

REGULAR SESSION - SEPTEMBER 3, 1991

The regular session of the Ann Arbor City Council was called to order at 7:38 p.m. in the City Hall Council Chamber by Mayor Elizabeth S. Brater.

Council stood for one moment of silence.

Mayor Brater led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

PRESENT: Councilmembers Larry Hunter, Ann Marie Coleman, Ingrid B. Sheldon, Kirk D. Dodge, Robert C. Grady, Nelson K. Meade, Mark Ouimet (entered at 8:50 p.m.), Thais Anne Peterson, Robert Eckstein, Mayor Elizabeth S. Brater, 10.

ABSENT : Councilmember Kurt Zimmer, 1.

INTRODUCTIONS

None.

AUDIENCE PARTICIPATION - Reserved Time

RENUKA UTHAPPA - VIOLENCE AGAINST HOMELESS PEOPLE

Renuka Uthappa, 715 Lawrence St., stated that on August 22 a homeless person was unjustly assaulted in a local restaurant, and that police response at the scene was biased against the homeless person. Ms. Uthappa expressed concern with the vulnerability of homeless people to violence and their lack of power to seek recourse, as demonstrated by this incident. Ms. Uthappa requested that City Council investigate the Police Department's policy concerning homeless people, and reprimanded the Ann Arbor News for ignoring concerns of the homeless by choosing not to print information about the incident.

KAREN ZIENERT - PARKING PERMITS AT FULLER POOL

Karen Zienert, 3356 Yellowstone Dr., representing University of Michigan medical students, spoke in opposition to the fee increase for permit parking at the Fuller Pool parking lot, and

suggested that student rates be established for parking on the gravel lot. Ms. Zienert stated that the rate increase does not reflect any increase in services and that the lot remains unimproved and unsafe. (Letters opposing fee increase on file in the City Clerk's Office)

LARRY FOX - COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS)

Larry Fox, 530 S. State St., representing the Homeless Action Committee, expressed concern with the draft Comprehensive Housing Affordability Strategy, which expands on ineffective City policies. Mr. Fox stated that housing provided under this plan would require on-going subsidies, and suggested that available money be used, instead, as a grant to build new units without mortgages. Mr. Fox explained that such housing would remain affordable without additional subsidies, and that the rent from these units could be used to cover taxes and maintenance costs.

PUBLIC HEARINGS

RIDGEWOOD CONDOMINIUMS PLANNED PROJECT SITE PLAN AND LAND DIVISION

A public hearing was conducted on the proposed Ridgewood Condominiums Planned Project Site Plan and Land Division, 6.79 acres, south side of West Liberty Street, east of Stadium Boulevard. Notice of public hearing was published August 22, 1990.

The following persons appeared:

Daniel Ketalaar of Ketalaar Associates, Inc., petitioner, spoke in favor of the project and introduced his associates.

Paul Sieron of William Johnson and Associates, Inc., project planner, presented a rendering of the proposal and stated that the development will be sensitive to the existing single-family neighborhood to the east, as well as to the character of Liberty Street. Mr. Sieron reported that wooded areas and natural features within the site will be preserved and that the buildings are designed to fit within the existing topography. Mr. Sieron explained that the large open spaces between the units were made possible through the use of planned project setback variances.

Ab Kadushin of Kadushin Associates, project architect, spoke in favor of the proposal and stated that the theme of the architecture will be English country-cottage style, in keeping with the natural landscaping of the site.

There being no one else to speak the Chair declared the hearing closed.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Dodge moved that the agenda be approved with the following changes:

CONSENT AGENDA

Add: Resolution of Appreciation to Walter W. Hill for Three Decades of Distinguished Service to the People of Ann Arbor (Mayor Brater)

ORDINANCES - First Reading

Add: Amendment to Chapter 126, Section 10:2(13) - Weight Restrictions

MOTIONS AND RESOLUTIONS

Delete: Resolution to Extend Lease Agreement with Ann Arbor Hands on Museum (Councilmembers Meade and Peterson) **(Rescheduled for September 16, 1991)**

Delete: Resolution to Establish Uniform Airport Rates

Add: Resolution Designating Official Representatives to the Michigan Municipal League Annual Business Meeting

Add and move to beginning of agenda: Resolution Celebrating People's Food Co-op 20th Anniversary (Councilmember Coleman)

On a voice vote the Chair declared the motion carried.

APPROVAL OF COUNCIL MINUTESMINUTES OF AUGUST 19 APPROVED

Councilmember Peterson moved that the regular session minutes of August 19, 1991 be approved as presented.

On a voice vote the Chair declared the motion carried.

CONSENT AGENDACONSENT AGENDA ITEMS APPROVED

Councilmember Coleman moved that the following Consent Agenda items be approved as presented:

R-508-9-91 APPROVED

RESOLUTION TO APPROVE SOUTH MAIN
PROFESSIONAL CENTER ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed South Main Professional Center Annexation, 1.26 acres, 2076 South Main Street.

Whereas, The territory hereinafter described is located in the Township of Pittsfield and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Clark Shuler is the owner of the property; and

Whereas, It is the desire of Clark Shuler to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the City of Ann Arbor, to-wit:

A parcel of land situated in the Northeast 1/4 of the Northwest 1/4 of Section 5, T3S, R6E, of the Michigan Meridian, Pittsfield Township, Washtenaw County, Michigan, and more particularly described as follows: Commencing

at the North 1/4 post of Section 5 of said township and running thence N 87E35'30" West 141.8 feet to the south 1/4 post of Section 32, Ann Arbor Township; thence S 6E23'30" West 348.5 feet to an iron pipe; thence S 51E47'30" West 127.47 feet on the centerline tangent of the Ann Arbor-Saline Road (so-called) to the point of beginning; thence N 38E22'30" West 33.00 feet on an iron pipe; thence N 74E48'30" West 100.65 feet to an iron stake standing 3.0 feet north of the Northeast corner of a house; thence N 82E33'30" West 354.22 feet to an iron pipe; thence S 3E39'30" West 109.89 feet to an iron pipe; thence S 75E26'30" East 314.50 feet to an iron pipe in the Westerly right-of-way line of the road; thence S 75E26'30" East 45.67 feet to the centerline of said road; thence N 51E47'30" East 163.35 feet to the point of beginning. Excepting that portion of subject property deeded to the Board of County Road Commissioners for Washtenaw County recorded in Liber 1202, page 305, Washtenaw County Records, and including that portion of adjacent South Main Street right-of-way.

