

## Council Agenda

October 25, 2010 6:30 p.m., Council Chamber

### PRAYER AND PLEDGE OF ALLEGIANCE

### ROLL CALL

### CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

October 11, 2010 regular Council meeting.

### ANNOUNCEMENTS:

Attorney William Cowdry to accept proclamation designating October 24 – 30, 2010 as Pro Bono Week in the City of Saginaw.

### PUBLIC HEARINGS:

### PERSONAL APPEARANCES:

### REMARKS OF COUNCIL:

### PETITIONS:

### REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARD AND COMMISSION MEMBERS:

#### From the City Planning Commission:

1. Explaining Resolution No. 1 that amends the official city map by vacating a 45' portion of the 20' alley between 403 South Porter and 1021 Van Buren Streets.
2. Explaining Resolution No. 2 that amends the official city map by vacating a 45' portion of the 20' alley between 820 Lyon and 521 South Webster Streets.

### REPORTS FROM MANAGER:

#### Management Update:

#### Recommended Actions:

1. Recommending approval of the deed conveying 809 South Charles to Saginaw Habitat for Humanity. The deed has been approved by the City Manager as to

- substance and the City Attorney as to form. Further recommend that the Mayor and City Clerk be authorized to sign the deed.
2. Recommending that the Geographic Information Services Professional Services Agreement between the City of Saginaw and the Saginaw Area GIS Authority be approved. The total amount of the Agreement is \$126,738.07. The Agreement has been approved by the City Manager as to substance and the City Attorney as to form. The term of the Agreement is for a period of three years and is retroactive back to October 1, 2010 and ends on September 30, 2013.
  3. Recommending that a purchase order be approved and issued to Innovative Software Services, Inc. in the amount of \$7,813.00 for the renewal of annual software maintenance/support. The maintenance covers the Income Tax software used by the Fiscal Services Department, Income Tax Division, and includes all support and updates to the software for one year. Funds are budgeted and available in the Department of Technical Services – Operating Services Account, No. 658 1720 711 8005.
  4. Recommending acceptance of the quote from Delta Controls Corp. and issuance of a purchase order to them in the amount of \$2,590.00 for two replacement probes for use at the Wastewater Treatment Plant. Funds are available in the Sewer Operations and Maintenance Fund – Remote Facilities Division’s Parts and Supplies Account, No. 590 4835 861 7330.
  5. Recommending acceptance of the quote and issuance of a purchase order to Pumps Plus, Inc. in the amount of \$4,296.00 for the purchase of two flow controller units for use by the Wastewater Treatment Plant. The flow controller is a part for the slurry cup grit removal system. Funds are available in the Sewer Operations and Maintenance Fund – Treatment and Pumping Division’s Parts and Supplies Account, No. 590 4830 861 7330.
  6. Recommending approval of payment to Bendzinski & Co., Municipal Finance Advisors, in an amount not to exceed \$45,000.00 for providing financial advisory services. Funds are available in the Water Operation and Maintenance Fund – Administration’s Professional Services Account, No. 591 4710 851 8001.
  7. Recommending acceptance of the quote from Choice Office Products (Saginaw, MI) in the amount of \$2,863.88, and the quote from Office Depot (Cincinnati, OH) in the amount of \$1,552.00 for the purchase of office equipment for the Weed and Seed Office. Funds are available in the Community Policing Fund – Weed and Seed Division’s, Capital Outlay/Office Equipment Account, No. 260 3321 741 9760.
  8. Recommending acceptance of the bid and issuance of a purchase order to TEAMINTEL, the sole bidder, in the amount of \$15,005.00 for the purchase of

surveillance equipment for the Weed and Seed Office. This surveillance equipment is necessary to provide real time police initiatives as defined in the Weed and Seed application. Funds are available in the Community Policing Fund – Weed and Seed Division’s Capital Outlay/Capital Outlay less than \$5,000.00 Account, No. 260 3321 741 9705.

9. Recommending acceptance of the Department of Justice Weed and Seed Grant in the amount of \$157,000, agree to follow the rules and restrictions of the grant and authorize the City Manager or his designee to execute the grant acceptance and all other related documents.
10. Recommending acceptance of the bid and issuance of an annual purchase order to Ferrell Gas in the amount of \$3,428.00 for the purchase of propane fuel for the boiler system at the Green Point Nature Center. Funds are budgeted in the General Fund Building and Grounds Maintenance Division Supplies and Fuel Account, No. 101 7575 821 7307.
11. Recommending acceptance of the bid and issuance of a purchase order to Bostik GMC Truck in the amount of \$4,073.80 for the purchase of a western contractor grade pro snowplow assembly to be installed on one of the vehicles used to support leaf collection and snow removal. Funds are available in the Major Streets Fund – Routine Maintenance Division, Capital Outlay/Repair and Replacement Account, No. 202 4651 841 9720.

INTRODUCTION OF ORDINANCES:

1. An Ordinance to amend the official map by vacating a 45’ portion of the 20’ alley located between 820 Lyon and 521 South Webster Streets in the City of Saginaw.
2. An Ordinance to amend the official city map by vacating a 45’ portion of the 20’ alley located between 403 South Porter and 1021 Van Buren Streets in the City of Saginaw.

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to amend §90.02, “Permits,” §90.05, “False Alarms,” §90.06, “False Alarms: Fees,” and Paragraph (B) of §90.09, “Defective Alarms,” and to add §90.10, “Billing, Collection and Penalties,” to Chapter 90, “Alarms” of Title IX, “General Regulations” of the Saginaw Code of Ordinances O-1.

RESOLUTIONS:

1. Declaring the City's intent to vacate a 45' portion of the 20' alley between 403 South Porter and 1021 Van Buren Streets.
2. Declaring the City's intent to vacate a 45' portion of the 20' alley between 820 Lyon and 521 South Webster Streets.
3. Transferring 2010 Class C Liquor License with Dance Entertainment Permit at 201-211 N. Washington Avenue.
4. Authorizing the issuance of Water Supply System Revenue Bonds adopted October 25, 2010.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Darnell Earley  
City Manager

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Delta Level Probes

**Manager's Recommendation:**

I recommend that the quote from Delta Controls Corp. be accepted and a purchase order be issued to them in the amount of \$2,590.00 for two replacement probes.

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 and Maintenance Fund - Remote Facilities Division's Parts and Supplies Account, No. 590-4835-861.73-30.

**Justification:**

On August 23, 2010, we received a quote from Delta Controls Corp. in the amount of \$2,590.00, for two replacement probes for which they are the sole source. Delta Controls Corp. is the manufacturer of the level meters and probes used at several of our Retention and Treatment Basins.

