

REGULAR SESSION - MARCH 15, 1993

The regular session of the Ann Arbor City Council was called to order at 7:32 p.m. by Mayor Elizabeth S. Brater.

Council stood for a moment of silence.

Mayor Brater led the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: Councilmembers Larry Hunter, Tobi Hanna-Davies, Barbara Bach, Peter Fink, Robert Grady, Nelson Meade, Kurt Zimmer, Peter Nicolas, Thais Anne Peterson, Robert Eckstein, Mayor Elizabeth S. Brater, 11

Absent: 0

INTRODUCTIONS

DR. TOBY CITRIN - HIV/AIDS TASK FORCE

Dr. Toby Citrin, representing the Ann Arbor AIDS Task Force, presented an interim report on the status of the Task Force's charge. A final report and recommendations will be presented for Council consideration at the end of June. The report was filed with the City Clerk.

PUBLIC COMMENTARY - RESERVED TIME

KERMIT SCHLANSKER - HOUSING

Kermit Schlansker, 2960 Marshall, expressed the opinion that multiple-family housing is more environmentally efficient because of its lower-ratio use of energy and land. Multi-family units more economically house people, particularly those with lower incomes.

SCOTT BURKE - HOUSING

Scott Burke, 860 S. Maple, said that the South Maple public housing residents have chosen to disassociate from the public housing tenant advocacy group known as UNITY. UNITY has not lived up to its promises of representation and support, and has verbally abused tenants. (A petition signed by tenants in the S. Maple housing complex was filed with the City Clerk.)

ALICIA ZARBO - PLACID WAY PARK

Alicia Zarbo, 2950 Lakehurst, representing the Traver Village and Traver Lakes Homeowners Association, requested approval of the resolution to name a 1.2-acre parcel of parkland "Placid Way Park", as petitioned by the majority of homeowners in the area.

DAVE DEVARTI - V.I.N.E.

Dave DeVarti, 921 Dewey Ave., objected to the letter written by Councilmember Zimmer to Judge Ager suggesting Council majority support to resubmit the V.I.N.E proposal to citizens in a revised form. DeVarti expressed the opinion that Mr. Zimmer's letter is meddlesome, costly to the City, has delayed the court's decision, and may have perpetrated a fraud.

RICH BIRKETT - HASH BASH

Rich Birkett, 3022 Chelsea Circle, representing the Ann Arbor Chapter of the National Organization to Reform the Marijuana Laws, questioned whether police protection costs could be charged to sponsors of political rallies. NORML is suing the U of M because of security costs for the annual "hash bash" usually held on campus. The City's services cost even more.

JEAN ROBINSON - NATIONAL COMMUNITY DEVELOPMENT WEEK

Jean Robinson, 1020 Cedar Bend Dr., chairperson of the Community Development Executive Committee, asked for Council support of the resolution to declare National Community Development Week - April 5-11, 1993. Ms. Robinson praised the many services and benefits made available to the community through the CDBG program.

PUBLIC HEARINGS

G.T PRODUCTS/UNIVERSITY OF MICHIGAN REZONING - ORDINANCE NO. 9-93

A public hearing was conducted on Ordinance No. 9-93 - Amendment to Chapter 55, the rezoning of 3.71 acres from M2 (Heavy Industrial District) to O (Office District) and PL (Public Land District), G.T. Products/University of Michigan Property, 401 East Stadium Boulevard.

There being no one to speak at this public hearing, the Chair declared the hearing closed.

G.T. PRODUCTS LAND DIVISION

A public hearing was conducted on the G.T. Products land division, 3.71 acres, 401 East Stadium Boulevard.

There being no one to speak at this public hearing, the Chair declared the hearing closed.

KING/KRAFT PROPERTY REZONING - ORDINANCE NO. 10-93

A public hearing was conducted on Ordinance No. 10-93 - Amendment to Chapter 55, the rezoning of 0.39 acre, from TWP (Township District) to R1C (Single-Family Dwelling District), King/Kraft property, corner of Burwood and Thaler.

There being no one to speak at this public hearing, the Chair declared the hearing closed.

LEWIS PROPERTY REZONING - ORDINANCE NO. 11-93

A public hearing was conducted on Ordinance No. 11-93 - Amendment to Chapter 55, the rezoning of 0.5 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Lewis property, 411 Barber.

There being no one to speak at this public hearing, the Chair declared the hearing closed.

PARKE-DAVIS PROPERTY REZONING - ORDINANCE NO. 12-93

A public hearing was conducted on Ordinance No. 12-93 - Amendment to Chapter 55, the rezoning of 10.61 acres from PL (Public Land District) to ORL (Office/Research/Light Industrial District), Parke-Davis property, 2800 Plymouth Road.

There being no one to speak at this public hearing, the Chair declared the hearing closed.

PARKE-DAVIS REVISED AREA PLAN

A public hearing was conducted on the Parke-Davis revised area plan, 10.61 acres, 2800 Plymouth Road.

There being no one to speak at this public hearing, the Chair declared the hearing closed.

PIETRAS PROPERTY REZONING - ORDINANCE NO. 13-93

A public hearing was conducted on Ordinance No. 13-93 - Amendment to Chapter 55, rezoning of 0.22 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Pietras property, 424 Barber.

