
REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, DECEMBER 21, 2009, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Pastor P. David Saunders, Sr. 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, Amanda Kitterman-Miller, Amos O'Neal, Paul Virciglio, Andrew Wendt and Mayor Gregory Branch-8.

Absent: Councilwoman Joyce Seals-1.

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS

Councilman O'Neal moved to approve the minutes from the December 7, 2009 regular council meeting, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

ANNOUNCEMENTS

Manager Richard Curry, Owner Harold Campau and team members of Saginaw "Old Golds" accepted a Certificate of Recognition read by Councilman Virciglio to congratulate the team for its first place finish in the 2009 World Championship of Vintage Baseball.

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Councilwoman Kitterman-Miller moved to waive the Council Rules of Order and changed the Order of Business to allow City Attorney Tom Fancher to give a brief presentation on the Medical Marihuana Moratorium, which the majority of personal appearances indicated as their topic.

City Attorney Tom Fancher explained the reason for the Medical Marihuana Moratorium as it pertains to amendments to the City's ordinances on Zoning.

PERSONAL APPEARANCES

Earl Jesse, 310 S. Harrison, said there is poor zoning laws throughout the state. Said the City is a subdivision of the State. As such, the City should let the State govern medical marihuana and stay out of it, otherwise the Courts will be filled with lawsuits.

Timothy Beck, 2400 Woodward Avenue, Suite 2400, Detroit, representing Americans for Safe Access, said another county in another state litigated the matter to the Supreme Court, which refused to hear the case. Said the matter was a waste of the City's time because State law supercedes local law.

Dr. Paul Meyer, 4177 Fashion Square Blvd. (*provided Council members with a statement*), said he initially had concerns when the law was passed but now believes it is a very useful herbal medicine with very small risks. Noted that he has seen patients with very serious problems where their issues go away without the side affects of other medication.

Said if the City blocks the usage, it could be filled with illegal suppliers.

John Roberts, 7247 McCliggott, Director of the Tri-City Compassion Club stated he was a medical marihuana patient and caregiver. Noted that the law was passed statewide 63% by voters and 69% locally. Said the moratorium undermines the will of the voters. Said there are currently 10,000 medical marihuana cardholders in the State of Michigan with 1,000 new applicants applying every month. Expressed concerns for the new applicants.

Geoffrey Hurst, 18201 Cleveland Road, Galien, said he is a patient, caregiver and father of a 5-year-old. Said he used to be on Vicodin for his back pain. If his child got a hold of this medicine or even a bottle of Aspirin, it could be deadly. Noted no one has died from a Marihuana overdose.

Gregory R. Switala, 11488 Wing Drive, Clio, Board Member of the Tri-City Chapter Compassion Club, spoke on behalf of the Club's membership. Said the proposal to legalize medical Marihuana won by a landslide. Asked the City to reconsider its ordinance. Said the identification card states the cardholder is not subject to arrest, prosecution or penalty. Also mentioned the City would be violating the Michigan Right to Farm Act and the First Amendment to the Constitution.

Daniel Solano, 3955 W. Lafayette, Detroit, said as a veteran and duty disabled police officer, the moratorium is a direct assault to his lifetime of dedication to preserving the rights and safety of all citizens. Believes the moratorium will place the sick and disabled residents back into the illegal market and will expose the Police Department to lawsuits if they arrest anyone.

Robert Radziewicz, 521 Geyer, Frankenmuth, said the moratorium would deny patients an alternative treatment, deny them the compassion for which the law was intended, and cause them financial hardship. Believes the moratorium would be an affront to democracy and would be challenged in a legal arena.

Robert Janke, 1302 Hess, said he is a medical marihuana patient. Noted the number of pills he used to take (21 pills plus 2 injections daily) and since he has been using marihuana he now takes 7 pills and no injections. Understands the City regulating grow shops but shouldn't disallow patients from growing it.

Kim Zimmer, 1708 Hanchett, President of the Tri-City Compassion Club, explained how she has had 4 bouts with cancer and how marihuana helps her. When she was on Vicodin she could not take care of her grandmother or daughter. Believes everyone should unite to teach caregivers how to grow the plants and distribute it properly to patients. Noted that you hear about drinking and driving but not smoking pot and driving.

Scott Peters, 1003 Maple, said the City allowed an Outlaw motorcycle club to move into the former Competition Enterprises motorcycle retail shop and he moved the Compassion Club into the former Timberwolf Cycle retail shop and was shut down. The motorcycle club is still running. Also mentioned that the VIP Club had never been rezoned.

Gershom Avery, 9205 Dexter Chelsea Road, Dexter, gave some of his family's history in the area. Questioned whether Council could issue a moratorium on new cancer patients or job related injuries. Said Council is preventing someone in extreme anguish from getting medicine that relieve some of the agony. Said Marihuana is an experimental chemotherapy. Expounded on a few cases and how marihuana has helped.

Casey Kornoelje, 2335 Oakwood Avenue, Grand Rapids, expressed how marihuana helped control pain for his uncle who had colon cancer. Told a story on how he had broke his vertebra in a sky accident and all the pills he was prescribed which could be harmful to his internal organs and how happy he was when the proposal to legalize medical marihuana was passed. Said the City's ordinance is a violation of the Act, and \quoted from the Act.

Greg Francisco, 32323 M-43, Paw Paw, founder of the Michigan Medical Marihuana Organization, the largest advocacy group in Michigan, said the ordinance is flawed and cannot be easily fixed. The present ordinance will not survive Court challenge. Said it is a government intrusion into the private affairs of the citizens. The moratorium is in conflict with the Michigan Marihuana Act and the Michigan Right to Farm Act.

Chris Nielsen, 2210 Hanchett, said he is retired Navy vet and does not use marihuana however did vote for it. Said he has met someone who uses it and can attest to the changes in her pain level.

Matthew Abel, 450 W. Fort Street, Detroit, a lawyer, with a background in public administration said he understands how City government operates. Believes Medical Marihuana provides an opportunity for government to move money from the law enforcement cost column to the economic benefit column. Believes the City should promptly pass an ordinance, which will protect patients and caregivers and provide safe access to all.