**Council Action**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Annual Innovative Software Services, Inc. maintenance/support renewal payment

**Manager's Recommendation:**

I recommend that a purchase order be approved and issued to Innovative Software Services, Inc. in the amount of \$7,813.00, for the renewal of annual software maintenance/support. The maintenance covers the Income Tax software used by the Fiscal Services Department, Income Tax Division, and includes all support and updates to the software for one year.

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 Department of Technical Services Operating Services Account, No. 658-1720-711.80-05.

**Justification:**

The City annually renews our maintenance and license fees for City Tax Software. Innovative Software Services, Inc. is the proprietary owner of the City Tax Income Tax software. This annual renewal of maintenance and license fees is for a 12-month period and did not increase from last year.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Bendzinski & Co. Municipal Finance Advisors

**Manager's Recommendation:**

I recommend approval of payment to Bendzinski & Co., Municipal Finance Advisors ("Bendzinski"), in an amount not to exceed \$45,000.00 for providing financial advisory services.

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

Funds for this service are available in Water Operation and Maintenance Fund – Administration's Professional Services Account, No. 591-4710-851.80-01.

**Justification:**

The City is entering into a Financial Advisory Service Agreement with Bendzinski for the issuance of Water System Revenue Bonds in the amount of \$18,000,000.00 for improvements to the Water Treatment Plant and water distribution system. Fees for these services will not exceed \$45,000.00.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**Manager's Recommendation:** Approval of the resolution as follows:

## **SUPPLEMENTAL RESOLUTION AUTHORIZING ISSUANCE OF WATER SUPPLY SYSTEM REVENUE BONDS ADOPTED OCTOBER 25, 2010**

Council \_\_\_\_\_ offered and moved adoption of the following resolution:

WHEREAS, by resolution adopted on March 6, 2000 (the "Resolution"), the City Council of the City of Saginaw authorized the issuance of its Water Supply System Revenue and Revenue Refunding Bonds, Series 2000 in the aggregate principal amount of \$10,010,000 (the "Series 2000 Bonds") under Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), to finance improvements to the System (as defined in the Resolution) and to refund then outstanding water supply system revenue bonds of the City; and

WHEREAS, by resolution adopted on December 17, 2007 that supplemented the Resolution (the "2008 Supplemental Resolution"), the City Council of the City authorized the issuance of its Water Supply System Revenue Bonds, Series 2008 in the aggregate principal amount of \$11,100,000 (the "Series 2008 Bonds") under Act 94 to finance improvements to the System; and

WHEREAS, the Resolution authorizes the issuance of Additional Bonds (as defined therein) of equal standing with the Series 2000 Bonds and the Series 2008 Bonds for the acquisition and construction of repairs, enlargements, extensions, additions and improvements to the System if the actual or augmented Net Revenues (as defined therein) of the System for the then last preceding audited Fiscal Year (as defined therein) shall be equal to at least 125% of the Maximum Annual Debt Service (as defined therein) on the Series 2000 Bonds, the Series 2008 Bonds and any Additional Bonds then being issued; and

WHEREAS, the only Bonds outstanding on the date hereof under the Resolution are the Series 2000 Bonds and the Series 2008 Bonds; and

WHEREAS, this City Council does hereby determine that it is necessary to acquire and construct the 2010 Project (as hereinafter defined); and

WHEREAS, the cost of the 2010 Project is estimated to be Eighteen Million Dollars (\$18,000,000); and

WHEREAS, the City desires to issue one or more series of Additional Bonds, as authorized by the Resolution and Act 94, to pay all or part of the cost of acquiring, constructing and installing the 2010 Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Saginaw, Saginaw County, Michigan, as follows:

1. 2010 SUPPLEMENTAL RESOLUTION. This resolution (hereinafter referred to as the “2010 Supplemental Resolution”) is adopted in accordance with Section 26(a)(i) of the Resolution and pursuant to the authority contained in Act 94.

2. DEFINITIONS. All terms which are defined in Section 1 of the Resolution shall have the same meanings in this 2010 Supplemental Resolution including the preambles thereto. In addition, the following terms shall have the following meanings in this 2010 Supplemental Resolution:

(a) “ARRA” means the American Recovery and Reinvestment Act of 2009, being Public Law No. 111-5, 123 Stat. 115 (2009), enacted on February 17, 2009 by the Congress of the United States.

(b) “Build America Bonds” means Series 2010 Bonds that meet the definition of a “build America bond” in Section 54AA(d) of the Code and the definition of a “qualified bond” under Section 54AA(g)(2) of the Code and for which the City will be allowed a Refundable Credit, all as authorized by Section 1531, Title 1 of Division B of ARRA.

(c) “Code” means the Internal Revenue Code of 1986, as amended.

(d) “Interest Payment Date” means each January 1 and July 1 on which interest shall be payable on the Series 2010 Bonds, as provided in a Sale Order.

(e) “Recovery Zone Economic Development Bonds” means Build America Bonds that meet the definition of a “recovery zone economic development bond” in Section 1400U-2 of the Code and for which the City will be allowed a Refundable Credit, all as authorized by Section 1400U-2 of the Code.

(f) “Refundable Credit” means (i) with respect to the Build America Bonds, if any, an amount equal to 35 percent of the interest due on the Build America Bonds on each Interest Payment Date, to be paid to the City by the United States Department of Treasury in accordance with Sections 54AA and 6431 of the Code, and (ii) with respect to Recovery Zone Economic Development Bonds, if any, an amount equal to 45 percent of the interest due on the Recovery Zone Economic Development Bonds on each Interest Payment Date, to be paid to the City by the United States Department of Treasury in accordance with Sections 1400U-2 and 6431 of the Code.

(g) “Sale Order” means, with respect to each series of the Series 2010 Bonds, the written order of the City Manager approving the sale of the Series 2010 Bonds and making certain determinations regarding the final terms thereof within the parameters of this 2010 Supplemental Resolution.

(h) “Series 2010 Bonds” means, collectively, each series of the City’s Water Supply System Revenue Bonds, as authorized by this 2010 Supplemental Resolution.

(i) “Tax-Exempt Bonds” means Series 2010 Bonds the interest on which is excluded from gross income for federal income tax purposes.

(j) “2010 Project” means the following improvements to the System: the replacement of water mains along Genesee Avenue, Woodbridge Avenue, Court Street, Michigan Avenue, Hamilton Street, Niagara Street, Ames Street and Madison Street; the relocation of a water main due to the vacation of Second Avenue; the construction of a new water main loop generally between the Aqua Pump Station and Center Road in Saginaw Township; the acquisition of portable generator stations; the construction of improvements to the reservoir and pump station in Kochville Township;

the construction of improvements to the City's water treatment plant on Ezra Rust Drive; and the acquisition of electronic meter reading equipment.

3. NECESSITY; PUBLIC PURPOSE. It is hereby determined to be a necessary public purpose of the City to acquire, construct and install the 2010 Project.

