
REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, JUNE 2, 2008, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Rev. James Glenn, Center of Attraction Fellowship, offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Joyce Seals called the meeting to order. The following Councilpersons were present: Gregory Branch, Larry Coulouris, Daniel Fitzpatrick, Amanda Kitterman-Miller, Amos O'Neal, Bill Scharffe, Paul Virciglio, Andrew Wendt and Mayor Joyce Seals-9.

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS

Councilwoman Kitterman-Miller moved to approved the minutes from the regular Council meetings of March 10, 2008 and March 24, 2008.

Adopted unanimously.

ANNOUNCEMENTS

Students from Webber, South and Central Middle School accepted Certificates of Recognition read by Councilman O'Neal, for completing the Key to Success Program.

PERSONAL APPEARANCES

Earl Jesse, 310 S. Harrison, mentioned issues the City has had with HUD over the years including demolitions, the DDA, purchase of the fairgrounds by the Saginaw Housing Commission and the recent halfway house issue. All the money involved is taxpayers' money.

Johnny Sanders, 3420 Grant, said Council is still not doing what they are suppose to, the grass is still tall and houses are not getting torn down. Council does nothing for the citizens. Said the City is going down, not up.

Rev. James Glenn, 2620 Tausend, announced a citywide worship to be held on June 6th at Unity Hall in the Dow Event Center. 800-1,000 people are expected to pray and worship together. Urged all to attend.

Michael Noel, 535 Bethany, told Council of an incident which occurred near Veterans Memorial Parkway where someone was making announcements on a loud speaker insulting people in the area. Believes it is a form of bullying. People need to respect City residents. Thanked Council for addressing his prior issue on a drain which needed cleaning out.

REMARKS OF COUNCIL

Councilman Virciglio said he examined several buildings at the request of the DDA and will report his findings at the next DDA meeting. Mentioned a seminar he recently attended at the Saginaw Intermediate School District which pointed out that the issues most people care about are interrelated despite our background or neighborhood. The meeting stressed that working together will create a City all would be proud to call home. Mentioned a publication in The Saginaw News with a calendar of summer activities.

Councilman Wendt congratulated the children for completing the Key to Success program. Was glad to see the upcoming Worship and Prayer gathering. Said with increased crime and arsons, the City needs prayers. Commended the Fire Department for the hard work they do. Urged anyone having information on criminal activities to please come forward. Expressed his concerns of the City having to pay back \$200,000 in demolition funds. Thanked the PRIDE organization for Memorial Day weekend activities.

Councilman O'Neal expressed his condolences to the parents of the 12-year old senselessly murdered. Urged the community to get involved with the City's youth to encourage them to make good decisions and stay in school, etc. Thanked Peace Lutheran Church for sponsoring a pancake breakfast for the Parishioners on Patrol. Mentioned some areas in the City where the grass was extremely high. Questioned what can be done to address the problem. Requested the City Manager have Dr. Thorns give him a status report on two houses directly across from Morley School.

Councilman Fitzpatrick shared concerns he had with a billboard sign on I-675 which states, "Welcome to Saginaw, Help Us Find Our Thugs." Questioned if the sign could be deleted. It is poor representation for the City. Thanked the Saginaw Police Department for promptly responding to a situation of youth firing paint guns at homes. Thanked the Veterans Association of Saginaw County for their outstanding contributions to Veterans Memorial Plaza and the parade. Stressed the need to bring summer baseball back to Hoyt Park.

Councilwoman Kitterman-Miller said she believes it's the civic responsibility of the 56,000 residents to provide for the City's youth. Also extended her condolences to the family on the death of their 12-year old. Expressed her disdain for those who destroyed the flower boxes and hanging baskets after the Keep Saginaw Beautiful blitz. Said it was senseless and ignorant. Hopes it wasn't adults who did it. Reminded parents the City has a curfew and to know where their children are and what they are doing.