There being no one to speak at this public hearing, the Chair declared the hearing closed.

RICHARDS PROPERTY REZONING - ORDINANCE NO. 14-93

A public hearing was conducted on Ordinance No. 14-93 - Amendment to Chapter 55, the rezoning of 0.21 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Richards property, 415 Barber.

There being no one to speak at this public hearing, the Chair declared the hearing closed.

APPROVAL OF AGENDA

AGENDA APPROVED AS AMENDED

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

MOTIONS AND RESOLUTIONS

Move to Beginning: Resolution to Name the 1.2-acre parkland located at Placid Way and Tuebingen, Placid Way Park (Councilmembers Hunter and Hanna-Davies)

Delete: Resolution Authorizing Not to Exceed \$3,250,000 City of Ann Arbor (Unlimited Tax General Obligation Hydroelectric Facilities Refunding Bonds)

Additional Info: Resolution Approving Temporary One-Way Traffic Flow on State Street from S. University to E. William for University of Michigan Steam Tunnel Repair

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: N. Raupp, Director of the Gilbert Residence - in support of the Sequoia Place project - **File**

On a voice vote, the Chair declared the motion carried.

The agenda was altered to consider the following:

MOTIONS AND RESOLUTIONS

R-95-3-93 APPROVED

RESOLUTION TO NAME THE 1.2-ACRE PARKLAND

LOCATED AT PLACID WAY AND TUEBINGEN
PLACID WAY PARK

Whereas, over 183 petition signatures were received by the Park Advisory Commission from neighbors in the Placid Way/Tuebingen area to name the new 1.2 acre park space Placid Way Park;

Whereas, A petition was also presented to the Park Advisory Commission by the McCormick family to name the park land in memory of Pearl W. Sellards;

Whereas, On January 19, 1993 the Park Advisory Commission voted against naming the area Sellards Park; and

Whereas, The park naming policy favors naming parks after adjacent street names or the subdivision name whenever possible for identification reasons;

RESOLVED, That the Mayor and Council designate the 1.2 acre park area at Tuebingen and Placid Way, "Placid Way Park."

Councilmember Hunter moved that resolution be approved.

On a voice vote, the Chair declared the motion carried.

Returning to the order of the agenda:

APPROVAL OF COUNCIL MINUTES

MINUTES APPROVED AS CORRECTED

Councilmember Hunter moved that the executive and regular session minutes of February 22 and the regular session minutes of March 1 be approved.

Councilmember Peterson moved that the minutes be approved with the following corrections:

February 22, 1993 - Executive Session

Correct Roll Call as follows:

Present: Councilmembers Larry Hunter, Tobi Hanna-Davies, Peter Fink, Robert Grady, Nelson Meade, Kurt Zimmer, Peter Nicolas, ~~Thais Anne Peterson~~; Mayor Elizabeth S. Brater, 9 8

Absent: Councilmembers **THAIS ANNE PETERSON**, Robert Eckstein, + 2

and

February 22, 1993 - Regular Session

Correct proposed amendment by Councilmember Fink to R-62-6-93 - resolution reaffirming Ann Arbor City Council's opposition to the proposed hazardous waste landfill and incinerator in Augusta Township, Washtenaw County, Michigan, as follows:

Be It Finally Resolved, That the City's Assistant Administrator for Environmental Services contact Augusta Township Officials and the Michigan Citizens Against Toxic Substances Organization to obtain information which can assist Ann Arbor citizens and policy makers in promoting ~~successful opposition~~ ~~successful revolution~~ **RESOLUTION** of problems including moratoriums on new construction until these issues are resolved.

and

MARCH 1, 1993 - Regular session

Correct Communications from Council:

Councilmember Nicolas responded to a ~~personal~~ letter of criticism from Councilmember Grady.

On a voice vote, the Chair declared the motion carried.

CONSENT AGENDA

By unanimous consent of Council the following items were deleted from the Consent Agenda to be considered at the end of Motions and Resolutions:

Resolution to Authorize Final Payment to David M. Griffith & Associates for the 1992/93 Cost Allocation Plan Update (\$13,000)

Resolution to Award Contract for Wastewater Treatment Plant Biosolids Filtrate Pumping System, Bid No. 2366 (\$77,000)

Resolution to Extend Bid No. 2001 for One Year for the Purchase of High Performance Cold Patch (\$58,550)

CONSENT AGENDA APPROVED

The following Consent Agenda was considered:

R-96-3-93 APPROVED

RESOLUTION TO APPROVE PURCHASE OF
MICROCOMPUTER WORKSTATIONS
BID NO. 2356 (\$41,850)

Whereas, The City of Ann Arbor has completed an Information Services Strategic Plan to guide investment in information technology for the six year period commencing in 1989;

Whereas, A key element of this plan is the development of a network computing system consisting of a citywide data communications network and microcomputer workstations;

Whereas, Additional microcomputer workstations are needed to enhance the computing capacity of departments and meet the requirements of application projects;

Whereas, Bid Number 2356: Microcomputers was sent to all qualified vendors;

Whereas, Entre' Computer Center of Farmington Hills, Michigan, at \$41,850, was determined to be lowest responsive bidder to Bid No. 2356;

Whereas, Entre' Computer Center received Human Rights approval on December 1, 1992; and

Whereas, Funding for this acquisition is included in the FY 92-93 Administrative Services Department Workstation and Permits and Inspection budgets;

RESOLVED, That the recommendation of the City Administrator be approved and Bid Number 2356 be awarded and purchase orders issued to Entre' Computer Center in the amount of \$41,850.