R-509-9-91 APPROVED

RESOLUTION TO APPROVE APPROPRIATIONS FOR
PRIOR YEAR PURCHASES ORDERS - FY 1991-92

Whereas, The Municipal Garage did not receive encumbered purchases prior to June 30, 1991; and

Whereas, The 1990-91 Municipal Garage encumbered purchase orders where retained for fiscal year 1991-92;

RESOLVED, That City Council approve budget appropriations of \$336,599.00 from the Motor Equipment Fund Undesignated Fund Balance, for fiscal year 1991-92.

R-510-9-91 APPROVED

RESOLUTION TO APPROVE TIRE PURCHASES
AND REPAIR, FISCAL YEAR 1991-92

Whereas, The Municipal Garage purchases new car and truck tires for the City of Ann Arbor's fleet;

Whereas, B & R Tire and Retreading was the lowest responsible bidder under Bid No. 1948, May 8, 1990, for tire purchases and repair;

Whereas, Bid No. 1948 allowed for two one-year renewal periods under the same terms and conditions as exist in the current contract; and

Whereas, On May 16, 1991 the Personnel Human/Rights Department approved B & R Tire;

RESOLVED, That City Council approve the issuance of a purchase order to B & R Tire and Retreading for fiscal year 1991-92, the first renewal period under Bid No. 1948, in the amount of \$107,000.00; and

RESOLVED, That Council approve B & R Tire for a one-year extension, for fiscal year 1992-93, under the same terms and conditions as exist in Bid No. 1948, in an amount not to exceed the Municipal Garage's approved 1992-93 budgeted tire accounts.

R-511-9-91 APPROVED

RESOLUTION TO APPROVE PURCHASE OF 1,215 ADDITIONAL CURBCARTS FOR THE MULTI-FAMILY RECYCLING PROGRAM - BID NO. 2070

Whereas, The City of Ann Arbor has committed to providing recycling services to all multi-family complexes by May, 1992 as part of its Comprehensive Recycling Ordinance;

Whereas, The City will require the purchase of 1,215 recycling curbcarts to complete implementation of this program;

Whereas, Toter, Inc. was the lowest qualified bidder for the 105 gallon curbcarts under Bid No. 2070, and was originally awarded the bid for 1,400 curbcarts;

Whereas, Toter, Inc. has made a commitment to honor the original price of \$54.75 per curbcart for an additional six months under the "Additional Purchase" clause of the bid;

Whereas, The City will require delivery of 810 of the curbcarts within 90 days, with the balance to be shipped within six months; and

Whereas, The Human Rights Department approved Toter, Inc. on January 16,

1991;

RESOLVED, That City Council approve the purchase of 1,215 recycling curbcarts from Toter, Inc. at a cost of \$54.75 each;

RESOLVED, That the City receive the curbcarts in three shipments over a six-month period; and

RESOLVED, That the City Administrator be directed to issue a purchase order in the amount of \$66,521.25 to Toter, Inc. to deliver 1,215 Toter Model No. 40005 105-gallon multi-family recycling curbcarts, in accordance with this resolution and Bid No. 2070.

R-512-9-91 APPROVED

RESOLUTION TO APPROVE FY 1991-92 CITY
GENERAL FUND HUMAN SERVICES CONTRACTS

Whereas, The Human Services Task Force and City Council have approved the allocation of specific General Fund amounts for the following agencies for the FY 1991-92 program year;

Whereas, Service contracts between the City and each agency have been negotiated as directed by City Council; and

Whereas, The Personnel/Human Rights Department has reviewed and approved these contractors as of April 11, 1991;

RESOLVED, That the Mayor and City Council do hereby approve the contracts with the agencies listed below and authorize the Mayor and City Clerk to execute the contracts substantially in the form on file in the Office of the City Clerk for the amounts indicated, beginning July 1, 1991 and terminating June 30, 1992.

<u>Agency</u>	<u>Funding</u>	<u>Account Nos.</u>
Catholic Social Services	\$12,000	010-002-4010-7040
	11,000	010-002-4020-7040
	7,500	010-002-4050-7040

Center for Occupational and Personalized Education (COPE)	\$19,000	010-002-4035-7042
Second Baptist Church- Human Services	\$12,000	010-002-4010-7195

RESOLVED, That these human service programs funded by the General Fund shall give priority in targeting services to very low-income families and individuals; and

RESOLVED, That these programs be required to report progress in providing services on a quarterly basis and that the programs be monitored by the Community Development staff.

R-513-9-91 APPROVED

RESOLUTION TO AUTHORIZE BUDGET APPROPRIATION FROM FUND BALANCE OF OF THE ANN ARBOR FARMERS MARKET

Whereas, The City Council has approved the Ann Arbor Farmers Market budget for 1992;

Whereas, The Ann Arbor Farmers Market roof project was not completed by May 1991, as anticipated; and

Whereas, Funds to be spent on the project were placed into fund balance;

RESOLVED, That Council authorize a budget appropriation from the Ann Arbor Market fund balance in the amount of \$20,500.00 to complete the project.