Councilman Coulouris welcomed Bamberger Insurance Agency which relocated to the City from the Township. Said citizens need to decide to take care of their neighborhoods and properties, even if they do pay taxes. Mentioned a newly formed code enforcement group. Showed a violation notice and said citizens who violate ordinances would start seeing such a notice and it will cost them. Warned citizens to clean up their mess or else it will cost them. Expressed his sadness about the recent shooting of the 12-year old. Urged those responsible citizens who have criminal information to come forward.

Councilman Scharffe said he is outraged about the recent shooting. Questioned what can be done to stop the crime. Said people come to Council to complain about grass and taxes and he wishes someone would come and say to the youth who have taken the wrong path, "This is going to end. We don't want you here if you are going to carry a gun illegally." Commended those students who accepted Certificates of Recognition for completing the Key to Success Program. These children are welcome in Saginaw. Was pleased to hear about the worship and prayer program. Believes when a child goes to jail, a parent somewhere along the way dropped the ball.

Mayor Seals told parents to keep their children involved and know their whereabouts and whom they are with. Parents need to start taking charge of their children. Commended 20 students who recently graduated from Delta College's road construction readiness program. Said there are a lot of things to do in the City and named some of the

recent events, concerts and programs she attended. Mentioned she and Councilman Virciglio attending a recent meeting where community leaders discussed how they could collaborate to better utilize the funds within the community. Representatives from Lansing shared their "Power of We" program which has been effective in securing additional funds.

PETITIONS

- 08-15 From C.C. Coté, Lieutenant Commander of the U.S. Navy, requesting that Tarrant Street be vacated or that cement barricades provided by the Navy, and at their expense, be permanently placed on Tarrant Street.
Councilman Coulouris moved to receive and file the Petition.
Adopted unanimously.
Mayor Seals referred the matter to the Planning Commission.
- 08-16 From Frank Loffredo of Saginaw Area Fireworks, requesting permission to display fireworks on the north end of Ojibway Island on July 4, 2008, at 10:15 p.m.
Councilman Virciglio moved to approve the request.
Adopted unanimously.

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

Councilman Fitzpatrick reported on the Saginaw 9-1-1 Authority and the proposed 13.5 million dollar system upgrade where Motorola would replace the current 9-1-1 system and radios with state of the art equipment to be used by law enforcement and fire personnel for emergency calls. The funding will come from assessments on cell phones and land lines.

Councilman Branch requested consideration of appointing Dr. Robert W. Cady to the Saginaw Economic Development Board, with a term to expire June 30, 2011.
Councilman Scharffe moved to approve the appointment.
Adopted unanimously.

Councilman Branch requested consideration of appointing Greg R. McDonald to the City Planning Commission, with a term to expire June 30, 2011.
Councilman Wendt moved to approve the appointment.
Adopted unanimously.

Councilman Branch requested consideration of reappointing Rudolph Patterson to the Zoning Board of Appeals, with a term to expire December 31, 2010.
Councilman Fitzpatrick moved to approve the reappointment.
Adopted unanimously.

Councilman Coulouris reported the Planning Commission approved two items at the May meeting: (1) Phase II of the City-initiated Northmoor Neighborhood Association rezoning an area bounded by Pleasant, Schaeffer, Davenport and Durand from R-2 and R-1 to R-1, Single Family Residence; and (2) the request of West Michigan Avenue

Methodist Church to vacate a portion of an alley between their location and Joslin Street.

Mayor Seals appointed Councilman O'Neal as Chairperson to the Boards and Commission Committee, along with members Councilman Wendt and Mayor Pro Tem Coulouris. Noted that in six months, Councilman Virciglio would be appointed to the Committee and Mayor Pro Tem Coulouris would become Chairperson.

Mayor Seals urged citizens to apply to be a member of one of the City's Boards and Commissions.

Councilwoman Kitterman-Miller requested the application be placed on the City's website.