R-97-3-93 APPROVED

RESOLUTION TO APPROVE HOUSING
REHABILITATION AGREEMENT WITH
LULA ROSEBERRY (\$25,665)

Whereas, An application was received from Lula Roseberry for rehabilitation assistance for her home located at 10 Metroview, Ann Arbor,;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program; and

Whereas, Three bids were received on March 4, 1993 and Ms. Roseberry will be executing an agreement with the lowest acceptable bidder to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Lula Roseberry in the amount of \$25,665 and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

R-98-3-93 APPROVED

RESOLUTION TO APPROVE EXPENDITURE
OF DRUG FORFEITURE FUNDS FOR POLICE
DEPARTMENT SPECIAL TACTICS UNIT
EQUIPMENT VAN - BID NO. 2388 (\$23,544)

Whereas, At its December 7, 1992 session, City Council accepted \$99,058 in drug forfeiture funds and an expenditure plan;

Whereas, A Special Tactics Unit Equipment van was one of the approved items from the expenditure plan;

Whereas, From the bids solicited by the Administrative Services Department-Purchasing Division with Red Holman GMC as the lowest responsible bid at \$23,544; and

Whereas, Red Holman GMC is approved by the Personnel and Human Rights Department on January 27, 1993;

RESOLVED, That City Council approve this bid and issue a purchase order to Red

Holman GMC in the amount of \$23,544 in accordance with Bid No. 2388; and

RESOLVED, That the expenditure of these funds from the Police Department's Drug Forfeiture Fund 027-031-0202-4500 is approved.

R-99-3-93 APPROVED

RESOLUTION TO EXTEND BID NO. 2176
FOR ONE YEAR FOR THE PURCHASE OF
ICE CONTROL SAND (\$21,200)

Whereas, The City places ice control sand on local streets during the winter months in response to snow and ice accumulation events;

Whereas, The current contract for this supply of ice control sand expired on September 16, 1992;

Whereas, Crownover Concrete & Block Co. agreed to extend terms, prices and conditions for the 1993 season (\$4.00/ton);

Whereas, Crownover Concrete & Block Co. received Human Rights approval on February 23, 1993; and

Whereas, This purchase has been budgeted for in 1992/93 fiscal year;

RESOLVED, That the contract for supplying the City's need of ice control sand be extended with Crownover Concrete & Block Co. of Ypsilanti, Michigan, for one year until September 16, 1993;

RESOLVED, That a purchase order be authorized in the amount of \$21,200 (5300 tons @ \$4/ton) using the FY92-93 Major & Local Street Funds;

RESOLVED, That funds from this purchase order be carried over into the FY93-94 until completion of the contract extension;

RESOLVED, That the City Administrator may extend this contract for up to one additional year if agreeable to both parties at no additional cost under the terms in Bid No. 2176; and

RESOLVED, That the City Administrator be directed to obtain ice control sand from the next bidder if Crownover Concrete & Block Co. is not able to furnish adequate supplies, or the material does not perform to City specifications.

R-100-3-93 APPROVED

RESOLUTION TO ACCEPT BOARD OF
INSURANCE ADMINISTRATION MINUTES
OF MARCH 2, 1993 AND TO AUTHORIZE
PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of March 2, 1993 be accepted and that the payments therein be authorized.

R-101-3-93 APPROVED

RESOLUTION AUTHORIZING INSTALLATION
OF A PRIVATE CABLE IN STREET RIGHT-
OF-WAY (MCI TELECOMMUNICATIONS
CORPORATION)

RESOLVED, That MCI Telecommunications Corporation (MCI) is authorized to install a private communications cable below the surface of the street right-of-way along the following route:

Commencing new conduit system construction at the intersection of I-94 and Ann Arbor-Saline Road, within the west lawn extension and west of the paved surface of the right-of-way of Ann Arbor-Saline Road and in northerly direction, switching to the east lawn extension and east of the paved surface of the right-of-way of Ann Arbor-Saline Road at a point just south of Eisenhower Parkway; thence continuing new construction in the east lawn extension and east of the paved surface in the right-of-way of Ann Arbor-Saline Road and extending north to where the street name changes to S. Main Street, to an existing Michigan Bell Telephone Company (MBTC) pole just north of the intersection of S. Main Street and Scio Church Road, (a distance of approximately 5,652 feet of new MCI construction); thence accessing EXISTING MBTC conduit and crossing S. Main Street to the west side; thence continuing northerly in the EXISTING duct system in the west right-of-way of S. Main Street to the northwest corner of the intersection of S. Main Street and Pauline Blvd.; thence crossing S. Main Street in EXISTING conduit; thence northerly in EXISTING conduit within the east right-of-way of S. Main Street to the northeast corner of the intersection of S. Main Street and Davis Street (a distance of approximately 5,280 feet of EXISTING MBTC

conduit); thence begin new conduit construction by MBTC within the north lawn extension and north of the paved surface of the right-of-way of Davis Street to the intersection of Davis Street and Greene Street; thence within the west lawn extension and west of the paved surface of the right-of-way of Greene Street to the site of MCI's proposed regenerator facility at 818 Greene Street (a distance of approximately 900 feet of new MBTC construction). The total length of the route within the City of Ann Arbor is approximately 11,832 feet;

upon the conditions that the Director of Public Services approve the final construction plans and that MCI sign a permit for the cable installation substantially in the form of the permit on file in the Clerk's Office.