Carolyn White, 128 Moll, Auburn, said she is a medical marihuana patient and had a neurological disease when she was a child which affected her muscles. Said she can take all kinds of medication with side affects, some deadly. A tiny amount of the marihuana works and is mild. Said the City cannot control the laws it has now, how will it be able to control a new law.

Robert Redden, 1710 Wordsworth, Ferndale, said he is a medical marihuana patient through the VA hospital. Said he spoke to his VA doctor who has noticed he needs less medication. He gets no problems from the VA about this and it is a federal operation.

John Wells, 3703 N. Red Oak, Lewiston, Executive Director of 3 MED, said what the City is doing is illegal and immoral. Said there has been Supreme Court rulings on entities violating the rights of citizens, wherein the entity can be held in criminal and civil liability if found accountable, even if they are acting under the color of law.

Erika Janke, 1302 Hess, said she is a caregiver and the moratorium is unfounded. Patients should be allowed to have access to a medicine that will not destroy their liver or cause brain damage.

Brandy Zinc, 268 W. Montana, Detroit, Executive Director of the Michigan Medical Marihuana Association, said the ordinance is harmful to their patients because it denies the patient safe access to their medicine. Said everyone in the State is affected by the ordinance. Believes it will cause the area to lose more jobs because businesses affiliated with the use of medical marihuana would be banned.

REMARKS OF COUNCIL

Councilwoman Kitterman-Miller urged anyone interested in one of the 500 jobs at GlobalWatt to contact Michigan Works under the No Worker Left Behind program. Thanked the Community Block Grant team for the work they did with this year's applicants.

Addressed the speakers and said she is well aware that 63% of the state said "yes," to the proposal, however, 37% said "no" and she represents 100% of Saginaw voters. Said Council needs to make sure it is making choices that are smart for everyone. Regulations need to be put in place to protect caregivers, growers, all citizens. The City will be looking at zoning regulations, not denying medication or compassion.

Councilman O'Neal stressed the importance of the 2010 Census. Said the Census was looking for employees and provided information to those interested. Commended the SCENIC team for their assistance in addressing crime and blight. Said Saginaw is one of the eight Cities of Promise and is exemplified for their aggressiveness with code violations.

Councilman Wendt congratulated the City Manager and his team for receiving the Distinguished Budget Award. Thanked Dr. Thorns and his staff for the block grant presentations. Requested a proclamation to recognize the accomplishments of Bob Heft. Welcomed Judge Thompson and commended him and his team for the Project Future program. Echoed the words of Councilwoman Kitterman-Miller on the medical marijuana issue however said he had several questions on the issue. Urged everyone to ask what they can do for their neighbor in 2010.

Councilman Virciglio said the intent of the moratorium is not to ban patients' access to medical marijuana; it is to develop zoning, which will allow it in a regulated and professional manner. Council's responsibility is to the broader public. City staff and Council want to insure that medical marijuana facilities are an asset to the City, not a liability, but needs time to get it right. Said it is a proactive measure to protect the public health, safety and welfare of all residents. Encouraged the speakers to assist the City in drafting the land use zoning ordinance. Thanked the concerned citizens and neighborhood groups, which helped to make Saginaw a safer and better place to live in 2009.

Councilman Browning recognized two individuals who died recently from carbon monoxide poisoning. Urged everyone to check the detectors in their home. Offered condolences to their family. Thanked the speakers and noted the moratorium was in process prior to his arrival in November. Believes the ordinance can be expedited much sooner than 6 months.

Councilman Fitzpatrick congratulated 23 members who recently graduated from the Delta College Police Academy, two of which were his Godson and his Godson's brother. Said the medical marijuana moratorium is no different than the way the City regulates neighborhoods for land use for buildings, public parks, and housing designated as R-1, R-2 and R-3. Agreed with the comments made by Councilman Virciglio.

Councilman Coulouris thanked all who expressed their concerns but the issue needs to be looked at from both sides of the fence. Agreed it was a necessary medicine to ease pain, however, there has been anger by some citizens because it isn't safe to be at a particular corner. Mentioned he and Councilman Virciglio requested guidance from Lansing but were given very little. Doesn't believe the City is trying to stop anyone from being a caregiver and providing help to someone who needs it. Asked the City Attorney if the moratorium prohibited this. (*City Attorney Tom Fancher responded, yes, temporarily.*) Said he did not appreciate being personally threatened or the City being threatened with litigation. Said he welcomes all emails but would appreciate the sender providing their name, address and phone.

Mayor Branch said he voted "yes" on the referendum. Said he worked 25 years in healthcare much of which was writing patient education material for some of the diagnoses that the speakers mentioned. Said despite his personal beliefs, as Mayor, he needs to balance the rights of medical marihuana patients with the rights of the residents of City who may or may not have voted for it but have legitimate concerns about loopholes in the law. Remarked on some comments by the speakers and said clearly there is a commercialization issue. Said the City is only concerned with the business activity of the Michigan Medical Marihuana Act and needs to regulate it like any other business.

(Several Council members thanked GlobalWatt for choosing Saginaw as their new business location. Councilpersons offered condolences to the family of Bob Heft who contributed much to the area and who designed the 50-star flag and to former Mayor Joe Stephens for the recent loss of his wife. Holiday wishes were also extended.)

PETITIONS

09-25 from Rodger New, CEO/VP Sales & Marketing of U. S. Graphite, requesting to create an Industrial Development District and request for 12 year PA 198 real and personal property abatement.

Councilman Wendt moved to receive and file the request, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Mayor Branch referred the request to the City Manager.

