanimously.

Subject: Budget Adjustment Community Policing

Manager's Recommendation: It is recommended that a budget adjustment be completed to increase the Community Policing Federal Grants line item 260-0000-513.58-34 from \$0 to \$200,000.00. This increase in revenue will be offset by an increase in the Community Policing Capital Outlay / Office Equipment line item 260-3327-741.97-60 by the same amount.

Justification: The adjustment is due to a grant received from the Department of Justice, Office Of Justice Programs, in the amount of \$200,000, in which the City of Saginaw will utilize to continue Phase II of the Shotspotter audio location system.

City Council approved acceptance of the grant on September 28, 2009.

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

Adopted unanimously.

Subject: Police Service Weapons

Manager's Recommendation: I recommend approval of the low quote and issuance of a purchase order to CMP Distributors, Inc., Lansing, MI in the amount of \$2,045.00 for the purchase of five new service weapons.

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 budgeted in the Drug Forfeiture Supplies / Parts and Supplies, Account No. 264-3040-731.73-30.

Justification: On October 10, 2009, the City received quotes for the purchase of service weapons to replace the existing unserviceable weapons. All quotes came in at the same price due to the fact that this is the manufacturer's law enforcement price. CMP Distributors, Inc. has had a favorable record with the Saginaw Police Department and would be the vendor of choice.

Following is a tabulation of the quotes received and viewed by the Purchasing Committee:

| | |
|--|------------|
| Michigan Police Equipment Company Charlotte, MI | \$2,045.00 |
| CMP Distributors, Inc. Lansing, MI | \$2,045.00 |
| Vance's Law Enforcement Columbus, OH | \$2,045.00 |

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

Adopted unanimously.

Subject: Weed & Seed Grant Distribution

Manager's Recommendation: I recommend approval for the distribution of funds to Parishioners on Patrol (P.O.P.) as pursuant to the agreement between P.O.P. and the Weed and Seed Communities Competitive Program, with the amount not to exceed \$23,056.00.

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 Community Policing / Weed and Seed Fund, Professional Services Account, No. 260-3321-741.80-01.

Justification: On September 27, 2009, City Council approved the acceptance of year two of the Department of Justice Weed and Seed Communities Competitive Program Grant. The City of Saginaw is the fiduciary of the grant.

P.O.P. and Weed and Seed have a Memorandum of Understanding in which the P.O.P serves as a liaison between the community and the Saginaw Police Department to aid in facilitating a safe community. P.O.P. provides oversight of the Saginaw East-Side Weed and Seed's One Stop Service Center and Computer Lab. The Weed and Seed Grant provides funding for the Service Center, equipment and necessary supplies.

As fiduciary of the grant, the City of Saginaw will need to distribute funds to the P.O.P. on a monthly basis (12 monthly billings submitted by P.O.P.).

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

Subject: Emergency Motor Oil Purchase

Manager's Recommendation: I recommend a purchase order be issued and payment made to Karbowski Oil in the amount of \$2,315.25 for the emergency purchase of motor oil.

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 Motor Pool Operation Motor Vehicle Supplies, Account No. 661-4480-841-73-12.

Justification: The Motor Equipment Section of the Right of Way Division required that the bulk oil tank be filled. The annual blanket purchase order had not been established at this time, thereby necessitating an emergency purchase. Karbowski Oil was called on to supply the motor oil, as they had been the last vendor to supply the bulk oil to the garage.

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

Adopted unanimously.

Subject: Chemical Feed System

Manager's Recommendation: I recommend that the bid from NuSystems, Inc. be accepted and that a purchase order be issued to them in the amount of \$5,400.00.

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 available in the Sewer Operation and Maintenance Chemicals Account No. 590-4835-861.73-02.

Justification: Hydrogen Sulfide has been detected at both the Drake and Douglas lift stations. Further investigation has shown that the problem originates at the Drake lift station. Hydrogen Sulfide is extremely corrosive, damaging pipe and pumping systems as well as creating odor problems in the system. NuSystems provides, monitors, and maintains a chemical feed system to eliminate hydrogen sulfide. Sealed bids were opened on 10/20/2009 and NuSystems, Inc. was the sole bidder.

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

Adopted unanimously.