R-102-3-93 APPROVED

RESOLUTION TO APPROVE A PLAN FOR
ELIMINATION OF VARIOUS FUND DEFICITS
REFLECTED IN THE JUNE 30, 1992
COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Whereas, The City Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 1992 indicated the presence of cumulative deficits in five funds; and

Whereas, The City is required by the Michigan Department of Treasury to file a formal plan for the elimination of any such deficits (which must be approved by the Department);

RESOLVED, That the following Deficit Elimination Plan for the City of Ann Arbor for the fiscal year ended June 30, 1992 is hereby approved; and

RESOLVED, That a certified copy of this resolution be forwarded to the Michigan Department of Treasury.

City of Ann Arbor Deficit Elimination Plan
at June 30, 1992

The following constitutes the City's plan for eliminating its fund balance/fund equity deficits as of June 30, 1992:

Public Works Billable \$51,799

This fund was designed to account for various engineering and inspection projects which

are billed to outside entities; it will be combined with the General Fund, effectively eliminating the deficit.

Housing Commission \$96,171

This deficit occurred during fiscal year 1991-92 from unfavorable revenue and expenditure variances. The Commission has applied for its outstanding grant revenues from the federal government; these revenues, **not** accrued at June 30, 1992, will eliminate the deficit during fiscal year 1992-93.

Capital Projects Bonds Debt Service \$19,523

This deficit resulted from unfavorable revenue and expenditure variances; our current projections indicate that favorable variances during the current fiscal year will result in a positive fund balance of \$83,729 at June 30, 1993.

Special Assessment (General Obligation Portion) Debt Service \$19,213

This deficit resulted from unfavorable revenue variances; our current projections indicate that favorable variances during the current fiscal year will result in a positive fund balance of \$11,316 at June 30, 1993.

Fuller Pool/Canoe Livery \$76,599

This deficit resulted primarily from unfavorable revenue variances. This fund will be combined with several others under the title "Recreational Facilities Fund;" the combined fund has a positive balance well in excess of this deficit.

R-103-3-93 APPROVED

RESOLUTION RECOGNIZING THE DANCE
GALLERY FOUNDATION AS A NONPROFIT
ORGANIZATION

Whereas, The Dance Gallery Foundation is a nonprofit institution;

Whereas, The United States Department of Treasury - Internal Revenue Service has recognized the DANCE Gallery Foundation as a nonprofit organization by giving it tax exempt status; and

Whereas, The Dance Gallery Foundation needs the City to recognize it as a nonprofit organization in order to conduct fundraising with State approval;

RESOLVED, That the City of Ann Arbor recognize the Dance Gallery Foundation as a nonprofit organization in the City of Ann Arbor.

R-104-3-93 APPROVED

RESOLUTION TO RECOGNIZE ANN ARBOR
CIVIC THEATER AS A NONPROFIT
ORGANIZATION

Whereas, The Ann Arbor Civic Theatre is a nonprofit institution;

Whereas, The United States Department of Treasury - Internal Revenue Service has recognized the Ann Arbor Civic Theatre as a nonprofit organization by giving it tax exempt status; and

Whereas, The Ann Arbor Civic Theatre needs the City to recognize it as a nonprofit organization in order to conduct fundraising with State approval;

RESOLVED, That the City of Ann Arbor recognize the Ann Arbor Civic Theater as a nonprofit organization in the City of Ann Arbor.

Councilmember Hunter moved that the Consent Agenda be approved.

On a voice vote, the Chair declared the motion carried.

ORDINANCES - SECOND READING

9-93 APPROVED

G.T. PRODUCTS/UNIVERSITY OF MICHIGAN 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 is an amendment to Chapter 55, the rezoning of 3.71 acres from M2 (Heavy Industrial District) to O (Office District) and PL (Public Land District), G.T. Products/University of Michigan property, 401 East Stadium Boulevard.

Councilmember Grady moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Bach, Fink, Grady, Meade, Nicolas, Peterson, Eckstein, Mayor Brater, 9

Nays, 0

Absent for the vote, Councilmembers Hunter, Zimmer, 2

The Chair declared the motion carried.

10-93 APPROVED
KING/KRAFT 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 is an amendment to Chapter 55, the rezoning of 0.39 acre from TWP (Township District) to R1C (Single-Family Dwelling District), King/Kraft property, corner of Burwood and Thaler.

Councilmember Nicolas moved that the ordinance be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Bach, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 10

Nays, 0

Absent for the vote, Councilmember Hunter, 1

The Chair declared the motion carried.

11-93 APPROVED
LEWIS PROPERTY 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 is an amendment to Chapter 55, the rezoning of 0.5 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Lewis property, 411 Barber.

Councilmember Nicolas moved that the ordinance be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Bach, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Mayor Brater, 9
Nays, 0
Absent for the vote, Councilmembers Hunter, Eckstein, 2

The Chair declared the motion carried.

