

EXECUTIVE SESSION - AUGUST 16, 1993

The executive session of the Ann Arbor City Council was called to order at 7:10 p.m. by Mayor Ingrid B. Sheldon.

ROLL CALL OF COUNCIL

Present: Councilmembers Larry Hunter, Peter Fink, Jane Lumm, Robert Grady, Ulrich Stoll, Peter Nicolas, David Stead, Mayor Ingrid Sheldon, 8

Absent: Councilmembers Tobi Hanna-Davies, Julie Creal, Thais Anne Peterson, 3

RECESS TO EXECUTIVE SESSION

Councilmember Hunter moved that Council recess to an Executive Session to discuss pending litigation.

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

The executive session was adjourned at 7:40 p.m.

Paul C. McCoy
Acting Clerk of the Council

Linda J. Wise
Recording Secretary

REGULAR SESSION - AUGUST 16, 1993

The regular session of the Ann Arbor City Council was called to order at 7:40 p.m. by Mayor Ingrid B. Sheldon.

Council stood for a moment of silence.

Mayor Sheldon led the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: Councilmembers Larry Hunter, Peter Fink, Jane Lumm, Robert Grady,

Ulrich Stoll, Peter Nicolas, Thais Anne Peterson, David Stead, Mayor Ingrid B. Sheldon, 9

Absent: Councilmembers Tobi Hanna-Davies, Julie Creal, 2

INTRODUCTIONS

CITY PROVIDED COMMERCIAL RECYCLING PROGRAM

Nancy Stone, Carolyn and Joseph Arcure introduced the RecyclePlus Commercial Program scheduled to be implemented City-wide in the fall of 1993, to meet the needs of the commercial sector.

ANN ARBOR JAYCEES PRESENTATION

Dan Wisler, president of the Ann Arbor Jaycees and chairperson for the Summer Carnival Mary Garnier, thanked Council for its support. The annual carnival and the Fourth of July parade were both successful events. A check in the amount of \$1,000 was presented Council as partial reimbursement to the City's Events Fund.

PUBLIC COMMENTARY - RESERVED TIME

BOB ECKSTEIN - LANDFILL GROUNDWATER TREATMENT

Bob Eckstein, 1345 Kuehnle, objected to a proposed expenditure of up to \$75,000 for cost estimates for groundwater treatment at the Ann Arbor landfill.

ANDY GULVEZAN - TRIBUTE TO ELVIS PRESLEY

Andy Gulvezan, Medford Road, sang a song in tribute to Elvis Presley.

JOHN PSYCHAS - PARKING METERS ON WALL STREET

John Psychas, 959 Wall St., suggested that the installation of parking meters on Wall Street may deter long-term parking by area employees who park on the street.

PUBLIC HEARINGS

None.

APPROVAL OF AGENDA

AGENDA APPROVED AS AMENDED

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

D - MOTIONS AND RESOLUTIONS

Delete: Resolution to Approve Amendment to the Professional Services Agreement with Washtenaw Engineering, Inc. for the Fuller/Oak Way Realignment Project (\$260,000)

Delete: Resolution Amending Service Contract with Resource Recycling Systems, Inc. (\$130,800)

Add Sponsor: Resolution to Take Advantage of Existing Research Data on 1,4-Dioxane for Ann Arbor Landfill Clean Up (Councilmembers Lumm **AND FINK**)

G - COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: An Overview of the Development of the School Contract Language and the Sequence of Events in the Handling of the Jackye McEwen Case

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

APPROVAL OF COUNCIL MINUTES

MINUTES APPROVED AS CORRECTED

Councilmember Hunter moved that the regular session of July 19, 1993 - regular session continued on July 20, 1993, working and special sessions of July 26, 1993, regular session of August 2, 1993 be approved.

Councilmember Grady moved the following corrections to the July 19 minutes:

July 19, 1993 - INTRODUCTIONS

Mayor <Brater> **SHELDON** and Parks and Recreation Superintendent....

July 19, 1993 - RESOLUTION ORDERING ELECTION AND DETERMINING BALLOT QUESTION FOR CHARTER AMENDMENT REGARDING FUNDS FOR PUBLIC TRANSIT

Councilmember Fink moved that the resolution be tabled pending a working session and final vote prior to September 2, 1993.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, <Grady,> Nicolas, <-4-> 3

Nays, Councilmember Hunter, Hanna-Davies, **GRADY**, Peterson, Stead, **MAYOR SHELDON**, <-5-> 6....

On a voice vote on the approval of the minutes as corrected, the Chair declared the motion carried.

CONSENT AGENDA

The following Consent Agenda was considered:

R-361-8-93 APPROVED

RESOLUTION TO GRANT REVIEW EXTENSION FOR ARBOR HILLS PRELIMINARY PHASE PUD

Whereas, The Ann Arbor City Council has directed that review of the Arbor Hills Preliminary Phase PUD be returned to the City Planning Commission for further review; and

Whereas, Pursuant to Chapter 55, Section 5:80(6)(f), a 60-day review extension is necessary to comply with said direction;

RESOLVED, By the Mayor and City Council to grant a 60-day review extension (until October 23, 1993) for the Arbor Hills Preliminary Phase PUD rezoning.