4. ESTIMATES OF PERIOD OF USEFULNESS AND COST. The Council adopts the estimates of twenty years and upwards as the period of usefulness of the 2010 Project and \$18,000,000 as the cost of the 2010 Project (including no capitalized interest), which estimates are now on file with the City Clerk.

5. AUTHORIZATION OF SERIES 2010 BONDS - PURPOSE. The Series 2010 Bonds, aggregating the principal sum of not to exceed Eighteen Million Dollars (\$18,000,000), shall be issued and sold as revenue bonds in one or more series pursuant to Act 94, for the purpose of defraying all or part of the cost of acquiring, constructing and installing the 2010 Project, including payment of bond insurance premiums, if any, legal, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2010 Bonds, as determined by the City Manager in one or more Sale Orders.

6. SERIES 2010 BOND DETAILS. Each series of the Series 2010 Bonds shall be designated "Water Supply System Revenue Bonds" followed by a series designation that contains the year in which the series of Bonds is being issued and the letter "A" for the first series of Bonds issued in such year, the letter "B" for the second series of Bonds issued in such year and so forth for subsequent series in such year; shall be payable out of Net Revenues, as more fully set forth in Section 7 of the Resolution, shall be dated as of such date set forth in the related Sale Order; shall be issued as Serial Bonds or Term Bonds, or a combination thereof, as determined by the City Manager in the related Sale Order; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 7.00% per annum, in the case of Tax-Exempt Bonds, if any, and 9.00% per annum, in the case of

Build America Bonds or Recovery Zone Economic Development Bonds, if any, to be determined by the City Manager in the related Sale Order, payable on each Interest Payment Date; shall mature on July 1 in such years and amounts as shall be determined by the City Manager in the related Sale Order; and shall be sold at a purchase price to be determined by the City Manager in the related Sale Order.

7. PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the Series 2010 Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the Series 2010 Bonds to the Bond Registrar as they severally mature. Interest shall be paid to the registered owner of each Series 2010 Bond as shown on the registration books of the City kept by the Bond Registrar at the close of business on the 15th day of the calendar month preceding the month in which the interest payment is due (the "Record Date"). Interest shall be paid when due by check or draft drawn upon and mailed by the Bond Registrar to the registered owner on the Record Date at the registered address as of said Record Date. Interest on the Series 2010 Bonds shall be computed on the basis of a 360-day year consisting of twelve 30-day months.

8. MANDATORY REDEMPTION. If any of the Series 2010 Bonds are designated as Term Bonds in a Sale Order such Series 2010 Bonds shall be subject to mandatory redemption at a redemption price of par and accrued interest to the redemption date in accordance with the Sale Order and upon the terms and conditions set forth in the form of Series 2010 Bonds contained in Section 14 hereof. The Series 2010 Bonds to be so redeemed shall be selected by lot.

9. OPTIONAL AND EXTRAORDINARY OPTIONAL REDEMPTION. The Series 2010 Bonds may be subject to optional redemption prior to maturity on any date at least ten (10) years after the date of issuance thereof at a redemption price of not more than 102% of the principal amount thereof and accrued interest to the redemption date, as set forth in a Sale Order. The Series 2010 Bonds may be subject to extraordinary optional redemption in the event that the Refundable Credits are no longer available with respect to the Build America Bonds or the Recovery Zone Economic

Development Bonds, if any, as set forth in a Sale Order. The Series 2010 Bonds to be so redeemed in accordance with this Section 9 shall be selected by lot and shall be subject to the terms and conditions contained in the form of Series 2010 Bonds contained in Section 14 hereof.

10. BOOK-ENTRY SYSTEM. Initially, one fully-registered Series 2010 Bond for each maturity of each series of the Series 2010 Bonds, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”) for the benefit of other parties (the “Participants”) in the book-entry-only transfer system of DTC. In the event the City determines that it is in the best interest of the City not to continue the book-entry system of transfer or that the interests of the holders of the Series 2010 Bonds might be adversely affected if the book-entry system of transfer is continued, the City may notify DTC and the Bond Registrar, whereupon DTC will notify the Participants of the availability through DTC of Series 2010 Bond certificates. In such event, the Bond Registrar shall deliver, transfer and exchange Series 2010 Bond certificates as requested by DTC and any Participant or “beneficial owner” in appropriate amounts in accordance with the Resolution and this 2010 Supplemental Resolution. DTC may determine to discontinue providing its services with respect to the Series 2010 Bonds at any time by giving notice to the City and the Bond Registrar and discharging its responsibilities with respect thereto under applicable law or the City may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the City shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the City and the Bond Registrar shall be obligated to deliver Series 2010 Bond certificates in accordance with the procedures established by the Resolution and this 2010 Supplemental Resolution. In the event Series 2010 Bond certificates are issued, the provisions of the Resolution and this 2010 Supplemental Resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the City and the Bond Registrar to do so, the City and the Bond Registrar shall cooperate with DTC in taking appropriate action after reasonable

notice to make available one or more separate certificates evidencing the Series 2010 Bonds to any Participant having Series 2010 Bonds certificated to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the Series 2010 Bonds.

Notwithstanding any other provision of this 2010 Supplemental Resolution to the contrary, so long as any Series 2010 Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on the Series 2010 Bonds and all notices with respect to the Series 2010 Bonds shall be made and given, respectively, to DTC as provided in the Blanket Issuer Letter of Representations between the City and DTC. The City Manager is authorized to sign the Blanket Issuer Letter of Representations on behalf of the City in such form as the City Manager deems necessary or appropriate in order to accomplish the issuance of the Series 2010 Bonds in accordance with law and the Resolution and this 2010 Supplemental Resolution.

11. EXECUTION AND DELIVERY OF SERIES 2010 BONDS. The Series 2010 Bonds shall be executed in the name of the City with the facsimile signatures of the Mayor and City Clerk and shall have a facsimile of the City's seal printed thereon. No Series 2010 Bond shall be valid until authenticated by an authorized representative of the Bond Registrar. The Series 2010 Bonds shall be delivered to the Bond Registrar for authentication and be delivered by the Bond Registrar to the City Treasurer for delivery to the purchasers upon payment of the purchase price for the Series 2010 Bonds.