12-93 APPROVED
PARKE-DAVIS 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 is an amendment to Chapter 55, the rezoning of 10.61 acres from PL (Public Land District) to ORL (Office/Research/Light Industrial District), Parke-Davis property, 2800 Plymouth Road.

Councilmember Peterson moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Bach, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Mayor Brater, 9
Nays, 0
Absent for the vote, Councilmembers Hunter, Eckstein, 2

The Chair declared the motion carried.

13-93 APPROVED
PIETRAS 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 is an amendment to Chapter 55, the rezoning of 0.22 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Pietras property, 424 Barber.

Councilmember Nicolas moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Bach, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Mayor Brater, 9
Nays, 0
Absent for the vote, Councilmembers Hunter, Eckstein, 2

The Chair declared the motion carried.

14-93 APPROVED
RICHARDS 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 is an amendment to Chapter 55, the rezoning of 0.21 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Richards property, 415 Barber.

Councilmember Grady moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Bach, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Mayor Brater, 10
Nays, 0
Absent for the vote, Councilmember Eckstein, 1

The Chair declared the motion carried.

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-105-3-93 APPROVED

RESOLUTION TO GRANT A NEW CLASS C LIQUOR LICENSE
TO MARGUERITE B. OLIVER - PASTABILITIES -
212 E. KINGSLEY

Whereas, A new Class C liquor license is available because of a previously unused license granted to "Tally Hall;"

Whereas, The Special Liquor Committee:

1. Mailed out questionnaires to all applicants who requested to be considered for the granting of a new license;
2. Interviewed all prospective applicant finalist;
3. Carefully reviewed all information provided by applicants;

RESOLVED, That the Mayor and Ann Arbor City Council approves the Special Liquor Committee's recommendation to grant a new Class C Liquor License to:

Marguerite B. Oliver,
 Pastabilities, 212 E. Kingsley
 Ann Arbor, 48104;

RESOLVED, That this license is granted because of the unused license at "Tally Hall;"

RESOLVED, That the above license is granted with the understanding that it shall not be sold or transferred without the approval of the Ann Arbor City Council; and

RESOLVED, That the City Clerk shall forward a copy of this resolution to the businesses listed above and the State Liquor Control Commission.

Councilmember Hunter moved that the resolution be approved.

On a voice vote, the Chair declared the motion carried with Councilmember Hunter abstaining.

R-106-3-93 APPROVED AS AMENDED

RESOLUTION REGARDING A SMOKE-FREE CITY HALL

Councilmember Meade moved that the resolution be approved.

Councilmember Grady moved that the resolution be amended as follows:

~~RESOLVED, That plans to convert the room now used by the Democratic caucus as an environmentally isolated room for use by smokers during~~

~~breaks be canceled as incompatible with a city policy to promote health and prevent disease;~~

RESOLVED, THAT, IN CONSIDERATION OF THE AFOREMENTIONED EPA REPORT ("RESPIRATORY EFFECTS OF PASSIVE SMOKING"), THE SMOKING TASK FORCE BE RECONVENED TO DETERMINE THE FEASIBILITY OF CONVERTING THE DEMOCRATIC CAUCUS ROOM UNDER GUIDELINES OF R-323-7-92 (JULY 20, 1992)

On roll call on the amendment, the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Bach, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11
Nays, 0

The Chair declared the motion carried.

The question on the floor is approval of the resolution as amended, on a voice vote, the Chair declared the motion carried unanimously.

Following is the resolution as amended:

R-106-3-93

RESOLUTION REGARDING A SMOKE-FREE CITY HALL

Whereas, City Council in July, 1992, after consultation with representatives of the several bargaining units, adopted a policy to make city hall a smoke-free work place with the exception of one environmentally isolated room;

Whereas, The implementation of that policy has been delayed pending solution of other space problems and commencement of building modifications;

Whereas, In January, 1993, the U.S. Environmental Protection Agency (EPA) issued a report on the "Respiratory Effects of Passive Smoking;"

Whereas, The EPA report found that over 3,000 deaths per year of non-smokers are attributable to exposure to environmental tobacco smoke (ETS);

Whereas, The workplace is a major source of exposure to ETS;

Whereas, the EPA concluded that ETS should be classified as a Group A carcinogen along with such other carcinogens as asbestos and benzene; and

Whereas, Continued exposure of city hall employees and visitors to second hand

smoke (ETS) is no longer a defensible policy;

RESOLVED, That the City Administrator implement the no smoking policy as soon as possible and no later than May 1, 1993;

RESOLVED, That in consideration of the aforementioned EPA report ("Respiratory Effects of Passive Smoking"), the Smoking Task Force be reconvened to determine the feasibility of converting the Democratic Caucus room under guidelines of R-323-7-92 (July 20, 1992); and

RESOLVED, That the City Administrator in consultation with representatives of bargaining units in other city facilities seek to bring all city facilities into compliance with a smoke free policy.

R-107-3-93 APPROVED

RESOLUTION TO APPROVE G.T. PRODUCTS LAND DIVISION

A communication was received from the City Planning Commission transmitting its approval (7 yeas and 0 nays) of the G.T. Products land division, 3.71 acres, located at 401 East Stadium Boulevard.