R-362-8-93 APPROVED

RESOLUTION TO AWARD CONTRACT AND ESTABLISH PROJECT BUDGET FOR PAINTING AND SEALS AND HOIST CHAINS REPLACEMENT AT BARTON DAM - BID NO. 2460 (\$222,000)

Whereas, It is necessary to replace seals and hoist chains and paint spillway gates at Barton Dam;

Whereas, Of the two bids received, Atsalis Bros. Painting & Maintenance Company has submitted the low and responsible bid for said work in the total amount of \$187,000;

Whereas, The contractual proposal specifies the services to be performed by said company, and the payments to be made by the City, and all are agreeable to the City; and

Whereas, On August 5, 1993 the Personnel/Human Rights Department approved Atsalis Bros. Painting & Maintenance Company for said contract;

RESOLVED, That Council accepts the proposal and awards a contract to Atsalis Bros. Painting & Maintenance Co. in the amount of \$187,000 for the said replacement and painting work at Barton Dam;

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

RESOLVED, That the following project budget be adopted and funds appropriated for the life of the project, to be available until expended without regard to the fiscal year:

Section I - Revenue

Interim advance from Water Supply System Fund to be reimbursed following the sale of 1994 Water Revenue Bond, Series U	\$222,000
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Section II - Expenditure

Construction	\$187,000
Contingency for change orders to be approved by City Administrator	\$ 19,000
Miscellaneous Costs	\$ 5,000
Bond overhead charges	<u>\$ 11,000</u>
TOTAL	<u>\$222,000</u>

Source of Funds: Interim Advance from Water Supply Fund to be repaid by Water Revenue Bonds Series U, Spring 1994

R-363-8-93 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION
CONTRACT TO SINACOLA MIDWEST, INC. AND
ESTABLISH A PROJECT BUDGET FOR THE
CHANDLER ROAD WATER MAIN PROJECT
BID NO. 2424 (\$80,000)

Whereas, It has been found necessary to construct a six-inch water main along Chandler Road from Argo Drive to Amherst Avenue;

Whereas, Sinacola Midwest, Inc. of Pinckney, Michigan, has submitted to the City on July 28, 1993, a bid for said work in the total amount of \$80,000 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 construction project; and

Whereas, The Personnel/Human Rights Department has, on August 9, 1993, approved said company for said construction project;

RESOLVED, That a contract in the amount of \$80,000 be awarded to Sinacola Midwest, Inc. for the construction of the Chandler Road Water Main Project (Bid No. 2424);

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

RESOLVED, That the following project budget be adopted and funds appropriated for the life of the project, to be available until expended without regard to fiscal year:

CHANDLER ROAD WATER MAIN PROJECT

Section I - Revenue

\$121,000	Advanced from the Water Supply System Fund (Fund 042) to be reimbursed following the future sale of Water Revenue Bonds.
\$121,000	Total

Section II - Expense

\$80,000	Construction
\$8,000	Design Engineering
\$12,000	Construction Engineering
\$5,000	Consulting and Testing
\$6,400	Contingencies to be approved in writing by the City Administrator
\$4,000	Miscellaneous Costs
\$5,600	Bond Overhead Charge
\$121,000	Total

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

R-364-8-93 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER
TO B & R TIRE AND RETREADING, INC.
BID NO. 2454 (\$80,000)

Whereas, The Fleet Services Division of the Public Services Department purchases new tires and repair service for City of Ann Arbor trucks;

Whereas, B & R Tire and Retreading, Inc. was the lowest responsible bidder, bid number 2454;

Whereas, Public Services, Fleet Services Division, estimates that \$80,000 will be spent in fiscal year 1993-94 for tires and repairs; and

Whereas, B & R Tire received Personnel/Human Rights approval on June 23, 1993;

RESOLVED, That City Council approves the issuance of a purchase order to B & R Tire and Retreading, Inc. for \$80,000;

RESOLVED, That \$80,000 is appropriated from the 1993/1994 Public Services Department General Fund Budget; and

RESOLVED, That the City Administrator may extend this contract for up to two one-year periods if agreeable to both parties and under the terms in Bid No. 2454.

R-365-8-93 APPROVED

RESOLUTION TO APPROVE A CONTRACT TO AWARD BID NO. 2459 FOR EBERBACH CULTURAL ARTS BUILDING REPAIRS AND RENOVATION (\$76,013)

Whereas, Funds in the amount of \$120,000 are appropriated in the FY 93-94 budget for the rehabilitation of the Eberbach Cultural Arts Building project from the 1989-94 Parks Rehabilitation and Development Millage;

Whereas, Ken Daly Inc. submitted the lowest responsible bid for renovation and repair work to Eberbach Cultural Arts Building in the amount of \$76,013; and

Whereas, The Personnel Human Rights Department approved the company on August 6, 1993;

RESOLVED, That the Mayor and Council approve a contract awarding Bid No. 2459 to Ken Daly Inc. in the amount of \$76,013 and authorize the Mayor and City Clerk to sign the agreement between the City and Ken Daly Incorporated substantially in the form on file with the City Clerk; and

RESOLVED, That Mayor and City Council approve a contingency in the amount of \$7600 to cover potential contract change orders to be approved by the City Administrator and to approve a total project budget of \$83,613 for the life of the project.