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

From the Boards and Commissions Committee:

Councilman Virciglio moved for consideration of reappointing Lori Brown to the Brownfield Redevelopment Authority with a term to expire December 31, 2012, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Mayoral Appointment for Council Approval in accordance with MCL 125.1671(1)

Upon Mayor Branch's recommendation, Councilman Browning moved for consideration of appointing Jeremy M. Reis, Susanne Smokoska, Tom Miller, Jr., Regina Brown-Demski, Arlene Maul and Gilbert Guevara to the Downtown Development Authority's Development Area Citizens Council, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Mayoral Appointment with Council Approval

Upon Mayor Branch's recommendation, Councilman Wendt moved for consideration of appointing John Charles Markey to the Saginaw Arts & Enrichment Commission with a term to expire June 30, 2012, seconded by Councilman O'Neal.

Adopted unanimously.

Reports from other Boards, Commissions and Committees

Councilwoman Kitterman-Miller reminded citizens that the Keep Saginaw Beautiful Committee would begin meeting for its spring cleanup right after the holidays.

REPORTS FROM CITY MANAGER

Management Update

JoAnn Crary, President of Saginaw Future, and David Slivinski, Sales Manager for Global/Watt, provided an update on Global/Watt's plan to invest \$177 million for a solar modular production plant at 1200 Leon Scott in the City of Saginaw. JoAnn and David thanked Council for their support. JoAnn noted the next Council action would be a time extension on the Renaissance Zone. David said Saginaw was chosen due to its work force. He then explained the various steps Global/Watt would take to begin production.

Honorable M. T. Thompson, 70th District Court, introduced three pastors of the five sponsoring churches, which will host the Project Future drug education program: Pastor Marvin Smith (Mt. Olive Institutional Missionary Baptist Church), Pastor P. David Saunders, Sr. (Bethel AME Church) and Pastor Hurley Coleman (Coleman Temple Church of God in Christ). Pastor Smith said they are tired of the violence, use of drugs and other ills that plague the community. He explained how this program was designed to address these issues. Requested Council's support.

Yolanda Jones, Assistant to the City Manager/Budget Administrator, reviewed the first quarter 2010 financial report and the budget calendar for Fiscal Year 2010-2011.

City Manager Darnell Earley presented Yolanda Jones with the Government Finance Officers Association Distinguished Budget Award. He thanked Yolanda and other City staff for their hard work and dedication.

City Manager Darnell Earley advised that the BASIC health care audit removed 101 individuals from the City's benefit program saving \$270,360 in health care costs annually.

It being his last Council Meeting before retirement, City Manager Darnell Earley recognized and commended Information Services Director Jay Beelman for his many years of commitment to the City.

Recommended Actions

Subject: CDBG Public Hearing

Manager's Recommendation: I recommend that a public hearing for the Community Development Block Grant be set for Monday, January 25, 2010 at 6:30 p.m. in the Council Chamber.

Justification: It is necessary to hold a public hearing to meet citizen participation requirements for the Community Development Block Grant (CDBG) program, Emergency Shelter Grant (ESG) program and HOME program. The public hearing is part of the submission approval process for the upcoming 2010-2011 CDBG, ESG and HOME programs.

Citizens wishing to comment on the upcoming fiscal year CDBG, ESG and HOME programs will be given an opportunity to comment.

A public hearing notice for a January 25th public hearing will be published in The Saginaw News and on the City of Saginaw's website.

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

Manager be approved, seconded by Councilman Virciglio.
Adopted unanimously.

Subject: CDBG-R Public Hearing

Manager's Recommendation: I recommend that a public hearing for Community Development Block Grant-R (CDBG-R) program be set for Monday, January 25, 2010 at 6:30 pm in the Council Chamber.

Justification: It is necessary to hold a public hearing to meet citizen participation requirements for the Community Development Block Grant-R (CDBG-R) program. The public hearing is part of the submission approval process for the upcoming 2010-2011 Program Year.

Citizens wishing to comment on the upcoming fiscal year CDBG-R program will be given an opportunity to comment.

A public hearing notice for a January 25th public hearing will be published in the Saginaw News and the City of Saginaw's website.

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

Subject: Bid Net Interactive Procurement Technologies Agreement

Manager's Recommendation: I recommend that the Agreement with Bid Net Interactive Procurement Technologies ("Bid Net") for online bidding services to City of Saginaw ("City") bidders be approved. The Agreement is for a period commencing upon the execution by both parties and expiring on May 31, 2011. It has been approved by me as to substance and the City Attorney as to form.

Justification: Transmitted herewith is an Agreement between the City and Bid Net. Pursuant to the terms of the Agreement, Bid Net will provide the City with access to the Michigan Inter-governmental Trade Network ("MITN") System. The MITN System was originally started by nine (9) governmental entities located around the Detroit area. The City will be able to list bids and quotes utilizing an e-procurement system that reaches bidders all over the State of Michigan and potentially the rest of the United States. There is no cost to the City to become a part of this system. Furthermore, the City will continue to list bids on the City's website and post notices on the government cable channel.

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

Subject: SMG Parking Lot Lease Agreement

Manager's Recommendation: I recommend approval of the Parking Lot Lease Agreement ("Agreement") with SMG. The Agreement is for a period of three years. The Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification: The City of Saginaw entered into a Parking Lot Lease Agreement on June 30, 2003 with SMG, the management company that operates the Dow Event Center, f/k/a the Saginaw County Event Center. The Agreement involves the use of City-owned

Lots 4 and 23 during events at the Dow Event Center. SMG charges for parking and the City receive 50% of the gross revenues collected by SMG.

In addition, SMG agrees to indemnify the City for certain claims and will provide insurance. The Parking Lot Lease Agreement was renewed on October 9, 2006 and expired on September 30, 2009. The parties wish to renew it for an additional three years under the same terms and conditions, effective from October 1, 2009 through September 30, 2012.

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

Adopted unanimously.

Subject: Purchase Media Safe

Manager's Recommendation: I recommend acceptance of the quote and issuance of a purchase order to Advantage Business Systems in the amount of \$3,921.14 for a media safe to be used for secure offsite storage of historical and backup/recovery media for the City of Saginaw Information Technology System.

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 and available in the Information Services Capital Outlay – Less Than \$5,000 Account No. 658-1720-711.97-05.