12. PAYMENT OF BONDS; DEFEASANCE. As provided in Section 7 of the Resolution, the Bonds and the interest thereon shall be payable solely from the Net Revenues (except to the extent payable from the proceeds of bond insurance or other credit enhancement or from the proceeds of Bonds), and to secure such payment there is hereby created a statutory lien upon the whole of the Net Revenues which shall be a first lien, to continue until payment in full of the principal of and interest on all Bonds (including the Series 2000 Bonds, the Series 2008 Bonds, the Series 2010 Bonds and any Additional Bonds) payable from the Net Revenues, or, until Sufficient cash,

Sufficient Government Obligations, Sufficient Municipal Obligations or combination thereof shall have been deposited in trust for payment in full of the principal of and the interest on all Bonds to be paid or defeased to their maturity, or, if called or if irrevocable instructions have been given to call for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. Upon deposit of Sufficient cash, Sufficient Government Obligations, Sufficient Municipal Obligations or any combination thereof, as provided in the previous sentence, the statutory lien herein created shall be terminated with respect to the Bonds to be defeased, the holders of these Bonds shall have no further rights under the Resolution, the 2008 Supplemental Resolution or this 2010 Supplemental Resolution except for payment from the deposited funds and for rights of replacement, registration and transfer, and such Bonds shall no longer be considered to be outstanding under the Resolution, the 2008 Supplemental Resolution or this 2010 Supplemental Resolution.

13. SERIES 2010 BOND PROCEEDS. On the date the Series 2010 Bonds are issued and delivered to the original purchaser thereof, the proceeds of the sale of the Series 2010 Bonds shall be deposited as follows:

(a) First, there shall be deposited in the Redemption Fund an amount equal to the accrued interest and premium, if any, received on the delivery of the Series 2010 Bonds and the City may take credit for the amount so deposited against the amount required to be deposited in the Redemption Fund for payment of the next maturing interest on the Series 2010 Bonds.

(b) Next there shall be deposited in the Bond Reserve Account an amount sufficient, when added to any other deposits made by the City, to meet the Bond Reserve Requirement, but not in excess of the maximum permitted by the Code.

(c) The balance of the proceeds of the sale of the Series 2010 Bonds shall be deposited in the Construction Fund and used to pay the cost of acquiring, constructing and installing the 2010 Project including engineering fees, legal and financial advisor fees, bond insurance premiums or other credit enhancement fees, if

any, rating agency fees and other expenses incident to the acquisition, construction and installation of the 2010 Project and the issuance of the Series 2010 Bonds therefor.

14. FORM OF SERIES 2010 BONDS. The Series 2010 Bonds shall be in substantially the following form, with such changes and additions as shall be determined to be appropriate.

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF SAGINAW  
  
CITY OF SAGINAW  
WATER SUPPLY SYSTEM REVENUE BOND  
SERIES 2010

INTEREST RATE      MATURITY DATE      DATE OF ORIGINAL ISSUE      CUSIP

Registered Owner:

Principal Amount:

The City of Saginaw, County of Saginaw, State of Michigan (the "City"), acknowledges itself indebted to, and for value received hereby promises to pay to, the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at \_\_\_\_\_ in the City of \_\_\_\_\_, Michigan, the bond registrar and paying agent, or at such successor bond registrar and paying agent as may be designated pursuant to the Resolution (as hereinafter defined), and to pay to the Registered Owner, as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal Amount until the City's obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on the first days of January and July in each year, commencing on July 1, 20\_\_\_. Principal and interest are payable in lawful money of the United States of America.

This bond is one of a series of bonds (the "Series 2010 Bonds") of even date and like tenor, except as to denomination, rate of interest and date of maturity, aggregating the principal sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) issued by the City under and pursuant to a resolution duly adopted by the City Council of the City on March 6, 2000, as supplemented by resolutions adopted by the City Council of the City on December 17, 2007 and October 25, 2010 (as supplemented, the "Resolution") and an

order of the City Manager of the City and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying the cost of acquiring, constructing and installing improvements to the Water Supply System of the City (the "System") and the costs of issuing the Series 2010 Bonds.

#### OPTIONAL REDEMPTION

Series 2010 Bonds maturing prior to July 1, 20\_\_, are not subject to optional redemption prior to maturity. Series 2010 Bonds maturing on and after July 1, 20\_\_, are subject to redemption prior to maturity at the option of the City, in such order as shall be determined by the City, on any on or more dates on and after July 1, 20\_\_. Series 2010 Bonds of a denomination greater than \$5,000 may be partially redeemed in the amount of \$5,000 or any integral multiple thereof. If less than all of the Series 2010 Bonds maturing in any year are to be redeemed, the Series 2010 Bonds or portions of Series 2010 Bonds to be redeemed shall be selected by lot. The redemption price shall be the par value of the Series 2010 Bond or portion of the Series 2010 Bond called to be redeemed plus interest to the date fixed for redemption without premium.

#### EXTRAORDINARY OPTIONAL REDEMPTION

The Series 2010 Bonds shall be subject to extraordinary optional redemption as follows:]

#### MANDATORY REDEMPTION

Series 2010 Bonds maturing in the year \_\_\_\_\_ are subject to mandatory prior redemption at par and accrued interest as follows:

<u>Redemption Date</u>	<u>Principal Amount of Series 2010 Bonds to be Redeemed</u>
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Series 2010 Bonds or portions of Series 2010 Bonds to be redeemed by mandatory redemption shall be selected by lot.

In case less than the full amount of an outstanding Series 2010 Bond is called for redemption, the bond registrar and paying agent, upon presentation of the Series 2010 Bond called in part for redemption, shall register, authenticate and deliver the registered owner a new Series 2010 Bond in the principal amount of the portion of the original Series 2010 Bond not called for redemption.

Not less than thirty days notice of redemption shall be given to the holders of Series 2010 Bonds called to be redeemed by mail to the registered holder at the registered address. Series 2010 Bonds or portions of Series 2010 Bonds called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.

This bond is a self-liquidating bond and is not a general obligation of the City and does not constitute an indebtedness of the City within any constitutional, statutory or charter limitation, but is payable, both as to principal and interest, solely from the net revenues of the System, including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"). The principal of and interest on this bond are secured by a statutory lien on the Net Revenues. The bonds of this series shall have equal standing with outstanding bonds issued pursuant to the Resolution and with any additional bonds that may be issued pursuant to the Resolution.

For a complete statement of the revenues and reserves from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued, the rights and limitations on the owner of this bond and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Resolution.

The City has covenanted and agreed, and does hereby covenant and agree to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the principal of and interest on this bond and any other bonds payable from the Net Revenues as and when the same shall become due and payable, and to maintain a bond redemption fund and a bond reserve account therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Resolution.

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

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

IN WITNESS WHEREOF, the City of Saginaw, County of Saginaw, State of Michigan, by its City Council, has caused this Series 2010 Bond to be executed in its name by the facsimile signatures of its Mayor and City Clerk and a facsimile of its corporate seal to be imprinted hereon, all as of the Date of Original Issue. This Series 2010 Bond shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the bond registrar and paying agent.

CITY OF SAGINAW

(Seal)

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor

CERTIFICATE OF AUTHENTICATION

This bond is one of the Series 2010 Bonds described in the within mentioned Resolution.