R-514-9-91 APPROVED

RESOLUTION TO AWARD BID NO. 2167 TO BARRETT PAVING FOR GOLF CART PATH PAVING

Whereas, Leslie Park Golf Course needs to install 25,000 sq. ft. (3,000 lineal ft.) of asphalt cart paths;

Whereas, Bids were solicited from 11 contractors by the Purchasing Department for 25,000 sq. ft. (3,000 lineal ft.) of asphalt cart paths;

Whereas, Four bids were received on Friday, August 9, 1991, with Barrett Paving submitting the lowest responsible bid; and

Whereas, Human Rights Department approval was received for Barrett Paving on June 10, 1991;

RESOLVED, That the Mayor and City Council approve Bid No. 2167 for 25,000 sq. ft. (3,000 lineal feet) of asphalt cart paths in the sum of \$18,750.00 to Barrett Paving; and

RESOLVED, That the City Administrator be authorized to issue a purchase order to Barrett Paving in the sum of \$18,750.00 for asphalt cart paths.

R-515-9-91 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE
OUTSIDE CITY LIMITS TO 303 GLENWOOD

Whereas, Richard D. and Bona Jean Bates, owners of the property at 303 Glenwood, have requested the City on August 15, 1991 to extend public water and sanitary sewer services for their use to the property in Scio Township prior to the completion of the annexation process;

Whereas, The Bates desire to enter into the standard agreements with the City which provide an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On August 15, 1991 the Bates petitioned the City for annexation under Planning File No. 8244C4.1 & .2;

RESOLVED, That the Mayor and Clerk be authorized and directed to sign the agreements on behalf of the City to provide City water and sewer services to the land during the time it is still outside of the corporate limits; that the City Clerk be directed and ordered to send a copy of this resolution and the agreements by first class mail to the owners of the property; and that the Utilities Department promptly have this resolution and

the agreements recorded in the Office of the Register of Deeds of Washtenaw County, Michigan.

R-516-9-91 APPROVED

RESOLUTION RECOGNIZING THE MICHIGAN MUNICIPAL LEAGUE AS A NONPROFIT ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The Michigan Municipal League is a nonprofit institution;

Whereas, The United States Department of Treasury-Internal Revenue Service has recognized the Michigan Municipal League as a nonprofit organization by giving it tax-exempt status (#B38-6005974); and

Whereas, The Michigan Municipal League needs the City to recognize it as a nonprofit organization so it can conduct fund raisers with State approval;

RESOLVED, That the City of Ann Arbor recognize the Michigan Municipal League as a nonprofit organization in the City of Ann Arbor.

R-517-9-91 APPROVED

RESOLUTION OF APPRECIATION TO WALTER W. HILL FOR THREE DECADES OF DISTINGUISHED SERVICE TO THE PEOPLE OF ANN ARBOR

Whereas, On September 15, 1991, the Board of Directors of the Ann Arbor Community Center will honor Mr. Walter W. Hill upon his retirement after 30 years service as Executive Director of the Ann Arbor Community Center;

Whereas, After his arrival in 1961, Mr. Hill undertook the challenge of changing the image and role of the Community Center from a quiet social and recreational neighborhood club, almost exclusively for Ann Arbor's colored citizens, to a community action, public-oriented agency, with the major objectives of encouraging African-Americans to lead the way in shaping their own destiny, and the future of Ann Arbor, and also of promoting interracial, intercultural understanding and cooperative actions;

Whereas, The following Community Center programs developed under Mr. Hill's leadership merely illustrate the scope and image of the Center's public services: social work and community groups and organizations; job counseling; housing referrals; state licensed programs of anti-substance abuse education and outpatient treatment; voter education and registration; serving hot meals for the homeless; conducting moderate cost summer camp sessions at its own Camp Takona for youngsters ages 6-11; providing transportation to lower-income residents through the City's Model City and Community Development Block Grant Programs; use of Community Center facilities as an official voting precinct and for community-based activities, such as child care and tutorial programs; and

Whereas, The Mayor and the Council of the City of Ann Arbor desire to join the Board of Directors of the Ann Arbor Community Center in honoring Walter W. Hill for 30 years of outstanding leadership and service to all of the people of the City;

RESOLVED, That the Mayor and Council of the City of Ann Arbor express their sincere gratitude to Walter W. Hill for three decades of service to the Ann Arbor Community; and

RESOLVED, That the Mayor and Council of the City of Ann Arbor sincerely wish Walter W. Hill and his wife, Phyllis, many post-retirement years of happy, healthy residency in the Ann Arbor they helped create.

The question being the foregoing Consent Agenda items as presented, on a voice vote the Chair declared the motion carried.

ORDINANCES - Second Reading

None.

ORDINANCES - First Reading

47-91 APPROVED

BLACK POND WOODS REZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 26.76 acres, located adjacent to Leslie Park Golf Course, east of Pontiac Trail, from R3 (Townhouse District) and R4A (Multiple-Family Dwelling District) to PL (Public Land District).

Councilmember Coleman moved that the ordinance be approved at first reading.

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

48-91 APPROVED

1968 GREEN ROAD (ERIM SITE) REZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 33.15 acres, located at 1968 Green Road (ERIM Site), from RE (Research District) to ORL (Office/Research/Limited Industrial District).

Councilmember Sheldon moved that the ordinance be approved at first reading.

Councilmember Coleman moved that the ordinance be tabled for further information concerning the building's use.

The tabling motion died for lack of support.

The question being the ordinance at first reading, on a voice vote the Chair declared the motion carried.

MOTIONS AND RESOLUTIONS

Council unanimously agreed to consider the following resolution at this time:

R-518-9-91 APPROVED

**RESOLUTION CELEBRATING PEOPLE'S FOOD CO-OP
20TH ANNIVERSARY**

Whereas, People's Food Co-op was established in 1971 to promote healthier eating and living in the Ann Arbor area;

Whereas, People's Food Co-op was the first local food store to place a primary emphasis on natural foods without synthetic ingredients;

Whereas, People's Food Co-op has provided opportunities for people to learn about economic democracy through the participation of members in all aspects of work;

Whereas, People's Food Co-op has encouraged individuals to see the connections between nutritional, environmental and social well-being; and

Whereas, People's Food Co-op by its presence and member involvement made a significant contribution to the Ann Arbor community;

RESOLVED, That the Mayor and City Council declare Sunday, September 15 as People's Food Co-op Day, and encourage the citizens of Ann Arbor to join in celebrating the twenty years of healthful presence and involvement in this community.