Justification: On November 10, 2009, a quote was received from Advantage Business Systems for the purchase and inside delivery of a fire rating 2-hr Class 125, Media Safe. The Information Services Department currently uses a small lockbox at an offsite location to store data backup media. The volume of media that is being retained is currently exceeding the capacity of the lockbox. The data is highly sensitive and is critical to the operation of the City. It must be protected from unauthorized access and damage by environmental factors such as fire.

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 O'Neal moved that the recommendation of the City Manager be approved, seconded by Councilman Virciglio.

Adopted unanimously.

Subject: IBM Software/Hardware Maintenance agreement annual renewal payment

Manager's Recommendation: I recommend that a purchase order be approved and issued to Computer Management Technologies in the amount of \$14,951.00 for the renewal of IBM hardware maintenance and software license fees for the City of Saginaw's AS400 system and Storage Area Network Equipment. The cost for renewal of the software and hardware maintenance coverage and license fees was approved as part of the fiscal year 2009-2010 budget process.

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 service are budgeted and available in the Information Services

Operating Services Account No. 658-1720-711.80-05.

Justification: This renewal covers annual software and hardware maintenance for the IBM AS400 computer operating system software, license programs, licensing, support and upgrades as well as hardware repairs. It also covers the Storage Area Network firmware, licensing, and support as well as hardware repairs.

Model 520 AS400 Hardware Maintenance	\$6,499.00
Model 520 AS400 Software Maintenance	\$3,057.00
Storage Area Network Hardware Maintenance	\$5,395.00
Total	\$14,951.00

This is an on-going agreement with IBM, renewable upon annual payment budgeted in the appropriate account each fiscal year.

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

Adopted unanimously.

Subject: Personal Protective Equipment/Saginaw Fire Department

Manager's Recommendation: I recommend that the blanket purchase order issued to Douglass Safety Systems, Inc., in the amount of \$20,000 be increased by \$9,000 totaling \$29,000 for the purchase of additional pieces of Personal Protective Equipment (Turnout Gear).

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 and available in the Saginaw Fire Department Clothing Supplies Account No. 101-3752-751.73-03.

Justification: The Saginaw Fire Department annually purchases personal protective equipment for firefighters to replace old and/or damaged gear. To comply with MIOSHA guidelines/requirements as a result of a recent inspection, additional turnout coats and pants are necessary in addition to two new firefighters being hired that necessitated total protective equipment. Douglass Safety Systems, Inc. is the sole source for this purchase.

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

Adopted unanimously.

Subject: Police Equipment - EST

Manager's Recommendation: I recommend that the bids from the following vendors be accepted and purchase orders be issued to them in the following amounts for the purchase of police equipment for the Saginaw Police Department's Emergency Services Team: Protective Products International (ballistic helmets) \$3,705.00, United Shield International (ballistic shields and tactical armor plates) \$4,350.00, and Michigan Police Equipment (radio communications system and protective eye wear) \$9,024.05.

These vendors meet all requirements of §14.23, "Vendors", of "Purchasing,

Contracting, and Selling Procedure,” of Chapter 14, “Finance and Purchasing, of “Title 1, “General Provisions” of the Saginaw Code of Ordinances 0-1.

Funds for the purchases are available in the Local Law Enforcement Grant Fund, Supplies / Parts & Supplies Account No. 263-3321-741.73-30.

Justification: The Saginaw Police Department was awarded JAG funds as part of the Federal Government's 2009 Stimulus Package. The Saginaw Police Department would like to utilize its portion of the funds to modernize equipment for the Emergency Services Team.

Bids consisted of five categories, ballistic helmets, ballistic shields, radio communications system, tactical armor plates and protective eye wear. Following is a tabulation of bids received and reviewed by the Purchasing Committee:

Protective Products International Sunrise, FL	\$6,889.00 (Partial Bid)
Michigan Police Equipment Charlotte, MI	\$21,728.00
United Shield International Traverse City, MI	\$8,321.00 (Partial Bid)
CMP Distributors Lansing, MI	\$15,506.87 (Partial Bid)

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

Subject: Computer Lab Equipment

Manager's Recommendation: I recommend acceptance of the sole bid received from Aedis IT, LLC, Saginaw, MI, be accepted and a purchase order be issued to them in the amount of \$10,164.02 for the purchase of computer equipment and software for the Weed and Seed lab located at 310 S. Washington Ave., Saginaw, MI.

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 Community Policing / Weed and Seed Fund (Capital Outlay/Less Than \$5,000) Account No. 260-3321-741.97-05.

Justification: The Saginaw east side Weed and Seed Program has recognized the need for additional technology resources in order to better facilitate the Weed and Seed computer lab. This purchase was budgeted and approved as part of the overall Weed and Seed strategies in fiscal year 2009 through the Department of Justice.

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

Subject: ShotSpotter Inc. Phase II Proposal Agreement

Manager's Recommendation: I recommend approval of the Proposal Agreement ("Agreement") with ShotSpotter Inc. ("ShotSpotter") for Phase II of the gunshot detection system, to be utilized by the Saginaw Police Department in reducing gunfire and gun violence crimes. The amount of the Agreement is \$200,000.00. The Proposal has been

approved by me as to substance and the City Attorney as to form. It is further recommended that City Council authorize the Chief of Police 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.

Funds are available in the Community Policing Capital Outlay/Office Equipment Account, No. 260-3327-741-9760.

Justification: On September 28, 2009 City Council accepted a Grant from the Department of Justice, Office of Justice Programs in the amount of \$200,000.00. The grant funds will be used to pay for Phase II of the ShotSpotter audio location system. ShotSpotter has proven to be effective in the detection of gunshots in the City of Saginaw. Specifically, the system has helped to produce arrests, weapons confiscations and assisting in making better prosecution cases by producing detailed forensics.

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

Adopted unanimously.

