

REGULAR SESSION - AUGUST 15, 1994

The regular session of the Ann Arbor City Council was called to order at 7:36 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 Peter Fink, Jane Lumm, Ulrich Stoll, Christopher Kolb, David Stead, Mayor Ingrid Sheldon, 6

Absent: Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Haldon Smith, Peter Nicolas, Julie Creal, 5

INTRODUCTIONS

NATURAL FEATURES ORDINANCE COMMITTEE REPORT

Christopher Graham, representing the Natural Features Ordinance Committee, presented the proposed Amendments to Chapter 57 and the Land Development Regulations Related to Natural Features. The proposed amendments were unanimously recommended by the Committee and will be presented to Council for action early in October.

PUBLIC COMMENTARY - RESERVED TIME

ANDREI GULVEZAN - MISCELLANEOUS SUBJECTS

Andrei Gulvezan, 117 Fieldcrest, said that truck traffic should be diverted from Main Street area for about three blocks (from William to Huron Streets, to cut down on congestion, commuter buses should be employed from the Briarwood Mall to the stadium on football Saturdays, housing for students should be improved, and suggested that rehabilitation of the Ann Arbor Inn begin soon.

SAFIYAH KHALID - AATA POLICE PROTECTION DOWNTOWN BLAKE CENTER

Safiyah Khalid, 676 Peninsula Ct., said that she collected signatures on a petition from private citizens and downtown business owners who would like to see increased police protection at the Blake Center. On a related subject, she said that the police have decided not to move forward on prosecution of persons she believes responsible for repeated break-ins at her home and whom she spotted at the Blake Center when no police were on duty.

HASAN KHALID - BREAKING AND ENTERING IN ANN ARBOR

Hasan Khalid, 676 Peninsula Ct., asked for more police protection at the Downtown Blake Transportation Center. On a related subject, he said that people have broken into his house 4 times, once leaving just before he came home, but the police will not arrest them.

EZRA ROWRY - CITY GOVERNMENT

Ezra Rowry, 818 Pomona Road, member of the Police Chief Selection Citizens Panel, said that the committee met for the first time in a lively session. However this was to be expected. He referred to a letter from Andrew Wright, in the Clerk's report this date, which criticized the actions of the committee. He said that the meeting was fruitful and that the committee would function well together.

WARREN MCARTHUR - ENVIRONMENTAL FUND AND CHECK-OFF SYSTEM

Warren McArthur, 113 Park Street, Chelsea, executive vice-president of the Washtenaw Area Business Association, chairman of the Environmental Quality Committee of the Michigan Chamber of Commerce, environmental consultant and an engineer, said that he understood that the City is considering an environmental check-off system. This, he said, would impose a financial burden on area businesses. He suggested shared information with the County. Also, he expressed his dismay at the proposal to combine the United Way Campaign with the Environmental Fund of Michigan. He said that the Environmental Fund of Michigan should be not be considered as a charity.

DAVID KING - GALLUP PARK

David King, 417 Washtenaw, #5, expressed concern over the well-being of fellow citizens because of what he felt were very high counts of dangerous pathogen bacteria in Gallup Park and within Washtenaw County. He suggested that the City develop a procedure to monitor the bacteria levels in the waterways and to warn the public of the seriousness of body contact with the water.

LLOYD JACOBS - FULLER ROAD/OAKWAY REALIGNMENT

Lloyd Jacobs, 2215 Fuller, stated his objections to the proposed "No Left Turn" alternative at the east end of Fuller Court, where Fuller Court would intersect with the newly aligned Oakway Road. This proposal would cause unnecessary increased traffic to be circulated around the hospital and would cause undue traffic congestion for those who live on Fuller Road. He brought Council up to date on the status of the Veterans Hospital construction.

DAVID NOEL - YMCA

David Noel, 420 W. Huron Street, opposed the proposed YMCA management agreement. He objected to an editorial in the Ann Arbor News which urged the City to honor the loan guarantee to the Y. The City should go to court to determine the legality of the loan guarantee, but until then the loan should not be paid.

PUBLIC HEARINGS

TOTAL GASOLINE STATION SITE PLAN

A public hearing was conducted on the Total Gasoline Station Site Plan, 0.53 acre, 2799 Plymouth Road.

The following persons appeared at this public hearing:

Joseph Johnson, representing Total Gasoline, asked that Council approve the site plan on the agenda this date, based on the unanimous recommendation of the Planning Commission to approve the site plan.

There being no further business, the Mayor declared the hearing closed.

APPROVAL OF AGENDA

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

MOTIONS AND RESOLUTIONS

Delete: Resolution Regarding Recommendation for Fuller/Geddes Intersection (Councilmember Hanna-Davies and Smith)

Substitute: Resolution to Approve the Award of Water Supply System Revenue Bonds, Series T and to Revise the Notice of Sale of the Bonds (\$17,080,000)

Substitute: Resolution to Approve the Award of Storm Water Supply System Revenue Bonds, Series 1994 (\$1,525,000)

Delete: Resolution to Approve Authorization for use of Prior Bond Proceeds (\$5,363,539)

CLERK'S REPORT OF COMMUNICATIONS RECEIVED:

Add: Michigan Attorney General Frank J. Kelley transmitting approval of proposed Charter Amendment 8.19 to Governor Engler - **Filed**

Add: Petition objecting to the transfer of location of Flame Bar liquor licensed establishment to 207 N. Main Street - **Filed**

Add: Garris, Garris, Garris & Garris, on behalf of St. Nicholas Greek Orthodox Church - opposed to the transfer of a liquor licensed establishment in close proximity to the church - **Filed**

Add: Government Committee for the 1994 Ann Arbor Blues & Jazz Festival requesting approval of the Resolution to Award \$4500 from the Community Events Fund budget to the 1994 Ann Arbor Blues & Jazz Festival - **Filed**

Add: Distribution of correspondence at the request of Police Chief Selection Citizen Panel member Ezra Rowry - **Filed**

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

APPROVAL OF COUNCIL MINUTES

MINUTES APPROVED AS PRESENTED

Councilmember Stoll moved that the working session minutes of July 21, public hearing and working session minutes July 25, working and special session minutes of July 27 and regular session minutes of August 1, 1994 be approved as presented.

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

CONSENT AGENDA

The following *Consent Agenda* was considered:

R-397-8-94 APPROVED

RESOLUTION TO APPROVE
TOTAL GASOLINE STATION SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval (8 years and 0 days) of the Total Gas Station Site Plan, 0.53 acre, 2799 Plymouth Road.

Whereas, Total Petroleum, Inc. has requested site plan approval in order to demolish the existing gas station and branch bank facility and construct a 1,855-square foot gas station in its place;

Whereas, The Ann Arbor City Planning Commission, at its meeting of June 21, 1994, recommended approval of said request;

RESOLVED, By the Mayor and City Council that the Total Gas Station Site Plan is hereby approved.