R-366-8-93 APPROVED

RESOLUTION TO AWARD CONTRACT FOR
WEST PARK SLOPE RESTORATION
BID NO. 2398 TO JOHN HOLLOWELL
AND ASSOCIATES, INC. (\$60,293.30)

Whereas, The "West Park Retaining Wall Solution" is identified in Year 3 of the 1988-94 Park Rehabilitation and Development millage with a budget of \$100,000, as appropriated in the FY 1993-1994 budget for the life of the project;

Whereas, Competitive bids were received by the Purchasing Department on July 29, 1993 with John Hollowell and Associates, Inc. being the lowest responsible bidder at \$60,293.30; and

Whereas, John Hollowell and Associates, Inc. has received approval from the Department of Personnel and Human Rights as of August 2, 1993;

RESOLVED, That a contract in the amount of \$60,293.30 be awarded to John Hollowell and Associates, Inc. for construction of the West Park Slope Restoration Project (Bid No. 2398); and

RESOLVED, That City Council approve a contingency of \$9707 (15%) to cover potential contract change orders authorized by the City Administrator; and

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign said contract with John Hollowell and Associates, Inc. substantially in the form on file with the City Clerk, and the City Administrator is authorized to take the necessary administrative actions to implement this resolution.

R-367-8-93 APPROVED

RESOLUTION TO APPROVE A PURCHASE
ORDER TO COOPERS & LYBRAND FOR
AUDITING SERVICES (\$49,000)

Whereas, The City entered into a contract with Coopers & Lybrand, Certified Public Accountants, to provide audit services for five years, ending with the audit of fiscal year 1993;

Whereas, The terms of the contract call for the auditors to be paid \$49,000 for auditing services for the fiscal year 1993; and

Whereas, Funds for these services area available in the Finance Department budget;

RESOLVED, That a purchase order in the amount of \$49,000 be issued to Coopers & Lybrand in accordance with the contract dated May 16, 1989.

R-368-8-93 APPROVED

RESOLUTION TO APPROVE THE
MAINTENANCE CONTRACT FOR D.E.C.
SOFTWARE AND EQUIPMENT (\$42,568)

Whereas, The Information Services Division of the Administrative Services Department wishes to enter into a three (3) year software and equipment maintenance contract with Digital Equipment Corporation on behalf of the City of Ann Arbor Police Department;

Whereas, Digital Equipment Corporation is the sole vendor for software maintenance;

Whereas, The City wishes to continue computer software and equipment maintenance from Digital Equipment Corporation due to (1) responsibility for all software and equipment by one vendor, and (2) continuing upgrading of said software and equipment; and

Whereas, Digital Equipment Corporation has been approved by the Personnel/Human Rights Department on June 2, 1993;

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign a contract on forms approved as to form by the City Attorney, and approved as to

RESOLVED, That the City Administrator is authorized to issue a purchase order to Digital Equipment Corporation for the sum of \$42,568 for software and hardware maintenance in the Police Department.

Source of Funds: Information Services Department 013-013-1300-2320 and 013-010-2200 2660

R-369-8-93 APPROVED

RESOLUTION TO AUTHORIZE PURCHASE
ORDER FOR PRINTING AND PUBLISHING
FOR THE PEOPLE, CITY NEWSLETTER
(\$39,668)

RESOLVED, That City Council approve the issuance of a purchase order to *The Ann Arbor Observer* for printing and publishing *For the People*, the City newsletter for fiscal year 1993/94 in the amount of \$39,668.

R-370-8-93 APPROVED

RESOLUTION TO APPROVE INTERIOR
PAINTING OF MACK POOL
BID NO. 2466 (\$19,030)

Whereas, The Park Maintenance & Repair Millage includes \$115,000 in the deferred maintenance improvement plan for Mack Pool;

Whereas, Michael Angelo's Painting has submitted the lowest responsible bid for the painting of the Mack Pool ceiling, walls, and doors; and

Whereas, The Human Resources Department approved said company on August 2, 1993;

RESOLVED, That the Mayor and City Council approve the awarding of Bid No. 2466, and issuing a purchase order to Michael Angelo's Painting in the amount of \$17,300, and approving a 10% construction contingency in the amount of \$1,730 for a total project budget of \$19,030 for the life of the project.

R-371-8-93 APPROVED

RESOLUTION TO ACCEPT BOARD OF
INSURANCE ADMINISTRATION MINUTES
OF AUGUST 5, 1993 AND TO AUTHORIZE
PAYMENTS

RESOLVED, That the Board of Insurance Administration minutes of August 5, 1993 be accepted and that the payments therein be authorized.

R-372-8-93 APPROVED

RESOLUTION AUTHORIZING INSTALLATION
OF A PRIVATE WELL IN STREET RIGHT-OF-WAY

Whereas, On September 8, 1992 the Council approved a Resolution Authorizing an Agreement between the City of Ann Arbor and Gelman Sciences, Inc.;

Whereas, Said resolution authorizes the City Administrator and City Attorney to negotiate appropriate agreements consistent with this resolution; and

Whereas, Gelman Sciences, Inc. has requested permission to install and operate a reinjection well and related piping in the Evergreen Drive right-of-way to facilitate the treatment and disposal of contaminated groundwater from the Evergreen and Scioto Hills Subdivisions;

RESOLVED, That the City Administrator is authorized to issue a permit to Gelman Sciences, Inc. to install a private reinjection well and related piping below the surface of the Evergreen Drive right-of-way upon the conditions that the Director of Public Services approve the final construction plans and that Gelman Sciences, Inc. sign a permit for the well installation approved as to form by the City Attorney.

