
REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, NOVEMBER 23, 2009, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Councilwoman Joyce Seals offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Gregory Branch called the meeting to order. The following Councilpersons were present: Dennis Browning, Larry Coulouris, Daniel Fitzpatrick, Amos O'Neal, Joyce Seals, Paul Virciglio, Andrew Wendt and Mayor Gregory Branch -8.

Absent: Councilwoman Amanda Kitterman-Miller-1.

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS

Councilman Fitzpatrick moved to approve the minutes from the November 9, 2009 regular council meeting, seconded by Councilman Browning.

Adopted unanimously.

PERSONAL APPEARANCES

Earl Jesse, 310 S. Harrison, said he has been threatened since becoming a Saginaw Housing Commission board member. Will be sent out of state for training after the first of the year. Said he cannot support the lawsuit Saginaw Housing Commission has against the City.

John J. Milne, 508 W. Remington, questioned why 1207 N. Harrison was listed on the demolition list in The Saginaw News. Said the house is not blighted, unsafe nor are there criminal activities. Said he was told it was on the list because it is part of Covenant Hospital's Saginaw Realty Holdings. Believes Covenant should be a full partner and let the City and citizens know what its long-term plans are for these neighborhood properties.

Anna Hildago, 1422 Cedar, Cathedral District Neighborhood Association President, introduced Thomas Mudd, 1001 Hoyt Avenue, to express the neighborhood's concern about Kayla's Kitchen a/k/a Lime Lite, particularly with the recent homicide. Tom said the place has been a magnet for criminal activity for well over a decade. Provided Council with a list of over 140 police calls associated with the establishment since 2003 and said the violence spills over into the Cathedral District neighborhood. Said it is a public nuisance and a danger and the closure of the establishment is long overdue.

Paul Warriner, Director of Saginaw Habitat for Humanity, 315 W. Holland, said Habitat has built over 60 houses in the City, in particular 10 houses between S. 14th and S. 15th in 2004. Said one of the residents, Johnita Pratt, complained to him about the violence in her neighborhood. He told her citizens need to work with Council to stop crime and blight. Requested the City give him direction if there is some way Saginaw Habitat for Humanity can be of assistance.

Johnita Pratt, 855 S. 15th, expressed her concerns with regard to the crime on South 14th and South 15th. There have been murders, break-ins, etc. Said the City needs to do something because she can't take it anymore.

Richard Doerr, 1715 Bro-Mor, complained about the way the City Water

Department is handling his account. Said they have requested to enter his home to read the meter on two occasions. Said the City shut his water off without permission and despite the fact his water bill was paid. He continues to be billed even though his water has been turned off.

Mark Oberschmidt, 404 S. Granger, said the City has big financial problems. Spoke on unfunded liabilities and the City's bleak financial forecast recently given by its consultant. Suggested police officers and fire fighters be dual-trained and the County contribute equally to the bus system. Questioned whether there was any way to reduce the City's legacy and insurance costs.

REMARKS OF COUNCIL

Councilman Fitzpatrick requested the City Manager advise him on how numerous complaints against one business is handled. (*City Manager Darnell Earley requested Councilman Fitzpatrick put his request in writing.*) Told Johnita Pratt he hoped the City police would address her concerns and thanked Habitat for Humanity for offering to assist. In honor of Thanksgiving, extended thanks to many organizations and volunteers for the work they do throughout the City.

Councilman Coulouris thanked Bill Giorgis of Mike's Wrecker for providing Council members with a float for the PRIDE parade. Agreed with the complaints made against Kayla's Kitchen/Lime Lite and said he has issues with all after hours clubs in the City. Said the City is too complacent with these matters until someone gets killed. Believes the clubs are illegal, a magnet for crime and deterioration of the neighborhood.

Councilman O'Neal expressed his concerns about the Kayla's Kitchen/Lime Lite violence, as well as that voiced by Ms. Pratt. Noted Council's first priority is cracking down on crime and how best to address the issue is discussed at Council's Strategic Planning Sessions. Commended the neighborhood associations who have stepped up to help in this regard by policing their own neighborhoods. Mentioned the SCENIC team and the increase in code enforcement.

(At 7:03 p.m., during Councilman O'Neal's comments, Councilwoman Kitterman-Miller arrived and took her seat.)

Councilman Wendt also expressed concerns about the violence at Kayla's Kitchen and in Johnita Pratt's neighborhood, and said the City would do all it could to make the community safe. Mentioned a problem in his neighborhood with someone breeding dogs. Requested an update on Mr. Doerr's issue. Agreed with Mr. Oberschmidt that the City has financial issues and said it was the reason proposal 8 was on the ballot. Said the Plante & Moran study would give direction on where the City needs to go financially. Commended the Michigan Municipal League for its recent Newly Elected Officials training.

Councilman Virciglio said he was glad to hear a citizen bring to the forefront the financial situation the City faces. Agreed it would be tough but noted the citizens had spoken through the election. City Council and staff are aware of the City's lack of revenue and said it would be addressed in the January Strategic Planning meeting.

Councilwoman Seals noted there is a process to deal with problems such as Kayla's Kitchen. Suggested City Council members assist Johnita Pratt in developing a neighborhood watch group. Spoke on the City's unfunded liabilities, said it was only in the past few years that the laws changed and mandated legacy costs be reflected in the City's

books and there be a plan in place to address the issue. Noted it is a nationwide problem. Thanked City staff for arranging the Waste Collection Convenience Station the second Saturday of every month. Reminded the public that curbside leaf pick-up was over and any leaves would have to be bagged. Also noted that November 30th was the final day for yard waste collection by Waste Management.

Councilman Browning and Councilwoman Kitterman-Miller said other Council members had addressed their concerns.

Mayor Branch told Mr. Milne he shared his concern. Said he believes Covenant has a long-term plan but it shifts a lot. Also voiced his concerns on the Lime Lite Club and said the process to deal with the situation had been initiated and the club has been ordered to cease and desist operations because it is an unlicensed business. Said the City is looking for ways to harness technology so 9-1-1, police officers and the City Clerk's Office could coordinate their efforts to be more effective in sharing information. Told Mr. Oberschmidt the City is working on the unfunded liabilities issue. Noted that under Michigan law, the City cannot elect to file bankruptcy. The decision is made by the State. Said Saginaw is in a lot better shape than a lot of cities.

(All Council members thanked and commended PRIDE for the Holidays in the Heart of the City event and several offered Thanksgiving greetings.)

PETITIONS

09-24 from Annie Jamieson-Urena, AKT Peerless Environmental and Energy Services, requesting a public hearing be held on Monday, December 7, 2009 at 6:30 p.m. for the purpose of amending the City's Brownfield Plan to include 1200 Leon Scott Street for Project Infinity, whereby Global Watt plans to invest \$177 million for a solar modular production plant creating approximately 500 jobs.

Councilman Virciglio moved to receive and file the request, seconded by Councilman Wendt.

Adopted unanimously.

Mayor Branch announced the Public Hearing in this matter would be held Monday, December 7, 2009, at 6:30 p.m. in Council Chamber.

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

Mayoral Appointments with Council Approval.

On Mayor Branch's recommendation, Councilman Browning moved to appoint Isiah Qualls to the Saginaw Arts and Enrichment Commission with a term to expire June 30, 2012, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

On Mayor Branch's recommendation, Councilwoman Kitterman-Miller moved to appoint Jerome Buckley to the Saginaw Economic Development Corporation with a term to expire June 30, 2012, seconded by Councilman Wendt.

Adopted unanimously.

Reports from other Boards, Commission and Committees:

Councilman O'Neal mentioned the Michigan Municipal League's Region IV Newly Elected Officials training session held November 19, 2009 in Council Chamber. Said training was provided on the Freedom of Information Act, Open Meetings Act, and the need for municipal lobbying, i.e. keeping in touch with State legislators as to the City's condition, goals and objectives. Thanked those Council members who participated and those who attended.

REPORTS FROM CITY MANAGER

Management Update

City Manager Darnell Earley assured Saginaw citizens, that the City of Saginaw is not headed for bankruptcy. Noted how the City's audits are now timely filed so the City is aware of its financial condition. Referenced Plante & Moran's recent five year forecast which states the City will be over 20 million dollars in debt in five years if nothing is done. Said the City has already begun addressing the issue and currently has a major reorganization pending. Said he knows the City has challenges but he is confident they will meet those challenges.

Recommended Actions

Subject: Approval of ATF Memorandum of Understanding

Manager's Recommendation: I recommend approval of the Memorandum of Understanding between the City of Saginaw and the Bureau of Alcohol, Tobacco and Firearms ("ATF"), and that the City Manager or his designee be authorized to execute the Agreement. I also recommend that Council authorize the City Manager or his designee to execute all similar Memoranda of Understanding until June 30, 2012. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification: This Memorandum of Understanding has been proposed by the ATF to regulate the relationship between the ATF and the City with regard to their joint public safety activities. It is the standard format used by the ATF when cooperating with local police agencies, and covers topics such as operations, resources, media policy and liability.

This is a document that is renewed at least once per year and a continuing authorization will allow its renewal without the necessity of bringing it back before Council each time.

Council Action: Councilman Virciglio 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 264-0000-680.00-00 from \$65,933.00 to \$90,285.00, which equates to a \$24,352.00 increase. The increase in revenue will be offset by an increase in the Professional Services expenditure line item 264-3040-731.80-01 by the same amount.

Justification: The adjustment reflects the court judgments from the Saginaw County Prosecuting Attorney's Office ruling that monies confiscated from reviewed drug trafficking cases are to be forfeited to the Saginaw Police Department.

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

Subject: Budget Adjustment for Security Enhancement Purchase

Manager's Recommendation: I recommend that a budget adjustment be completed to increase the following Capital Outlay/Office Equipment line items: City Manager's Office Account No. 101-1710-701.97-60 by \$685, City Clerk's Office Account No. 101-1730-701.97-60 by \$1,520, Fiscal Services Administration Account No. 101-1740-711.97-60 by \$2,260, and Public Services Buildings, Grounds and Maintenance Account No. 101-7575-821.97-60 by \$2,920. This represents a total increase in expenditures of \$7,385, which will be offset by an increase in General Fund Revenue - Reimbursement of Insurance Proceeds Account No. 101-0000-602.68-04 from \$10,000 to \$17,385.

Justification: This adjustment reflects the purchase of security enhancements for City Hall and funds that will be provided to the City in the form of a reimbursement from its insurance carrier. The reimbursement will be paid to the City if security enhancements are completed prior to calendar year-end.

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

Adopted unanimously.

Subject: City Hall Security Equipment Enhancement

Manager's Recommendation: I recommend issuance of a purchase order to Audio Central Alarm in the amount of \$7,385.00 for the purchase of additional security equipment to be utilized at City Hall.

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.

The funds for this upgrade are available in the following Capital Outlay/ Office Equipment line items: City Manager's Office, Account No. 101-1710-701.97-60 (\$685), City Clerk's Office, Account No. 101-1730-701.97-60 (\$1,520), Fiscal Services Administration Account No. 101-1740-711.97-60 (\$2,260), and Public Services Buildings, Grounds and Maintenance Account No. 101-7575-821.97-60 (\$2,920). The City will be reimbursed for this purchase by its insurance carrier, as this is a necessary security enhancement.

Justification: Audio Central Alarm installed the current video surveillance system in the Fiscal Services Department. A digital video recorder with the capability to accommodate several cameras was installed last year. This purchase includes enhancements for that system, as well as additional emergency notification devices. This purchase will provide necessary video surveillance coverage throughout City Hall and will provide upgrades to some older model cameras that may no longer provide images up to today's standard.

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

Adopted unanimously.

Subject: Purchase Floor Safe Treasurer's Office

Manager's Recommendation: I recommend acceptance of the quote and issuance of a purchase order to Advantage Business Systems in the amount of \$3,068.35 for a floor safe to be used in the Treasurer's Office.

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 General Fund Treasurer's Capital Outlay – Less Than \$5,000 Account No. 101-1743-711-9705.

Justification: On November 10, 2009, a quote was received from Advantage Business Systems for the purchase and inside delivery of the Floor Safe 1-hr Class 350, 5 security drawers keyed individually, with an outside door digital lock and non-swivel casters.

The current safe can no longer be repaired and replacement parts are no longer available due to its age. The outside door is broken and does not close.

The Purchasing Division issued two previous bids for a new safe, but no responses were received. Advantage Business Systems has been the only quote received.

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

Adopted unanimously.

Subject: Traffic Signal Bulbs

Manager's Recommendation: I recommend that the State bid from Gexpro be accepted and a purchase order be approved and issued to them in the amount of \$3,701.64 for the purchase of 2,988 various traffic signal bulbs.

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 Parts and Supplies Account No. 202-4621-791-7330.

Justification: On April 18, 1977, City Council approved a cooperative purchasing agreement with the State of Michigan, which allows the City to purchase material and equipment at State bid pricing. In the past, we have purchased various materials and equipment utilizing these State bids.

The Traffic Engineering Division is required to relamp and maintain 106 traffic signals within the City of Saginaw annually.

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

Adopted unanimously.

Subject: Backflow Prevention Testing

Manager's Recommendation: I recommend that the bid from American Plumbing & Heating be accepted and that purchase orders be issued to them in the amount of \$1,540.00 for fiscal year 2010 and \$1,540.00 for fiscal year 2011, totaling \$3,080.00 for the purchase of backflow prevention testing.

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 Operating Services Account nos. 590-4835-861.80-05 (\$1,400.00) and 590-4830-861.80-05 (\$140.00) and will be budgeted for the same amounts in the same account numbers for

fiscal year 2011.

Justification: We have several backflow prevention devices at the Wastewater Treatment Plant and seven (7) remote facilities. These devices assure that non-potable water does not enter the City's drinking water system and must be inspected and tested by a state certified inspector on an annual basis. Sealed bids were opened on 10/27/09 to provide this service. Following is a tabulation of the bids received by the Purchasing Committee:

	<u>FY2010</u>	<u>FY2011</u>
American Plumbing & Heating Birch Run, MI	\$1,540.00	\$1,540.00
Remer Plumbing & Heating Saginaw, MI	\$1,750.00	\$1,750.00
Dynamic Piping Co. Hemlock, MI	\$2,046.00	\$2,046.00
J.E. Johnson Co. Midland, MI	\$2,145.00	\$2,310.00
W.M. Walter Mechanical Saginaw, MI	\$2,750.00	\$2,750.00
John E. Green Saginaw, MI	\$3,532.32	\$3,745.32

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

Subject: Franklin Submersible Motors

Manager's Recommendation: I recommend that the only bid received from Hamilton Electric Co. be accepted and that a purchase order be issued to them in the amount of \$7,433.00 for the purchase of two (2) Franklin submersible pumps.

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: We have eight Franklin submersible pumps, which are used to feed chlorine at the plant and at several of our remote stations. The motors on two of these units need to be replaced. Sealed bids were received and opened on 10/27/09. Hamilton Electric Company was the only bidder on this item.

Council Action: Councilman Virciglio moved that the recommendation of the City

Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Grit Snail Parts

Manager's Recommendation: I recommend that payment be made to Pumps Plus Inc. in the amount of \$9,175.20 for an emergency purchase order of grit snail parts to be used by the Wastewater Treatment Plant.

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

Funds for this purchase are available in the Sewer Operation and Maintenance Parts and Supplies Account No. 590-4830-861.73-30.

Justification: On October 30, 2009, one of the two grit snails at the wastewater treatment plant failed. The grit snail is part of a process to remove grit from the plant influent and convey it to a dumpster. After maintenance disassembled and inspected the unit, it was determined that the belt and several other parts would need to be replaced. During dry weather flows, the plant can operate with just one snail in service. However, during wet weather events, both snails are needed to handle the increased volume of grit. Pumps Plus, Inc. is the representative for Eutek, manufacturer of the grit snail, and is the sole source for replacement parts.

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

Adopted unanimously.

Subject: John E. Green Contract and Budget Adjustment for Wastewater Treatment Aeration Basin Improvements

Manager's Recommendation: I recommend that the low bid from John E. Green in the amount of \$2,690,000.00 be accepted and a contract be awarded to them in that amount. The contract is subject to my approval 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.

In addition, it is also recommended that the Sewer Operations and Maintenance Fund – Sewer Bonds Division's Construction Projects line item (Account Number 590-4843-881.80-47) be increased from \$265,752.00 to \$4,765,752.00, which equates to a \$4,500,000.00 increase. This increase will be offset by an increase to the Sewer Operations and Maintenance Fund's - Bond Proceed line item (Account Number 590-0000-696.0000) by \$4,500,000.00. The revenue will be made available by the State of Michigan Revolving Fund in the form of a loan and ARRA funds.

Justification: On November 17, 2009, the City received bids for the Wastewater Treatment Plant Aeration Basin Improvements project. This project includes replacement of 20 aerators, originally installed as part of the 1969 Wastewater Treatment Plant upgrade, addition of variable frequency drives for the aerators, structural tank repairs, and in place dissolved oxygen monitoring with computer control of the aeration system. The following is a tabulation of the bids received:

John E. Green Saginaw, MI	\$2,690,000.00
Titus Welding Company Farmington Hills, MI	\$2,733,000.00
Gerace Construction Midland, MI	\$ 2,827,000.00

Council Action: Councilman Virciiglio 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: Waiving a Potential Conflict of Interest

Manager's Recommendation: I recommend that Council waive the potential conflict of interest present and allow the law firm of Braun, Kendrick, Finkbeiner, P.L.C. to represent the Temple Theatre Foundation in a proposed acquisition of a parking lot owned by the City of Saginaw and associated with the Morley Building.

Justification: The City of Saginaw owns a parking lot adjacent to and used by tenants of the Morley Building pursuant to a long-term lease. The Saginaw Community Foundation contemplates purchase of the Morley Building and wishes to secure a longer-term interest or outright purchase of this parking lot. The Temple Theatre Foundation operates the Temple Theatre nearby and desires to enter into an agreement with the City and the Saginaw Community Foundation for the shared use of this parking lot.

The Temple Theatre Foundation has previously retained attorney David L. Turner of the local law firm of Braun, Kendrick, Finkbeiner, P.L.C. in this area of law and wishes to use his services for this project as well. That firm has routinely represented the City of Saginaw on a number of other matters, but will not be representing the City on the negotiation of this project. No adverse effects are expected, but Braun, Kendrick, Finkbeiner, P.L.C. is obligated by ethical considerations to obtain the City's authorization prior to proceeding.

Braun, Kendrick, Finkbeiner, P.L.C. requests that City Council confirm the City of Saginaw's waiver of the potential conflict of interest in this matter.

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

Adopted unanimously.

Subject: I.T.I., Inc. Maintenance Agreements

Manager's Recommendation: I recommend that the phone equipment maintenance agreements with I.T.I., Inc. be approved and that a purchase order be approved and issued to them in the amount of \$1,965.82. It is further recommended that

the City Manager or his designee be authorized and directed to execute the maintenance agreements. These agreements were 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, "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 Operating Services Account No. 658-1720-711.80-05.

Justification: These maintenance agreements cover the telephone equipment located at City Maintenance and Service, Water and Sewer, and the Water Treatment Plant for a one-year period from 12-1-09 to 11-30-10. The agreements cover all services under normal wear and tear including parts, labor and travel time. It also includes free user training, charges for service related software updates, free loaner equipment and 24-hour, 7-day service without paying any after hour premium.

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

Adopted by the following vote:

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

Abstain: Councilman Fitzpatrick-1.

INTRODUCTION OF ORDINANCES

Subject: Amendment to Curfew Ordinance

Manager's Recommendation: I recommended that Sections 130.52 and 130.54 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. An Ordinance has been prepared and appears under the regular order of business.

Justification: The parental responsibility section has been modified to require proper supervision when the parent is not home and to forbid the minor from keeping stolen property or illegal firearms or drugs. It also now requires a parent to seek help from appropriate governmental authorities to assist in handling the minor, when necessary.

The violation and penalty section has been amended to create a rebuttable presumption that the parent has assisted and aided a minor if the minor commits a delinquent act. The amendment also allows for a probation condition of attending and completing a parent-based treatment program.

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

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

AN ORDINANCE TO AMEND SECTION 130.52, "PARENTAL RESPONSIBILITY", AND SECTION 130.54, "VIOLATION AND PENALTY", 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.

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 November 9, 2009, entitled and reading as follows, be taken up and enacted, seconded by Councilman Wendt.

O-92

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.

The City of Saginaw ordains:

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

§ 50.09. FEES.

(C) *Lien against premises served.* The charges for rubbish services which are not already levied as a millage on the premises served are hereby recognized to constitute a lien pursuant to MCL 141.121, as amended. Whenever such charge is delinquent for six (6) months, the City official in charge of the collection shall certify to the tax assessing officer of the City the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien enforced in the same manner as general City taxes against such premises are collected and the lien enforced against such premises. All provisions of the Charter of the City and of the laws of the state applicable to the time and manner of certification and collection of delinquent City taxes levied against real estate in the City shall be applicable to and shall be observed in the certification and collection of charges for rubbish services.

Section 2. This ordinance shall become effective December 3, 2009.

Enacted: November 23, 2009.

Adopted unanimously.

MOTIONS AND MISCELLANEOUS BUSINESS

Councilman Browning moved to go into closed session to discuss pending litigation in a police procedure case, seconded by Councilman Wendt. Adopted by the following vote:

Ayes: Councilpersons Fitzpatrick, Kiitterman-Miller, O'Neal, Seals, Virciglio, Wendt, Browning, Coulouris and Mayor Branch-9.

Nays: 0.

(Council entered closed session at 7:40 p.m.)

Upon returning from closed session at 8:13 p.m., Councilwoman Seals moved to approve the City Manager's recommendation, seconded by Councilman Viriglio.
Adopted unanimously.

ADJOURNMENT

At 8:15 p.m., Councilman Virciglio moved to adjourn the meeting, seconded by Councilman Wendt.

Adopted unanimously.

Diane M. Herman
City Clerk