R-398-8-94 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION
CONTRACT TO MARGOLIS NURSERY, INCORPORATED
AND ESTABLISH PROJECT BUDGET
FOR FULLER BRIDGE WETLAND
MITIGATION AND TREE PLANTING
PROJECT - BID NO. 2606 (\$54,632)

Whereas, Construction of the Fuller Road bridges makes it necessary to construct a mitigated wetland and perform replacement tree planting in Fuller Park; and

Whereas, Margolis Nursery, Inc. of Ypsilanti, Michigan has submitted to the City on August 3, 1994, a bid for said work in the total amount of \$54,632 which amount is the lowest responsible bid; and

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; and

Whereas, It is now necessary to enter into a contract with said company for said construction project; and

Whereas, The Human Resources Department has, on August 15, 1994 approved said company for said construction project;

RESOLVED, That a contract in the amount of \$54,632 be awarded to Margolis Nursery, Inc. for the construction of the Fuller Road Wetland Mitigation and Tree Planting Project (Bid No. 2606); and

RESOLVED, That the Mayor and City Clerk are 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 City Administrator is authorized to take necessary administrative actions to implement this resolution; 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:

FULLER ROAD WETLAND MITIGATION AND TREE PLANTING PROJECT

Section I - Revenue

\$78,960 1991 Street Resurfacing Millage (Fund 062)

_____ TOTAL; and

\$78,960

Section II - Expense

\$54,700 Construction
10,000 Construction Engineering
8,780 Consulting and Testing
2,740 Contingencies approved by the City Administrator
2,740 Miscellaneous Costs

\$78,960 _____

TOTAL

R-399-8-94 APPROVED

RESOLUTION TO APPROVE PURCHASE
TO CARRIER AND GABLE, INC. FOR
TRAFFIC SIGNAL MATERIALS AND
SUPPLIES (\$70,000)

Whereas, Carrier and Gable, Inc., of Farmington Hills, Michigan, is the supplier of Eagle traffic signal components used in maintaining City of Ann

Arbor traffic signals, and Streeter-Amet traffic counting equipment; and

Whereas, Sufficient funds have been budgeted in the Public Services Department Major Street Fund for the proposed expenditures; and

Whereas, Carrier and Gable, Inc., received Human Resources approval on June 21, 1994;

RESOLVED, That a purchase order in the amount of \$70,000 for materials and supplies be authorized to Carrier and Gable, Inc.; and

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

R-400-8-94 APPROVED

RESOLUTION TO APPROVE PURCHASE
ORDER TO TRAILER SERVICE, INC.
(\$45,000)

Whereas, The Fleet Services Division of the Public Services Department purchases Lodal repair parts and repair service for the repair and maintenance of City of Ann Arbor refuse trucks; and

Whereas, Trailer Service, Inc. is the Lodal distributor for this area; and

Whereas, Trailer Service, Inc. received Human Resources Department approval on June 6, 1994;

RESOLVED, That City Council approves the issuance of a purchase order to Trailer Service, Inc. for \$45,000, each fiscal year, during 1994-95 and 1995-1996.

R-401-8-94 APPROVED

RESOLUTION TO APPROVE PURCHASE
ORDER TO AUTO TRUCK EQUIPMENT
COMPANY - BID NOS. 2226, 2458,
2565 (\$30,000)

Whereas, The Fleet Services Division of the Public Services Department purchases automotive and truck, gas, oil, air, and hydraulic filters; and

Whereas, Fleet Services purchases miscellaneous brake parts, starters and alternators, for City of Ann Arbor heavy trucks; and

Whereas, Auto Truck Equipment was the lowest responsible bidder for filters, bid number 2226; and

Whereas, Auto Truck Equipment was the lowest responsible bidder for miscellaneous brake hardware, bid number 2458; and

Whereas, Auto Truck Equipment was the lowest responsible bidder for heavy truck starters and alternators, bid number 2565; and

Whereas, Auto Truck Equipment received Human Resources Department approval on June 21, 1994;

RESOLVED, That City Council approves the issuance of a purchase order to Auto Truck Equipment Company for \$30,000.

R-402-8-94 APPROVED

RESOLUTION TO APPROVE PURCHASE
ORDER TO MICHIGAN CAT (\$50,000)

Whereas, The Fleet Services Division of the Public Services Department requires parts and repair services for City landfill equipment; and

Whereas, Michigan CAT, 25000 Novi Rd, Novi, Mi services Caterpillar machinery and is the authorized Caterpillar dealer for our district; and

Whereas, Michigan CAT received Human Resources Department approval on June 14, 1994;

RESOLVED, That City Council approves the issuance of a purchase order to Michigan CAT for \$50,000, each fiscal year, during 1994-95 and 1995-96.

R-403-8-94 APPROVED

RESOLUTION TO APPROVE CONTRACT
WITH CHILD AND FAMILY SERVICE
(\$25,000)

Whereas, On June 6, 1994 City Council approved a General Fund allocation of \$12,000 to Child and Family Service for Huron Harvest Food Bank; and

Whereas, City Council approved General Fund allocations of \$8,000 for Bryant Community Center food distribution and \$5,000 for Second Baptist Human Services food distribution to be subcontracted through Child and Family Service; and

Whereas, The Human Resources Department has reviewed and approved this contractor;

RESOLVED, That the Mayor and City Council approve a contract with Child

and Family Service in the amount of \$25,000 with the special conditions that Child and Family Service assume contractual responsibility for the food distribution programs of Bryant Community Center and Second Baptist Human Services and that evidence of subcontractual agreements with each subcontractor be submitted to the City prior to release of funds;

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the agreement substantially in the form on file in the Office of the City Clerk beginning July 1, 1994 and terminating June 30, 1995; and

RESOLVED, That all programs give priority to very low income individuals and that performance be monitored by the Community Development Department.

R-404-8-94 APPROVED

RESOLUTION TO APPROVE CONTRACT
WITH GREEN GLACIER COMMUNITY
CENTER (\$18,000)

Whereas, On June 6, 1994 City Council allocated \$18,000 from the General Fund to Green Glacier Community Center for youth services for FY 1994-95; and

Whereas, The Ann Arbor Public Schools was unable to serve as fiduciary for this grant as recommended by City Council; and

Whereas, The City has contracted with Green Glacier Community Center in the past; and

Whereas, The Human Resources Department reviewed and approved this contractor on May 24, 1994;

RESOLVED, The Mayor and City Council approve a contract with Green Glacier Community Center in the amount of \$18,000 and authorize the Mayor and City Clerk to execute this agreement substantially in the form on file in the Office of the City Clerk beginning July 1, 1994 and terminating June 30, 1995; and

RESOLVED, That all programs give priority to very low income individuals and that performance be monitored by the Community Development Department.

R-405-8-94 APPROVED

RESOLUTION TO AUTHORIZE SINGLE
LOT SPECIAL ASSESSMENTS FOR 1994
ANNUAL STREET RESURFACING PROJECT
(\$4,021.50)

Whereas, The City has constructed improvements in the public right-of-way

abutting certain lots and premises; and

Whereas, Notices have been given by first class mail to the owners of each premises of the total amount due as required by the City Code;

RESOLVED, That Single Lot Special Assessments for the unpaid amounts be levied against such owners and premises as described in the attached Schedule A;

RESOLVED, That the payment of said Special Assessments is hereby authorized in 6 annual installments commencing on December 1, 1994 with a rate of interest of 7%. Interest is to commence on December 1, 1994 and is to be collected annually on June 1, the due date of the second and subsequent installments of said Special Assessment Roll; and

BE IT FINALLY RESOLVED, That the total amount of \$4,021.50 be credited to the 1994 Annual Street Resurfacing Project (Fund 062; Job Number 1579).