Whereas, G.T. Products and the University of Michigan have requested land division approval in order to divide the 3.71-acre parcel at 401 East Stadium Boulevard into two separate parcels;

Whereas, The Ann Arbor City Planning Commission, at its February 2, 1993 meeting, recommended approval of said request;

RESOLVED, by the Mayor and City Council that the G.T. Products Land Division is hereby approved.

Councilmember Hunter moved that the resolution be approved.

On a voice vote, the Chair declared the motion carried.

R-108-3-93 APPROVED

RESOLUTION TO APPROVE PARKE-DAVIS REVISED AREA PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval (6 yeas and 1 nay) of the Parke-Davis revised area plan, 10.61 acres, 2800 Plymouth Road.

Whereas, Parke-Davis has requested revised area plan approval for a 10.61-acre parcel at the northwest corner of Hubbard and Huron Parkway;

Whereas, The Ann Arbor City Planning Commission, at its meeting of February 2, 1993, recommended approval of said request;

RESOLVED, by the Mayor and City Council that the Parke-Davis Revised Area plan is hereby approved.

Councilmember Hunter moved that the resolution be approved.

On a voice vote, the Chair declared the motion carried.

R-109-3-93 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER TO THALNER ELECTRONIC LABORATORIES, INC. - BID NO. 2365 (\$20,389)

Whereas, The Cable Communications Commission has developed a technology upgrade plan for Ann Arbor Community Access Television;

Whereas, the first phase of this plan calls for replacement of aging equipment in the Ann Arbor Community Access Television Editing Suites;

Whereas, Bids from qualified video equipment vendors were solicited and received for certain editing suite components;

Whereas, Thalner Electronic Laboratories Inc. was the lowest responsible bidder for the purchase of video components; and

Whereas, Thalner Electronic Laboratories, Inc. received Personnel/Human Rights approval on November 25, 1992;

RESOLVED, That the City Council approves the issuance of a purchase order to Thalner Electronic Laboratories, Inc. in the amount of \$20,389.80 for the above referenced equipment.

Councilmember Hunter moved that the resolution be approved.

On a voice vote, the Chair declared the motion carried.

R-110-3-93 APPROVED

RESOLUTION APPROVING TEMPORARY ONE-WAY TRAFFIC
FLOW ON STATE ST. FROM S. UNIVERSITY TO E. WILLIAM
FOR UNIVERSITY OF MICHIGAN STEAM TUNNEL REPAIR

Whereas, The University of Michigan owns and operates a steam tunnel which crosses S. State St. between S. University and E. William St.;

Whereas, The roof of the tunnel is severely deteriorated;

Whereas, Replacement of the tunnel is necessary and planned for construction this spring by the University;

Whereas, Satisfactory detours and traffic controls will be installed and maintained by the University; and

Whereas, All necessary City permit fees will be paid by the University, as will lost revenue from parking meters taken out of service;

RESOLVED, That State St. between S. University and E. William be permitted to be reduced to one-lane northbound from March 16 to July 6; and

RESOLVED, That the City Administrator is authorized to take the necessary administrative actions, including issuing traffic control orders, to implement this resolution.

Councilmember Fink moved that the resolution be approved.

On a voice vote, the Chair declared the motion carried.

R-111-3-93 APPROVED

RESOLUTION TO INVESTIGATE RETAINING WALLS FOR

THE DESIGN OF THE FULLER/OAKWAY REALIGNMENT PROJECT (\$12,000)

Whereas, Council wishes to investigate the use of retaining walls and their impacts, to reduce the horizontal impact of cut and fill slopes on the Fuller/Oak Way realignment project; and

Whereas, This investigation is estimated to cost \$12,000 and require three additional weeks of work;

RESOLVED, That an amendment to the professional services agreement with Washtenaw Engineering Co., Inc. in the amount of \$12,000 is authorized;

RESOLVED, That an amount of \$12,000 is appropriated from the 1991 Street Millage (Fund 062), with any unobligated balance being reappropriated for succeeding fiscal years until the project is officially closed; and

RESOLVED, That the City Administrator is authorized to take the necessary administrative steps to implement this resolution.

Councilmember Meade moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Bach, Grady, Meade, Peterson, Eckstein, Mayor Brater, 8
Nays, Councilmembers Fink, Zimmer, Nicolas, 3

The Chair declared the motion carried.

R-112-3-93 APPROVED

RESOLUTION SUPPORTING NATIONAL COMMUNITY DEVELOPMENT WEEK:
APRIL 5 - 11, 1993

Whereas, The week of April 5-11, 1993 has been designated as National Community Development Week, and the City of Ann Arbor has participated in the Community Development Block Grant program for nineteen years;

Whereas, Thousands of very low income residents have benefitted from the housing, human services and economic development services funded with vital Community Development Block Grant funds and City human services funds;

Whereas, The City's Community Development Executive Committee reflects the diversity of our community and provides a forum for community input;

Whereas, The City's Community Development program relies upon the partnership of nonprofit agencies, neighborhood organizations, and the Community Development Department to effectively deliver needed services; and

Whereas, The City Council wishes to convey its appreciation to the Congressional Delegation for past support and to urge their continued support for the CDBG program during these critical times;

RESOLVED, That the Ann Arbor City Council indicates its strong support for National Community Development Week - April 5-11, 1993;

RESOLVED, That the Ann Arbor City Council thanks the Congressional Delegation, the CDBG Executive Committee and nonprofit agencies and neighborhood organizations for their continued assistance and hard work in implementing the City's Community Development Block Grant Program; and

RESOLVED, That the Mayor and Ann Arbor City Council wish to convey their deep appreciation to all those who have over the years dedicated their efforts to assist lower income Ann Arbor residents.