Subject: Stainless Steel Valve

Manager's Recommendation: I recommend that payment be made to Great Lakes Industrial Control in the amount of \$2,053.00 for the purchase of a stainless steel valve 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: The Wastewater Treatment Plant has four 4-inch valves on each of the five cells of the sludge storage tank. These valves allow the decanting of water from the biosolids stored in the tank. They have historically required frequent rebuilds and replacement because of the lime content in the stabilized biosolids. Great Lakes Industrial Control provides an all stainless steel valve that they allowed us to use on a trial basis for six months to demonstrate that it would not corrode, plug, or require rebuilding. If this valve performs as expected we want to purchase it by paying purchase order #39205 in February 2010.

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

Adopted unanimously.

Subject: Propane For Green Point Nature Center

Manager's Recommendation: I recommend that an annual purchase order be issued to Miles Propane, Inc. in the amount of \$2,682.00 for the purchase of propane fuel to be used at the Green Point Nature Center.

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 Building and Grounds Division's Fuel Account, No.101-7575-821.73-07.

Justification: The Green Point Nature Center is owned and maintained by the City of Saginaw and uses a propane boiler system for heat. Miles Propane, Inc. provided the low quote for onsite storage and delivery of propane fuel to be used during the 2010-11 season.

Sealed bids for propane were solicited and scheduled for opening on October 20, 2009, but no bids were received. A follow up by the purchasing officer revealed the two companies mentioned below received the bid but did not respond due to various scheduling conflicts. Due to time constraints regarding the cold weather season, quotes were received by fax with the following results:

Miles Propane, Inc. Merrill, MI	\$2,682.00
Dague Druil-Gas Saginaw, MI	\$2,862.00

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

Adopted unanimously.

Subject: Water Treatment MDEQ Laboratory Analysis

Manager's Recommendation: I recommend that the blanket purchase order (#038852) issued to Michigan Department of Environmental Quality be increased from \$1,950.00 to \$3,000.00 to perform various routine tests.

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 Water Treatment Operating Services Account No. 591-4730-861.80-05.

Justification: The Water Treatment Plant is mandated to perform various routine tests as a result of several Environmental Protection Agency (EPA) and Michigan Department of Environmental Quality (MDEQ) regulatory requirements. Copies of the results must be furnished to the MDEQ and local county health departments. The MDEQ laboratory performs most of the required testing in their laboratory and sends copies of the results to the appropriate regulatory agencies. Also, any laboratories other than the MDEQ laboratory would have to be certified by the MDEQ and/or EPA to perform the analysis. Due to the fact that the MDEQ requires submittal of this information and performs the analysis in their laboratory, the competitive bidding process was forgone. The quantity of tests required was recently and unforeseeably increased. It is recommended to increase the current blanket purchase order from \$1,950.00 to \$3,000.00 to cover the cost of the increased testing. The cost for testing of the increased parameter at the MDEQ laboratory is comparable to other private laboratories.

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

Manager be approved, seconded by Councilman Virciglio.

Adopted unanimously.

Subject: ESRI Annual GIS Software Maintenance Fee

Manager's Recommendation: I recommend that a purchase order be approved and issued to ESRI, Inc. in the amount of \$6,024.00 for the annual GIS software maintenance fee.

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 GIS Operating Services Account No. 650-1738-781.80-05.

Justification: Personnel from GIS, Engineering, Inspections, Public Services, Assessing, Police and Fire utilize GIS software on a daily basis. This software utilization includes the Weed Abatement program, Saginaw Fire View, Police Crime View, and Public Utilities viewer. In addition to purchasing the software, an annual renewal maintenance fee is required to receive all new upgrades for the software licenses and the right to call the ESRI help desk for all software related questions and/or problems.

The fiscal year 2009 annual renewal maintenance fee was \$6,200.00.

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

Adopted unanimously.

Subject: Sewer Inspection Camera

Manager's Recommendation: I recommend that the quote from Jack Doheny Supplies be accepted and that a purchase order be issued to them in the amount of \$8,500.00 for the purchase of a sewer inspection camera. Jack Doheny is the sole source supplier for this equipment.

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

Funds for this purchase are available in the Sewer Operations Parts and Supplies Account No. 590-4821-861.73-30.

Justification: The Right of Way Division, Maintenance and Service Section, is purchasing an Insight-Vision Sewer Inspection Camera to be used in the maintenance and construction of the water distribution and sewage collection systems. The Insight-Vision Camera System has a self-leveling camera with DVD recording capability and can be fitted to televise 3", 4", 6" and 8" sewers. This system will replace a twelve-year-old camera system that cannot be repaired.

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

Adopted unanimously.

Subject: Water Treatment Plant Analyzer/Controllers

Manager's Recommendation: I recommend that a purchase order be approved and issued to RS Technical Services, Inc., Lowell, MI, in the amount of \$12,932.00 for the

purchase of an analyzer/controller.

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 Water Operation and Maintenance Repairs and Replacements Account No. 591-4740-881.97-20.

Justification: On October 27, 2009, the City received a sole bid from RS Technical Services, Inc., for one (1) Wallace and Tiernan Multi-Function Analyzer/Controller (MFC) with Deplox 5 and one (1) Deplox 3 Controller with Deplox 5. The MFC will measure free chlorine, pH, conductance and temperature to monitor distribution system water quality. The bid price is an increase of 3.9% over the price paid in fiscal year 2009, but includes additional items. The Deplox 3 will monitor the free chlorine of plant process water corresponding to chemical feed upgrades. No price comparison is available.

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

Adopted unanimously.

Subject: Utility Tractor Backhoe and Attachments

Manager's Recommendation: I recommend that a purchase order be issued to the John Deere Company in the amount of \$16,313.42 for the purchase of a utility tractor and attachments.

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 Water Surplus Maintenance Equipment Account No. 591-4740-881.97-41.

Justification: The Water Treatment Division purchased a compact utility tractor with only the front-end loader attachment in fiscal year 2009. The rear backhoe and associated attachments were not purchased at the time and the full capability of the utility tractor is not possible without the backhoe. The utility tractor allows the maintenance employees to more efficiently work on landscaping projects that are needed on the plant grounds, at the Kochville station and other outlying stations. The backhoe and attachments are being purchased using State Bid Pricing from John Deere, which allows for a 24% discount off the price of the equipment.