SCHEDULE A

<u>Assessor's Code</u>	<u>Address</u>	<u>Owner</u>	<u>Amount</u>
08-24-409-037	711 Archwood Ann Arbor, MI 48103	Clive Anthony Hibbert	\$2,579.50
08-24-409-039	725 Archwood Ann Arbor, MI 48103	Michael & Lori Elenio	\$1,442.00

R-406-8-94 APPROVED

RESOLUTION NO. 1 - PREPARE PLANS
AND SPECIFICATIONS - S. INDUSTRIAL
HIGHWAY SIDEWALK (\$5,000)

Whereas, Council deems it necessary to acquire and construct the following improvement: SIDEWALK, DISTRICT NO. 26; FILE NO. 94063; described as:

S. Industrial Highway - Sidewalk gaps between Eisenhower and Stadium Blvd. (both sides);

NOW, THEREFORE, BE IT RESOLVED, THAT

1. The City Administrator is directed to have prepared plans and specifications for said improvement project, and an estimate of the cost thereof;
2. The City Administrator is directed to file a report of same with the City Clerk, including a recommendation as to what proportion of the cost should be paid by special assessment and what part, if any, should be a general obligation of the City, the number of installments in which the assessments may be paid, and the land which should be included in the special assessment district;
3. The City Clerk shall present said report to the Council and make it available for public examination;
4. The sum of \$5,000 is appropriated for the planning and design of said project, such sum being advanced from the 1991 Street Resurfacing Fund (062) pending the sale of appropriate bonds;
5. Any unspent portion of said sum is re-appropriated and re-advanced as above for said project for succeeding fiscal years until bonds are sold and the 1991 Street Resurfacing Fund (062) reimbursed, or until said project is officially closed; and
6. Council declares its intent to issue bonds to pay all or part of the cost of such improvement project, funding reserves, paying for credit enhancement, and the cost of issuance of such bonds (either initially or ultimately), provided that such bonds are issued in conformity with applicable State statutes and all documents, provisions, and details pertaining to such bonds are acceptable to and approved by this Council and provided, further, that such bonds can be sold.

R-407-8-94 APPROVED

RESOLUTION NO. 1 - PREPARE PLANS
 AND SPECIFICATIONS - FRANKLIN
 BOULEVARD SIDEWALK (\$2,000)

Whereas, Council deems it necessary to acquire and construct the following _____ improvement: Sidewalk
 _____, DISTRICT NO. 25; FILE NO. 94058
 ___; described as:

Franklin Boulevard - Sidewalk gaps between Stadium Blvd. and Potter Avenue;

NOW, THEREFORE, BE IT RESOLVED, THAT

1. The City Administrator is directed to have prepared plans and specifications for said improvement project, and an estimate of the

cost thereof;

- 2. The City Administrator is directed to file a report of same with the City Clerk, including a recommendation as to what proportion of the cost should be paid by special assessment and what part, if any, should be a general obligation of the City, the number of installments in which the assessments may be paid, and the land which should be included in the special assessment district;
- 3. The City Clerk shall present said report to the Council and make it available for public examination;
- 4. The sum of \$2,000 is appropriated for the planning and design of said project, such sum being advanced from the 1991 Street Resurfacing Fund (062) pending the sale of appropriate bonds;
- 5. Any unspent portion of said sum is re-appropriated and re-advanced as above for said project for succeeding fiscal years until bonds are sold and the 1991 Street Resurfacing Fund (062) reimbursed, or until said project is officially closed; and
- 6. Council declares its intent to issue bonds to pay all or part of the cost of such improvement project, funding reserves, paying for credit enhancement, and the cost of issuance of such bonds (either initially or ultimately), provided that such bonds are issued in conformity with applicable State statutes and all documents, provisions, and details pertaining to such bonds are acceptable to and approved by this Council and provided, further, that such bonds can be sold.

R-408-8-94 APPROVED

RESOLUTION TO APPROVE NEW RESORT
 CLASS C LIQUOR LICENSE AT 618
 CHURCH STREET FOR PIZZA HOUSE
 ANN ARBOR INC.

Whereas, Pizza House Ann Arbor, Inc. has applied for a new Resort Class C License to be issued at 618 Church Street;

Whereas, A building will be constructed to house the licensed establishment at this address;

RESOLVED, That the request from Pizza House Ann Arbor, Inc. for a new 12-Months Resort Class C license to be located at 618 Church Street, Ann Arbor, be approved contingent upon final inspection and issuance of a Certificate of Occupancy by the Building and Fire Departments.

R-409-8-94 APPROVED

RESOLUTION TO APPROVE TRANSFER
OF LOCATION OF A CLASS C LIQUOR
LICENSE TO 207 N. MAIN STREET FOR
THE FLAME BAR AND TO ISSUE NEW
ENTERTAINMENT PERMIT

Whereas, 115 W. Washington, Inc. has requested a transfer of location of a 1993 Class C licensed business with Dance Permit (the Flame Bar) from 115 W. Washington Street, to 207 N. Main Street;

Whereas, 115. W. Washington, Inc. has requested issue of a new Entertainment Permit, without dressing rooms, to be issued in conjunction with the Class C license and Dance Permit, also to be located at 207 N. Main Street; and

Whereas, the request has been reviewed by the Police, Fire, Building and Treasurer's Department, and all fees have been paid;

RESOLVED, that the request of 115, W. Washington for a transfer of location of the Class C liquor license with Dance Permit, and issue of a new Entertainment Permit, be approved.

R-410-8-94 APPROVED

RESOLUTION TO ACCEPT BOARD OF
INSURANCE ADMINISTRATION MINUTES
OF AUGUST 5, 1994 AND TO AUTHORIZE
PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of August 5, 1994, be accepted and that the payments therein be authorized;

**MINUTES
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION
AUGUST 5, 1994**

Present: Julie Creal, Councilperson
Christopher Kolb, Councilperson
Brenda Smith, City Treasurer 3.

Absent: None

Also present: Dan Cullen, Risk Manager
John VanLoon, Chief Assistant City Attorney

Stacey Washington, Assistant City Attorney 3.

CITIZENS' CLAIMS APPROVED: (and check issued)

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 62-94	Sewer Back-Up Claim of Keith Warner (604 Miller)	583.84
CC 58-94	Sewer Back-Up Claim of Elaine Huber (4 Medford Court)	\$953.38
CC 57-94	Sewer Back-Up Claim of Robert Metcalf (2211 Medford Rd)	\$1,187.43
CC 126-93	Bodily injury claim of Barbara Thurber by A. Muth, Atty.	\$5,000.00
CC 59-94	Property Damage Claim of John Portt	\$390.00
CC 40-94	Sewer Back-Up Claim of A. & M. Garrison (3 Medford Ct)	\$118.47
CC 119-93	Bodily injury claim of Sharon Zielinski	
CC 151-93	Property damage claim of Michael Ritter	\$500.00
CC 66-94	Property damage claim of Robert Casad by David Cahill, Atty.	\$200.00
	TOTAL	\$12,754.85

\$3,821

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

<u>CASE NO.</u>	<u>CLAIMANT</u>	
CC 19-92	Lawsuit of Nicole Charder by William D. McCririe, Attorney Charles Borgsdorf, Mediator	\$25.00
CC 19-92	Lawsuit of Nicole Charder by William D. McCririe, Attorney Roger Chard, Mediator	\$25.00
CC 19-92	Lawsuit of Nicole Charder by William D. McCririe, Attorney James Fajen, Mediator	\$25.00
	TOTAL	\$75.00

CITIZEN'S CLAIMS DENIED:

<u>CASE NO.</u>	
CC 50-94	Vehicle damage claim of Jessica Belman Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 77-94	Vehicle damage claim of John Banner Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 78-94	Vehicle damage claim of Barbara Walters Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 79-94	Vehicle damage claim of Larry Branstrom Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 81-94	Vehicle damage claim of Arthur Davidson Discussed by Daniel J. Cullen, Risk Manager and the Board

denied the claim.

CC 111-93 Bodily injury claim of David Minus by Scott Powell, Attorney
Discussed by Daniel J. Cullen, Risk Manager and the Board
denied the claim.

MISCELLANEOUS:

REIMBURSEMENTS RECEIVED --

CASE NO. FROM

PD 71-94 Reimbursement from State Farm for Jeffrey Vachow \$225.00
 regarding accident to Parks Department Vehicle Number 6401.

TOTAL DEPOSITED SINCE 7-5-94

\$ 225.00

OTHER BUSINESS:

CASE NO.

Insurance Renewal for 1994-95 Fiscal Year

Discussed by Daniel J. Cullen, Risk Manager and the Board
approved the renewal for the 1994-95 Fiscal Year.

WC 12-93 Worker's Compensation Claim of Judith Overstreet
 Discussed by Stacey Washington and the Board tabled pending
 further investigation.

BI 237-93 Bodily injury claim of Arthur Aseltine
 Discussed by Daniel J. Cullen, Risk Manager and the Board
 authorized settlement.

CC 80-94 Vehicle damage claim of Elsa Bogary
 Discussed by Daniel J. Cullen, Risk Manager and the Board
 authorized settlement.

CC 100-93 Lawsuit of Priscella Gillespie by Anthony Muraski, Attorney
 Discussed by Daniel J. Cullen, Risk Manger and the Board
 authorized settlement.

CC 82-93 Lawsuit of Jim Maggio by Eric Liblang, Attorney
 Discussed by Daniel J. Cullen, Risk Manager and the Board
 authorized settlement.

WC 004-94 Worker's Compensation Case of Louis Della-Badia
 Discussed by Daniel J. Cullen, Risk Manager and the Board
 authorized settlement.

CC 83-94 Vehicle damage claim of MIC for Gordon Folland
 Discussed by Daniel J. Cullen, Risk Manager and the Board
 authorized settlement.

CC 82-94 Vehicle damage claim of Leonard McCoy

Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.

CC 134-93 Lawsuit of Jon Zeeff by R. Bruce Laidlaw, Attorney
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.

PD 77-94 Vehicle damage claim of Police Vehicle #99
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.

REQUESTS FOR INFORMATION on PENDING CLAIMS awaiting more information:

<u>CASE NO.</u>	<u>NAME</u>	<u>INCIDENT DATE RECEIVED</u>	<u>CLAIM DATE OF CORRES.</u>	<u>ND. RPT FROM CLM. SRVC.</u>	<u>DATE TO</u>
<u>1994 CLAIMS</u>					
CC 84-94	Ross	7-15-94	7-25-94	7-26-94	Engineering 7-26-94
ADDITIONAL CLAIMS RECEIVED SINCE LAST MEETING -- awaiting further investigation (and/or information):					

<u>CASE NO.</u>	<u>INCIDENT</u>
CC 80-94	Vehicle damage claim of Elsa Rennes Bogary
CC 81-94	Vehicle damage claim of Arthur Davidson
CC 82-94	Vehicle damage claim of Leonard McCoy
CC 83-94	Vehicle damage claim of Motors Insurance Corporation (Gordon Folland)
CC 84-94	Vehicle damage claim of Keith Ross

R-411-8-94 APPROVED

RESOLUTION TO AWARD CONTRACT FOR
AN INCINERATION OPTIMIZATION
PROGRAM AT THE WASTEWATER TREATMENT
PLANT (\$22,000)

Whereas, The City of Ann Arbor Wastewater Treatment Plant is required under 40 CFR 503 to continuously meet a discharge limit for total hydrocarbons in the exhaust emissions from its incinerator;

Whereas, Incinerator exhaust stack emissions testing performed in December 1993 indicated that under current operating conditions, the WWTP could not meet the discharge limit for total hydrocarbons;

Whereas, Improvements in the control and operation of the incineration process will enable the plant to cost effectively meet the discharge limit for total hydrocarbons, resulting in energy savings and reduced environmental

impacts from exhaust emissions;

Whereas, Incinerator Rx Corporation was subcontracted by Black & Veatch during Phase I the Residual Solids Management Project, RFP No. 310, to assess the incineration process at the WWTP;

Whereas, Incinerator Rx Corporation submitted a proposal during May 1994 to implement a program to optimize and improve the incineration process, and;

Whereas, On August 4, 1994, the Human Resources Department approved Incinerator Rx Corporation to provide consulting services to the City;

RESOLVED, That Council accepts the proposal and awards the contract to Incinerator Rx Corporation for \$20,000 to implement a program to optimize and improve the incineration process at the Wastewater Treatment Plant;

RESOLVED, That Council approves a contingency for this work in the amount of \$2,000 to finance change orders to be approved by the City Administrator; and

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.

Funding Source: FY 94/95 WWTP Operations and Maintenance Budget

R-412-8-94 APPROVED

RESOLUTION TO CLOSE CITY STREET
FOR MAIZE AND BLUE DAYS (\$350)

Whereas, The City has received a request from the State Street Area Association to hold Maize and Blue Days on North University on Sunday and Monday, September 4 and 5, 1994;

Whereas, The State Street Area Association is sponsoring this event to welcome students and promote the stores in the State Street area;

Whereas, The State Street Area Association will obtain all necessary permits and be responsible to comply with all procedures, rules and regulations required by the City to stage such event;

Whereas, The State Street Area Association agrees to defend, indemnify and save the City harmless against any claims arising from their sponsorship of this event; and

Whereas, The State Street Area Association has agreed to pay the following costs associated with this event;

Barricades (delivery and pickup charge)	\$150.00
Parking meter bag deposit	200.00

RESOLVED, The Mayor and City Council hereby approve the State Street Area Association's request to close North University between South State and Thayer on Sunday and Monday, September 4 and 5, 1994.

R-413-8-94 APPROVED

RESOLUTION RECOGNIZING ARTRAIN
AS A NONPROFIT ORGANIZATION

Whereas, Artrain is a nonprofit organization;

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

Whereas, Artrain needs the City to recognize it as a nonprofit organization in the community in order to conduct fundraising activities with State approval;

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

Councilmember Stead moved that the *Consent Agenda* be approved.

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

50-94 APPROVED

APPEARANCE TICKET ENFORCEMENT BY TELECOMMUNICATORS

AN ORDINANCE TO AMEND SECTION 1:17 OF CHAPTER I OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment would allow for Telecommunicators to issue appearance tickets for enforcement of violations of Chapter 93 - Alarm Systems.

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

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

MOTIONS AND RESOLUTIONS

TABLED INDEFINITELY

RESOLUTION TO SUPPORT COMBINED CAMPAIGN
FOR THE UNITED WAY AND THE ENVIRONMENTAL
FUND OF MICHIGAN
(Postponed July 18, 1994)

Whereas, City employees have a long history of generous charitable giving through the United Way annual giving campaign;

Whereas, Workplace giving is one of the most efficient and effective means of educating employees about the organizations serving their communities and raising funds for charitable causes;

Whereas, The City Administrator has received a request from the Environmental Fund of Michigan (EFFM) to participate in a joint employee giving campaign with the United Way;

Whereas, The EFFM was formed to provide Michigan employers with an effective way to respond to growing employee desire for greater choice in workplace charitable giving;

Whereas, The EFFM represents twenty environmental organizations dedicated to protecting our public health, air, water, land, wildlife in Michigan; and

Whereas, The EFFM has strict membership requirements to assure that EFFM member organizations perform to the highest institutional standards;

RESOLVED, That the administration implement a joint giving campaign with the United Way and Environmental Fund for Michigan in FY 1994-95 and produce a summary report for the City Council at the conclusion of the joint campaign.

Councilmember Kolb moved that the resolution be approved.

Councilmember Stead moved that the resolution be tabled indefinitely pending receipt of further information and to work out details, including development of criteria for allowing groups to participate, in time for next year's campaign.

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

POSTPONED

RESOLUTION APPROVING PROJECT PLAN AS SUBMITTED
BY THE ECONOMIC DEVELOPMENT CORPORATION OF THE
CITY OF ANN ARBOR FOR THE ANN ARBOR YMCA PROJECT
(Postponed July 27, 1994)

Whereas, There exists in the City the need for certain programs to alleviate and prevent conditions of unemployment and to revitalize the City's economy, and to assist industrial and commercial enterprises, and to encourage the location, expansion or retention of industrial and commercial enterprises to provide needed services and facilities to the City and its residents;

Whereas, A program to alleviate the aforesaid conditions has been initiated by the Economic Development Corporation of the City of Ann Arbor (the "Corporation");

Whereas, The Corporation in conformity with Act No. 338, Public Acts of Michigan, 1974, as amended ("Act No. 338"), has prepared and submitted a project plan (the "Project Plan"), providing all information and requirements necessary for a project involving the Ann Arbor YMCA, a Michigan non-profit corporation (the "Company") and the financing of a low income SRO housing facility and equipment related thereto to be owned and operated by the Company (the "Project");

Whereas, The Corporation has approved the Project Plan; and

Whereas, In conformity with Act No. 338 and the Internal Revenue Code of 1954, as amended (the "Code"), this legislative body has conducted a public hearing on the Project, the Project Plan, and the bonds in one or more series and in the maximum aggregate principal amount of not to exceed \$2,000,000 proposed therein to be issued by the Corporation to finance all or part of the costs of the project (the "Bonds");

RESOLVED:

1. The Project Plan, as submitted and approved by the Corporation, meets the requirements set forth in Section 8 of Act 338, and is hereby approved.
2. The persons who will be active in the management of the Project for not less than one year after approval of the Project Plan have sufficient ability and experience to manage the plan properly.
3. The proposed methods of financing the Project as outlined in the Project Plan are feasible and this Corporation has the ability to arrange, or cause to be arranged, the financing.
4. The Project as submitted is reasonable and necessary to carry out the purposes of Act No. 338, and is hereby approved.
5. Issuance by the Corporation of Bonds in one or more series and in an amount not to exceed \$2,000,000, in accordance with the terms set forth in the Project Plan, to finance all or part of the costs of the project as described

herein and in the Project Plan, is hereby approved.

6. Based upon the information submitted and obtained, the Project Plan as submitted and the Project to which it relates serves to alleviate and prevent conditions of unemployment and strengthen and revitalize the City's economy and, therefore, constitutes a vital and necessary public purpose.

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Councilmember Stead moved that the resolution be approved.

Councilmember Stoll moved that the Council postpone consideration of the resolution until September 7, 1994, pending convening of executive session of Council with the City Attorney and Bond Counsel to be held on August 29, 1994.

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

POSTPONED

RESOLUTION TO APPROVE LEASE AGREEMENT WITH THE
ANN ARBOR YMCA

Whereas, The Ann Arbor YMCA operates a single room occupancy housing facility in downtown Ann Arbor at 350 South Fifth Avenue where it has recently constructed three additional floors on its residential wing which contain 63 rooms and renovated another 37 rooms in the residential wing;

Whereas, City finds these 100 residential rooms are an important source of safe sanitary housing for low and moderate income residents of the City; and

Whereas, The City finds that its lease of these residential facilities will further the public health, safety and welfare by providing housing opportunities for low and moderate income residents of the City;

RESOLVED, That this Council approves a lease with The Ann Arbor YMCA for 100 rooms located in the residential wing of the building located at 350 South Fifth Avenue, Ann Arbor, Michigan for the purpose of providing single room occupancy housing for low and moderate income residents of the City. The Mayor and City Clerk are authorized to sign a lease in substantially the form now on file in the City Clerk's Office after approval of the form by the City Attorney and the substance by the City Administrator.

Councilmember Lumm moved that the resolution be approved.

Councilmember Stead moved that the resolution be postponed until September 7, 1994, pending receipt and review of specific language and newly drafted documents by Council, review of management practices, and whether low-income status can be continued at the Y after repayment of the loan. It was further

noted by the Mayor: pending meeting between all parties concerned, including their counsel and representatives from both Council caucuses.

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

POSTPONED

RESOLUTION TO APPROVE MANAGEMENT AGREEMENT WITH THE ANN ARBOR YMCA

Whereas, The City of Ann Arbor has leased 100 rooms of the building located at 350 South Fifth Ave., Ann Arbor, Michigan for the purpose of providing single room occupancy housing for low and moderate income residents of the City of Ann Arbor;

Whereas, The City finds that it would be in its best interest to hire a manager for the facility; and

Whereas, The City further finds that the Ann Arbor YMCA is the most appropriate manager of the facility;

RESOLVED, That this Council approves a Management Agreement with the Ann Arbor YMCA for a term of 25 years for the 100 room single room occupancy residential facility upon substantially the same terms as those in the Management Agreement now on file in the City Clerk's office. The Mayor and City Clerk are authorized to sign the agreement after approval of the form by the City Attorney and the substance by the City Administrator.

Councilmember Lumm moved that the resolution be approved.

Councilmember Stead moved that the resolution be postponed until September 7, 1994, pending receipt and review of specific language and newly drafted documents by Council, review of management practices, and whether low-income status can be continued at the Y after repayment of the loan. It was further noted by the Mayor: pending meeting between all parties concerned, including their counsel and representatives from both Council caucuses.

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

POSTPONED

RESOLUTION TO APPROVE COMMITMENT FROM GREAT LAKES BANCORP RELATING TO ECONOMIC DEVELOPMENT CORPORATION BONDS FOR THE ANN ARBOR YMCA

Whereas, The Ann Arbor YMCA has applied to the Ann Arbor Economic Development Corporation (EDC) to issue bonds to repay the loan held by Great Lakes Bancorp;

Whereas, Great Lakes Bancorp has offered to purchase the EDC bonds under certain conditions outlined in a commitment letter issued on July 1, 1994 to the City of Ann Arbor and to the Ann Arbor YMCA;

Whereas, The Ann Arbor YMCA has agreed to the terms of the commitment letter and has executed the document; and

Whereas, The Commitment letter must be accepted and signed by the City and returned to Great Lakes Bancorp by August 16, 1994 but terms are not binding until the closing on the purchase of the EDC bonds;

RESOLVED, That City Council approve the commitment letter upon terms acceptable to the City Attorney and City Administrator; and

RESOLVED, That the City Council authorize the Mayor and City Clerk to execute the required document substantially in the form on file in the office of the City Clerk.

Councilmember Lumm moved that the resolution be approved.

Councilmember Stoll moved that the resolution be postponed until September 7, 1994 pending receipt of advice from independent bond counsel as to propriety and risks inherent in selling such bonds directly to the holder of the bank loan and not via the usual competitive sealed bid process; pending convening a Council quorum to hear from the City Attorney and bond counsel in executive session on August 29 in this regard, and to direct the city to communicate the City's continuing interest in, and intent to deal with, the commitment resolution at the September 7, 1994 council meeting subsequent to said executive session; That a letter be written to the Great Lakes Bancorp requesting that the deadline be extended to September 8 so that closing can be extended to September 15; if action can occur sooner because mutually agreeable language is arrived at prior to the September 7, meeting, Council may deem it appropriate to call a special session.

On a voice vote, the Mayor declared the motion carried unanimously and the resolution postponed.

RESOLUTION REGARDING THE NATURAL FEATURES
COMMITTEE RECOMMENDATIONS

Whereas, The Natural Features Ordinance Committee (NFOC), established on July 15, 1991 and reaffirmed on March 7, 1994, is charged to make recommendations for revisions to existing ordinances, regulations and guidelines that reconcile conflicting and unenforceable aspects of these documents; and

Whereas, The NFOC has presented a report with recommendations to amend Chapter 57 of the City Code and the Land Development Regulations;

RESOLVED, That the recommendations submitted to Council by the NFOC related to amendments to Chapter 57 and the Land Development Regulations be referred to the Planning Department, Planning Commission, Building Department, and the City Attorney for their review and recommendation; and

RESOLVED, That this review be coordinated by the Planning Department and any additional amendments or changes to the amendments proposed by the NFOC be completed and submitted to Council for its consideration by the first meeting in October, 1994.

Councilmember Stead moved that the revised resolution be approved.

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

R-415-8-94 APPROVED

RESOLUTION TO APPROVE THE USE OF COMMUNITY EVENTS
FUNDS FOR THE ANN ARBOR BLUES AND JAZZ FESTIVAL

Whereas, The Ann Arbor Blues and Jazz Festival Committee successfully produced the event for two years;

Whereas, The Festival has met all requirements to obtain a park use permit from the Parks and Recreation Department;

Whereas, The Festival lost money the first year and nearly broke even last year except for \$1,700 of the over \$8,000 Police Department charges;

Whereas, The Festival Committee plans to produce this quality event on September 17 and 18, 1994 and has requested \$4,500 from the Community Events budget to pay off the remaining \$1,700 Police fee and to offset the 1994 Police expenses;

Whereas, The Festival will provide tickets to low income residents in accordance with the letter of request from the Festival Committee; and

Whereas, \$30,000 remains in the FY 94/95 Community Events budget;

RESOLVED, That the Mayor and Council approve \$4,500 from the Community Events budget funds to pay for outstanding expenses for Police and to offset Police expenses for the 1994 event to be held September 17 and 18 at Gallup Park, provided that the Festival provides a ticket program for low income residents.

Councilmember Stead moved that the resolution be approved.

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

R-416-8-94 SUBSTITUTE APPROVED

RESOLUTION TO APPROVE THE AWARD OF WATER SUPPLY SYSTEM REVENUE BONDS, SERIES T AND TO REVISE THE NOTICE OF SALE OF THE BONDS (\$17,080,000)

Whereas, August 15, 1994, at 3:30 o'clock p.m., Eastern Daylight Time, has been set as the date and time for opening bids for the purchase of the Issuer's Water Supply System Revenue Bonds, Series T (the "Bonds");

Whereas, Said bids have been publicly opened and read;

Whereas, The following bids have been received;

- Smith Barney, Inc.
- Kuhler Peabody and Co.
- Kemper Securities
- Griffin, Kubik, Stephens & Thompson, Inc.
- William Blair & Company

- Raymondjames & Associates
- Merrill, Lynch and Company

Whereas the Bid of Smith Barney, Inc. has been determined to produce the lowest interest cost to the Issuer;

Whereas, Section 17 of Ordinance No. 41-94 provides that the Finance Director may reduce the amount of Bonds to be issued and sold and pursuant to said Section 17 the Finance Director has determined that it is in the best interests of the City to reduce the amount of the bonds from \$19,105,000 to \$17,080,000; and

Whereas, Section 17 of Ordinance No. 41-91 further provides that the City Council must approve any such reduction in the principal amount of the Bonds to be issued and sold;

RESOLVED, That:

1. The bid of Smith Barney, Inc., as above stated, be and the same is hereby

accepted.

2. Checks of the unsuccessful bidders be returned to each bidder's representative or by registered mail;

3. The Issuer hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds;

4. The aforesaid reduction in principal amount of the Bonds herein awarded to the amount of \$17,080,000 and the changes in the payment of the Bonds as referenced in the Official Notice of Sale be and hereby are approved;

5. The revised official Notice of Sale be and is hereby approved; and

6. All resolution and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Councilmember Stoll moved that the resolution be approved.

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

R-417-8-94 SUBSTITUTE APPROVED

RESOLUTION TO APPROVE THE AWARD OF STORM WATER
SUPPLY SYSTEM REVENUE BONDS, SERIES 1994 (\$1,525,000)

Whereas, August 15, 1994, at 4:00 o'clock p.m., Eastern Daylight Time, has been set as the date and time for opening bids for the purchase of the Issuer's Storm Water Disposal System Revenue Bonds;

Whereas, Said bids have been publicly opened and read;

Whereas, The following bids have been received:

- Robert W. Baird & Co.
- McDonald & Co. Securities, Inc.
- Smith Barney, Inc.
- Kemper Securities, Inc.
- Hutchinson Shockey Erley & Co.
- William Blair & Company
- Raymond James & Associates

Whereas, The bid of Robert W. Baird & Co. has been determined to produce the lowest interest cost to the Issuer;

RESOLVED, That:

1. The bid of Robert W. Baird & Co. as above stated, be and the same is hereby accepted.

2. Checks of the unsuccessful bidders be returned to each bidder's representative or by registered mail;

3. The Issuer hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds;

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Councilmember Stoll moved that the resolution be approved.

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

R-418-8-94 APPROVED

RESOLUTION TO APPROVE INSURANCE RENEWAL
FOR FISCAL YEAR 1994-95 (\$532,863)

Whereas, The City is best served by purchasing a composite insurance program through different markets with the broadest coverages at the lowest price;

Whereas, Human Rights approval was obtained for the C.M. Althoff Company, Arkwright Mutual Insurance Company and Sedgwick James of Michigan on August 8, 1994; and

Whereas, The Finance Director, Risk Manager, Board of Insurance Administration, and the City Administrator recommend the purchase of insurance as filed in the Clerk's Office;

RESOLVED, That the City Council hereby approves the Fiscal Year 1994-95 Insurance Program as presented;

RESOLVED, That an amount of \$542,863 be appropriated from the Insurance Fund to pay for the property and casualty insurance costs;

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

RESOLVED, That the City Administrator be authorized to renew the composite insurance program for one year, with two 1 year option periods.

Councilmember Stoll moved that the resolution be approved.

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

POSTPONED

RESOLUTION TO AUTHORIZE TRANSFER OF FUNDS
FROM DISTRICT COURT TO CITY ATTORNEY'S BUDGET
FOR PAYMENT OF PROSECUTION WITNESS FEES (\$1,800)

Whereas, The 15th District Court appropriated \$1,800 in its FY 94-95 budget for payment of statutory fees to witnesses subpoenaed by the City Attorney to appear for District Court proceedings involving city ordinance violations, and

Whereas, These fees are expenses associated with the prosecuting authority's statutory responsibilities, and

Whereas, The transfer of responsibility to pay these fees does not result in an overall increase in expenditures to the City of Ann Arbor, and

Whereas, The Chief Judge of the District Court has approved the transfer of these funds.

RESOLVED, That Ann Arbor City Council approve the transfer of \$1,800 from the 15th District Court's FY 94-95 budget to the City Attorney's FY 94-95 budget for the payment of witness fees necessary in the prosecution of cases handled by the Ann Arbor City Attorney's office.

Councilmember Lumm moved that the resolution be approved.

Councilmember Lumm moved that the resolution be postponed until September 7, 1994, because it requires eight votes for approval.

On a voice vote, the Mayor declared the motion carried unanimously and the resolution postponed.

POSTPONED

RESOLUTION TO APPROVE THE POLICE CHIEF
CANDIDATE PROFILE

Whereas, The Mayor and City Council by Resolution R-207-5-94 endorsed the Police Chief selection process;

Whereas, Resolution R-207-5-94 requires that the Mayor and City Council affirm the Police Chief candidate profile as developed by the consultant; and

Whereas, The consultant has developed and presented a candidate profile as required by the Mayor and City Council;

RESOLVED, That the Mayor and City Council authorize the candidate profile as presented by the consultant.

Councilmember Lumm moved that the resolution be approved.

Councilmember Kolb moved that the resolution be postponed to September 7, 1994 in order to receive written comments from the Citizen's panel on the selection profile and to request that these comments be received by August 31, 1994.

On a voice vote, the Mayor declared the motion carried and the resolution postponed.

R-419-8-94 APPROVED

RESOLUTION TO APPROVE FINAL BALANCING CHANGE
ORDER FOR CONSTRUCTION AGREEMENT BETWEEN SOS
SERVICE GROUP, INC. AND CITY OF ANN ARBOR
(\$76,989) - BID NO. 2511

Whereas, On November 15, 1994 SOS Service Group, Inc. was awarded a contract to replace 330 feet of cracking or collapsed sanitary sewer on Arbana Street near West Huron Street;

Whereas, Council approved a total project budget of \$79,204 for the life of the project;

Whereas, SOS Service Group, Inc. was not able to complete the work and has agreed to terminate the contract for the mutual convenience of the City and the contractor;

Whereas, A final balancing change order is essential to document the termination of the contract and compensate the contractor for reasonable services consisting of subcontracted activities, bypass pumping beyond the contract scope and completed portions of the work; and

Whereas, SOS Service Group, Inc. has received Human Rights approval on March 29, 1994;

RESOLVED, That Council approves a final balancing change order of \$75,989

and authorizes and directs the City Administrator to sign this final balancing change order to the SOS Service Group, Inc.

Funding Source: FY 94/95 Sewage Disposal System Fund, Field Services Operations and Maintenance Budget.

Councilmember Lumm moved that the resolution be approved.

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

R-420-8-94 APPROVED

RESOLUTION TO AUTHORIZE A STANDING PURCHASE
ORDER FOR STREET REPAIRS IN VARIOUS LOCATIONS
TO MICHIGAN PATCHING SERVICES, INC.
BID NO. 2418 (\$125,800)

Whereas, Emergency repairs to water mains, sanitary sewers and storm sewers have necessitated street cuts and the need to properly restore the streets;

Whereas, Bids from two asphalt patching companies were received in response to Bid No. 2418 and evaluated by the Utilities Department;

Whereas, Michigan Patching Services, Inc., bid of \$125,800 was the lowest qualified bid and City Council approved a resolution authorizing a standing purchase order with Michigan Patching Services, Inc. for street repairs;

Whereas, Bid specifications provided for up to two one year renewal periods and Michigan Patching Services, Inc. has agreed to an extension under the same terms, conditions and prices as the original bid;

Whereas, A renewal of the previous agreement and purchase order is in the best interest of the City to utilize the 1993 bid prices; and

Whereas, Michigan Patching Services, Inc., has received Human Rights approval on July 26, 1994;

RESOLVED, That Council grant a one year renewal of the bid of Michigan Patching Services, Inc., and authorizes the City Administrator to issue a one year standing purchase order to Michigan Patching Services, Inc. to provide street repairs for a cost not-to-exceed \$125,800 and apportioned with funds of \$12,800 from the Sewage Disposal System, \$21,500 from the Stormwater Sewer System and \$91,500 from the Water Supply System, Field Services Operations and Maintenance Budget.

Funding Sources: Approved FY94/95 Sewage Disposal System, Stormwater Sewer System and Water Supply System, Field Services Operations and Maintenance Budget.

Councilmember Lumm moved that the resolution be approved.

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

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Sheldon requested confirmation of the following appointments which were placed in nomination at the last council meeting:

PARK ADVISORY COMMISSION

Jerene Calhoun (reappointment)

2121 Champagne Drive 48108

Term: 08-14-94 to 08-14-97

Anne Heise (reappointment)

602 Linda Vista St. 48103

Term: 08-15-94 to 08-14-97

Pallas B. Snedecor (to fill vacancy)

2110 Bredefield 48105

Term: 08-15-94 to 08-14-97

ANN ARBOR COMMISSION ON DISABILITY ISSUES

John C. Norton (to fill vacancy)

1010 Arbordale, #9 48103

Term: 08-15-94 to 08-14-97

Dale L. Griffin (to complete the unexpired term of Pam Kovacich who moved)

2131 Winewood 48103

Term: 08-15-94 to 08-14-97

John R. Hathaway (replacing Jeffrey Gordon Bennett on term expiration)

1407 Wakefield Avenue 48103

Term: 08-15-94 to 08-14-97

ELIZABETH DEAN FUND COMMITTEE

Jack Etsweiler (reappointment)

2118 Pauline Blvd. 48104

Term: 08-15-94 to 08-14-97

Craig Terrell (reappointment)
1116 Brooks Street 48103
Term: 08-15-94 to 07-31-96

DOWNTOWN DEVELOPMENT AUTHORITY

Victor Adamo (reappointment)
503 South First Street 48103
Term: 08-15-94 to 07-31-98

TAXICAB BOARD

C. Robert Snider (to fill vacancy)
P.O. Box 7894 48107
Term: 08-15-94 to 04-15-97

CITY MARKET COMMISSION

Marguerite Oliver (reappointment)
2892 Bayridge Drive 48103
Term: 08-15-94 to 04-15-97

Mildred Parker (reappointment)
15174 Sherman
Milan, MI 48160
Term: 08-15-94 to 08-15-97

Patricia Pooley (reappointment)
16 Geddes Heights 48104
Term: 09-15-94 to 08-15-97

Councilmember Stead moved that Council concur in the recommendation of the Mayor.

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

Mayor Sheldon requested and received the unanimous consent of Council to waive the rules in order to vote on the following appointments this date:

BUILDING BOARD OF APPEALS

Samuel Callan (to fill vacancy for Design Professional - Fire Protection)
2455 Mershon 48103
Term: 08-15-94 to 08-14-99

John S. Barrie (to fill alternate vacancy)
1050 Pinetree Drive 48103
Term: 08-15-94 to 08-14-99

Councilmember Stoll moved that Council concur in the recommendation of the Mayor.

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

APPOINTMENTS NOMINATED

Mayor Sheldon placed the following names in nomination for appointment at the next Council meeting.

HUMAN RIGHTS COMMISSION

Queen Esther Mitchell (to fill vacancy)
2943 Cascade Drive 48104
Term: 09-07-94 to 10-31-97

Azar Sadeghi (to fill vacancy)
2525 Adrienne Drive 48103
Term: 09-07-94 to 10-31-97

ELIZABETH DEAN FUND

Claire L. Turcotte (replacing Margaret Prendergast whose term has expired)
One Regent Drive 48104
Term: 09-07-94 to 07-31-96

COMMUNITY DEVELOPMENT CITIZEN PARTICIPATION EXECUTIVE COMMITTEE

Laura K. Stepp (to fill vacancy)
1808 Fair Street 48103
Term: 09-07-94 to 06-30-97

AIRPORT ADVISORY COMMITTEE

Burton Lamkin (replacing Robert Shulman on term expiration)
364 Hazelwood 48103
Term: 09-07-94 to 09-06-97

Shirley Kyle Axon (replacing Clan Crawford on term expiration)
2016 Seneca 48104
Term: 09-07-94 to 09-06-97

George S. Hunt (replacing Robert Gunn on term expiration)
10 Manitou Court 48108
Term: 09-07-94 to 09-06-97

Barbara Perkins (reappointment)
1316 King George Blvd. 48108
Term: 09-07-94 to 09-06-97

William J. Pollard (reappointment)
2139 Ascot Road 48103
Term: 09-07-94 to 09-06-97

STREET ADVISORY COMMITTEE

Susan A. Resnicek (to fill vacancy)
890 Wickfield Court 48105
Term: 09-07-94 to 07-31-95

RECENTLY SIGNED PROCLAMATIONS

Mayor Sheldon informed Council that she recently signed the following proclamations as of August 14, 1994:

Homeless Animal Day - August 20, 1994

National Red Ribbon Week - October 23-31, 1994

MATHEMATICAL SYMPOSIUM

Mayor Sheldon said that the City would be welcoming several hundred visitors into town next week for a the 16th annual symposium on mathematical programming which is an international event.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

On behalf of City Administrator Gatta, Assistant City Administrator Robert Bauman presented the following memorandums for the information of Council:

- ! Market Commission Notices
- ! Council Reply Items/Police
- ! Status Report and Educational Information regarding the Gypsy Moth Management Program
- ! City Hall Space Plan
- ! Oil Filter Collection by Recycle Ann Arbor
- ! Monthly Statement of Revenues, Expenditures and Change in the Fund Balance, through July 31, 1994, for Series A/B/C of the Environmental Bond
- ! Request by First Centrum Corporation regarding the Ann Arbor Inn

These memorandums were filed with the City Clerk.

Assistant City Administrator Bauman informed Council that a staff task force is currently reviewing the City Code and Charter for possible revisions.

The Assistant City Administrator received requests from Council for information on other subjects.

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

Councilmember Lumm thanked Parks and Recreation Department Superintendent Ron Olson, Parks employees Bill Lawrence and Paul Bairley for their attention to the Gypsy Moth management program.

Councilmember Lumm publicly recognized 14-year old, Jessica Lynch Kane, who received the Michigan Favored Teen-age award for 1994 for her academic and extra-curriculum accomplishments.

Councilmember Stead offered language drafted by the City Attorney's Office for Council to review on proposed Charter Amendment Authorizing a Tax for Housing.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were received:

- ! David DeVarti transmitting a proposed *Resolution Declaring the illegality of the Ann Arbor Y Project Loan Guarantee and Ceasing Payments to the Ann Arbor Y* - **Filed**
- ! Andrew L. Wright regarding the Police Chief Selection Committee Citizens Panel and the Selection Process - and response from Citizens Panel member David Cahill - **Distributed to Robert Scott, Administrator Gatta to Council and to each of the other three panels, at the writers's request - Filed**
- ! Richard DeVarti - Protesting the proposed special assessment roll for sidewalk construction on Platt Road (with the intent of defraying private property's share of the cost) - **Filed**
- ! Lucille Taylor, Legal Counsel for Governor Engler, acknowledging receipt of ballot language to amend the Ann Arbor City Charter at the city's general election on November 8, 1994 - **Referred to the Parks Department - Filed**
- ! Lawrence Preuss, regarding non-validated parking after 7:30 p.m. - **Referred to the Downtown Development Authority** - and response from Jerry F. Billiter, vice-president National Garages, Inc. - **Filed**
- ! Adam Paul Banner - MRF for the City of Ann Arbor is a "Risky Choice" - **Referred to Solid Waste Department**
- ! Michigan Attorney General Frank J. Kelley transmitting approval of proposed Charter Amendment 8.19 to Governor Engler - **Filed**
- ! Petition objecting to the transfer of location of Flame Bar Liquor Licensed establishment to 207 N. Main Street - **Filed**
- ! Garris, Garris, Garris & Garris, on behalf of St. Nicholas Greek Orthodox Church - opposed to the transfer of a liquor licensed establishment in close proximity to the church - **Filed**

! Government Committee for the 1994 Ann Arbor Blues & Jazz Festival requesting approval of the Resolution to Award \$4500 from the Community Events Fund budget to the 1994 Ann Arbor Blues & Jazz Festival - **Filed**

! Distribution of correspondence at the request of Police Chief Selection Citizen Panel member Ezra Rowry - **Filed**

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

! Community Reinvestment Act Task Force - July 13, 1994

! Finance Advisory Committee - July 13, 1994

! Waiver and Review Board - June 8, 1994

! Human Rights Commission - June 15, 1994

PUBLIC COMMENTARY - GENERAL

LARRY FOX - ANN ARBOR YMCA ISSUES

Larry Fox, 540 S. State Street, said that, although he is not questioning anyone's integrity, in the interest of keeping everything above board, Assistant City Administrator Bauman should not be involved in the YMCA deliberations because he is a member of the Ann Arbor Y board. On another subject, Fox read a letter of response from the Y officials to an ex-resident after she complained to the Board of Directors of the Y. The author of the letter gave the woman 3 days to vacate the Y premises because she overrode the "chain of command" to address her concerns.

ADJOURNMENT

There being no further business, Councilmember Fink moved that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried unanimously and the meeting adjourned at 10:00 p.m.

Winifred W. Northcross
Clerk of the Council

Linda J. Wise
Recording Secretary