Councilmember Hunter moved that the resolution be approved.

On a voice vote, the Chair declared the motion carried.

R-113-3-93 APPROVED

RESOLUTION TO AUTHORIZE FINAL PAYMENT TO
DAVID M. GRIFFITH & ASSOCIATES FOR THE
1992/93 COST ALLOCATION PLAN UPDATE (\$13,000)

RESOLVED, Pursuant to the terms of the agreement between the City of Ann Arbor and David M. Griffith & Associates, City Council accepts the 1992/93 Cost Allocation Plan. Council further authorizes the City Administrator to issue payment of \$13,000 to David M. Griffith & Associates.

Councilmember Nicolas moved that the resolution be approved.

On a voice vote, the Chair declared the motion carried.

R-114-3-93 APPROVED

RESOLUTION TO AWARD CONTRACT FOR WASTEWATER
TREATMENT PLANT BIOSOLIDS FILTRATE PUMPING SYSTEM
BID NO. 2366 (\$77,000)

Whereas, The existing gravity biosolids filtrate system requires frequent and costly maintenance and has limited biosolids treatment process capacity;

Whereas, The proposed filtrate pumping system will reduce this maintenance cost and provide for increased biosolids treatment process capacity;

Whereas, The Utilities Department Wastewater Treatment Plant Division, through the Purchasing Department, advertised for bids to install the necessary filtrate pumping system and piping modifications as specified in Bid No. 2366;

Whereas, Five (5) bids were received and reviewed, and Monroe Plumbing and Heating Company is recommended as the lowest responsible bidder at a bid of \$69,940; and

Whereas, On January 29, 1993, Human Resources Department approved Monroe Plumbing and Heating Company to perform this work;

RESOLVED, That Council accepts the bid and awards the contract to Monroe Plumbing and Heating Company for \$69,940 to perform the work as specified in Bid No. 2366;

RESOLVED, That Council approves a contingency for this project in the amount of \$7,060 to finance change orders to be approved by the City Administrator;

RESOLVED, That the following project budget is approved for the life of the project, to be available until expended without regard to fiscal year:

Contract Work	\$69,940.
Contingency	<u>\$ 7,060.</u>
	\$77,000.

RESOLVED, That the Mayor and Clerk are authorized and directed to sign said contract approved as to form by the City Attorney, and approved as to substance by the Administrator.

Funding Source: Sewage Disposal System approved FY 92/93 Operating Budget.

Councilmember Nicolas moved that the resolution be approved.

On a voice vote, the Chair declared the motion carried.

R-115-3-93 APPROVED

RESOLUTION TO EXTEND BID NO. 2001 FOR ONE YEAR FOR
THE PURCHASE OF HIGH PERFORMANCE COLD PATCH
(\$58,550)

Whereas, The City of Ann Arbor utilizes high performance cold patch material in street maintenance and other maintenance activities;

Whereas, The current contract for this supply of high performance cold patch material expired on December 17, 1992;

Whereas, Barrett Paving Materials, Inc. agreed to extend terms, prices and conditions for the 1993 season (\$58.55 per ton FOB Ann Arbor);

Whereas, Barrett Paving received Human Rights approval on January 23, 1993;
and

Whereas, This purchase has been budgeted for in the 1992/93 fiscal year;

RESOLVED, That the contract for supplying the City's need of high performance cold patch material be extended with Barrett Paving of Romulus, Michigan, for one year until December 17, 1993;

RESOLVED, That a purchase order be authorized in the amount of \$58,550 (1000 tons @ \$58.55/ton) using the FY 92-93 Major & Local Street Funds;

RESOLVED, That funds from this purchase order be carried over into the FY 93/94 until completion of the contract extension; and

RESOLVED, That the City Administrator be directed to obtain UPM High Performance Cold Patch from the next bidder if Barrett Paving Inc. is not able to furnish adequate supplies, or the material does not perform to City specifications.

Councilmember Hanna-Davies moved that the resolution be approved.

On a voice vote, the Chair declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

Special Liquor Committee

Councilmember Hunter said that letters of regret will be mailed by mid-week to all of the Class C liquor license applicants not chosen to receive one of the 4 Class C liquor licenses in the recent awarding process.