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

Adopted unanimously.

Subject: Hubbell, Roth & Clark Engineering Services Agreement

Manager's Recommendation: I recommend that the Agreement with Hubbell, Roth, & Clark (HRC) be approved and a purchase order be issued to them in an amount not to exceed \$260,000.00 for construction engineering/programming. The Agreement is approved by me as to substance by the City Manager 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.

The funds are available in the Sewer Surplus Capital Repairs and Replacement Account, No. 590-4840-881.97-20

Justification: The City's Wastewater Treatment Plant is nearly 60 years of age. The secondary treatment portion of the plant is nearly 40 years old. The recent construction project at the plant upgraded and refurbished the oldest parts of the plant and replaced some of the original equipment from the 1950's. The proposed project addresses replacing the mechanical aerators with new mechanical equipment and technology, adding variable frequency drives for the new aerators and dissolved oxygen probes to make them more efficient.

This project is eligible for funding consideration under President Obama's American Recovery and Reinvestment Act (ARRA) stimulus package. The funding is administered through the Clean Water State Revolving Fund (CWSRF). The Michigan Department of Environmental Quality (MDEQ) accepts project plans and proposals for the CWSRF on a very rigid quarterly schedule. To qualify for the ARRA stimulus money, the project design had to be completed and submitted to the MDEQ for first quarter approval by October 16, 2009. Stimulus funds are only available in the first quarter financing schedule. To promote use of stimulus of funds, ARRA has authorized up to forty percent (40%) principle forgiveness of the CWSRF loan. On this project, the principle forgiveness could save the City of Saginaw nearly \$1,400,000.00.

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

Adopted unanimously.

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

Subject: Approval of Agreement with Giarmarco, Mullins & Horton, P.C. for Legal Services

Manager's Recommendation: I recommend approval of the Agreement for Professional Legal Services with Giarmarco, Mullins & Horton, P.C. This contract has been approved by the City Manager as to substance and the City Attorney as to form.

Justification: The City has entered into agreements with various law firms to provide legal services to the City. These services are necessary in the areas of conflict of interest, expertise and work overflow. These contracts are five years in duration, but either party may elect to terminate the contract upon sixty days notice. There is no minimum amount of work guaranteed or promised to any law firm. The purpose of the contracts is to provide a pre-existing framework for assignments sent to the various firms. The contracts set the hourly rate for services and the amount of expenses charged.

The City currently uses Giarmarco, Mullins & Horton, P.C. for representation on an action against Blue Cross Blue Shield of Michigan. But that is a contingent fee agreement, specific to that action. The parties require a separate hourly agreement for other legal representation.

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

Adopted unanimously.

Subject: Waiving Confidentiality of a Legal Opinion

Manager's Recommendation: I recommend that the Council waive the confidentiality of a December 4, 2009 written legal opinion from Dennis DuBay of the law firm of Keller Thoma on issues involving firefighter pension benefits and contributions.

Justification: The City and the Police and Fire Pension Board have investigated the issue of the proper application of the 2.8% multiplier for firefighter pensions. This arose out of a June 7, 1999 stipulated Act 312 Award in MERC Case No. L97 B-3058. The specific issue involved was whether the Firefighters Association Local 312 had fully complied with the Act 312 Award provision or whether they should provide further contributions to the City. The City retained attorney Dennis DuBay of the law firm of Keller Thoma to provide a legal opinion on this topic, which he did on December 4, 2009.

The City proposes to use this opinion as a basis for further action in this area and it would be difficult to do so as long as the opinion remained confidential and could not be distributed to other parties. The City Manager and City Attorney do not foresee any damage resulting to the City from the release of this written opinion and recommend that the City Council waive attorney-client privilege so that it may be released.

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

Adopted unanimously.

Subject: Contract for Weed and Seed Evaluation – Independent Contractor

Manager's Recommendation: I recommend approval of the agreement between the City of Saginaw and Dianne Hobbes, in the amount of \$5,844, for her to again act as Program Evaluator for the Weed and Seed Grant activities.

Funds are available in the Community Policing Fund – Weed and Seed Division's Professional Services Account No. 260-3321-741.80-01.

Justification: One of the grant requirements for the Weed and Seed Grant program is the submission of a written program evaluation. A total of \$5,000 of grant funds was allocated for this project in the first year, and Dianne Hobbes entered into an agreement to perform that function. A total of \$5,844 was allocated for fiscal year 2009-2010 for program evaluation. The Steering Committee of the Weed and Seed Grant program has again selected Dianne Hobbes to research and construct this evaluation. Ms. Hobbes already performs other grant activities for the City on a contract basis. However, this evaluation will again require a separate contract. The Evaluator will coordinate her work with that of the present Site Coordinator, Ronald O'Brien.

She will act as an independent contractor and receive total compensation of \$5,844, pursuant to the schedule set out in the contract, but no other benefits. The contractor will indemnify the City for any liability. The City will make the initial payments for the services and obtain reimbursement through the federal grant.

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

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

Nays: Councilman Coulouris -1.

Absent: Councilwoman Seals-1.

CONSIDERATION AND PASSING OF ORDINANCES
AN UNCODIFIED INTERIM ORDINANCE IMPOSING A TEMPORARY
MORATORIUM ON CERTAIN LAND USES CONNECTED
WITH THE USE OF MARIHUANA FOR MEDICAL PURPOSES

WHEREAS, the State of Michigan, by voter referendum of November, 2008 approved the use of medical marihuana; and

WHEREAS, this law has been identified as Initiated Law 1 of 2008, MCL 333.26421 and executive reorganization order numbers 1996-1, 1996-2 and 2003-1, MCL 330.3101, MCL 445.2001 and MCL 445.2011; and

WHEREAS, such laws and state regulations have not addressed the appropriate land use associated with these activities; and

WHEREAS, the present zoning and land use ordinances do not address the proper location of such activities as, until the recent referendum, many of the activities were illegal and not permitted in any zoning classification, and

WHEREAS, the experience of other states with similar law changes has been that unregulated land use has caused substantial problems for communities, and

WHEREAS, THE City of Saginaw has a legitimate purpose in addressing the proper location and land use for this new activity in appropriate areas, and

WHEREAS, this review process may take several months to properly accomplish, and

WHEREAS, the City is legitimately concerned that uses may be established in inappropriate locations before the revised land use ordinances may be drafted and enacted, thereby defeating the purpose of the ordinance.