\_\_\_\_\_  
Bond Registrar and Paying Agent

By: \_\_\_\_\_  
Authorized Representative

Date of Authentication:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_ (please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and hereby irrevocably constitutes and \_\_\_\_\_ appoints

\_\_\_\_\_ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_

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

[END OF SERIES 2010 BOND FORM]

15. COVENANTS. The City covenants and represents to the register owners of the Bonds that so long as any of the Bonds remain outstanding and unpaid as to either principal or interest:

(a) The City shall acquire and construct the 2010 Project promptly and in accordance with the plans therefor.

(b) The City agrees to take all action, and refrain from taking any action, that is necessary, including making any rebate payments to the United States government that may be required by the Code, which are hereby authorized to be paid from the Operation and Maintenance Fund as an expense of the System, so as not to impair the exclusion of the interest on the Tax-Exempt Bonds, if any, from gross income for federal income tax purposes.

(c) The City covenants to comply with all requirements of the Code necessary to assure that the Build America Bonds, if any, will be and will remain “build America bonds” within the meaning of Section 54AA(d) of the Code and “qualified bonds” under Section 54AA(g)(2) of the Code. In furtherance thereof, the City covenants (i) to comply with all requirements of the Code necessary to assure that the interest on the Build America Bonds, if any, but for the provisions of Section 54AA of the Code, would be and would remain excludable from gross income for federal income tax purposes under Section 103 of the Code, and (ii) to use 100% of the available project proceeds of the Build America Bonds only for capital expenditures.

(d) The City covenants to comply with all requirements of the Code necessary to assure that the Recovery Zone Economic Development Bonds, if any, will be and will remain “recovery zone economic development bonds” within the meaning of Section 1400U-2 of the Code. In furtherance thereof, the City covenants (i) to comply with all requirements of the Code necessary to assure that the interest on the Recovery Zone Economic Development Bonds, if any, but for the provisions of Section 54AA of the Code, would be and would remain excludable from gross income for federal income tax purposes under Section 103 of the Code, and (ii) to use 100% of the available project proceeds of the Recovery Zone Economic Development Bonds only for one or more

“qualified economic development purposes” within the meaning of Section 1400U-2 of the Code.

(e) The City covenants to deposit all Refundable Credits received with respect to the Build America Bonds and Recovery Zone Economic Development Bonds, if any, in the Redemption Fund.

16. APPROVAL OF MICHIGAN DEPARTMENT OF TREASURY. The issuance and sale of the Series 2010 Bonds shall be subject to permission being granted therefor by the Department of Treasury of the State of Michigan and the City Manager is authorized and directed, if necessary, to make application to the Department of Treasury for permission to issue and sell the Series 2010 Bonds as provided by the terms of this 2010 Supplemental Resolution.

17. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF SERIES 2010 BONDS; AUTHORIZATION OF OFFICERS. (a) The City Manager is authorized to sell any series of the Series 2010 Bonds at a negotiated sale to an underwriter to be selected by the City Manager (the “Underwriter”). The negotiated sale to the Underwriter is authorized to provide the City maximum flexibility to achieve the lowest possible interest costs with respect to the Series 2010 Bonds. The sale of each series of the Series 2010 Bonds shall be made pursuant to the terms and conditions to be set forth in a Bond Purchase Agreement (the “Purchase Agreement”) between the City and the Underwriter. The City Manager is authorized to execute and deliver the Purchase Agreement in such form as shall be approved by the City Manager, with such approval to be evidenced by his signature thereon. The Sale Order for any series of the Series 2010 Bonds shall be executed by the City Manager at the time of the sale of such series of the Series 2010 Bonds and shall set forth the principal amount, principal maturities and payment dates, interest rates and Interest Payment Dates, and redemption provisions, if any, with respect to the Series 2010 Bonds, purchase price to be paid by the Underwriter and compensation to be paid to the Underwriter, if any, designation as Tax-Exempt Bonds, Build America Bonds or Recovery Zone Economic Development Bonds, as the case may be, purpose of such series of Series 2010 Bonds, as well as such other provisions as the City Manager determines to be necessary or

appropriate in connection with the sale of such series of the Series 2010 Bonds. In making the determination in a Sale Order with respect to principal maturities and dates, redemption provisions, purchase price of the Series 2010 Bonds, compensation to be paid to the Underwriter, if any, and designation of the Bonds as either Tax-Exempt Bonds, Build America Bonds or Recovery Zone Economic Development Bonds, the City Manager shall be limited as follows:

(1) The interest rate on any Tax-Exempt Bond shall not exceed 7.00% per annum and the interest rate on any Build America Bond or Recovery Zone Economic Development Bond shall not exceed 9.00% per annum.

(2) The final maturity date of the Series 2010 Bonds shall be no later than July 1, 2031.

(3) The purchase price of the Series 2010 Bonds shall not be less than 98.5% of the principal amount thereof.

(4) The Underwriter's discount with respect to the Series 2010 Bonds or the compensation to be paid to the Underwriter shall not exceed 1.50% of the principal amount of the Series 2010 Bonds.

(5) The City Manager is authorized to designate any series of the Series 2010 Bonds as Build America Bonds or Recovery Zone Economic Development Bonds, as provided in Sections 54AA and 1400U-2 of the Code, respectively, if he determines that such designation is economic and in the best interests of the City.

Notwithstanding the foregoing, the City Manager shall not be authorized to execute and deliver a Sale Order or to execute and deliver a Purchase Agreement as provided in this Section 17 unless and until he has determined that the conditions providing for the issuance of Additional Bonds, as set forth in Section 22 of the Resolution, have been satisfied with respect to the Series 2010 Bonds being sold pursuant to such Purchase Agreement.

(b) The Mayor, the City Clerk, the City Manager and other officers of the City are each hereby authorized and directed, on behalf of the City, to take any and all actions,

perform any and all acts and execute any and all contracts, certificates and other documents as shall be required, necessary or desirable to effect the proper sale, issuance, delivery, transfer and exchange of the Series 2010 Bonds in accordance with the provisions of the Resolution and this 2010 Supplemental Resolution, including but not limited to: (1) organizing presentations to rating agencies and obtaining a rating or ratings for the Bonds; and (2) making such filings with the Michigan Department of Treasury with respect to the Bonds as are required by Act 34.

18. BOND REGISTRAR AND PAYING AGENT. U.S. Bank National Association is hereby appointed bond registrar and paying agent for the Series 2010 Bonds, and the City Manager may enter into an agreement with such bond registrar and paying agent. The City Manager from time to time may designate, and may enter into an agreement with, a new bond registrar and paying agent, which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan.