Council Committee-of-the-Whole

Councilmember Peterson reminded Council of the Committee-of-the-Whole meeting scheduled for March 24, at 5:00 p.m., to discuss temporary sales on private property during the annual street art fair.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

Mayor Brater asked for confirmation of the following appointments which were placed in nomination at the last Council meeting:

ANN ARBOR COMMISSION ON DISABILITY ISSUES

RoAnne Chaney (reappointment)
2568 Packard Road
Term: 03/15/93 to 03/15/96

Marjorie Oliver-Cash (reappointment)

1560 Woodland Drive
Term: 03-15-93 to 03-15-96

TRANSPORTATION TASK FORCE

Jeffrey S. Gourджи (University of Michigan student community representative)
1345 Washtenaw, #6

DOWNTOWN MARKETING TASK FORCE

Jerry Preston (representing the downtown business community)
Ann Arbor Area Convention and Visitors Bureau
211 East Huron, Suite #6

CABLE COMMUNICATIONS COMMISSION

Barbara Clarke (replacing Herb Eagle at term expiration)
2330 South Circle Drive
Term: 03-15-93 to 03-15-98

Michael E. Mouradian (to fulfill membership requirement)
1336 Culver
Term: 03-15-93 to 03-15-98

Councilmember Hunter moved that Council concur in the recommendations of the Mayor.

On a voice vote, the Chair declared the motion carried.

Mayor Brater placed the following nominations on the table for approval at a later date:

DOWNTOWN DEVELOPMENT AUTHORITY

Karl Pohrt (replacing Jon Gordon at term expiration)
313 South State Street
Term: 04/08/93 to 07/31/97

RECREATION ADVISORY COMMISSION

Audrey L. Jackson (replacing Thomas Bletcher at term expiration)
2557 Sandalwood
Term: 04-08-93 to 08-31-96

Maureen Martin (upon the resignation of Cynthia Lynn Junker)
1120 West Liberty
Term: 04-08-93 to 08-31-96

Council Call-in

Mayor Brater announced that the Council Call-in would be conducted by Councilmember Hanna-Davies on March 17, from 6:30 to 8:00 p.m. - 994-3313.

City Election April 5

Mayor Brater reminded everyone of the City General Election to be held on April 5. This is the first night of Passover. Absentee voting is available for those who may be unable to vote in person.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Alfred A. Gatta presented the following items of information:

1. Status report of City and Scio Township parcels in the Evergreens Subdivision
2. Solicitations from Bid No.s 2384 and 2357
3. Marksbury (Glazier Way) drainage problem
4. Summary of City department activities for the Second Quarter (October, November, December) 1992
5. Sidewalks on Washtenaw Between Stadium and Brockman

The information items were filed with the City Clerk.

City Administrator Gatta received requests from Councilmembers for information on other subjects.

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER FINK

Councilmember Fink said that the Housing Policy Board minutes of January 20, 1993, reported that 370 (7%) subsidized co-op units are occupied by people above HUD income guidelines. This is unfair to those waiting for subsidized housing.

Consideration by the Housing Policy Board to waive city fees as an affordable housing incentive may not be uniformly applied.

The report in the Human Rights Commission minutes of January 25, 1993, that the Human Resources director interviews were discontinued and a new search initiated at the request of Council, should either be substantiated or corrected.

COUNCILMEMBER PETERSON

Councilmember Peterson informed Council that plans for the Sequoia Place senior housing project would be introduced at the City Planning Commission meeting scheduled for Tuesday, March 16.

COUNCILMEMBER ZIMMER

Councilmember Zimmer criticized Mayor Brater's opinion that the *Ann Arbor News* is not an accurate source of information on city government issues and the Mayor's campaign staff's plans to publish an information newsletter to citizens.

COUNCILMEMBER GRADY

Councilmember Grady commented that Inez Thorn, the author of letters appearing in the *Washtenaw Libertarian* regarding Ellsworth Road contamination, the Ecology Center and Council candidates in the Fifth Ward, does not exist.

Councilmember Grady said that the meeting between City officials and HUD produced no definitive answers to the issue of resident/management implementation. The developing mediation in this area is encouraging.

Councilmember Grady objected to the verbal attack on Rosemarion Blake by Councilmember Zimmer because of Ms. Blake's comments during Public Commentary time. Councilmember Grady was concerned that this may deter citizens who wish to address their concerns to Council.

MAYOR BRATER

Mayor Brater noted that personal attacks are out of order around the Council table whether launched at citizens or fellow Councilmembers.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were received and referred as indicated:

1. Stuart C. Bradley - objecting to the Ann Arbor boycott Colorado resolution - File
2. Wayne McDonald - Objecting to the Ann Arbor boycott Colorado resolution - File
3. Kenneth R. Keyser - Objecting to the Ann Arbor boycott Colorado resolution - File
4. Kevin Krchmar - Objecting to the Ann Arbor boycott Colorado resolution - File
5. Michigan Association of Railroad Passengers - Restoration of Commuter Rail Service to Southeast Michigan - File
6. N. Raupp, Director of the Gilbert Residence - in support of the Sequoia Place Project - File

The following minutes were received and are filed with the City Clerk:

1. Zoning Board of Appeals - January 20, 1993
2. Zoning Board of Appeals - December 16, 1992
3. Human Rights Commission - January 25, 1993
4. Housing board of Appeals - January 5, 1993
5. Housing Board of Appeals - December 1, 1992
6. Building Board of Appeals - January 26, 1993

Councilmember Peterson moved that the Clerk's Report be approved.

On a voice vote, the Chair declared the motion carried.

ADJOURNMENT

There being no further business, Councilmember Peterson moved that the meeting be adjourned.

On a voice vote, the Chair declared the motion carried and the meeting was adjourned at 10:15 p.m.

W. Northcross
Clerk of the Council

Linda J. Wise
Recording Secretary