Councilmember Coleman moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

ORDINANCES - First Reading (Cont.)

46-91 APPROVED

EARLY RETIREMENT WINDOW

An Ordinance to Amend Section 1:564 of Chapter 18
of Title I of the Code of the City of Ann Arbor

This ordinance would allow an early retirement window between September 15 and December 31, 1991, for eligible members who are officers appointed by City Council.

Councilmember Hunter moved that the ordinance (Option Two) be approved at first reading.

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

49-91 APPROVED

WEIGHT RESTRICTIONS

An Ordinance to Amend Section 10:2(13) of Chapter 126
of Title X of the Code of the City of Ann Arbor

This ordinance would provide clarification, in Section 10:2(13), that trucks over 5 tons are required to remain on designated truck routes except when making a delivery.

Councilmember Sheldon moved that the ordinance be approved at first reading.

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

MOTIONS AND RESOLUTIONS (Cont.)

TABLED

RESOLUTION TO APPROVE KAY ANNEXATION

A communication was received from the City Planning Commission transmitting its

recommendation of approval of the proposed Kay Annexation, 0.25 acre, 2505 Victoria.

Whereas, The territory hereinafter described is located in the Township of Pittsfield and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Thomas and Patricia Kay are the owners of the property; and

Whereas, It is the desire of Thomas and Patricia Kay to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the City of Ann Arbor, to-wit:

Lots 35, 36 and 37, Packard Hills Subdivision, Washtenaw County, Michigan, including adjacent Victoria Avenue right-of-way.

Councilmember Sheldon moved that the resolution be adopted.

Councilmember Grady moved that the resolution be tabled to the September 16, 1991 regular session of Council for clarification regarding possible conflict with the township agreement.

On a voice vote the Chair declared the motion carried and the resolution tabled.

R-519-9-91 APPROVED

RESOLUTION TO APPROVE RIDGEWOOD CONDOMINIUMS
PLANNED PROJECT SITE PLAN, LAND DIVISION
AND SITE DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Ridgewood Condominiums Planned Project

Site Plan, Land Division and Site Development Agreement, 6.79 acres, south side of West Liberty Street, east of Stadium Boulevard.

Whereas, Ketelaar Associates has requested approval of a planned project site plan and land division in order to divide the existing 6.79 acre site into two parcels and construct eight single-family homes and 26 duplex units in a site condominium; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of August 13, 1991, recommended approval of said request;

RESOLVED, That the Ridgewood Condominiums Planned Project Site Plan, Land Division, Ridgewood Condominiums Site Development Agreement, and Dartmoor Site Condominium Development Agreement be hereby approved; and

RESOLVED, That the planned project modifications are as follows:

1. Thirteen to fifteen-foot separation between buildings will be allowed rather than the required 20 feet;
2. An eight foot rear setback for the southerly duplexes will be allowed rather than the required 30 feet.

Councilmember Sheldon moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-520-9-91 APPROVED

RESOLUTION TO APPROVE TURNBERRY SUBDIVISION
FINAL PRELIMINARY PLAT FOR PHASES II AND III
TWO-YEAR EXTENSION

Whereas, Turnberry Development Corporation has requested a two-year extension of the Turnberry Subdivision Final Preliminary Plat; and

Whereas, City departments have reviewed said request and have recommended the extension;

RESOLVED, That the extension of the Turnberry Subdivision Final Preliminary Plat be hereby extended from July 10, 1991 to July 10, 1993.

Councilmember Dodge moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-521-9-91 APPROVED AS AMENDED

RESOLUTION TO AWARD A CONTRACT TO POSEN
CONSTRUCTION, INC. FOR CONSTRUCTION OF THE ASHLEY/WILLIAM
SURFACE PARKING LOT PROJECT - BID NO. 2162

A resolution to award a contract to Posen Construction, Inc. for the construction of the Ashley/William Surface Parking Lot Project was considered.

Councilmember Eckstein moved that the resolution be adopted.

Councilmember Grady moved that the following language be added after the sixth paragraph of the resolution:

RESOLVED, That the Administrator be authorized to include Alternate No. 1 at a cost of \$56,575.00 (\$47,143.50 for construction and \$9,431.50 for engineering and testing) for paving of the Anthony Brown lot provided that the DDA enters into an agreement with the City that makes the commitment to submit to the City prior to the start of construction a sum of \$56,575.00 for the costs associated with Alternate No. 1;

On a voice vote the Chair declared the motion defeated.

Councilmember Ouimet entered at 8:50 p.m.

Councilmember Sheldon moved that the resolution be tabled for information concerning maintenance costs for the lot.

On a voice vote the Chair declared the motion defeated.

At the Mayor's request, Councilmember Peterson moved that the following language be added after the sixth paragraph of the resolution:

RESOLVED, That the Administrator be authorized to include Alternate No. 1 at a cost of \$56,575.00 (\$47,143.50 for construction and \$9,431.50 for engineering and testing) for paving of the Anthony Brown Lot, provided that the DDA enters into an agreement with the City that makes the commitment to submit to the City prior to the start of construction a sum of \$56,575.00 for the costs associated with Alternate No. 1, and provided that the DDA considers funding the design, paving and landscaping of the entire Ashley/William Surface Parking Lot;

The Chair declared a recess at 9:12 p.m.

The Chair again called the meeting to order at 9:15 p.m.

The question being the amendment to the resolution, on a voice vote the Chair declared the motion carried.

The question being the resolution as amended, on a voice vote the Chair declared the motion carried.