WHEREAS, it is a routine and appropriate method to forestall such problems to enact a reasonable moratorium on all land uses for medical marihuana until such an ordinance can be drafted and enacted,

NOW, THEREFORE, BE IT RESOLVED, that the City of Saginaw hereby temporarily denies use of land for the following activities:

1. Cultivation or processing of marihuana;
2. Distribution or dispensing of marihuana;
3. Smoking or other administration of marihuana;
4. Stores for specialized equipment for cultivation, processing, distributing or administering marihuana; and
5. Specialized schools or training for cultivation, processing, distributing or administering marihuana, and

BE IT FURTHER RESOLVED, that the moratorium forbidding such land use shall terminate and be of no further effect upon the effective date of a land use ordinance regulating such activities or after six months from the effective date of this moratorium, whichever shall first occur.

Council Action: Councilman Coulouris moved that the adoption of this ordinance be postponed until January 11, 2009, giving the City Attorney time to reconsider some of the language, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Councilman Virciglio moved that an ordinance introduced December 7, 2009, entitled and reading as follows, be taken up and enacted, seconded by Councilwoman Kitterman-Miller:

O-94

AN ORDINANCE TO DELETE "LOW INCOME HOUSING TAX EXEMPTION FOR WOLGAST CORPORATION", AND TO ADD IN ITS PLACE "LOW INCOME HOUSING TAX EXEMPTION FOR WICKES PARK HOMES LIMITED DIVIDEND HOUSING ASSOCIATION PARTNERSHIP", TO THE TABLE OF SPECIAL ORDINANCES VIII.

Section 1. "Low Income Housing Tax Exemption For Wolgast Corporation", is hereby deleted and "Low Income Housing Tax Exemption For Wickes Park Homes Limited Dividend Housing Association Partnership," is hereby added in its place to the Table of Special Ordinances VIII of the City Of Saginaw Code Of Ordinances, O-1, and shall read as follows:

LOW INCOME HOUSING TAX EXEMPTION

This ordinance shall provide for a service charge in lieu of taxes for a proposed single-family lease/purchase dwelling project for persons of low income to be financed or assisted pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

(A) *Preamble.*

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge to be paid in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL Section 125.1401 et seq.). The City is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The City acknowledges that Wickes Park Homes Limited Dividend Housing Association Partnership (the "sponsor") has offered, subject to receipt of a Mortgage Loan from the Michigan State Housing Development Authority, to erect, own and operate a housing development identified as Wickes Park Homes on certain property located in the City of Saginaw, County of Saginaw, State of Michigan described on Exhibit A which is kept on file with the City Clerk, the keeper of records for the City of Saginaw, and is incorporated herein by reference to serve persons of low income; and that the Sponsor has offered to pay to the City on account of such Housing Development an annual service charge for public services in lieu of all taxes.

(B) *Definitions.*

(1) Act means the State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, as amended.

(2) Annual Shelter Rents means the total collections during an agreed annual period from all occupants of a Housing Development representing rent or occupancy charges, exclusive of charges for gas, electricity, water and sanitary sewer service, or other utilities furnished to the occupants.

(3) Authority means the Michigan State Housing Development Authority.

(4) Contract Rents are as defined by the U. S. Department of Housing and Urban Development in regulations promulgated pursuant to the U. S. Housing Act of 1937, as amended.

(5) Family means low income persons and families: persons or families eligible to live in the Housing Development.

(6) Housing Development means a development which contains a significant element of housing for Persons of Low Income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for Persons of Low Income.

(7) Mortgage Loan means a loan to be made by the Authority to the Sponsor for the construction and/or permanent financing of the Housing Development.

(8) Sponsor means person(s) or entities which have applied to the Authority for a Mortgage Loan to finance a Housing Development.

(C) *Class of Housing Developments.*

It is determined that the class of Housing Development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be family, which are financed or assisted pursuant to the Act. It is further determined that Wickes Park Homes is of this class.

(D) *Establishment of Annual Service Charge.*

The Housing Development identified as Wickes Park Homes and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The City, acknowledging that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, and in consideration of the Sponsor's offer, subject to receipt of a Mortgage Loan from the Authority to construct, own, and operate the Housing Development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to four (4%) percent of Annual Shelter Rents.

(E) *Limitation on the Payment of Annual Service Charge.*

Notwithstanding Section D, the service charge to be paid each year in lieu of taxes for the part of the Housing Development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development

were not tax exempt.

(F) *Contractual Effect of Ordinance.*

Notwithstanding the provisions of Section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor, with the Authority as a third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes as previously described is effectuated by enactment of this Ordinance. The City Manager and the City Clerk shall be and hereby are authorized to execute any and all contracts which may be required by the Authority for the purpose of effectuating and executing the provisions of this section.

(G) *Payment of Service Charge.*

The annual service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the City except that the annual payment shall be paid on or before January 1 of each year.

(H) *Duration.*

This Ordinance shall remain in effect and shall not terminate so long as the Mortgage Loan remains outstanding and unpaid or the Authority has any interest in the property; provided, that the construction of the Housing Development commences within one year from the effective date of this Ordinance.

(I) *Severability.*

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

Section 2. This ordinance shall become effective December 31, 2009.

Enacted: December 21, 2009.

Adopted unanimously.

EXHIBIT A

PARCEL 1 – BRIARFIELD COURT BLOCK

LOTS 1 THROUGH 3, BLOCK 1, MEDINA SALT COMPANY'S ADDITION TO THE CITY OF SAGINAW AS RECORDED IN LIBER 38 OF PLATS ON PAGE 99 OF SAGINAW COUNTY RECORDS, ALSO LOTS 1 THROUGH 14 OF BLOCK 3, DERBY'S ADDITION TO THE CITY OF SAGINAW AS RECORDED IN LIBER 38 OF DEEDS ON PAGE 185 OF SAGINAW COUNTY RECORDS AND ALSO UNPLATTED LAND BEING A PART OF THE SOUTHEAST ¼ OF SECTION 35, T12N, R4E, CITY OF SAGINAW, SAGINAW COUNTY, MICHIGAN, BEING FURTHER DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 3, DERBY'S ADDITION; THENCE N 00°30'38" E, 308.69 FEET; THENCE N 89°29'22" W, 25.09 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, AN ARC DISTANCE OF 37.82 FEET, SAID CURVE HAVING A RADIUS OF 55.00 FEET, CHORD BEARING AND DISTANCE OF S 70°48'37" W, 37.08 FEET AND CENTRAL ANGLE OF 39°24'02"; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, AN ARC DISTANCE OF 248.43 FEET, SAID CURVE HAVING A RADIUS OF 55.00 FEET, CHORD BEARING AND DISTANCE OF N 00°30'38" E, 85.00 FEET AND

CENTRAL ANGLE OF 258°48'04"; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, AN ARC DISTANCE OF 37.82 FEET, SAID CURVE HAVING A RADIUS OF 55.00 FEET, CHORD BEARING AND DISTANCE OF S 69°47'21" E, 37.08 FEET AND CENTRAL ANGLE OF 39°24'02"; THENCE S 89°29'22" E, 25.09 FEET; THENCE N 00°30'38" E, 239.74 FEET; THENCE N 89°21'52" W, 240.11 FEET; THENCE S 00°30'38" W, 608.40 FEET; THENCE S 89°21'30" E, 240.11 FEET, TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 3, DERBY'S ADDITION, AND THE POINT OF BEGINNING.

PARCEL 2 – PINEMEADOW COURT BLOCK

LOTS 1 THROUGH 14 OF BLOCK 14, DERBY'S ADDITION TO THE CITY OF SAGINAW AS RECORDED IN LIBER 38 OF DEEDS ON PAGE 185, SAGINAW COUNTY RECORDS BEING FURTHER DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER LOT 7, BLOCK 14, DERBY'S ADDITION; THENCE S 00°30'38" W, 226.59; THENCE N 89°29'22" W, 25.09 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, AN ARC DISTANCE OF 37.82 FEET, SAID CURVE HAVING A RADIUS OF 55.00 FEET, CHORD BEARING AND DISTANCE OF N 69°47'21" W, 37.08 FEET AND CENTRAL ANGLE OF 39°24'02"; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, AND ARC DISTANCE OF 248.43 FEET, SAID CURVE HAVING A RADIUS OF 55.00 FEET, CHORD BEARING AND DISTANCE OF S 00°30'38" W, 85.00 FEET AND CENTRAL ANGLE OF 258°48'04"; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, AN ARC DISTANCE 37.82 FEET, SAID CURVE HAVING A RADIUS OF 55.00 FEET, CHORD BEARING AND DISTANCE OF N 70°48'37" E, 37.08 FEET AND CENTRAL ANGLE OF 39°24'02"; THENCE S 89°29'22" E, 25.09 FEET; THENCE S 00°30'38" W, 117.00 FEET; THENCE N 89°23'42" W, 240.11 FEET; THENCE N 00°30'38" E, 403.75 FEET; THENCE S 89°21'30" E, 240.11 FEET, TO THE NORTHEAST CORNER OF LOT 7, BLOCK 14 DERBY'S ADDITION, AND THE POINT OF BEGINNING.

PARCEL 3

LOTS 1 AND 2, BLOCK 1, RUST AND HAYS ADDITION TO THE CITY OF SAGINAW, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 1 OF PLATS, PAGE 21, SAGINAW COUNTY RECORDS, ALSO LOTS 1, 2, AND PART OF LOT 3, BLOCK 3, BATTELLE ADDITION TO THE CITY OF SAGINAW, ACCORDING TO THE PLAT THEREOF, RECORDED IN LIBER 76 OF DEEDS, PAGE 25, SAGINAW COUNTY RECORDS, ALSO UNPLATTED LAND BEING A PART OF THE NORTHEAST ¼ OF SECTION 2, T11N-R4E, CITY OF SAGINAW, SAGINAW COUNTY, MICHIGAN, LYING BETWEEN THE PLAT OF RUST AND HAYS ADDITION AND BATTELLE ADDITION TO THE CITY OF SAGINAW, BEING MORE PARTICULARLY DESCRIBED AS; BEGINNING AT THE NORTHEAST CORNER OF LOT 2, BLOCK 1, RUST AND HAYS ADDITION TO THE CITY OF SAGINAW; THENCE S 00°30'48" W, 676.83 FEET; THENCE N 89°29'12" W, 239.97 FEET; THENCE N 00°30'38" E, 557.02 FEET; THENCE S 89°26'22" E, 120.00 FEET; THENCE N 00°30'48" E, 120.00 FEET; THENCE S 89°26'22" E, 120.00 FEET, TO THE NORTHEAST CORNER OF LOT 2, BLOCK 1, RUST AND HAYS ADDITION TO THE CITY OF SAGINAW, AND POINT OF BEGINNING.

MOTIONS AND MISCELLANEOUS BUSINESS

Mayor Branch noted that due to the Charter Amendment proposal approved in November, Council now meets twice monthly. The next meeting is scheduled for January 11, 2010, at 6:30 p.m.

ADJOURNMENT

At 9:27 p.m., Councilwoman Kitterman-Miller moved to adjourn the meeting, seconded by Councilman Virciglio.
Adopted unanimously.

Diane M. Herman
City Clerk