19. OFFICIAL STATEMENT; CONTINUING DISCLOSURE: The City Manager is authorized to cause the preparation of a preliminary official statement and a final official statement for the Series 2010 Bonds for the purpose of enabling compliance with SEC Rule 15c2-12 (the "Rule") by the successful bidder or bidders and to do all other things necessary to enable compliance with the Rule by the successful bidder or bidders. After the award of the Series 2010 Bonds, the City shall provide, on a timely basis, up to 150 copies of the final official statement at its expense (and such additional copies of the final official statement as reasonably requested by, and at the expense of, the successful bidder or bidders) to enable the successful bidder or bidders to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

The City Manager is authorized to deliver a continuing disclosure certificate to the purchasers of the Series 2010 Bonds, pursuant to which the City will undertake to provide annual reports and notices of certain events to assist the purchasers of the Series 2010 Bonds in complying with paragraph (b)(5) of the Rule.

20. AMENDMENTS TO THE RESOLUTION. In accordance with Section 26(a)(iii) of the Resolution, Sections 1 and 11 of the Resolution are amended as hereinafter provided to cure an ambiguity with respect to the amount of interest due on Bonds that are Build America Bonds and/or Recovery Zone Economic Development Bonds in light of the Refundable Credits to be received with respect to such Bonds.

(a) Amendment to Section 1 of the Resolution. The following is substituted for and in the place of the definition of “Maximum Annual Debt Service” in Section 1 of the Resolution:

“(u) ‘Maximum Annual Debt Service’ means, at any point in time, with respect to Bonds then outstanding, the maximum amount of principal and interest becoming due in the then current or any future Fiscal Year, calculated as provided in this definition, provided that the amount of interest becoming due in the then current or any future Fiscal Year shall be adjusted downward to take into account the amount of Refundable Credits to be received with respect to any Bonds in such Fiscal Year. For purposes of calculating Maximum Annual Debt Service the principal amount due in each Fiscal Year shall be assumed to be made in accordance with any amortization schedule established for such debt, including any scheduled mandatory redemption of Bonds, and for such purpose, the mandatory redemption payment shall be deemed a principal payment; provided, however, that principal of and interest on Bonds maturing on the first day of any Fiscal Year shall be deemed for purposes of this definition to mature on the last day of the immediately preceding Fiscal Year.”

(b) Amendment to Section 11 of the Resolution. The following is substituted for and in the place of the third sentence of the first paragraph of Section 11 of the Resolution:

“Such rates shall be fixed and revised from time to time as may be necessary to produce the greater of (1) the amounts hereinbefore set forth

in this Section 11 or (2) an amount so that the Net Revenues during each Fiscal Year are projected at the beginning of such Fiscal Year to be equal to not less than 110% of the annual principal and interest requirements coming due during such Fiscal Year on all Bonds (such interest requirements to be adjusted downward to take into account the amount of Refundable Credits to be received with respect to any Bonds in such Fiscal Year), and the City hereby covenants and agrees at all times to fix and maintain such rates for services furnished by the System as shall be sufficient to provide for the foregoing.”

21. SEVERABILITY; SECTION HEADINGS. If any section, paragraph, clause or provision of this 2010 Supplemental Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this 2010 Supplemental Resolution. The section headings in this 2010 Supplemental Resolution are furnished for convenience of reference only and shall not be considered to be part of this 2010 Supplemental Resolution.

22. PUBLICATION AND RECORDATION. This 2010 Supplemental Resolution shall be published in full in the *Saginaw News*, a newspaper of general circulation in the City qualified under State law to publish legal notices, promptly after its adoption and shall be recorded in the official proceedings of the City Council and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

23. RATIFICATION OF RESOLUTION; CONFLICTING RESOLUTIONS. The Resolution, as amended and supplemented by the 2008 Supplemental Resolution and this 2010 Supplemental Resolution, is hereby ratified and confirmed. All other resolutions and parts of other resolutions insofar as they may be in conflict herewith are hereby rescinded.

24. EFFECTIVE DATE. This 2010 Supplemental Resolution shall take effect immediately.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** 809 South Charles Municipal Covenant Deed

**Manager's Recommendation:**

I recommend that the deed conveying 809 South Charles to Saginaw Habitat for Humanity ("SHFH") be approved. The consideration for the deed is One Dollar and 00/100 (\$1.00). The deed has been approved by the City Manager as to substance and the City Attorney as to form. It is further recommended that City Council authorize the Mayor and City Clerk to sign the deed.

**Justification:**

The City received grant monies pursuant to the Neighborhood Stabilization Program ("NSP") 1 grant. Congress enacted NSP to benefit communities that were overburdened with foreclosed and abandoned properties. The City has a development agreement with SHFH. Pursuant to the terms of that agreement, SHFH rehabilitates and sells the property to eligible buyers.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Accepting Saginaw Eastside Weed and Seed Grant

**Manager's Recommendation:**

I recommend the City accept the Department of Justice Weed and Seed Grant in the amount of \$157,000 agree to follow the rules and restrictions of the grant, and authorize the City Manager or his designee to execute the grant acceptance and all other related documents. This document has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

The City has received funds from the Department of Justice in the two previous years for this program. It has entered into acceptance agreements for the prior years and found the conditions and restrictions acceptable. This grant agreement is similar in content and scope and should present no problems in execution.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation from the City Manager be approved.

# COUNCIL COMMUNICATION

Council \_\_\_\_\_ introduced an ordinance entitled and reading as

follows:

AN ORDINANCE TO AMEND THE OFFICIAL CITY MAP BY VACATING A 45' PORTION OF THE 20' ALLEY LOCATED BETWEEN 820 LYON AND 521 SOUTH WEBSTER STREETS, IN THE CITY OF SAGINAW.

Laid over under the charter provision.

# COUNCIL COMMUNICATION

Council \_\_\_\_\_ moved that an ordinance introduced October 25, 2010, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO VACATE A 45' PORTION OF THE 20' ALLEY BETWEEN 820 LYON AND 521 SOUTH WEBSTER STREETS, LOCATED IN THE CITY OF SAGINAW AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS TO BE ADDED TO THE TABLE OF SPECIAL ORDINANCES, SECTION II STREET VACATIONS, OF THE SAGINAW CODE OF ORDINANCES.

The City of Saginaw Ordains:

Section 1. That a 45' portion of the 20' alley between 820 Lyon and 521 South Webster Streets, Block 15, City of Saginaw, be and same is hereby vacated.

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

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

Section 4. This ordinance shall take effect on December 2, 2010.

Enacted: November 22, 2010.

# COUNCIL COMMUNICATION

**From:** The City Planning Commission

**Subject:** Amend the official city map by vacating a 45' portion of the 20' alley between 820 Lyon and 521 South Webster Streets

**Planning Commission Recommendation:**

It is recommended that the official city map be amended by vacating a 45' portion of the 20' alley between 820 Lyon and 521 South Webster Streets, subject to a standard easement for reservation for public utilities, cable tv and telecommunications.

**Justification:**

Mr. David Ortiz requested that a 45' portion of the 20' alley between 820 Lyon and 531 South Webster Streets be vacated to deter unnecessary traffic through the alley. The petition was referred to the City Planning Commission ("Commission") for investigation and a report with recommendations. The Commission held a public hearing on the request on April 27, 2010, and all interested persons were heard. In addition, all adjacent property owners and all utilities were notified.