The resolution as adopted reads as follows:

R-521-9-91

RESOLUTION TO AWARD A CONTRACT TO POSEN
CONSTRUCTION, INC. FOR CONSTRUCTION OF THE ASHLEY/WILLIAM
SURFACE PARKING LOT PROJECT - BID NO. 2162

Whereas, By resolution of May 20, 1991 (R-301-5-91) the City Council determined to expand and reconstruct the City surface parking lot and alley at the northeast corner of Ashley and William Streets;

Whereas, Posen Construction, Inc. of Utica, Michigan has submitted to the City on August 12, 1991, a bid for said work in the amount of \$348,202.60, which amount is the lowest responsible bid;

Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefor, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a contract with said company for said

work;

Whereas, The Personnel/Human Rights Department has on August 13, 1991 approved said company for said construction project; and

Whereas, The City Council approved on May 20, 1991, a project budget for this project, in the amount of \$500,000.00;

RESOLVED, That the Administrator be authorized to include Alternate No. 1 at a cost of \$56,575.00 (\$47,143.50 for construction and \$9,431.50 for engineering and testing) for paving of the Anthony Brown Lot, provided that the DDA enters into an agreement with the City that makes the commitment to submit to the City prior to the start of construction a sum of \$56,575.00 for the costs associated with Alternate No. 1, and provided that the DDA considers funding the design, paving and landscaping of the entire Ashley/William Surface Parking Lot; and

RESOLVED, That the Mayor and Clerk be hereby authorized and directed to sign said contracts on forms approved as to form by the City Attorney, and approved as to substance by the City Administrator, who may undertake necessary administrative action to successfully complete the project.

TABLED

RESOLUTION TO AUTHORIZE A PURCHASE ORDER
TO DUNCAN INDUSTRIES OF HARRISON, ARKANSAS
FOR 74 PARKING METERS

Whereas, The City Council has resolved to expand and reconstruct the City surface parking lot at the corner of Ashley and William Streets;

Whereas, The Transportation Department has determined the parking meter model EMM to be the best performing mechanism for the City's needs;

Whereas, Duncan Industries of Harrison, Arkansas, is the sole provider of EMM model parking meter;

Whereas, The Transportation Department has determined the need for 74 parking meters for the proper operation of the lot mentioned above; and

Whereas, On May 20, 1991, with the approval of the project's construction budget, Council appropriated sufficient funds for these services;

RESOLVED, That Council authorize a purchase order to Duncan Industries of Harrison, Arkansas, in the amount of \$16,593.64 for the purchase of 74 parking meters; and

RESOLVED, That the administrator be authorized to include 43 meters for the Anthony Brown lot at a cost of \$9,681.96, provided that the DDA enters into an agreement with the City that makes the commitment to submit to the City prior to the purchase of the meters a sum of \$9,681.96.

Councilmember Hunter moved that the resolution be adopted.

At the Mayor's request, Councilmember Dodge moved that the resolution be tabled to the September 16, 1991 regular session of Council for information regarding comparative costs for operating an attended lot as opposed to a metered lot.

On a voice vote the Chair declared the motion carried and the resolution tabled.

R-522-9-91 APPROVED

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICES AGREEMENT WITH ENGINEERING AND TESTING SERVICES, INC. FOR TESTING SERVICES FOR THE ASHLEY/WILLIAM PARKING LOT PROJECT

Whereas, It is necessary to employ a qualified testing firm to perform essential testing for the Ashley/William Surface Parking Lot Project;

Whereas, Engineering and Testing Services, Inc. has demonstrated the required experience, personnel and competitive fee schedule to perform the work;

Whereas, On August 16, 1991, the Personnel/Human Rights Department gave approval of said company for said work; and

Whereas, On May 20, 1991, with the approval of the project's construction budget, Council appropriated sufficient funds for these services;

RESOLVED, That Council authorize a professional services agreement with Engineering and Testing Services, Inc. in the amount of \$10,000.00 for construction testing

and inspection services on the Ashley William Surface Parking Lot Project; and

RESOLVED, That the Mayor and Clerk be hereby authorized and directed to sign said professional services agreement on forms approved as to form by the City Attorney, and approved as to substance by the City Administrator.

Councilmember Coleman moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-523-9-91 APPROVED AS AMENDED

RESOLUTION TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A CONTRACT WITH DAVID M. GRIFFITH AND ASSOCIATES FOR A RATE STUDY AND COST ALLOCATION PLAN

A resolution to authorize the Mayor and City Clerk to execute a contract with David M. Griffith and Associates for a rate study and cost allocation plan was considered.

Councilmember Peterson moved that the resolution be adopted.

Councilmember Peterson moved that the last paragraph of the resolution be amended as follows:

RESOLVED, That the Mayor and City Clerk be hereby authorized to execute a contract for \$73,000.00 with David M. Griffith and Associates in substantially the form attached hereto and made a part hereof, provided that 15% ~~<be retained until the final report is accepted by Council>~~ **OF EACH PAYMENT FOR THE USER FEE STUDY AND COST ALLOCATION PLAN BE RETAINED UNTIL FINAL ACCEPTANCE OF EACH SEPARATE PRODUCT BY COUNCIL.**

On a voice vote the Chair declared the motion carried.

Councilmember Sheldon moved that the resolution be tabled to consult with members of the Mayor's Blue Ribbon Committee on City Finance and Management.

On a voice vote the Chair declared the motion defeated.

The question being the resolution as amended, on a voice vote the Chair declared the

motion carried.

The resolution as amended reads as follows:

R-523-9-91

RESOLUTION TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A CONTRACT WITH DAVID M. GRIFFITH AND ASSOCIATES FOR A RATE STUDY AND COST ALLOCATION PLAN

Whereas, The 1991-92 Budget provides for a user fee study and cost allocation plan; and

Whereas, The user fee study and cost allocation plan will assist the City to identify potential sources of additional revenue and provide comparative fee data from comparable cities;

RESOLVED, That the Mayor and City Clerk be hereby authorized to execute a contract for \$73,000.00 with David M. Griffith and Associates in substantially the form on file in the City Clerk's Office and made a part hereof provided that 15% of each payment for the user fee study and cost allocation plan be retained until final acceptance of each separate product by Council.