R-373-8-93 APPROVED

RESOLUTION RECOGNIZING THE
ANN ARBOR CHAMBER OF COMMERCE AS
A NON PROFIT ORGANIZATION IN THE
CITY OF ANN ARBOR

Whereas, The Ann Arbor Chamber of Commerce is a nonprofit organization;

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

Whereas, The Ann Arbor Chamber of Commerce needs the City to recognize it as a nonprofit organization in the community in order to conduct fundraising with State approval;

RESOLVED, That the Mayor and City Council recognize the Ann Arbor Chamber of Commerce as a nonprofit organization in the City of Ann Arbor.

R-374-8-93 APPROVED

RESOLUTION TO GRANT SEWER SERVICE
OUTSIDE CITY LIMITS TO LOT 61, THE
EVERGREEN (430 PARKWOOD STREET)

Whereas, Theodore and Reine Grammatico, owners of the property at 430 Parkwood Street, on July 15, 1993 have requested that the City extend public sewer service to their property in Scio Township prior to the completion of the annexation process;

Whereas, The property owners desire to enter into the standard agreement with the City to provide an equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, On October 14, 1991 the property owners petitioned the City for annexation under Planning Department file number 8243H22.1 and .2;

RESOLVED, That the Mayor and Clerk are hereby authorized and requested to sign the agreement to allow City sewer service to the land during the time it is still outside of the corporate limits; that the City Clerk is hereby directed to send a copy of this resolution and the agreement by first class mail to the above property owners; and that the Utilities Department shall promptly have this resolution and the agreement recorded in the office of the Register of Deeds of Washtenaw County, Michigan.

Councilmember Fink moved that the Consent Agenda be approved.

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

ORDINANCES - SECOND READING

25-93 APPROVED

ANIMAL SANITATION NUISANCE

AN ORDINANCE TO AMEND SECTIONS 9:45, 9:47, 9:48, AND 9:52 OF CHAPTER 107 OF TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR.

This ordinance defines ownership of stray animals and defines "sanitation nuisance" in conjunction with animals.

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

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 7
Nays, Councilmembers Hunter, Grady, 2

The Chair declared the motion carried.

ORDINANCES - FIRST READING

DEFEATED

HOUSING COMMISSION MEMBERSHIP COMPOSITION

AN ORDINANCE TO AMEND SECTION 1:209 OF CHAPTER 8 OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment would require the appointment of one resident of senior housing and one resident of family housing to the Housing Commission.

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

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Nicolas, Stead, 4
Nays, Councilmembers Hunter, Grady, Stoll, Peterson, Mayor Sheldon, 5

The Chair declared the motion defeated.

27-93 APPROVED

FINANCING LOCAL PUBLIC IMPROVEMENTS

AN ORDINANCE TO AMEND SECTION 1:278 OF CHAPTER 12 OF TITLE II OF THE CODE OF THE CITY OF ANN ARBOR.

This ordinance would provide that newly annexed properties benefiting from past improvements be assessed for those improvements at an appreciated value based on the U.S. Department of Labor Consumer Price Index for the

Detroit-Ann Arbor urban consumer area. The amendment would also delete language limiting the interest rate to be charged.

Councilmember Fink 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.

28-93 APPROVED

ASSESSING SINGLE LOTS

AN ORDINANCE TO AMEND SECTION 1:292 AND 1:296 OF CHAPTER 13 OF TITLE II OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment would delete language limiting the interest rate to be charged on single lot assessments and to provide that installment payments for assessments be above but as near to \$50. as possible.

Councilmember Stead 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

R-375-8-93 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE NUMBER 25-93 - ANIMALS ORDINANCE REVISIONS

Whereas, The City Charter, Section 7.4 authorizes the publication by summary of ordinances over 500 words in length;

RESOLVED, That the publication of ordinance 25-93 shall be by the following summary:

Ordinance 25-93 revises the regulations in Chapter 107 - Animals Ordinance of the City Code. The revisions add the definition of sanitation nuisance, clarify the definition of ownership, include sanitation nuisance as a chapter violation, authorize the animal control officer to impound any animal causing

a sanitation nuisance, and classify the nuisance violation as a civil infraction.

The complete text of this ordinance is available at the office of the City Clerk.

Councilmember Nicolas moved that the resolution be approved.