REPORTS FROM CITY MANAGER

Management Update

City Manager Darnell Earley briefly reviewed the City's Housing Demolition program. Said much of what has been reported by the press is misinformation. Said he was made aware of the matter by the Finance Director in December 2007 during a meeting with the auditors. The auditors reviewed the records and believed the inconsistencies needed to be further explored. A Review Team, along with the auditors, investigated the matter and the findings were submitted to HUD. HUD requested additional information and further details which the City is presently working on. HUD will make the final decision on the issue. He then advised City Council the Executive Board had appointed him the 2008-2009 ICMA President.

Recommended Actions:

Subject: Police & Fire Pension Duty Disability Earnings Limitations

Manager's Recommendation: I recommend lifting the earnings limitation for those Police Officers currently receiving duty disability pensions. This issue has been researched by the Pension Board Secretary and discussed with the Pension Board. A motion was made and approved at its May 2008 Pension Board meeting to recommend that Council lift the earnings limitation cap on Police Patrol duty disability retirements with no restrictions.

Justification: Section 16.18C1(d) of the current Police & Fire Pension Ordinance restricts the outside earnings of Police Officers retiring with Duty Disability pensions to one-half of his/her annual pension dollar amount. This applies to those officers granted a duty disability pension between the dates of January 15, 1992 and July 1, 2004. Currently, only eight (8) police officers are affected by this limitation. Such earnings limitations are not imposed on Fire or Police Command Duty Disability retirees, nor does it apply to any police officer retiring with a duty disability pension on or after July 1, 2004.

Council has the authority to change provisions within the Police & Fire Pension ordinance and has done so once before in 1997. Lifting the earnings limitation imposes no additional cost to the City or to the Pension system.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved.

Adopted unanimously.

Subject: Annual BS&A Software maintenance/support renewal payment

Manager's Recommendation: I recommend that payment be made to BS&A

Software, in the amount of \$3,305.00, for the renewal of annual software maintenance and support. The maintenance covers the Equalizer Assessing system, the main property assessing software used by the Fiscal Services Department, Assessor's Division, and includes all support and updates to the software for one year.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

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

Justification: The City annually renews our maintenance and license fees for BS&A Software. These annual renewals of maintenance and license fees are for a 12-month period.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved.

Adopted unanimously.

Subject: Simen, Figura and Parker, PLC, Agreement.

Recommendation: I recommend approval of the Agreement for Professional Legal Services with Simen, Figura and Parker, PLC. This contract is subject to approval by the City Manager as to substance and the City Attorney as to form.

Justification: The School District of the City of Saginaw filed a lawsuit on May 15, 2008 against the City of Saginaw and Bannum, Inc. contesting the approval of the Community Residential Reentry Center at 2209 Norman. The City has selected attorneys Richard J. Figura and Michael J. Gildner of the law firm of Simen, Figura and Parker, PLC. to represent it in this matter. Many of the law firms in the Saginaw area have conflicts of interest, and this firm has extensive experience in zoning and other areas of municipal law. The rate of compensation to Simen, Figura and Parker, PLC will be at \$100 per hour.

Council Action: Councilman Branch moved that the recommendation from the City Attorney be approved, and that the City Attorney is authorized to execute this agreement.

Adopted unanimously.

Subject: Saginaw Community Foundation Special Project Fund Agreement

Manager's Recommendation: I recommend approval of the Saginaw Community Foundation ("SCF") Special Project Fund Agreement. The Agreement has been approved by me as to substance and the City Attorney as to form. Further, it is recommended that City Council authorize the City Manager to execute the Agreement.

Justification: For the past several months, the City and SCF have discussed a fundraising campaign for the Andersen Water Park Repurposing Project. The parties determined that a fund should be organized to accept contributions. Specifically, the City will establish a fund at the SCF so that donors can make charitable contributions to assist with funding the project.

The City will conduct the project fundraising activities with assistance from the SCF. In addition, SCF's other duties include, accepting contributions, providing receipts to donors and paying project bills. As a result of its efforts, the SCF shall charge a fee of three percent (3%) of donations accepted or a minimum of Five Hundred Dollars and 00/100 (\$500.00).

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved.

Adopted unanimously.

Subject: Spicer Group Lot 1 Parking Agreement

Manager's Recommendation: I recommend that the Agreement with the Spicer Group ("Spicer") to lease parking spaces in Municipal Lot Number 1 be approved. The Agreement is for a period of one year commencing on May 1, 2008 and expiring on April 30, 2009. It has been approved by the City Manager as to substance and the City Attorney as to form.

Justification: Transmitted herewith is a Standard Group Rate Parking Agreement between the City of Saginaw ("City") and Spicer. Under the agreement, Spicer will pay the City Eight Thousand Five Hundred Eighty-Six Dollars and 00/100 (\$8,586.00) per quarter to lease one hundred six (106) parking spaces in the City's Municipal Parking Lot Number 1 located at 220 South Franklin Street. The total amount of the Agreement is Thirty Four Thousand Three Hundred and Forty-Four Dollars and 00/100 (\$34,344.00).

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved.

Adopted unanimously.

Subject: Wastewater Treatment – Thermal Imager

Manager's Recommendation: I recommend that the low bid from Grainger, Inc. be accepted and that a purchase order be issued to them in the amount of \$4,045.00 for the purchase of a Thermal Imager.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

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

Justification: On May 20, 2008, bids were received by the City of Saginaw for the purchase of a Thermal Imaging Unit. Grainger was the low bidder. With this piece of equipment we will be able to identify hot spots in electrical cabinets and correct problems before they result in catastrophic equipment failure. The following is a tabulation of the bids received:

Grainger North Brook, IL	\$4,045.00
Dist-Tron Inc. Menomonee Falls, WI.	\$4,270.25
Northern Industrial Supply Saginaw, MI	\$4,507.06

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved.

Adopted unanimously.

Subject: Lease Agreement with The Asphalt Zipper Company

Manager's Recommendation: I recommend that the Lease Agreement with the Asphalt Zipper Company be approved and a purchase order issued to them in an amount not to exceed \$15,000.00. I have approved this Lease Agreement as to substance and the City Attorney as to form.

This vendor meets all requirements of the City of Saginaw Contract Compliance Provisions Title 1, Chapter 14, §14.35 – 14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the Motor Pool Operations Maintenance Equipment Rental Account No. 661-4480-841.80-50.

Justification: The Streets section of the Right of Way Division has need of an Asphalt Zipper to mill the surfaces of major streets to prepare them for asphalt overlay. In-house personnel will operate it. The base lease agreement is \$9,950.00 for 40 hours of operation and \$300.00 for every additional hour with the City being responsible to replace worn items such as the bits that grind the asphalt.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved.

Adopted unanimously.

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

Manager's Recommendation: I recommend approval of the Financial Advisory Service Agreement ("Agreement") with Bendzinski & Co., Municipal Finance Advisors ("Bendzinski"), in an amount not to exceed \$16,100.00. The Agreement has been approved by me as to substance and by the City Attorney as to form.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-§14.44, of the Saginaw Code of Ordinances.

Funds are available in the Sewer Administration Professional Services Account No. 590-4810-851-8001.

Justification: The City is entering into an Agreement with Bendzinski for the third phase of a project known as the City of Saginaw Wastewater Treatment Plant Preliminary Treatment System Improvements Project ("Phase C"). This project includes the replacement of the screening and grit removal equipment at the Wastewater Treatment Plant. Bendzinski will provide financial advisory services associated with securing a State Revolving Loan for this project and the successful delivery of funds from the Michigan Municipal Bond Authority for Sewage Disposal System Bonds in the amount of \$5,010,000.00.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved.

Adopted unanimously.

Subject: Water and Sewer - Budget Adjustment

Manager's Recommendation: It was recommended and approved during the FY 2007/2008 Budget that the City would utilize the Maximus, Inc., Cost Allocation Plan. As a result of this approval, the City has partially implemented this plan. The following funds must be amended to cover the cost of the plan:

The Sewer Fund – Administration's Internal Service Charges/Indirect Costs line item (590-4810-851.79-20) should be increased by \$175,864.00, from \$704,994.00 to \$880,858.00. Available retained earnings will offset this increase.

The Water Fund – Administration's Internal Service Charges/Indirect Costs line item (591-4710-851.79-20) should be increased by \$576,486.00, from \$378,325.00 to \$954,811.00. Available retained earnings will offset this increase.

Justification: The City contracted with Maximus, Inc., in 2002 to develop a cost allocation plan to ensure that the General Fund would pay for services provided to other funds, such as Water and Sewer. This plan was not updated until 2007. During fiscal year 2008 City Council approved the update of the Maximus, Inc., Cost Allocation Plan. The fiscal year 2008 budget reflects the partial implementation of this plan. The allocation plan will continue to be partially implemented in fiscal year 2009.

Council Action: Councilman Branch moved that the recommendation of the City Manager be approved.

Adopted unanimously

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

Subject: WKCQ Country Music Fest Free Concert

Manager's Recommendation: I recommend that Council consider a request by WKCQ for in-kind service, in lieu of payment, for one half of the special event fees for the Country Music Fest Free Concert scheduled for June 21, 2008 on Ojibway Island.

Justification: On February 1, 2008, the Public Services Department received a special event application from WKCQ for the Country Music Fest Free Concert on June 21, 2008. On May 6, 2008, the City met with WKCQ, who requested that we extend last year's payment terms of half cash and half in-kind advertising for payment of city services. Costs incurred for last year's event were \$16,126.95. Estimates for this year's event indicate that similar costs will be incurred.

An Ordinance became effective on August 19, 2004 to add Chapter 99, "Special Events Regulations" to Title IX, General Regulations of the City of Saginaw Code of Ordinances O-1. Section §99.5 of this ordinance states that fees and insurance will not be waived under any circumstances. The fees would not be waived in this instance, but another form of payment would be accepted.

Council Action: Councilman Scharffe moved that the recommendation of the City Manager be approved.

Adopted unanimously.

CONSIDERATION AND PASSING OF ORDINANCES

Councilman Virciglio moved that an ordinance introduced May 19, 2008, entitled and reading as follows, be taken up and enacted:

O-71

AN ORDINANCE TO AMEND §34.01, "DESIGNATION OF BOUNDARIES OF VOTING PRECINCTS," AND PARAGRAPH (A) OF §34.02 "REGULAR CITY ELECTIONS," OF

CHAPTER 34, "ELECTIONS" OF TITLE III, "ADMINISTRATION" OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. §34.01, "Designation of Boundaries of Voting Precincts," and §34.02 "Regular City Elections," of Chapter 34, "Elections," of Title III, "Administration," of the City of Saginaw Code of Ordinances is hereby amended and shall read as follows:

§ 34.01 DESIGNATION OF BOUNDARIES OF VOTING PRECINCTS.

(A) The territory comprising the one (1) ward of the City shall be divided into twenty-two (22) voting precincts numbered as follows:

Precinct	Precinct
1	11
2	12
3	13
4A	14
4B	15
5	16
6	17
7	18A
8	18B
9	19
10	20

(B) The boundaries of the precincts numerated in Paragraph (A) are as described on the true copy of the official map on file in the City Clerk's Office.

§ 34.02 REGULAR CITY ELECTIONS.

A) Time of filing nominating petitions for office of Council Member. Nominating petitions for the office of Council Member shall be filed with the City Clerk by 4:00 p.m. on the twelfth Tuesday prior to the odd year general election, which is held on the Tuesday succeeding the first Monday in November in every odd-numbered year.

Section 2. This ordinance shall become effective June 12, 2008.

Enacted: June 2, 2008.

Adopted unanimously.

RESOLUTIONS

Subject: Authorization to Serve Alcoholic Beverages on Public Property Directly in front of 114-116 South Hamilton

Manager's Recommendation: I recommend approval of the service of alcoholic beverages to patrons on public property in a fenced-in area on the City sidewalk directly in front of 114-116 South Hamilton between June 3, 2008 and October 31, 2008, contingent upon the vendor, Miller on Hamilton, Inc., receiving approval from the Michigan Liquor Control Commission and that it furnishes the City the mandatory documents and proofs

listed in §132.01(C), Chapter 131, Title XIII, of the Saginaw Code of Ordinances. Further, it is recommended that both the Michigan Liquor Control Commission and the City's resolutions be approved regarding this matter.

Justification: Miller on Hamilton, Inc. requested and was issued an Encroachment Permit from the City Zoning Division to include the installation of a 4' semi-permanent fence on the City sidewalk directly in front of 114-116 South Hamilton. The vendor has further requested that it be allowed to serve alcoholic beverages in this fenced in area during the hours of its operation between June 3, 2008 and October 31, 2008.

Title XIII, Chapter 132, §132.01(C) of the Saginaw Code of Ordinances states that City Council can authorize the service of alcoholic beverages on public property if the vendor provides evidence of all of the following to the satisfaction of the City:

- (1) The precise location where said beverages are to be sold and consumed;
- (2) The date and times for said activities;
- (3) A proper state license for the sale and consumption of alcoholic beverages at the place and times listed in subsections (1) and (2) above;
- (4) Adequate public liability and property damage insurance for the benefit of the City with a company licensed to sell insurance by the state;
- (5) Such other insurance as the City Council deems adequate for the benefit of the City;
- (6) Adequate personnel to control the premises where the alcoholic beverages are to be sold and consumed; and
- (7) Such other reasonable requirements as said City Council deems appropriate.

Miller on Hamilton, Inc. must provide the proper documents to the proper City officials by June 2, 2008. If Miller on Hamilton, Inc. fails to provide the documentation and does not receive approval from the Michigan Liquor Control Commission, it will not be allowed to serve alcoholic beverages in the encroachment area directly in front of 114-116 South Hamilton, during its hours of operation between June 3, 2008 and October 31, 2008.

There are two resolutions related to this matter. One resolution is the form required by the state. The City must use the attached, official resolution provided by the Michigan Liquor Control Commission. In addition, a separate resolution used by the City, which provides specific requirements for Miller on Hamilton, Inc., is also included on the agenda for approval. That resolution does not have to be submitted to the Michigan Liquor Control Commission.

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

RESOLUTION TO PERMIT THE SERVICE OF ALCOHOLIC
BEVERAGES ON PUBLIC PROPERTY AT 114-116 S. HAMILTON

Councilman Branch offered and moved adoption of the following resolution:

WHEREAS, the vendor, Miller on Hamilton, Inc. requested and was issued an Encroachment Permit from the City Zoning Division for 114-116 South Hamilton to include the installation of a 4' semi-permanent fence in an area on the City's sidewalk directly in front of 114-116 South Hamilton; and

WHEREAS, Miller on Hamilton, Inc. has further requested that it be allowed to serve alcoholic beverages in this fenced-in area during the hours of its operation between

June 3, 2008 and October 31, 2008; and

WHEREAS, City Council can provide authorization for the service of alcoholic beverages on public property in accordance with §132.01(C), Chapter 132, Title XIII, of the Saginaw Code of Ordinances; and

WHEREAS, Miller on Hamilton, Inc. must provide certain proofs and documents as itemized under §132.01(C), Chapter 132, Title XIII, of the Saginaw Code of Ordinances and receives approval from the Michigan Liquor Control Commission.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the service of alcoholic beverages on public property in a fenced-in area on the City's sidewalk directly in front of 114-116 South Hamilton, contingent upon Miller on Hamilton, Inc., providing to the City the mandatory documents and proofs listed in §132.01(C), Chapter 132, Title XIII, of the Saginaw Code of Ordinances and receives approval from the Michigan Liquor Control Commission.

BE IT FURTHER RESOLVED, that all insurance requirements will be set by the City and all insurance certificates must be reviewed and approved by the City Attorney prior to the event.

BE IT FURTHER RESOLVED, if Miller on Hamilton, Inc. does not provide the aforementioned mandatory documents and proofs as itemized in §132.01(C), Chapter 132, Title XIII, of the Saginaw Code of Ordinances, it will not be allowed to serve alcoholic beverages in the encroachment area directly in front of 114-116 South Hamilton, Saginaw, Michigan, during its hours of operation between June 3, 2008 and October 31, 2008.

Subject: Authorization to Allow the Sale of Alcoholic Beverages on the Downtown Morley Plaza

Manager's Recommendation: I recommend approval of a Resolution authorizing the sale of alcoholic beverages on the Downtown Morley Plaza, a public property, during the annual PRIDE Friday Night Live concerts to be held on July 11th, July 18th, July 25th, August 1st, August 8th and August 15th, 2008.

Justification: On July 11th, July 18th, July 25th, August 1st, August 8th and August 15th, 2008, PRIDE will host its annual Friday Night Live concerts on the Downtown Morley Plaza, a public property. The sponsor has requested that the City allow it to sell alcoholic beverages during these special events on July 11th, July 18th, July 25th, August 1st and August 15th, 2008, except for August 8th which is Family's Night Out. Title XIII, Chapter 132, Section 132.01(C) of the Saginaw Code of Ordinances states that City Council can authorize the sale of alcoholic beverages on public property if the vendor provides the following to the City:

- (1) The precise location where said beverages are to be sold and consumed;
- (2) The dates and times for said activities;
- (3) A proper state license for the sale and consumption of alcoholic beverages at the place and times listed in subsections (1) and (2) above;
- (4) Adequate public liability and property damage insurance for the benefit of the City with a company licensed to sell insurance in the State of Michigan;
- (5) Such other insurance as the City Council deems adequate for the benefit of the City;
- (6) Adequate personnel to control the premises where the alcoholic beverages

- are to be sold and consumed; and
(7) Such other reasonable requirements as said City Council deems appropriate.

The vendor will provide the proper documents to the proper City officials. If the vendor fails to provide the documentation by June 23, 2008, it will not be allowed to sell alcoholic beverages on the Downtown Morley Plaza. The City will set insurance requirements and all insurance certificates must be reviewed and approved by the City Attorney.

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

**RESOLUTION TO PERMIT THE SALE OF ALCOHOLIC
BEVERAGES ON PUBLIC PROPERTY**

Councilman Virciglio offered and moved adoption of the following resolution:

WHEREAS, PRIDE plans to sponsor its annual Friday Night Live concerts on the Downtown Morley Plaza on July 11th, July 18th, July 25th, August 1st, August 8th and August 15th, 2008; and

WHEREAS, the event sponsor has requested that it be allowed to sell alcoholic beverages on the Downtown Morley Plaza on July 11th, July 18th, July 25th, August 1st and August 15th, 2007, except for August 8th which is Family Night Out; and

WHEREAS, City Council can provide authorization for the sale of alcoholic beverages on public property; and

WHEREAS, the vendor must provide certain documents prior to the event.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the sale of alcoholic beverages on public property during PRIDE's annual Friday Night Live concerts to be held on July 11th, July 18th, July 25th, August 1st and August 15th, 2008, except for August 8th which is Family Night Out, on the Downtown Morley Plaza, provided that the event sponsor provides the mandatory information listed in Title XIII, Chapter 132, Section 132.01(C) of the Saginaw Code of Ordinances no later than June 23, 2008 to the proper City officials.

BE IT FURTHER RESOLVED, if the event sponsor does not provide the documents by the time specified above, it will not be allowed to sell alcoholic beverages on the Downtown Morley Plaza during its annual summer concert series.

BE IT FURTHER RESOLVED that all insurance requirements be set by the City and all insurance certificates must be reviewed and approved by the City Attorney.

Adopted unanimously.

Subject: Application for Local Bridge Program Funds for fiscal year 2011

Manager' Recommendation: I recommend that the City of Saginaw actively seek Local Bridge Program Funds for the rehabilitation of the Norman Street Bridge over Veterans Memorial Parkway. The application is for \$803,000.00, of which the City's share of the cost is estimated to be \$40,150.00. Funds for the City's share will be made available in fiscal year 2011/12 Major Streets Construction Projects Fund Account No. 202-4616-781-8047. The City of Saginaw will be responsible for design and construction engineering

costs.

The Michigan Department of Transportation (MDOT) requires as part of the application process, that a resolution be adopted by City Council indicating that the application has been reviewed and that the City is actively seeking these funds for the rehabilitation of Norman Street Bridge over Veterans Memorial Parkway. This resolution appears under the regular order of business.

Justification: The Norman Street Bridge over Veterans Memorial Parkway was constructed in 1971 and is now in need of repair. The Engineering Division of the Public Services Department advises that the concrete bridge deck and railing is in need of replacement and the steel members are in need of repainting. These repairs are typical for a bridge of this age and are necessary to avoid additional deterioration of the structure. The Local Bridge Program was enacted in 2004 and is the federal legislation that provides funds for bridges. The Michigan Department of Transportation (MDOT) has called for project applications from eligible communities who wish to participate in this program. The applications have to meet certain criteria and because of fund limitations, the applications are evaluated by MDOT and ranked against these criteria. As a project of this magnitude does require substantial lead time to start of work, it is recommended that staff be directed to submit an application for funding no later than June 2, 2008, in order to qualify for consideration in the State's fiscal year 2011 funding program.

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

STATE AND FEDERAL LOCAL BRIDGE PROGRAM FUNDS
FOR NORMAN STREET BRIDGE OVER VETERANS MEMORIAL PARKWAY

Councilman Branch offered and moved adoption of the following resolution:

WHEREAS, The Local Bridge Program Fund provides funding for repair and rehabilitation of local bridges; and

WHEREAS, a need for rehabilitation of the City of Saginaw's Norman Street Bridge over Veterans Memorial Parkway structure exists and has been indicated in a recent engineering report by it's bridge consultant, Spicer Group; and

WHEREAS, the cost of such rehabilitation has been estimated as \$803,000.00 (2008 cost basis); and

WHEREAS, the deadline for submission of new funding applications for the State of Michigan and Federal Local Bridge Program for fiscal year 2011 is June 2, 2008; and

WHEREAS, the application will be prepared and reviewed for the purpose of procuring State and Federal Local Bridge Program Funds for such rehabilitation; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Saginaw is actively seeking Local Bridge Program Funds for the rehabilitation of Norman Street Bridge over Veterans Memorial Parkway, and is willing to participate in its implementation.

Adopted unanimously.

MOTIONS AND MISCELLANEOUS BUSINESS

Mayor Seals announced the Charter Review Committee would meet on Tuesday, June 3, 2008 in Council Chamber at 4:00 p.m.

Council members again commented on the positive and negative ads on

billboards. It was noted that in the past, simply talking with the company yielded positive results.

Council members thanked the City Attorney and Budget Director Yolanda Jones, for providing requested information and for the good job they do. Also congratulated the graduating class of 2008.

ADJOURNMENT

At 8:09 p.m., Councilman Virciglio moved to adjourn the meeting.
Adopted unanimously.

Lynnette A. Hagen
Deputy City Clerk