R-524-9-91 APPROVED

RESOLUTION TO RECOMMEND APPROPRIATION OF FUNDING AND APPROVAL OF AGREEMENT FOR PROFESSIONAL SERVICES FOR BANDEMER PARK AND ARGO POND FRAMEWORK PLAN - RFP NO. 281

Whereas, The development of Bandemer Park and barrier-free pedestrian and bicycle pathways in the vicinity of Argo Pond and the North Main corridor are goals identified in the 1988-94 Park, Recreation, and Open Space Plan for Ann Arbor;

Whereas, The scope of these projects involves an amount of work beyond the capacity of current staff and therefore, proposals have been received and evaluated in response to RFP #281 - Bandemer Park Development and the Argo Pond Framework Plan;

Whereas, Funding for the development of Bandemer Park is available in the Bandemer Trust (Fund 025), plus a matching grant of up to \$380,000.00, as allocated by

the State of Michigan Department of Natural Resources Recreation Bond program which is to be paid to the City on a reimbursement basis upon completion;

Whereas, Funding for the Argo Pond Framework Plan is available in Year 3 (1991-92) of the 1989-94 Park Rehabilitation and Development millage in the amount of \$50,000.00 for Phase I - Argo Park Improvements; and

Whereas, The Park Advisory Commission has approved a resolution recommending the appropriation of funding as described below and selection of the Johnson/Pollack Group to perform the services identified in the agreement (submitted response to RFP #281) for Bandemer Park Development and the Argo Pond Framework Plan, (Human Rights approval: 8-27-91);

RESOLVED, That the recommendation of the City Administrator be approved; and that City Council appropriate, for the life of the project, \$484,385.00 (plus interest earned on the account) from the Bandemer Trust (Fund 025) and \$380,000.00 from the unreserved balance of the Park Rehabilitation and Development Millage (Fund 041 - to be reimbursed by the State of Michigan as stated in the agreement approved by Council on December 3, 1990) for Bandemer Park improvements;

RESOLVED, That City Council appropriate, for the life of the project, \$50,000.00 from the Park Rehabilitation and Development Millage (Fund 041) for completion of the Argo Pond Framework Plan and related tasks; and

RESOLVED, That the Mayor and City Council approve of the "Agreement for Professional Services Between the City of Ann Arbor and the Johnson/Pollack Group" (substantially in the form on file with the City Clerk) in the amounts of \$93,701.00 for Bandemer Park Development and \$24,640.00 for the Argo Pond Framework Plan (totaling \$118,341.00) for completing the services proposed in response to RFP #281.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-525-9-91 APPROVED

RESOLUTION TO APPROPRIATE FUNDS FOR MDOT JACKSON AVENUE RESURFACING - PARKLAKE TO I-94 OVERPASS

Whereas, By authority of Council resolution of May 20, 1985, the City entered into a contract with the Michigan Department of Transportation for the resurfacing of Jackson Avenue between Parklake and I-94 Overpass;

Whereas, The contract requires the City to pay the final cost as determined by MDOT;

Whereas, The appropriation made in 1985 expired at the beginning of the next fiscal year; and

Whereas, The City share of the total project cost of \$645,613.05 is \$32,476.90, of which \$4,800.00 has been paid, leaving a balance of \$27,676.90 due the State from the City;

RESOLVED, That \$29,799.19 be appropriated from the Street Millage Fund (062) for a payment of \$27,676.90 to MDOT and reimbursement of direct costs of \$2,122.29 incurred by the City.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-526-9-91 APPROVED

RESOLUTION APPROVING PURCHASE ORDER TO 3M INDUSTRIAL CHEMICAL PRODUCTS FOR PHASE II LANDFILL ORDER CONTROL

Whereas, The City of Ann Arbor is in the process of capping portions of Phase II of the Ann Arbor Landfill;

Whereas, Odor control requirements of the Michigan Department of Natural Resources require the use of resin and foam products;

Whereas, A March 20, 1991 purchase order in the amount of \$13,770.00 to 3M Industrial Chemical Products for this purpose was found to be inadequate in light of DNR requirements not known at the time of the original purchase order;

Whereas, \$22,616.11 in additional funds will be required to complete this work;

Whereas, It is necessary to sole source this purchase because 3M Industrial Chemical Products is the only vendor offering this product; and

Whereas, 3M Industrial Chemical Products received Human Rights approval on May 22, 1991;

RESOLVED, That a purchase order in the amount of \$22,616.11 be provided to 3M Industrial Chemical Products for odor control equipment at the Ann Arbor Landfill; and

RESOLVED, That funding for this purchase be initially provided through the Solid Waste Fund, with ultimate reimbursal under the Phase II Closure category of the Environmental Bond.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-527-9-91 APPROVED AS AMENDED

RESOLUTION AMENDING LEASE AND REHABILITATION AGREEMENT AT 340 SOUTH ASHLEY STREET WITH THE SHELTER ASSOCIATION OF ANN ARBOR

A resolution amending the lease and rehabilitation agreement at 340 South Ashley Street with the Shelter Association of Ann Arbor was considered.

Councilmember Sheldon moved that the resolution be adopted.

Councilmember Coleman moved that the second paragraph of the resolution be amended as follows:

RESOLVED, That the Mayor and City Council approve amending the lease with the Shelter Association of Ann Arbor to permit the Shelter Association to either **SELL AND USE THE FUNDS FOR HOUSING REHABILITATION**, remove or dismantle the structure after providing the City with notice;

On a voice vote the Chair declared the motion carried.

The question being the resolution as amended, on a voice vote the Chair declared the motion carried.