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

R-376-8-93 APPROVED

RESOLUTION TO APPROVE ADDITIONAL CONVERSION TO THE 800 MHz RADIO SYSTEM AND FINANCING AGREEMENT WITH WASHTENAW COUNTY (\$486,109)

Whereas, It is desirable to proceed with the City's on-going conversion to the 800 MHz radio system to fully utilize all of the City's 800 MHz system channels by December 31, 1993;

Whereas, The 800 MHz enhanced trunking radio system will provide improved inter-agency communications, eliminate unreliable transmission and reception areas of the City, provide equipment interchangeability, and enhance immediate emergency communications;

Whereas, The existing 158 MHz system does not meet the needs of the City and is substantially overloaded and is obsolete;

Whereas, The replacement of the existing radios with 800 MHz units will result in improved and more reliable radio communication capabilities; and

Whereas, On January 15, 1993 the Human Resources Department granted Motorola Human Rights approval;

RESOLVED, That City Council approves up to \$390,494 for the purchase of 800 MHz radio equipment from Motorola Communications and Electronics, Inc., associated buy-in costs of \$65,134, and installation charges of \$30,481;

RESOLVED, That the agreement with Washtenaw County for ten year bond financing for the above charges be approved and that the Mayor and City Clerk are hereby authorized and directed to execute said agreement after approval as to form by the City Attorney and approval as to substance by the City Administrator; and

RESOLVED, That the City Administrator be authorized to take the necessary

administrative actions to implement this resolution.

Councilmember Fink moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 8
Nays, Councilmember Hunter, 1

The Chair declared the motion carried.

R-377-8-93 APPROVED AS AMENDED

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR
TO EXECUTE A RENEWAL OF THE DELTA DENTAL CARE
CONTRACT (\$303,242)

Councilmember Hunter moved that the resolution be approved.

Councilmember Hunter moved that the resolution be amended by adding the following paragraph:

RESOLVED, THAT THIS RESOLUTION SHOULD NOT BE CONSTRUED AS AN EXPANSION OF ANY EXISTING COLLECTIVE BARGAINING AGREEMENT, OR AS A COMMITMENT TO ANY FUTURE LEVEL OF COVERAGE.

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

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

Following is the resolution as it was approved by Council:

R-377-8-93

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR
TO EXECUTE A RENEWAL OF THE DELTA DENTAL CARE
CONTRACT (\$303,242)

Whereas, The City provides dental care insurance to City employees in accordance

with Personnel Rules and Regulations and various labor contracts at an estimated annual cost of approximately \$303,242, the contract with Delta Dental of Michigan is due for renewal on September 1, 1993; and

Whereas, The Management/Labor Employee Benefit Cost Containment is studying means of modifying our employee benefit program, thus a one year policy renewal is recommended by staff;

RESOLVED, That the City Administrator is authorized to execute the renewal contract with Delta Dental of Michigan for a one year period beginning September 1, 1993 at the following monthly quoted rates:

<u>Suffix</u>	<u>Rates</u>
0003	\$23.22
0010	\$23.54
0020	\$23.54
0001	\$27.80
0002	\$27.80
0004	\$27.80
0005	\$27.80
0006	\$27.80
0008	\$27.80

RESOLVED, That this resolution should not be construed as an expansion of any existing collective bargaining agreement, or as a commitment to any future level of coverage.

R-378-8-93 APPROVED

RESOLUTION TO AUTHORIZE THE SIGNALIZATION OF
I-94 WESTBOUND RAMP AT ANN ARBOR-SALINE ROAD
AND APPROPRIATE PROJECT FUNDS (\$55,865)

Whereas, The intersection of I-94 Westbound ramp at Ann Arbor-Saline Road warrants a traffic signal in accordance with the Michigan Manual of Uniform Traffic Control Devices;

Whereas, The Michigan Department of Transportation possesses jurisdiction over the I-94 ramp; and

Whereas, Federal funds are currently available for the signalization of this

intersection;

RESOLVED, That the City Council authorizes the City Administrator to issue the necessary traffic control order to install said traffic signal;

RESOLVED, That the City Council authorizes the City Administrator to enter into a cost agreement with the State of Michigan which provides for the City's portion of the installation (\$3,743) and for future maintenance;

RESOLVED, That the City Council authorizes the Major Street Fund appropriation to be increased by \$57,709 and the establishment of the necessary expenditure account for this project; and

RESOLVED, That the City Council authorizes issuance of the necessary purchase orders for materials, supplies, and contracted services for the traffic signal installation conditioned on Human Resources approval and compliance with City bidding procedures.

Councilmember Nicolas moved that the resolution be approved.

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

R-379-8-93 APPROVED AS AMENDED

RESOLUTION TO REJECT OFFER TO PURCHASE
CITY PROPERTY AT PACKARD AND MAIN STREETS
(RETURN \$20,000 DEPOSIT)

Councilmember Stoll moved that the resolution be approved.

Councilmember Hunter moved that the resolution be amended by adding the following paragraph:

FINAL PARAGRAPH:
BI IT FINALLY RESOLVED, THAT THE BIDDER BE PAID A FAIR AND
APPROPRIATE RATE OF INTEREST TO BE DETERMINED BY THE CITY
ADMINISTRATOR.

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

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

Following is the resolution as amended:

R-379-8-93

RESOLUTION TO REJECT OFFER TO PURCHASE
CITY PROPERTY AT PACKARD AND MAIN STREETS
(RETURN \$20,000 DEPOSIT)

Whereas, On July 2, 1990, this Council considered a bid to purchase City-owned property, located on the west side of Main Street near its intersection with Packard Street, which bid was neither accepted or rejected;

RESOLVED, That the bid considered at the July 2, 1990, meeting in resolution R-382-7-90 is rejected and any deposit which accompanied the bid be returned to the bidder; and

RESOLVED, That the bidder be paid a fair and appropriate rate of interest to be determined by the City Administrator.

R-380-8-93 APPROVED

RESOLUTION TO AUTHORIZE THE INCREASE OF THE
MAJOR STREET FUND APPROPRIATIONS FOR TRAFFIC
SIGNAL WORK (\$10,000)

Whereas, The State of Michigan has requested that additional work be completed on the trunkline signals prior to September 30, 1993;

Whereas, The City of Ann Arbor is the maintaining agency for the Michigan Department of Transportation along the trunklines within the City of Ann Arbor; and

Whereas, The Michigan Department of Transportation has agreed, in the letter dated July 26, 1993, to reimburse the City of Ann Arbor for this work, not to exceed \$10,000;

RESOLVED, That the City Council authorizes the City Administrator to increase the Major Street Fund appropriations by \$10,000 to accommodate this work.

Councilmember Hunter moved that the resolution be approved.

On a voice vote, the Chair declared motion carried.

R-381-8-93 APPROVED

RESOLUTION IN SUPPORT OF A CLASS C RESORT
LICENSE FOR PASTABILITIES

Whereas, The Ann Arbor City Council Special Liquor Committee recently made recommendation to the Ann Arbor City Council for granting four new Class C liquor licenses within the City;

Whereas, The City of Ann Arbor has subsequently been notified by the State of Michigan LCC that only a maximum of three Class C licenses are currently available under the Ann Arbor population quota;

Whereas, The Special Liquor Committee believes that "Pastabilities Restaurant" located at 415 W. Kingsley, Ann Arbor, Michigan is deserving of a Class C Liquor License;

Whereas, The City of Ann Arbor is designated by the State of Michigan as a "Resort Area" and therefore eligible to receive special Class C Resort licenses; and

Whereas, Pastabilities has applied to the State of Michigan for a new Class C Resort liquor license;

RESOLVED, That the Mayor and the Ann Arbor City Council urges the LCC to consider favorably the granting of a new Class C Resort liquor license to Pastabilities Restaurant of Ann Arbor; and

RESOLVED, That a copy of this resolution be forwarded to representatives Pollack, Rivers and Schroer.

Councilmember Hunter moved that the resolution be approved.

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

R-382-8-93 APPROVED AS REVISED

RESOLUTION REGARDING THE ANN ARBOR ARMORY

Whereas, The Cable Communications Commission has supported exploring the

use of the building known as the Ann Arbor Armory as a potential site for relocation;

Whereas, The Mayor and the Ann Arbor City Council have received a letter dated July 22, 1993 from State Senator Lana Pollack and Representatives Lynn Rivers and Mary Schroer outlining the procedures for acquisition of the Armory; and

Whereas, It is necessary to conduct an environmental assessment regarding asbestos abatement in order to determine the feasibility of acquiring the Ann Arbor Armory;

RESOLVED, That the Mayor and the Ann Arbor City Council authorize the City Administrator in conjunction with the Director of Community Access TV to fund in the amount not to exceed \$7,000 in order to conduct a preliminary cost analysis and an environmental assessment regarding the potential cost of asbestos abatement involving the Ann Arbor Armory;

RESOLVED, That the environmental assessment shall be funded from the Community Access TV current year fund balance; and

RESOLVED, That a copy of this resolution shall be forwarded to representatives Pollack, Rivers and Schroer.

Councilmember Hunter moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Fink, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 8
Nays, Councilmember Lumm, 1

The Chair declared the motion carried.

REVISED AND DEFEATED

RESOLUTION REQUESTING COST ESTIMATES FOR GROUNDWATER
TREATMENT AT THE ANN ARBOR LANDFILL
(UP TO \$75,000)

Whereas, Vinyl chloride and 1,4-dioxane are present in the groundwater outside the boundaries of the Ann Arbor landfill;

Whereas, Vinyl chloride is considered a carcinogen by the State of Michigan and 1,4-dioxane is a suspected carcinogen;

Whereas, The City of Ann Arbor is currently pumping both appreciable concentrations of vinyl chloride and 1,4-dioxane through the City's sanitary sewer system to the City's wastewater treatment facility;

Whereas, The current treatment process to reduce the concentration of vinyl chloride to acceptable levels is evaporation from the City sewers and wastewater treatment facility into the atmosphere;

Whereas, The City's wastewater treatment facility is currently unable to effectively break down 1,4-dioxane which is discharged into the City sewer system from the Ann Arbor landfill which means this pollutant is discharged diluted but undiminished into the Huron River; and

Whereas, There are tested and effective pretreatment systems for 1,4-dioxane offered by several different vendors;

RESOLVED, That the City Council appropriates up to \$75,000 from the Environmental Bond funds to investigate and evaluate pretreatment systems for 1,4-dioxane and vinyl chloride based upon pilot field tests conducted by qualified vendors; and

RESOLVED, That the administration report back to the City Council within five months the results of the pilot field tests including the design and capital costs, operating and maintenance costs and the capabilities of the best available pretreatment technologies.

Councilmember Stead moved that the resolution be approved.

Councilmember Fink moved that the resolution be tabled pending receipt of further information on estimate of capital costs and evaluation of the free advice that has been offered to the City, including that from Gelman Sciences.

On roll call on the motion to table, the vote was as follows: Yeas, Councilmembers Fink, Lumm, Mayor Sheldon, 3
Nays, Councilmembers Hunter, Grady, Stoll, Nicolas, Peterson, Stead, 6

The Chair declared the motion defeated.

The question under consideration is approval of the resolution as presented, on roll call the vote was as follows: Yeas, Councilmembers Hunter, Grady, Stoll, Peterson, Stead, 5
Nays, Councilmembers Fink, Lumm, Nicolas, Mayor Sheldon, 4

The Chair declared the motion defeated.

AMENDED AND TABLED

RESOLUTION TO TAKE ADVANTAGE OF EXISTING RESEARCH DATA ON 1,4-DIOXANE ANN ARBOR LANDFILL CLEAN-UP

Councilmember Lumm moved that the resolution be approved.

Councilmember Nicolas moved to divide the question and to table the first "Resolved."

FIRST RESOLVED:

Resolved, that the Mayor appoint an ad hoc committee of environmental scientists and public health experts to examine the costs and benefits of pretreatment of 1,4-dioxane and vinyl chloride and report its findings to the Ann Arbor City Council;

On roll call to table the First Resolved the vote was as follows: Yeas Councilmembers Fink, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 7
Nays, Councilmembers Hunter, Lumm, 2

The Chair declared the motion carried.

The question under consideration is approval of the Second and Third Resolved paragraphs:

SECOND RESOLVED:

Resolved, That the Ann Arbor City Council schedule a working session with Public Sector Consultants or other representatives of Gelman Sciences to

learn more about 1,4 dioxane and their experience in pretreating this compound; and

THIRD RESOLVED:

Resolved, That the City Administrator follow up the offers of assistance by Gelman Sciences, Inc. e.g., to provide laboratory analysis at cost and provide technical assistance to the staff in order to assist our efforts to remediate the contaminated groundwater originating from the Ann Arbor landfill.

On roll call on the motion to approve the last two "Resolved" paragraphs, the vote was as follows: Yeas, Councilmember Lumm, 1
Nays, Councilmembers Hunter, Fink, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 8

The Chair declared the motion defeated.

Following is the resolution as amended and tabled:

AMENDED AND TABLED

RESOLUTION TO TAKE ADVANCE OF EXISTING RESEARCH DATA
ON 1,4-DIOXANE ANN ARBOR LANDFILL CLEAN-UP

Whereas, The City of Ann Arbor is currently cleaning up the contaminated groundwater originating from the Ann Arbor landfill in accordance with all state and federal environmental laws, and may pretreat the 1,4-dioxane contamination from the Ellsworth Road site to ensure compliance with environmental regulations;

Whereas, Technically and economically feasible remediation alternatives are to be evaluated and contaminant concentration policies established;

Whereas, The long-term cost of pretreating the groundwater from the Ann Arbor landfill is not clear and the benefits to public health and the environment are also unclear;

Whereas, It is possible that additional city funds can be saved by taking advantage of the experience and research data developed by Gelman Sciences, Inc. in its efforts to clean up 1,4-dioxane originating from its Wagner Road facility;

Whereas, Gelman Sciences, Inc. has state and federally accredited laboratories capable of analyzing 1,4-dioxane and the City of Ann Arbor wastewater treatment facility has deemed the results of the laboratory analysis to be acceptable and comparable to those of other testing facilities;

Whereas, Gelman Sciences, Inc. has offered to assist the City in reaching the optimum decision for the protection of public health and to make available their 1,4-dioxane research, their treatment technology comparison data, and to provide the 1,4-dioxane laboratory analysis during the technology evaluation phase - at no cost to the City; and

Whereas, Gelman Sciences, Inc. has offered to conduct field testing of effluent from the Ellsworth Road Site on a production basis through the Dexter Road pump house facility and supply complete results of the reduction of 1,4-dioxane at no cost to the City;

RESOLVED, That the Mayor appoint an ad hoc committee of environmental scientists and public health experts to examine the costs and benefits of pretreatment of 1,4-dioxane and vinyl chloride and report its findings to the Ann Arbor City Council.

REPORTS FROM COUNCIL COMMITTEES

Labor Committee

Councilmember Fink said that the Labor Committee met and was provided a draft resolution related to benefits with the intent to give the administration some direction in labor negotiations.

City Attorney Committee

The City Attorney Committee will establish a meeting schedule beginning in September.

COUNCIL PROPOSED BUSINESS

For September 7, 1993

Amendment to Chapter 8, Section 1:209 - Housing Commission Membership Composition (Councilmember Nicolas)

Resolution Regarding Consistency in Measurements (Councilmember Nicolas)

Resolution to Accept the City's Current Method of Disposal of 1,4 Dioxane at the Landfill (Councilmember Hunter)

Resolution Regarding Water and Sewer Service Charges for City Departments (Councilmember Hunter)

Resolution Regarding the Clean Air Act (Councilmember Hunter)

Resolution - Sunset Resolution for Committees (Councilmember Fink)

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Sheldon asked that the rules be waived in order to confirm the following appointments this date:

CITY PLANNING COMMISSION

Carol Simon (reappointment)
1025 Scottwood
Term: 08-16-93 to 06-30-96

Sterling William Seamans (replacing Mary Branch whose term expired 06/30/93)
2242 Pine Grove Ct.
Term: 08-16-93 to 06-30-96

Councilmember Grady moved that the rules be waived and that Council concur in the recommendations of the Mayor and approve the above appointments this date.

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

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

TAXICAB BOARD

Gerald Lutz (reappointment)
252 Crest St.
Term: 08-02-93 to 04-1996

AIRPORT ADVISORY COMMITTEE

Robert G. Smith (reappointment)
1207 Ardmoor
Term: 08-02-93 to 08-02-96

CITY/COUNTY COMMUNITY CORRECTIONS BOARD

Hon. John B. Collins, District #14B (reappointment)
7200 S. Huron River Dr.
Ypsilanti, Mi. 48197
Term: 08-02-93 to 08-02-95

Hon. Nancy Francis, Judge of Probate Court (reappointment)
Juvenile Division
2270 Platt Rd.
Term: 08-02-93 to 08-02-95

Hon. Melinda Morris, Judge of Circuit Court (reappointment)
101 E. Huron St., P.O. Box 8645
Term: 08-02-93 to 08-02-95

Douglas Smith, Ann Arbor Police Chief (reappointment)
100 N. Fifth Ave., P.O. Box 8647
Term: 08-02-93 to 08-02-95

MICHIGAN COMMUNITY THEATER BOARD LIAISON

Robert C. Grady, Councilmember
3290 Charing Cross Rd.
Term: 08-02-93 to 04-1994

ZONING BOARD OF APPEALS

Al Raymond (reappointment)
2375 Mershon Dr.
Term: 08-02-93 to 08-02-96

RECREATION ADVISORY COMMISSION

Steve Sheldon (reappointment)
2352 Pinecrest Ave.
Term: 09-01-93 to 08-31-96

ANN ARBOR TRANSPORTATION AUTHORITY

Chris Grant (replacing Richard Beaupre whose term expired 5-16-93)
1029 Chestnut Dr.

Term: 08-02-93 to 08-02-98

Chris Vaughan (replacing Gary Hentz whose term expired 5-16-93)

2836 Briarcliff

Term: 08-02-93 to 08-02-98

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

Mayor Sheldon placed the following nominations on the table for approval at the next Council meeting:

HOUSING BOARD OF APPEALS

Gene B. Wilson (replacing Milt Hoefle whose term expired 6-30-93)

412 Hamilton Place

Term: 09-07-93 to 06-30-96

ANN ARBOR ENERGY COMMISSION

Rose Lucas (to fill vacancy)

425 S. Main St., Room 222

Term: 09-07-93 to 09-07-96

PROCLAMATIONS

Mayor Sheldon announced the following proclamations issued by her office:

- ☐ New Proclamation for Owen Eshenroder for rescheduled Council\media softball game on September 12
- ☐ Thursday July 22, 1993 - Ruby Augusta Baker - deceased July 18
- ☐ Welcome the 104th Annual Grand Communication of the Prince Grand Hall Chapter
- ☐ Recognition of Sister City Hikone, Japan
- ☐ Homeless Animals Day - August 21, 1993

STORM WATER SEWER SYSTEM DUMPING

Mayor Sheldon said that a reward has been offered by the Drain Commissioner's Office of \$500 for information leading to the identification of those who illegally dumped oil into the Huron River. Knowledge of illegal dumping should be reported and management of solid

waste disposal should be examined.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Alfred Gatta presented the following information memorandums:

- ∃ Vinyl Chloride Investigation
- ∃ Expenditure of Environmental Bond Funds Time Constraints
- ∃ Excess of Roll
- ∃ City of Ann Arbor Income Tax Feasibility Study - July 1993
- ∃ Pilot Field Test; Dioxane and Vinyl Chloride
- ∃ Consolidating Purchases from A & L Parts
- ∃ Groundwater Clean-Up Expenditures
- ∃ An Overview of the Development of the School Contract Language and the Sequence of Events in the Handling of the Jackye McEwen Case

The City Administrator received requests from Councilmembers for reports on other subjects.

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

A consensus of Council was to refer budget-related subjects, including questions regarding labor negotiations, income taxes and placement of meters, to the Budget Process Committee.

Councilmember Hunter said that soon auto emissions testing will occur in Washtenaw County, a relatively clean county, while others who pollute will not be asked to share the costs. This why he is introducing the Clean Air Act resolution at the next Council meeting.

Councilmember Grady reported that S.E.M.C.O.G has determined that there are many sources of pollutants other than the automobile.

Councilmember Nicolas reported that the *Ann Arbor News* will print his letter containing comments on the Local Income Tax report.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were received:

- ∃ Garden City transmitting Resolution No. 8-93-314 regarding adoption of Senate Bill 1 - File

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

- ∃ Zoning Board of Appeals - June 16, 1993
- ∃ Zoning Board of Appeals - May 19, 1993
- ∃ Zoning Board of Appeals - June 2, 1993
- ∃ Employees Retirement System Board of Trustees - June 9, 1993

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

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

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

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

On a voice vote, the Chair declared the motion carried and the meeting adjourned at 12:40 a.m.

Paul C. McCoy
Acting Clerk of the Council

Linda J. Wise
Recording Secretary