From investigation and review of the evidence presented at the hearing, the Commission found in favor of the petition to vacate a 45' portion of the 20' alley between 820 Lyon and 521 South Webster Streets, subject to a standard easement for reservation for public utilities, cable tv, and telecommunications.

**Council Action:**

Council \_\_\_\_\_ moved that the report from the Planning Commission be received and filed and that a resolution be adopted declaring City Council's intention to amend the official city map by vacating the alley.

# COUNCIL COMMUNICATION

## RESOLUTION OF INTENT TO VACATE A 45' PORTION OF THE 20' ALLEY BETWEEN 820 LYON AND 521 SOUTH WEBSTER STREETS

**Planning Commission Recommendation:** approval of the resolution as follows:

Council \_\_\_\_\_ offered and moved adoption of the following resolution:

WHEREAS, the City Planning Commission held a public hearing on April 27, 2010, on a proposal to vacate a 45' portion of the 20' alley between 820 Lyon and 521 South Webster Streets, Block 15, in the City of Saginaw; and

WHEREAS, after a duly advertised public hearing, the Commission found that the public and private interest would best be served by the requested vacation of a portion of the alley between 820 Lyon and 521 South Webster Streets; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby declares its intent to vacate a 45' portion of the 20' alley between 820 Lyon and 521 South Webster Streets, Block 15, in the City of Saginaw.

BE IT FURTHER RESOLVED, that the City Council will meet on November 22, 2010, at 6:30 p.m., in the Council Chambers at City Hall to hear any objections to the proposed alley vacation.

# COUNCIL COMMUNICATION

Council \_\_\_\_\_ introduced an ordinance entitled and reading as

follows:

AN ORDINANCE TO AMEND THE OFFICIAL CITY MAP BY VACATING A 45' PORTION OF THE 20' ALLEY LOCATED BETWEEN 403 SOUTH PORTER AND 1021 VAN BUREN STREETS, IN THE CITY OF SAGINAW.

Laid over under the charter provision.

# COUNCIL COMMUNICATION

Council \_\_\_\_\_ moved that an ordinance introduced October 25, 2010, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO VACATE A 45' PORTION OF THE 20' ALLEY BETWEEN 403 SOUTH PORTER AND 1021 VAN BUREN STREETS, LOCATED IN THE CITY OF SAGINAW AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS TO BE ADDED TO THE TABLE OF SPECIAL ORDINANCES, SECTION II STREET VACATIONS, OF THE SAGINAW CODE OF ORDINANCES.

The City of Saginaw Ordains:

Section 1. That a 45' portion of the 20' alley between 403 South Porter and 1021 Van Buren Streets, Block 135, City of Saginaw, be and same is hereby vacated.

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

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

Section 4. This ordinance shall take effect on December 2, 2010.

Enacted: November 22, 2010.

# COUNCIL COMMUNICATION

**From:** The City Planning Commission

**Subject:** Amend the official city map by vacating a 45' portion of the 20' alley between 403 South Porter and 1021 Van Buren Streets

**Planning Commission Recommendation:**

It is recommended that the official city map be amended by vacating a 45' portion of the 20' alley between 403 South Porter and 1021 Van Buren Streets, subject to a standard easement for reservation for public utilities, cable tv and telecommunications.

**Justification:**

Ms. Mary Schell requested that a 45' portion of the 20' alley between 403 South Porter and 1021 Van Buren Streets be vacated to deter unnecessary traffic through the alley. The petition was referred to the City Planning Commission ("Commission") for investigation and a report with a recommendation. The Commission held a public hearing on the request on June 22, 2010, and all interested persons were heard. In addition, all adjacent property owners and all utilities were notified.

From investigation and review of the evidence presented at the hearing, the Commission found in favor of the petition to vacate a 45' portion of the 20' alley between 403 South Porter and 1021 Van Buren Streets, subject to a standard easement for reservation for public utilities, cable tv and telecommunications.

**Council Action:**

Council \_\_\_\_\_ moved that the report from the Planning Commission be received and filed and that a resolution be adopted declaring City Council's intention to amend the official city map by vacating the alley.

# COUNCIL COMMUNICATION

## RESOLUTION OF INTENT TO VACATE A 45' PORTION OF THE 20' ALLEY BETWEEN 403 SOUTH PORTER AND 1021 VAN BUREN STREETS

**Planning Commission Recommendation:** Approval of the resolution as follows:

Council \_\_\_\_\_ offered and moved adoption of the following resolution:

WHEREAS, the City Planning Commission held a public hearing on June 22, 2010, on a proposal to vacate a 45' portion of the 20' alley between 403 South Porter and 1021 Van Buren Streets, Block 135, in the City of Saginaw; and

WHEREAS, after a duly advertised public hearing, the Commission found that the public and private interest would best be served by the requested vacation of a portion of the alley between 403 South Porter and 1021 Van Buren Streets; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby declares its intent to vacate a 45' portion of the 20' alley between 403 South Porter and 1021 Van Buren Streets, Block 135, in the City of Saginaw.

BE IT FURTHER RESOLVED, that the City Council will meet on November 22, 2010, at 6:30 p.m., in Council Chambers at City Hall to hear any objections to the proposed alley vacation.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Liquor License for 201-211 N. Washington Avenue

**Manager's Recommendation:**

I recommend approval of the request to transfer ownership of a 2010 Class C licensed business with Dance-Entertainment Permit, located at 201-211 N. Washington, Saginaw, MI 48607, Saginaw County from Temple Management Company, LLC to State Street Grill, Ltd. & Temple Theatre Foundation (co-licensees).

**Justification:**

On or about September 9, 2010, the City received notice from the Michigan Liquor Control Commission of the request to transfer ownership of a 2010 Class C licensed business with Dance-Entertainment Permit, located at 201-211 N. Washington, Saginaw, MI 48607, Saginaw County from Temple Management Company, LLC to State Street Grill, Ltd. & Temple Theatre Foundation (co-licensees).

The Saginaw County Health Department, City of Saginaw Fire Prevention and the City Building Inspections Division have completed the necessary inspections at 201-211 N. Washington and the City Police Department has completed its review process and has approved 201-211 N. Washington for the license transfer as required by Chapter 110, "General Provisions," of Title XI, "Business Regulations" of the Saginaw Code of Ordinances. Under Chapter 111, "Alcoholic Beverages," §111.11, "Application for License," the City Manager is to review all applications and departmental reports and give his recommendation to City Council of his approval or disapproval of the license. Since the necessary requirements have been met by State Street Grill, Ltd. & Temple Theatre Foundation, I hereby recommend approval of the ownership transfer for the 2010 Class C licensed business with Dance-Entertainment Permit, located at 201-211 N. Washington, Saginaw, MI 48607, Saginaw County from Temple Management Company, LLC to State Street Grill, Ltd. & Temple Theatre Foundation (co-licensees).

**Council Action:**

This Council Communication is for explanation purposes only of the Resolution to be adopted.

# COUNCIL COMMUNICATION

**Manager's Recommendation:** Approval of the resolution as follows:

**RESOLUTION TRANSFERRING 2010 CLASS C LIQUOR LICENSE WITH DANCE ENTERTAINMENT PERMIT AT 201-211 N. WASHINGTON AVENUE**

Council \_\_\_\_\_ offered and moved adoption of the following resolution:

WHEREAS, on or about September 9, 2010 the City Clerk's Office received a Local Approval Notice from the State of Michigan Liquor Control Commission; and

WHEREAS, said notice to transfer ownership of a 2010 Class C licensed business with Dance-Entertainment Permit, located at 201-211 N. Washington, Saginaw, MI 48607, Saginaw County from Temple Management Company, LLC to State Street Grill, Ltd. & Temple Theatre Foundation (co-licensees); and

WHEREAS, the Saginaw County Health Department, City of Saginaw Fire Prevention, City Police Department and the City Building Inspections Division have approved 201-211 N. Washington.

NOW, THEREFORE, BE IT RESOLVED, that the request to transfer ownership of a 2010 Class C licensed business with Dance-Entertainment Permit, located at 201-211 N. Washington, Saginaw, MI 48607, Saginaw County from Temple Management Company, LLC to State Street Grill, Ltd. & Temple Theatre Foundation (co-licensees) be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Propane For Green Point Nature Center

**Manager's Recommendation:**

I recommend acceptance of the sole bid and issuance of a purchase order to Ferrell Gas in the amount of \$3,428.00 for the annual purchase of approximately 1,800 gallons of propane fuel.

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 Building and Grounds Maintenance Division - Supplies and Fuel Account, No.101-7575-821.73-07.

**Justification:**

The Green Point Nature Center is owned and maintained by the City of Saginaw and operates a propane boiler for the heating system. Service is required approximately three (3) times as needed during the months of October 2010 through April 2011.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Western Plow Contractor Grade Pro

**Manager's Recommendation:**

I recommend that the bid from Bostik GMC Truck be accepted and a purchase order be approved and issued to them in the amount of \$4,073.80 for the purchase of a snowplow assembly.

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 Major Streets Fund - Routine Maintenance Division, Capital Outlay/Repair and Replacement Account, No. 202-4651-841.97-20.

**Justification:**

The Municipal Garage, received bids from three vendors for an 8'6" Western Plow Contractor Grade Pro that is to be installed on Vehicle 53-0649 to support leaf collection and snow removal services in the Right of Way Division, Streets Section. Following is a tabulation of the bids submitted:

Bostik GMC Truck Pontiac, MI	\$4,073.80
Scientific Gaylord, MI	\$4,615.00
N.B.C.Truck Equipment Detroit, MI	\$4,624.00

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be accepted.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Saginaw Area Geographic Information Services Authority Professional Services Agreement

**Manager’s Recommendation:**

I recommend that the Geographic Information Services (“GIS”) Professional Services Agreement between the City of Saginaw (“City”) and Saginaw Area GIS Authority (“SAGA”) be approved. The total amount of the Agreement is One Hundred Twenty-Six Thousand Seven Hundred and Thirty-Eight Dollars and 07/100 (\$126,738.07). The Agreement has been approved by the City Manager as to substance the City Attorney as to form.

**Justification:**

SAGA desires to enter into a Professional Services Agreement with the City. Specifically, SAGA wants the City to provide it with designated GIS services. City personnel have considerable GIS expertise in this area. The City is considered a leader in this area. City personnel will maintain the SAGA countywide parcel and information retrieval program through the internet.

The term of the Agreement is for a period of three years. It is retroactive back to October 1, 2010 and ends on September 30, 2013. The City will receive yearly compensation in the following amounts:

<u>Year</u>	<u>Amount</u>
2011	\$40,202.40
2012	\$42,212.52
2013	\$44,323.15

There will be an annual compensation increase of five percent (5%) in the years 2011 and 2012.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Purchase of Office Equipment for Weed and Seed Office

**Manager's Recommendation:**

I recommend that the quote from Choice Office Products, Saginaw, MI in the amount \$2,863.88, and the quote from Office Depot, Cincinnati, OH in the amount of \$1,552.00 be accepted and a purchase order be issued to them in the designated amounts.

These vendors meet all the requirements of 14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure", of Chapter 14, "Finance and Purchasing" of Title 1, "General Provisions" of Saginaw Code of Ordinances O-1.

Funds are available in the Community Policing Fund - Weed and Seed Division's, Capital Outlay/Office Equipment Account Number 260-3321-741.9760.

**Justification:**

This office furniture is necessary to expand the services provided to include tutoring and Phase II of DEFY (Drug Education for Youth), to meet the identified outcomes for the Weed and Seed Initiatives.

On September 21, 2010 the City received bids for office furniture. The following is a tabulation of the bids received and viewed by the Purchasing Committee:

Choice Office Products Saginaw, MI	\$2,863.88
Office Depot Cincinnati, OH	\$4,231.72
Pinnacle Design Saginaw, MI	\$5,475.92
Burskee, LLC Saginaw, MI	\$6,418.31

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Purchase of Surveillance Equipment for Weed and Seed Office

**Manager's Recommendation:**

I recommend that the bid received from the sole bidder TEAMINTEL, Raleigh, NC, be accepted and a purchase order issued to them in the amount of \$15,005.00 to purchase surveillance equipment for the Weed and Seed Office.

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

Funds are available in the Community Policing Fund - Weed and Seed Division's Capital Outlay/Capital Outlay less than \$5,000.00 Account Number 260-3321-741.9705.

**Justification:**

This surveillance equipment is necessary to provide real time police initiatives as defined in the Weed and Seed application. TEAMINTEL is a specialized vendor in the design of surveillance equipment.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Flow Controller

**Manager's Recommendation:**

I recommend that the quote from Pumps Plus, Inc. be accepted and that a purchase order be issued to them in the amount of \$4,296.00 for the purchase of two flow controller units.

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 and Maintenance Fund -Treatment and Pumping Division's Parts and Supplies Account, No. 590-4830-861.73-30.

**Justification:**

On October 14, 2010, we received a quote from Pumps Plus for two flow controller units. The flow controller is a part for the slurry cup grit removal system. The flow controller failed and a temporary is now in place. Due to the importance of this controller to the grit removal system, a replacement unit and one spare are being purchased. Pumps Plus, Inc. is the manufacturer's representative for Eutek and a sole source for replacement parts.

**Council Action**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.