The resolution as amended reads as follows:

RESOLUTION AMENDING LEASE AND REHABILITATION AGREEMENT AT 340 SOUTH ASHLEY STREET WITH THE SHELTER ASSOCIATION OF ANN ARBOR

Whereas, The Mayor and City Council approved the land lease and rehabilitation agreement with the Shelter Association for the lot and structure at 340 S. Ashley St. on March 18, 1991, and now has a need to amend these documents;

RESOLVED, That the Mayor and City Council approve amending the lease with the Shelter Association of Ann Arbor to permit the Shelter Association to either sell and use the funds for housing rehabilitation, remove or dismantle the structure after providing the City with notice;

RESOLVED, That the Mayor and City Council approve amending the rehabilitation agreement with the Shelter Association of Ann Arbor to transfer any remaining funds from the 340 S. Ashley St. project to the rehabilitation of the structure at 201 W. William St.; and

RESOLVED, That the Mayor and City Council authorize the City Administrator to execute the appropriate documents relating to the amendments substantially in the form on file in the Office of the City Clerk, and to take any administrative actions necessary associated with the project.

R-528-9-91 APPROVED

RESOLUTION TO AUTHORIZE THE LANDFILL PERPETUAL CARE FUND ESCROW AGREEMENT

Whereas, It is a requirement of a 1990 amendment to the Michigan Solid Waste Management Act that the owner or operator of a landfill establish and maintain a perpetual care fund to be used for the closure, monitoring and maintenance of the landfill, and for response activity necessitated by a discharge from the landfill of a substance which is or may become injurious to the public health, safety or welfare or to the environment; and

Whereas, The City of Ann Arbor is the owner and operator of the landfill located on Platt Road in the City of Ann Arbor;

RESOLVED, That the Mayor and City Clerk sign a Perpetual Care Fund Escrow Agreement with the National Bank of Detroit and the Director of the Department of Natural Resources and that the City Administrator be directed to deposit \$.25 into the Perpetual

Care Fund for each cubic yard of solid waste placed in the landfill.

Councilmember Grady moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-529-9-91 APPROVED

RESOLUTION APPROVING DESIGNATION OF
WASHTENAW COUNTY BOARD OF PUBLIC WORKS AS AGENT TO
NEGOTIATE FOR SOLID WASTE DISPOSAL CAPACITY

Whereas, A sufficient number of municipalities in the County of Washtenaw and the Board of Commissioners of the County of Washtenaw (the "County") have approved the 1989 Update to the County's Solid Waste Management Plan (the "Plan"), pursuant to Act 641, Public Acts of Michigan, 1978, as amended;

Whereas, The Plan provides that the County shall undertake to designate an agent to negotiate and attempt to procure long-term solid waste disposal capacity and other benefits for and on behalf of the residents of the County and the local units in the County;

Whereas, The County has designated the Washtenaw County Board of Public Works (WCBPW) to serve as said agent;

Whereas, The Plan provides that each municipality of the County shall decide either to (i) participate with the County and other municipalities in the County to secure long-term solid waste disposal capacity and other benefits as described above, or (ii) exercise its option to proceed independently and prepare a proposal for disposal capacity which is to be presented to the County for confirmation;

Whereas, The Plan also provides that each municipality of the County deciding to participate with the County and other municipalities in the County to designate the agent to secure the long-term solid waste disposal capacity and other benefits described above shall approve by resolution the designation and delegation of the agent to negotiate on its behalf, pursuant to the Plan and Act 35, Public Acts of Michigan, 1951, as amended; and

Whereas, The City of Ann Arbor deems it in the best interest of the City and the residents of the City to participate in said designation and authorization of the WCBPW to so negotiate on its behalf;

RESOLVED, That:

1. The City of Ann Arbor hereby agrees to participate in the County-sponsored effort described in the preamble to this resolution, whereby the WCBPW shall act as agent to secure long-term solid waste disposal capacity and other benefits on behalf of municipalities electing to so participate;

2. The City of Ann Arbor does hereby designate the WCBPW as its agent and authorizes the WCBPW to negotiate on behalf of the City to secure long-term solid waste disposal capacity and the benefits as described in the preamble to this resolution;

3. This resolution shall not be construed as accepting or authorizing the WCBPW to execute any contract or arrangement for solid waste disposal capacity and other benefits without the prior approval of the legislative body of the City of Ann Arbor. Any proposed contract or arrangement for solid waste disposal capacity and other benefits obtained by the WCBPW shall be presented for approval to the City of Ann Arbor prior to being applicable to and effective in the City of Ann Arbor. In addition, in the event that the City of Ann Arbor determines that the County-sponsored negotiations are not progressing on a satisfactory timeline, the City of Ann Arbor may be required to negotiate on its own behalf with other solid waste facilities.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-530-9-91 APPROVED

RESOLUTION TO RENEGOTIATE PARKING LEASE
WITH FIRST MARTIN CORPORATION

Whereas, The existing lease between the City of Ann Arbor and the First Martin Corporation for the premises at Huron/First/Ashley currently utilized by the City as a 161 space public parking lot is due to expire December 31, 1991; and

Whereas, The annual costs for operating the lot are approximately \$266,971.00 (lease, taxes, maintenance) vis-a-vis an annual income of approximately \$77,652.00 (fiscal year 1990/91);

RESOLVED, That the Administrator be herein authorized to initiate negotiations with the First Martin Corporation to arrive at an annual lease cost that is more reflective of annual revenues from the lot;

RESOLVED, That the Administrator summon assistance from the DDA, Chamber of Commerce, and merchants associations, if necessary, to enlighten and sensitize the First Martin Corporation as to the logic, reason, and fair play in decreasing the large gap between revenues and expenditures associated with the operation of this site; and

RESOLVED, That if the Administrator is unable to succeed in arriving at a more equitable lease for the City, particularly in light of the moral support and assistance from the DDA, Chamber of Commerce, and merchants associations that the City no longer lease this site for parking purposes.