Subject: Annual Supply of Motor Vehicle Bulk Fluids

Manager's Recommendation: I recommend acceptance of the low bid and issuance of a purchase order to Karbowski Oil in the amount of \$14,331.50 for the annual purchase of motor vehicle bulk fluids.

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 budgeted in the Motor Pool Operations Motor Vehicle Supplies Account, No. 661-4480-841.73-12 and will be accounted for in the Motor Pool Operations Inventory Account, No. 661-0000-171.11-23.

Justification: On October 27, 2009, the City received bids for an annual supply of bulk fluids. The City's Municipal Motor Pool Operation requires various lubricants to maintain its fleet. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

| | |
|--------------------------------|-------------|
| Karbowski Oil Bay City, MI | \$14,331.50 |
| Lyden Oil Lansing, MI | \$16,570.60 |
| Michigan Petroleum Clio, MI | \$17,889.00 |

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

Subject: Purchase Order Increase

Manager's Recommendation: I recommend that Purchase Order No. 38981 issued to Michigan Cat be increased by \$15,000.00 and that Purchase Order No. 38914 issued to Scott Tire be reduced by \$15,000.00 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 for this purchase will be transferred from the Motor Pool Operations Motor Vehicle Repairs Account, No. 661-4480-841.80-42 to the Motor Pool Operations Motor Vehicle Supplies Account, No. 661-4480-841.73-12.

Justification: The City's Municipal Garage requires the purchase of Original Equipment Manufacturer parts and supplies for the maintenance of the City's Caterpillar excavating, snowplowing and grinding equipment. Due to an increase in the grinding activities at the Municipal Compost Site, there has been a significant increase in the amount of maintenance necessary to keep that equipment in service. The amount previously approved for the current fiscal year has been exhausted and an additional \$15,000.00 is needed to purchase parts and supplies for the remainder of the fiscal year. Michigan Cat is a sole source for these parts and supplies.

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

Subject: Purchase of Police Canine

Manager's Recommendation: I recommend approval to purchase a canine from Al Gill (Von der haus Gill German Shepherds), Wapakoneta, OH, in the amount of \$6,800.

It is clearly to the City's advantage to contract without competitive bidding and the City Manager has made the recommendation that the council so authorize.

Funds are available in the Drug Forfeiture Other Services / Professional Services Account, No. 264-3040-731.80-01.

Justification: In the near future, the Saginaw Police Department will retire one of the department's canines. Due to the limited availability of proven and dependable working canines, it is to the City's advantage to purchase a canine directly from Mr. Al Gill, owner of Von der haus Gill German Shepherds of Wapakoneta, Ohio. Mr. Gill is a member of the Ohio Law Enforcement K9 Association (OLEKA). He is a Master Trainer of patrol, narcotics, explosives and cadaver detection, and serves as Chairman of the Accreditation Committee on the Executive Board with the National Association of Professional Canine Handlers (NAPCH). He was the original Director of Explosives Training and Accreditation of OLEKA. Mr. Gill has placed over 1,200 working dogs across the USA, Guam, Puerto Rico, Canada, Germany and Australia, including over 45 departments in the Detroit Metro Area.

The two working canines currently utilized by the Saginaw Police Department were purchased from Mr. Al Gill. They have assisted with seizing over \$500,000.00 in cash seizures for our agency and others alike.

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

Adopted unanimously.

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

Subject: Assistant Director of Development Position

Manager's Recommendation: I recommend adding the full-time non-union position of Assistant Director within the Department of Development.

Funds are available within the Department of Development - Zoning and Planning Division's Personnel Services Account No. 101-3863-761.70-01. Additional funding may be available through Neighborhood Stabilization 2 Program Grant from the U.S. Department of Housing and Urban Development as administered through the MSHDA Consortium of Cities. This position is cost neutral and does not add to the overall total City's personnel complement.

Justification: During the last strategic planning session held in July 2009, a restructuring plan for the Department of Development was unveiled. Due to retirements, attrition from vacant positions and the elimination of another vacant position, funds were identified to create a non-union management position of Assistant Director of Development.

The aggregate savings from the restructuring, inclusive of the creation of the new position is \$94,405.00. (See chart below)

| Position | Cost Analysis |
|--|---------------|
| Assistant Director | (\$91,265.00) |
| Associate Planner | (3,140.00) |
| Zoning and Planning Coordinator | 83,908.00 |
| Assistant Building Inspector | 69,536.00 |
| Code Enforcement Officer (will not be filled in FY 2010) | 61,650.00 |
| Total Savings for City: | \$94,405.00 |

It has long been obvious that the department is in need of reorganization and internal oversight. This has been evidenced by audits and monitoring reports from HUD as well as the city's auditors (HUD Single Audit). Those findings have continued to be a source of citation in all of the reports we have received. Moreover, the increased activity in the department since 2005 has seen a need for a more effective management and oversight structure internally, since the director's efforts have been primarily focused on generating grant funds in the department for service delivery.

This position would assist the Director of Development in the following areas:

- Managing the day to day oversight of all of the department's programs and staff
- Work with HUD officials to eliminate the findings in our monitoring and audit reports
- Help facilitate the development and implementation of the city's update of its housing and master plans
- Assist with the economic development components of the department's programs
- Help with the long-term planning and implementation of the City's Neighborhood Revitalization Plan

Council Action: Councilwoman Seals moved that the recommendation of the City Manager be approved, seconded by Councilman Virciglio. Adopted by the following vote:

Ayes: Councilpersons Browning, Kitterman-Miller, O'Neal, Seals, Virciglio, Wendt and Mayor Branch-7.

Nays: Councilmen Coulouris and Fitzpatrick-2.

Subject: IBM Lotus Notes Development Training

Manager's Recommendation: I recommend that a purchase order be approved and issued to IBM, Inc., in the amount of \$4,000.00, for web-based Lotus Notes Development training to be used by the Information Services and Geographical Information Services (GIS) Departments.

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 for this payment are budgeted and available in the Information Services Training and Development Account No. 658-1720-711.80-90 (\$2,000.00) and in the GIS Training and Development Account No. 650-1738-781.80-90 (\$2,000.00).

Justification: To remove the cost of additional travel expenses, a web-based training option was selected. This web-based training is designed to instruct in Lotus Notes application development, which will include workflow applications, online forms and document organization. The end result of this training will help streamline the document approval processes for many City operations as well as remove the need for paper submissions.

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

Adopted unanimously.

INTRODUCTION OF ORDINANCES

Subject: Amendment to Rubbish Ordinance

Manager's Recommendation: I recommend Subsection C, of Section 50.09 "Fees." of Chapter 50 "Solid Waste" of Title V, "Public Works", of the City of Saginaw Code of Ordinances, O-1, be amended to change the lien procedure. An ordinance has been prepared and appears under the regular order of business.

Justification: The current ordinance provides for annual billing of the solid waste fee for that portion over and above the three mills levied. If that separate fee is not paid within 30 days, a 10% late charge is added and the charge is processed pursuant to the single lot assessment procedure. Each delinquent property owner is sent a separate notice and provided an opportunity for a hearing before City Council. There are a large number of such delinquent accounts and the notification process is expensive and largely unproductive. There are rarely any disputes.

The proposed ordinance would treat these rubbish bills in a similar manner to unpaid water and sewer bills. After they are delinquent for six months, they are automatically added to the tax rolls as a lien. The requirements for formal notification and hearing as single lot assessments are eliminated.

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

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

AN ORDINANCE TO AMEND SUBSECTION C, OF SECTION 50.09, "FEES", OF CHAPTER 50, "SOLID WASTE", OF TITLE V, "PUBLIC WORKS", OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

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

CONSIDERATION AND PASSING OF ORDINANCES

Councilwoman Seals moved that an ordinance introduced October 26, 2009, entitled and reading as follows, be taken up and enacted, seconded by Councilman Wendt:

O-90

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.

The City of Saginaw ordains:

Section 1. 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, is hereby amended to read as follows:

§12.33 SAGINAW HUMAN PLANNING COMMISSION.

(B) *Neighborhood districts.* The neighborhood districts and their present polling locations are as follows:

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|-----|--|------------------|
| 1 | ST. JOSEPH EDUCATION CENTER | 936 N. Sixth |
| 2 | ARTHUR EDDY ACADEMY | 1000 Cathay |
| 3 | HEAVENRICH SCHOOL | 2435 Perkins |
| 4A | CENTRAL FIRE STATION | 801 Federal |
| 4B | MAPLEWOOD MANOR | 535 S. Warren |
| 5 | RUBEN DANIELS MIDDLE SCHOOL | 1010 Hoyt |
| 6 | SAGINAW HIGH SCHOOL A | 3100 Webber |
| 7 | ST. GEORGE CHURCH | 3121 Sheridan |
| 8 | SAGINAW HIGH SCHOOL B | 3100 Webber |
| 9 | YMCA | 1915 Fordney |
| 10 | NEW MT CALVARY MISSIONARY BAPTIST CHURCH | 3610 Russell |
| 11 | THOMPSON MIDDLE SCHOOL | 3021 Court |
| 12 | KEMPTON SCHOOL | 3040 Davenport |
| 13 | SAGINAW CAREER COMPLEX | 2101 Weiss |
| 14 | SAGINAW ART MUSEUM | 1126 N. Michigan |
| 15 | HERIG ELEMENTARY SCHOOL | 1905 Houghton |
| 16 | HANDLEY SCHOOL | 224 N. Elm |
| 17 | ST. STEPHEN'S SCHOOL | 1300 Malzahn |
| 18A | ROSIEN TOWERS | 310 S. Harrison |
| 18B | BUTMAN-FISH LIBRARY | 1716 Hancock |
| 19 | JEROME SCHOOL | 1515 Sweet |
| 20 | MERRILL PARK SCHOOL | 1800 Grout |

Section 2. This ordinance shall become effective November 19, 2009.

Enacted: November 9, 2009.

Adopted unanimously.

Councilman Virciglio moved that an ordinance introduced October 26, 2009, entitled and reading as follows, be taken up and enacted, seconded by Councilwoman Kitterman-Miller:

O-91

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.

The City of Saginaw ordains:

Section 1. Section 130.51 "Loitering." of Chapter 130 "Offenses Against Public Peace and Safety" of Title XIII, "General Offenses", of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 130.51. LOITERING.

(A) No person under the age of seventeen (17) years shall loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places between the hours of 10:00 p.m. and 7:00 a.m. of the following day; provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parent as defined in §130.50 or where the minor is on emergency errand or legitimate business or activity directed by his or her parent.

(B) No person who is subject to compulsory education under any applicable state statute, shall wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places between the hours of 9:00 a.m. and 3:00 p.m. of the same day, or other hours as designated by the respective public school or non-public school that the child is, or would be if not suspended, required to attend under state law, on days when the child's school is in session.

(C) The provisions of subsection B do not apply in the following circumstances:

1. The child is accompanied by a parent as defined in §130.50.
2. The child is on an emergency errand or legitimate business activity directed by his or her parent.
3. The child is permitted to leave his or her school's campus and the child has in his or her possession a valid, school-issued, off-campus permit.
4. The child is being schooled at the child's home, or other selected venue, by his or her parent or legal guardian in an educational program as required or permitted by state law.

(D) Any minor violating the provisions of this section shall be deemed to be a delinquent child and may be complained against in the Probate Court for the County of Saginaw.

Section 2. This ordinance shall become effective November 19, 2009.

Enacted: November 9, 2009.

Adopted unanimously.

RESOLUTIONS

RESOLUTION REAFFIRMING THE CITY'S INTENT TO COMPLY WITH SECTION 3
OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

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

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 is

intended to foster local economic development, neighborhood economic improvement and individual self-sufficiency; and

WHEREAS, Section 3 requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment and contracting opportunities for low or very low income residents in connection with projects and activities in their neighborhoods; and

WHEREAS, the City of Saginaw continues to be active in the areas of Community Revitalization and Urban blight removal; and

WHEREAS, the City of Saginaw works in cooperation with the Department of Housing and Urban Development, the Michigan State Housing Development Authority and local authorities in community development projects; and

WHEREAS, the City of Saginaw fully recognizes its obligation to not only provide a better quality of life for its citizens through programs of housing improvement and development, but sees it as vital to provide opportunities for training, job creation and economic development: and

WHEREAS, programs administered by HUD, MSHDA and others may provide opportunity for individuals, entrepreneurs, developers and Section 3 eligible entities; and

WHEREAS, the Neighborhood Stabilization Program 2 under the American Recovery and Reinvestment Act (NSP2) may provide opportunity for Section 3 eligible businesses and individuals for training, jobs and development; and

WHEREAS, the City of Saginaw is a member of the State of Michigan Consortium which has submitted an application to receive funding from the Department of Housing and Urban Development for Community development under NSP2.

NOW, THEREFORE, BE IT RESOLVED, that the City of Saginaw hereby reaffirms its intent to comply with Section 3 of the Housing and Urban Development Act of 1968 where applicable across its range of federal programs; and

BE IT FURTHER RESOLVED, that the City of Saginaw intends to address specifically the areas of home ownership, training, employment and contracting opportunities in Section 3 qualifying areas and will so note the intent in contracts entered into where Section 3 is applicable.

Adopted unanimously.

RESOLUTION ESTABLISHING OBSOLETE PROPERTY REHABILITATION
DISTRICT AT 2115 RUST AVENUE

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

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

WHEREAS, the property at 2115 Rust Avenue, TAX ID #08 0917A01103, has been deemed functionally obsolete by the City of Saginaw; and

WHEREAS, the owners of the property have met guidelines established by the City of Saginaw and plan to submit an application for an Obsolete Property Exemption Certificate; and

WHEREAS, the owners of the property have been notified by certified mail, and a public meeting was held Monday, November 9, 2009 in accordance with P.A. 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED that the City of Saginaw hereby approves the formation of an Obsolete Property Rehabilitation District pursuant to Public Act 146 of 2000, as amended, for the eligible property commonly known as 2115 Rust Avenue, and legally described as follows:

ASSESSOR'S FILE #: 08 0917A01103

THAT PART OF LOT 38, HOYTS SUBDIVISION OF THE JAMES RILEY RESERVE DESCRIBED AS FOLLOWS: COMG. AT POINT OF INTERSECTION ON ELY. LINE OF JEFFERSON AVE. & N. LINE OF RUST AVE., THENCE E. ALONG N. LINE OF RUST AVE. 1985.98 FT. TO POINT OF BEG., THENCE AT RIGHT ANGLES N. 320 FT., THENCE AT RIGHT ANGLES W. 400 FT., THENCE AT RIGHT ANGLES S. 320 FT. TO N. LINE OF RUST AVE., THENCE E. ALONG N. LINE OF RUST AVE. 400 FT. TO POINT OF BEG., EXC. THAT PART TAKEN FOR RUST AVE.

Adopted unanimously.

APPROVING THE CITY OF SAGINAW APPORTIONMENT
OF THE SAGINAW AREA STORM WATER AUTHORITY ANNUAL BUDGET

Councilwoman Seals offered and moved adoption of the following resolution, seconded by Councilman Browning:

WHEREAS, the City of Saginaw has previously joined the Saginaw Area Storm Water Authority, hereafter "Authority," and is a constituent municipality pursuant to the Articles of Incorporation adopted by the Authority; and

WHEREAS, two-thirds (2/3) of the legislative bodies of the Member Municipalities are required to approve the apportionment of the annual operating costs of the Authority; and

WHEREAS, the Authority is required to file with the legislative bodies of the Member Municipalities an annual budget for the next fiscal year covering the proposed expenditures to be made for the organization and operation of the Authority;

NOW THEREFORE, BE IT RESOLVED,

1. The City of Saginaw apportionment of the 2010 annual operational costs for the Authority is accepted and approved as presented.

2. The City of Saginaw 2010 annual budget, for the Authority is accepted and approved as presented.

Adopted unanimously.

MOTIONS AND MISCELLANEOUS BUSINESS

Councilwoman Kitterman-Miller invited Council, City staff and community members to the Festival of Trees event hosted by Junior League of Saginaw Valley, November 7-8, 2009 at Apple Mountain Resort.

Councilman Wendt requested the City Manager provide him with an additional efficiency review to go along with the one to be provided by Plante and Moran.

(City Manager Darnell Earley requested Councilman Wendt put his request in writing, to which Councilman Wendt agreed.)

Councilman O'Neal announced another discussion on Stop the Violence to be held

at CAC November 12, 2009 from 5:00-7:00 P.M.

ADJOURNMENT

At 9:37 p.m., Councilman O'Neal moved to adjourn the meeting, seconded by Councilwoman Kitterman-Miller.
Adopted unanimously.

Diane M. Herman
City Clerk