Councilmember Coleman moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

TABLED

RESOLUTION TO INCREASE MONTHLY PARKING FEES NEEDED TO MEET 1991-92 PARKING OPERATION EXPENSES

Whereas, On June 10, 1991, a resolution was submitted to Council (and tabled to July 1, 1991) increasing monthly parking fees in structures from \$60.00 to \$70.00 for residents and from \$65.00 to \$85.00 for non-residents;

Whereas, On July 1, 1991, a resolution was submitted to Council increasing monthly parking fees in structures from \$60.00 to \$100.00 for residents and from \$65.00 to \$115.00 for non-residents; and

Whereas, The 1991/92 budget revenue estimates were based on the June 10, 1991, amended rates which need to be realized in order to avoid a revenue shortfall in the 1991/92 adopted budget;

RESOLVED, That the monthly parking rates be increased as follows:

Resident monthly parking from \$60.00 to \$70.00

Non-resident monthly parking from \$65.00 to \$85.00

Councilmember Peterson moved that the resolution be adopted.

Councilmember Coleman moved that the resolution be tabled to the October 7, 1991 regular session of Council to look into alternative ways of funding the parking system.

On a voice vote the Chair declared the motion carried and the resolution tabled.

R-531-9-91 APPROVED

**RESOLUTION DESIGNATING OFFICIAL REPRESENTATIVES TO
THE MICHIGAN MUNICIPAL LEAGUE ANNUAL BUSINESS MEETING**

RESOLVED, That Councilmember Nelson Meade be designated as the City of Ann Arbor's official representative to the 1991 Annual Business Meeting of the Michigan Municipal League; and

RESOLVED, That Councilmember Ingrid Sheldon be designated as the alternate official representative.

Councilmember Coleman moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

COUNCILMEMBER SHELDON - S.E.M.C.O.G.

Councilmember Sheldon requested that Council schedule a presentation by S.E.M.C.O.G. staff regarding their "Regional Development Initiative Report".

City Administrator Gatta responded that the presentation is scheduled for the November 18, 1991 regular session of Council.

COUNCIL PROPOSED BUSINESS

COUNCILMEMBER SHELDON

Councilmember Sheldon requested that appointments be made to the Parking Advisory Committee, that Council consider issues regarding the designation of chickens as pets and the elimination of the special \$100/month parking fee, and that the University of Michigan be urged to remove sand from the sewers and take measures to control the erosion resulting from construction on Glacier Way.

COMMUNICATIONS FROM THE MAYOR

JOINT CAUCUS

Mayor Brater announced that the joint caucus of Council is scheduled for the fourth Sunday this month, rather than the second Sunday, due to the Jewish holidays.

JOINT WORKING SESSION WITH DDA

The Mayor stated that a joint working session with the Downtown Development Authority is scheduled for 7:30 p.m., Thursday, September 12, in the Fire Station Conference Room.

APPOINTMENT APPROVED

Mayor Brater placed the following nomination on the table for approval:

MAYOR'S BLUE RIBBON COMMITTEE ON CITY FINANCE AND MANAGEMENT

Kirk Dodge
Councilmember
Republication Caucus Representative

Council unanimously agreed that the Rules of Council be waived to consider the above nomination for appointment.

Councilmember Peterson moved that Council concur with the recommendation of the Mayor.

On a voice vote the Chair declared the motion carried.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR**ENVIRONMENTAL BOND SERIES A MONTHLY STATEMENT**

City Administrator Gatta brought Council's attention to the communication regarding the monthly statement of revenues, expenditures and changes in fund balances for the Environmental Bonds Series A.

REPORTS SUBMITTED

City Administrator Gatta submitted the following reports for information of Council:

1. Woodbury Gardens Fence at South Boulevard
2. Direct Purchase of Natural Gas Performance Report
3. Environmental Bond Series A monthly statement - August, 1991
4. Chapter 18 Amendment Options
5. Painting of Fire Hydrants
6. Position of Pension Coordinator
7. Whiffletree Lot
8. School Buses on Pinetree and Westport
9. First/William Parking Lot
10. Comprehensive Housing Affordability Strategy (CHAS)
11. Natural Features at Newport Hills and Country Village
12. Delta Dental Compliance to Human Rights Ordinance

(Reports on file in the City Clerk's Office)

COMMUNICATIONS FROM THE CITY ATTORNEY

PI KAPPA PHI CASE

Assistant City Attorney Mel Laracey reported that a Circuit Court decision was received in the Pi Kappa Phi Case regarding the property at 903 Lincoln, and that the court held that no new special exception use approval was required for that property.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER HUNTER

Councilmember Hunter stated that a City Council/University Administration softball game is tentatively scheduled for September 23, and asked Councilmembers whether that date was agreeable.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Senator Donald W. Riegle, Jr. in response to Council Resolution Supporting Surface Transportation Efficiency Act, approved June 17, 1991 - File.
2. Communication from John M. Amberger, Executive Director of SEMCOG, transmitting "Regional Development Initiative Final Conclusions and Recommendations" - File.
3. Communication from Edmond Hagopian of Hagopian Corp., 14000 W. 8 Mile Rd., Oak Park, MI., regarding City ordinance on auctions - File.
4. Communication from Washtenaw Council for the Arts regarding 1991 Non-Profit Art Fair - File.

The following minutes were received for file:

1. Employees' Retirement System Board - July 10, 1991
2. Historic District Commission - July 11, 1991
3. Ann Arbor Transportation Authority - June 19, 1991
4. Commission on Disability Issues - July 15, 1991

5. Community Development Block Grant Executive Committee - July 22, 1991
6. Planning Commission - July 9 and 23, 1991

Councilmember Coleman moved that the Clerk's Report be accepted.

On a voice vote the Chair declared the motion carried.

AUDIENCE PARTICIPATION - General

None.

ADJOURNMENT

There being no further business to come before Council, it was moved by Councilmember Coleman that the meeting be adjourned.

On a voice vote the Chair declared the motion carried and the meeting adjourned at 10:50 p.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary