

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - MAY 19, 1997**

The regular session of the Ann Arbor City Council was called to order at 7:39 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Jane Lumm, David Kwan, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Patrick A. Putman, Christopher Kolb (entered at 9:30 p.m.), Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 11.

ABSENT : 0.

INTRODUCTIONS

COBBLESTONE FARM MUSEUM VOLUNTEER AWARDS

Betsy Calhoun and Carrington Adams, on behalf of the Cobblestone Farm Association, presented the 1997 Cobblestone Farm Museum Volunteer Awards for outstanding service. Judy Gray and Evelyn Hepla were named as volunteers of the year. (List of awards on file in the City Clerk=s Office)

HISTORIC DISTRICT COMMISSION AWARDS

Historic District Commission Chair Ilene Tyler and Historic Preservation Coordinator Louisa Pieper presented the 1997 Ann Arbor Historic District Commission Awards in recognition of Ann Arbor citizens who have made significant efforts in historic preservation and rehabilitation. (List of awards on file in the City Clerk=s Office)

COMMUNITY CORRECTIONS PROGRAM UPDATE

Corrections Manager Nancy Riley presented an update of the Washtenaw County/City of Ann Arbor Community Corrections Program. She reported that the program has been effective. She referred to the application for State of Michigan Community Act funding which listed the currently financed programs, and urged City Council to support the resolution approving funding for fiscal year 1997/1998. (Application on file in City Clerk=s Office).

PUBLIC COMMENTARY - RESERVED TIMEBRIAN EWART - M-14/BARTON DRIVE INTERCHANGE

Brian Ewart, 2773 Arrowwood Tr., representing ASave Our Neighborhoods,≡ spoke in opposition to the proposed M-14 interchange at the Huron Parkway Extension and stated that the trust of many voters was shaken when they learned that the Transportation Plans, developed in an open democratic manner, had been abandoned and that a new agenda was forwarded with very little public involvement. Mr. Ewart submitted petitions in opposition to the proposed M-14 interchange.

HELEN DORSEY - M-14/BARTON DRIVE INTERCHANGE

Helen Dorsey, 75 Barton Dr., expressed concern about safety and the number of accidents which occur at the M-14/Barton Drive Interchange. She complimented the Mayor, Public Services Director Bill Wheeler and Council for putting the proposal together, but urged Council to include full public participation in the decision-making process, and to pursue with conviction the opportunity to find a real solution to the problem.

PHARES WINNEY - M-14/BARTON DRIVE INTERCHANGE

Phares Winney, 690 Barton Dr., expressed concern about the dangerous condition at the M-14/Barton Dr. exit which has existed for 31 years. He stated that there was ample open public process given to discuss the topic and that he was the only citizen from Ann Arbor who attended the meetings. Mr. Winney questioned where the money from the 1966 highway bonding proposal was spent, and presented a petition of several hundred signatures requesting that Council study the exit and find a solution acceptable to today=s standards for egress and safety. (Petitions on file in the City Clerk=s Office)

ED SAUNDERS - M-14/BARTON DRIVE INTERCHANGE

Ed Saunders, 221 Barton Dr., expressed concern about the existing dangerous situation at the M-14/Barton Dr. exit, and stated that the Northside Neighborhood Association has been instrumental in doing everything possible to raise public awareness of this condition. He suggested that Council also consider other exits around Ann Arbor that are off the highway loop and to plan and execute the project carefully.

JEANNE PAUL, M-14/BARTON DRIVE INTERCHANGE

Jeanne Paul, 2433 Whitmore Lake Road, member of ASave Our Neighborhoods= opposed the proposed M-14 Interchange through the Huron Parkway easement and stated the interchange would endanger and destroy the quality of life in most of the Northside area and is not in the best interests of the residents of Ann Arbor. Ms. Paul referred to a letter sent to U.S. Representative Lynn Rivers from the Barton Hills Village Board of Trustees requesting that the proposal be withdrawn. (Statement and letter to Rep. Rivers on file in the City Clerk=s Office)

KATHLEEN PEPIN, M-14/BARTON DRIVE INTERCHANGE

Kathleen Pepin, 376 Larkspur, objected to the proposed M-14 Interchange and stated that the interchange would destroy the greenway and the Northside neighborhood. She stated that this interchange would only benefit commuters while creating a safety hazard to the pedestrian traffic along Pontiac Trail. Ms. Pepin indicated that the Transportation Plan does not recommend the Huron Parkway extension interchange as a solution, and suggested that the City establish a citizen=s task force and host informative public forums to find an alternate route that would benefit the entire city.

LYNNE WOLFF - M-14/BARTON DRIVE INTERCHANGE

Lynne Wolff, 2111 Delafield, stated that she has seen traffic increase on Barton Dr. in the last 30 years, and that in the last 10 years the traffic has gotten out of hand. Ms. Wolff stated that this street was not intended to be a thoroughfare, and asked Council not to listen to only one neighborhood when seeking an alternate solution.

SHANTA DRIVER - HOMELESSNESS

Shanta Driver, 999 Whitmore, urged Council to support the defendants involved in the counter demonstration during the KKK rally and to ask the Washtenaw County Prosecutor=s Office to drop the charges. She asked Council to demand that the Ann Arbor police stop sexually harassing homeless women and stop evicting people who live under bridges.

PUBLIC HEARINGS

UNIVERSITY COMMONS REZONING (ORDINANCE NO.20-97)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 18.57 acres from PL (Public Land District) to Preliminary Phase PUD (Planned Unit Development District), University Commons, west side of Huron Parkway, north of Huron High School Site. Notice of public hearing was published May 4, 1997.

The following person appeared:

John Barker, Hobbs & Black, Project Architect, presented an overview and diagrams of the proposed project.

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

1997-2003 CAPITAL IMPROVEMENTS PROGRAM BUDGET

A public hearing was conducted on the proposed 1997-2003 Capital Improvements Program. Notice of public hearing was published May 11, 1997.

There being no one to speak, the Mayor declared the hearing closed.

STORMWATER SERVICE CHARGES INCREASE (ORDINANCE NO. 23-97)

A public hearing was conducted on the proposed amendment to Chapter 33, Sections 2:203-2:205 - Storm Water Service Charges Increase (Ordinance No. 23-97). Notice of public hearing was published May 11, 1997.

There being no one to speak, the Mayor declared the hearing closed.

ISTEA GRANT APPLICATION FOR JACKSON ROAD PEDESTRIAN/BIKE PATH

A public hearing was conducted on the proposed ISTEA Grant Application to the Michigan Department of Transportation (MDOT) for the Jackson Road Pedestrian/Bike Path. Notice of public hearing was published May 18, 1997.

There being no one to speak, Mayor Sheldon declared the hearing closed.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Daley moved that the following resolution be added to the agenda:

Resolution Indicating No Opposition to Relocation of National Sanitation Foundation (Mayor Sheldon)

On a voice vote the Mayor declared the motion carried.

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

CONSENT AGENDA

Delete: Resolution to Approve a Construction Contract with Douglas N. Higgins, Inc. and to Establish a Project Budget for the South Main/Stadium Boulevard Water Main Project (Phase III) - Bid No. 3004 (\$714,000.00) (Public Services) (8 Votes Required) **(Moved to Motions and Resolutions - See Resolution No. R-208-5-97)**

Delete: Resolution to Approve a Professional Services Agreement with Toltest, Inc. for Testing Services for the South Main/Stadium Boulevard Water Main Project (Phase III) (\$10,075.00) (Public Services) **(Moved to**

Motions and Resolutions - See Resolution No. R-209-5-97)

MOTIONS AND RESOLUTIONS

8 Votes: Resolution to Authorize a Supplemental Appropriation from the Stormwater System Fund Balance to Record Maintenance Performed in the Lans Basin of Mallet=s Creek (\$111,810.00) (Utilities) **(8 Votes Required)**

Add: Resolution to Approve a Construction Contract with Douglas N. Higgins, Inc. and to Establish a Project Budget for the South Main/Stadium Boulevard Water Main Project (Phase III) - Bid No. 3004 (\$714,000.00) (Public Services) (8 Votes Required) **(Was a Consent Agenda Item)**

Add: Resolution to Approve a Professional Services Agreement with Toltest, Inc. for Testing Services for the South Main/Stadium Boulevard Water Main Project (Phase III) (\$10,075.00) (Public Services) **(Was a Consent Agenda Item)**

Add: Resolution of Intent Not to Pursue a City Income Tax (Mayor Sheldon)

Add: Resolution Indicating No Opposition to Relocation of National Sanitation Foundation (Mayor Sheldon)

CLERK=S REPORT

Add: Communication from David R. Bassett, M.D., 1600 Brooklyn, regarding Usage by ROTC Units of the Nichols Arboretum - File

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF APRIL 24, APRIL 28 , MAY 1 AND MAY 5, 1997 APPROVED

Councilmember Putman moved that the working session minutes of April 24, April 28 and May 1, 1997 and the regular session minutes of May 5, 1997 be approved with the following correction to page 17 of the May 5, 1997 regular session minutes:

R-174-5-97 APPROVED AS AMENDED

RESOLUTION TO APPROVE ALLEN CREEK
PRESCHOOL SITE PLAN...

Councilmember Kolb moved that the following paragraph be added to the resolution:

RESOLVED, That in recognition of the adjacent ~~<neighbors>~~
NEIGHBORS= interest...

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-191-5-97 APPROVED

RESOLUTION TO SUBMIT APPLICATIONS FOR
CRITICAL BRIDGE PROGRAM FUNDS FOR TWO CITY BRIDGES

Whereas, Under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), federal and state funds may be available to rehabilitate and replace bridges approved by the Critical Bridge Committee;

Whereas, There are two bridges identified by staff that may qualify for federal and state funding, Broadway St. over Conrail and Depot Street, and Broadway St. over the Huron River;

Whereas, Funding under the Critical Bridge Program provides for 95% of the relevant construction costs for each bridge;

Whereas, It will be the City's responsibility to pay for all design, construction engineering, testing, and right-of-way acquisition costs; and

Whereas, The City Council and Planning Commission have approved the Capital Improvement Plan, including the bridges identified above as needing replacement;

RESOLVED, That City Council authorize the City Administrator to submit applications for federal and state critical bridge funds available under ISTEA; and

RESOLVED, That a copy of this resolution be included with the critical bridge applications to be forwarded to the Michigan Department of Transportation for its review and consideration.

R-192-5-97 APPROVED

RESOLUTION TO AUTHORIZE A CHANGE ORDER
 WITH TERRY CONSTRUCTION INC. FOR MICROSURFACING VARIOUS
 STREETS CITY WIDE - BID NO. 2865

Whereas, On April 15, 1996, City Council approved a multi year contract in the amount of \$345,900 with Terry Construction Inc. for the Microsurfacing of various City streets;

Whereas, Additional work in the amount of \$215,000 has been found to be desirable and can be completed this summer;

Whereas, The work will be performed on Packard St. from E. Stadium Blvd. to E. Eisenhower Pkwy. and S. State St. from Rose St. to I-94; and

Whereas, Funding for this additional work is available in the Major Street Fund;

RESOLVED, That City Council approve a change order in the amount of \$215,000.00 to the Microsurfacing Project, with funding from the Major Street Fund, to be available until expended without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to take necessary administrative actions to implement this resolution, and be authorized to obtain the Microsurfacing services from the next lowest bidder (Pavement Maintenance Systems Inc.) for the balance of this contract if Terry Construction Inc. is not able to furnish adequate services or does not perform in accordance with Bid # 2865.

R-193-5-97 APPROVED

RESOLUTION TO APPROVE PURCHASE AGREEMENT
 FOR MOTOROLA RADIO EQUIPMENT FOR THE POLICE DEPARTMENT

Whereas, The City of Ann Arbor recognizes that effective law enforcement radio communication is essential for the public safety and the replacement of obsolete and worn out radios and associated equipment will result in improved and reliable radio communications;

Whereas, Motorola Inc. has submitted a quotation for 19 mobile radios, 12 portable radios and associated equipment totaling \$ 78,998.00;

Whereas, Motorola Inc. is a sole source supplier as the radios utilize licensed and copyrighted Motorola software and must remain compatible with the other city-owned Motorola radios in the 800 MHz radio system;

Whereas, The City Administrator in finding that the replacement police radios are necessary for the efficient operation of the City's public safety radio communications system, and no other comparable radios are available;

Whereas, Human Rights approval for Motorola Inc. was granted on June 7, 1996;

Whereas, The Police Department FY 96-97 budget account 010-031-0160-5130 includes funds originally available for the purchase of radio modems for the in-car laptop computers;

Whereas, The antenna and receiver system for data transmitted by the radio modem equipped laptops is a joint project being developed with the University of Michigan and the technological specifications for the purchase of the modems will not be available until FY 97/98; and

Whereas, The radio modems will be purchased from requested Fiscal Year 1997/98 replacement radio funds;

RESOLVED, That City Council approve the Purchase Agreement with Motorola Inc. for \$78,998.00 to replace police radio equipment; and that the Mayor and City Clerk be authorized to sign the agreement substantially in the form on file with the City Clerk; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement the purchase agreement.

R-194-5-97 APPROVED

RESOLUTION TO APPROVE PURCHASE OF A LIFT TRUCK
FOR THE WASTEWATER TREATMENT PLANT - BID. NO. 3008

Whereas, The existing lift truck used at the Wastewater Treatment Plant is fully depreciated and its economically usable service life has been expended;

Whereas, Crown Lift Truck of Plymouth, Michigan, was the lowest responsible bidder, Bid No. 3008, for the specific lift truck for \$26,676.00; and

Whereas, Crown Lift Truck received Human Rights approval from Human Resources Department on May 5, 1997;

RESOLVED, That City Council approve the issuance of a purchase order to Crown Lift Truck for the Lift Truck in the amount of \$26,676.00 and that these funds be available until the unit is received and accepted without regard to fiscal year.

R-195-5-97 APPROVED

RESOLUTION APPROVING THE 1998 STATE OF MICHIGAN
ARTS AND CULTURAL PROJECTS PROGRAM GRANT APPLICATION

Whereas, The Michigan Department of Commerce has set aside funding to provide one-time catalytic competitive funding assistance for regional arts and cultural projects based upon Public Act No. 157, Public Acts of 1995;

Whereas, The Arts and Cultural Projects Program is designed to provide one-time funding assistance for regional cultural projects in these seven categories: arts and cultural projects, capital improvement projects, economic development projects, historical projects, institutional cultural projects and publicly owned facilities, excluding stadiums used primarily for professional sporting events;

Whereas, The City of Ann Arbor wishes to promote the development of regional cultural programs and activities through mechanisms reflecting cooperative service delivery that promotes economic development;

Whereas, The proposed projects will provide regional public access and are consistent with the requirements of the Arts and Cultural Projects Program, Public Act. No. 157, Public Acts of 1995;

Whereas, Four organizations in Ann Arbor have submitted grant proposals for consideration under the Arts and Cultural Projects Program and grantees must obtain Human Rights approval prior to executing agreements; and

Whereas, These proposals were reviewed by a public hearing held on the grant prior to approval;

RESOLVED, That the Mayor and Council approve the 1998 State of Michigan Arts and Cultural Projects Program grant application, including four projects (on file in the City Clerk's Office), which was sent to the Michigan Department of Commerce April 30, 1997; and that should the grants be approved, the Mayor and Council also appropriate the grant funds received from the State to be paid to each of the grantees for the life of the projects;

RESOLVED, That Neal G. Berlin, City Administrator be authorized to sign the application form and execute any grant requirements, and designate Ronald A. Olson, Associate City Administrator/Superintendent of Parks and Recreation, to be the Grant Program Administrator; and

RESOLVED, That the Mayor and City Clerk be authorized to sign the grant agreement with the State of Michigan and an agreement between the City and each State approved grant recipient substantially in the form on file with the City Clerk.

R-196-5-97 APPROVED

RESOLUTION AUTHORIZING AN ISTE A GRANT APPLICATION
TO THE MDOT FOR THE JACKSON ROAD PEDESTRIAN/BIKE PATH

Whereas, Under the Transportation Enhancement Activity Program of the 1991 Federal Intermodal Surface Transportation Efficiency Act (ISTEA) certain local projects may qualify for federal funding as determined by the Michigan Department of Transportation;

Whereas, The City of Ann Arbor 1994-2000 Parks, Recreation and Open Space Plan and the Bicycle Master Plan have recommended a bicycle path/lane extension along Jackson Road;

Whereas, The construction of the proposed pedestrian/bike trail will provide a safe pedestrian and bike pathway adjacent to the travel lane on Jackson Road;

Whereas, The total cost of the Jackson Road pedestrian/bike path grant is \$150,000.00 and funding for the 42% local match and the additional \$30,000.00 in nonparticipating costs has been identified through Park Rehabilitation and Development Millage Funds; and

Whereas, The Park Advisory Commission and citizens Bicycle Coordinating Committee have reviewed the project and recommend that the Mayor and Council apply for a grant for the Jackson Road Pedestrian/Bike Path improvements;

RESOLVED, That the Mayor and City Council authorize an application for Transportation Enhancement Activity funds and authorize the City Administrator to execute all documents necessary to enter into an agreement with the Michigan Department of Transportation for the construction of the Jackson Road pedestrian/bike path; and

RESOLVED, That if the grant is approved by the State, the Mayor and

Council appropriate \$70,000.00 in grant funds and establish a \$150,000.00 budget including \$30,000.00 in nonparticipating funds for the life of the project, and authorize \$80,000.00 from Park Rehabilitation and Development Funds (018) to match the grant and cover nonparticipating costs.

R-197-5-97 APPROVED

RESOLUTION TO TRANSFER DELINQUENT HOUSING
INSPECTION FEES TO THE JULY 1997 CITY TAX ROLL

Whereas, There are unpaid charges for housing inspections of private properties within the City which were unpaid on December 30, 1996;

Whereas, This Council did, on December 9, 1974, resolve that notice should be given by first class mail to the owners of such properties of the amount due, and that this Council did intend that such amount would be assessed against such property as a special assessment unless paid on or before April 28, 1997;

Whereas, The City Clerk has on file a list of such presently unpaid charges, a copy of which is attached hereto and incorporated as "Schedule A"; and

Whereas, Notice has been sent to all owners of property affected by such delinquent fees, in accordance with the Council Resolution of December 9, 1974; to advise said property owners of the impending assessment;

RESOLVED, That the City Clerk shall forthwith certify to the City Assessor such unpaid charges and the names of the owners of the premises so served; and

RESOLVED, That such charges be levied as special assessments against such owners and premises according to attached "Schedule A" together with an additional penalty charge of 10% of the total unpaid, as provided in Section 1:292 of the Ann Arbor City Code, and that the City Assessor shall place the same on the next taxroll of the City and that such charges will be collected in the same manner as general City taxes.

R-198-5-97 APPROVED

RESOLUTION TO AMEND THE ANN ARBOR EMPOLYEEES=
DEFERRED COMPENSATION PLAN DOCUMENT

Whereas, Amendments to the Internal Revenue Code have been enacted that allow enhancements of the benefits of the deferred compensation plan;

Whereas, The Deferred Compensation Administration Board has determined

that immediate implementation of the changes identified in the attached table would benefit current employees and retirants; and

Whereas, Notice, as required under the Plan, was provided to participants of the recommended amendments to the Plan;

RESOLVED, That the City of Ann Arbor amend and restate the deferred compensation plan (the Plan) in the form of the Ann Arbor Employees= Deferred Compensation Plan (on file in the City Clerk=s Office), effective January 1, 1997, being the date prescribed by the Small Business Job Protection Act of 1996 (ASBJPA≅).

R-199-5-97 APPROVED

**RESOLUTION TO ACCEPT BOARD OF
INSURANCE
ADMINISTRATION MINUTES OF MAY 1, 1997 AND
TO AUTHORIZE PAYMENTS**

RESOLVED, That the attached Board of Insurance Administration Minutes of May 1, 1997, be accepted and that the payments therein be authorized.

**MINUTES
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION
MAY 1, 1997**

Present: Chris Kolb, Councilperson
David Kwan, Councilperson
Brenda Smith, City Treasurer 3

Also Present: Daniel J. Cullen, Risk Manager
Bob West, Assistant City Attorney
Neal Berlin, City Administrator
Eileen Goldman, Claims Processing Clerk 4.

CITIZENS' CLAIMS APPROVED AND CHECK ISSUED:

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 8-97	Property damage claim of Donna Mallett	\$ 40.28
CC 9-97	Sewer back up claim of George Rosenwald (1510 Granger)	\$515.00
CC 119-96	Property damage claim of David & Kate Share	\$133.00
CC 125-96	Bodily injury claim of Nathan Zimet	\$750.00
CC 22-97	Vehicle damage claim of Bing Wu	\$500.00
CC 23-97	Sewer back up claim of Evan Damast (1036 Oakland)	\$595.00
CC 18-97	Sewer back up claim of Maxine O'Neill (1134 Granger)	\$750.00
CC 17-97	Property damage claim of Thomas Middlemiss	\$101.95
	TOTAL	\$3,385.23

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 107-95	Lawsuit of Erickson v Botanical Gardens by Constance Ritter, Attorney George Degrood, Mediator	\$25.00
CC 107-95	Lawsuit of Erickson v Botanical Gardens by Constance Ritter, Attorney Barry Gates, Mediator	\$ 25.00
CC 107-95	Lawsuit of Erickson v Botanical Gardens by Constance Ritter, Attorney Christina Bailey, Mediator	\$ 25.00
CC 113-93	Lawsuit of Traver Lakes Community Maintenance Assn. by Steve Weiss, Attorney Judy Bell, Process Server	\$ 35.00
CC 118-96	Lawsuit of William Hampton by Kurt Berggren, Atty Huron Reporting Service, Inc.	\$214.00
CC 136-95	Lawsuit of Marcia Bauer by James Cmejrek, Atty Philip M. Margolis	\$370.00
CC 136-95	Lawsuit of Marcia Bauer by James Cmejrek, Atty Kolossos Printing Co.	\$60.00
CC 136-95	Lawsuit of Marcia Bauer by James Cmejrek, Atty J. Ronald Oehler	\$500.00
	TOTAL	\$1,254.00

**MISCELLANEOUS:
REIMBURSEMENTS RECEIVED --**

PD 149-96	Reimbursement from State Farm Insurance for Laura Cinat for accident involving Vehicle #54	\$500.00
PD 138-96	Reimbursement from State Farm Insurance for Tiffany Peterson for accident involving Vehicle 71	\$500.00
PD 23-97	Reimbursement from Auto-Owners Insurance for Airport Couriers for accident involving Vehicle #89	\$500.00
PD 37-97	Reimbursement from Detroit Edison for damage caused to Vehicle #63	\$500.00
TOTAL DEPOSITED SINCE 4-10-97		\$2,000.00

CITIZEN'S CLAIMS DENIED:

CASE NO.

CC 43-97	Property damage claim of Lani Garcia Discussed by Daniel J. Cullen, Risk Manager, and the Board denied the claim.
CC 49-97	Property damage claim of Robert Goldstein Discussed by Daniel J. Cullen, Risk Manager, and the Board denied the claim.
CC 51-97	Vehicle damage claim of Heather Stickney Discussed by Daniel J. Cullen, Risk Manager, and the Board denied the claim.

OTHER BUSINESS:

CASE NO.

CC 131-96	Property damage claim of Karen Tyree Discussed by Daniel J. Cullen, Risk Manager, and the Board received an update.
CC 41-97	Property damage claim of Larry Sanford Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.
CC 38-97	Property damage claim of Toshiye Shigemasa

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

- CC 44-97** **Sewer back-up claim of Laura Machida**
 Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.
- CC 32-97** **Property damage claim of Gamma Phi Beta**
 Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.
- CC 24-97** **Property damage claim of Lloyd Vogel**
 Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.
- CC 46-97** **Property damage claim of Richard Schramm**
 Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.
- PD 3-97** **Property damage claim to plow on Vehicle #4562**
 Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.
- CC 99-96** **Personal injury claim of Edward Seguin by Kenneth E.**
 Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.
- CC 42-97** **Sewer back-up claim of Cindy Schipani**
 Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.
- CC 48-97** **Sewer back-up claim of R. Bruce Laidlaw**
 Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.
- CC 110-95** **Lawsuit of Dean Bowerbank by Don Ferris, Attorney**
 Discussed by Robert West, Asst. City Attorney, and the Board authorized settlement.

REQUESTS FOR INFORMATION on PENDING CLAIMS
 awaiting more information:

<u>CASE NO.</u>	<u>NAME</u>	<u>DATE</u>	<u>INCIDENT RECEIVED</u>	<u>CLAIM NEEDED</u>	<u>MORE INFO CORRES.</u>	<u>DATE OF</u>	<u>AND. RPT. DATE TO</u>
							<u>FROM CLM.SER.</u>
CC 47-97	Det. Edison	9-21-96	4-18-97		4-22-97		Transp. 4-22-97

CC 50-97 Farah**3-14-97****4-23-97****4-28-97****Utilities 4-28-97****ADDITIONAL CLAIMS RECEIVED SINCE LAST MEETING AWAITING FURTHER INVESTIGATION AND/OR INFORMATION:****CASE NO.**

CC 46-97	Property damage claim of Richard Schramm
CC 47-97	Property damage claim of Detroit Edison
CC 48-97	Sewer back-up claim of R. Bruce Laidlaw
CC 49-97	Property damage claim of Robert J. Goldstein
CC 50-97	Sewer back-up claim of Farah Professional Center
CC 51-97	Vehicle damage claim of Heather Stickney

**Prepared by,
Daniel J. Cullen, Risk Manager**

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

ORDINANCES - SECOND READING

20-97 APPROVED

UNIVERSITY COMMONS PUD REZONING

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

This ordinance would change the zoning of 18.57 acres, located on the west side of Huron Parkway, north of Huron High School, from PL (Public Land District) to Preliminary Phase PUD (Planned Unit Development District).

Councilmember Carlberg moved that the ordinance be adopted at second reading.

With unanimous consent of Council, President of University Commons, George DeMuth, and Project Architect John Barker answered questions concerning eligibility for residency and the project's impact on the site's wetlands.

The question being the ordinance as presented, on a voice vote the Mayor declared the motion carried.

23-97 DEFERRED

STORMWATER SERVICE CHARGES INCREASE

An Ordinance to Amend Sections 2:203, 2:204 and 2:205 of Chapter 33 of Title II of the Code of the City of Ann Arbor

This ordinance would increase stormwater service charges effective July 1, 1997.

Councilmember Putman moved that the ordinance be adopted at second reading.

Councilmember Hartwell moved that the ordinance be deferred to the end of the agenda.

On a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

24-97 APPROVED

BRUESTLE PROPERTY RE ZONING

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

This ordinance would change the zoning of 0.4 acre, located at 2385 South Main Street, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

25-97 APPROVED

CITY ADMINISTRATOR APPROVAL OF PURCHASE ORDERS

An Ordinance to Amend Section 1:311 of Chapter 14 of Title I of the Code of the City of Ann Arbor

This ordinance would allow the City Administrator, as part of the administrative rules regarding requisitions and purchase orders, the ability to delegate the purchase order approval process.

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

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

POSTPONED

**RESOLUTION TO APPROVE 1997-2000
CAPITAL IMPROVEMENTS PROGRAM**

Whereas, Section 1:185 of the Ann Arbor City Code requires that the City Planning Commission annually prepare a Capital Improvements Program (CIP) for the ensuing six years;

Whereas, The Capital Improvements Program consists of a Capital Improvements Plan and Budget;

Whereas, The 1997-2003 Capital Improvements Program, which was prepared through a CIP Review Committee and by joint effort of the Planning Department and City administration, has been submitted to the Ann Arbor City Planning Commission for consideration;

Whereas, A duly-noticed public hearing was held by the City Planning Commission on February 20, 1997; and

Whereas, The City Planning Commission adopted the CIP at its meeting of February 20, 1997, and also recommended that Council approve the document and use it as a guide in funding priority capital projects consistent with the plan;

RESOLVED, That City Council hereby approve the 1997-2003 Capital Improvements Program.

Councilmember Kwan moved that the resolution be adopted.

Councilmember Daly moved that the resolution be postponed until the July 7, 1997 regular session of Council, and that a working session on the program be scheduled for June 23, 1997.

On a voice vote the Mayor declared the motion carried, with Councilmembers Lumm and Kwan dissenting.

R-200-5-97 APPROVED**RESOLUTION TO OPPOSE THE
PASSAGE OF HOUSE BILL NO. 4037
IN THE MICHIGAN LEGISLATURE
AND TO SUPPORT COUNTY-BASED SOLID WASTE PLANNING**

Whereas, Michigan House Bill No. 4037 would eliminate the County solid waste planning process and allow free flow of waste; and

Whereas, City and township governments would have input into siting decisions, but neighboring townships and counties would not; and

Whereas, The City of Ann Arbor believes county participation in solid waste planning and siting decisions is essential to effective solid waste management; and

Whereas, Under the current solid waste planning process, the County has input into the importation of solid waste and has ensured that local solid waste disposal needs will be fulfilled for at least 20 years; and

Whereas, The City supports a rational process for assessing capacity needs, which may include the evaluation of surcharges, fees or other tools, none of which would be allowed under this bill; and

Whereas, There is a surplus of landfill capacity in Michigan;

RESOLVED, That the City of Ann Arbor hereby opposes Michigan House Bill No. 4037, supports a rational process for assessing capacity needs for Michigan citizens= waste, and supports County-based solid waste planning and siting processes; and

RESOLVED, That the City of Ann Arbor directs the City Clerk to forward copies of this resolution to Federal Representative Rivers, Federal Senators Levin and Abraham, State Representatives Brater and Schroer, and State Senator Wheeler Smith, Governor Engler and Michigan Department of Environmental Quality Director Harding.

Councilmember Carlberg moved that the resolution be adopted.

On a roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Herrell, Hartwell, Kolb, Daley, 7;

Nays, Councilmembers Lumm, Kwan, Putman, Mayor Sheldon, 4.

The Mayor declared the motion carried.

**R-201-5-97 SUBSTITUTE RESOLUTION APPROVED
AS AMENDED**

**RESOLUTION TO INCLUDE FULL PUBLIC PROCESS IN THE
DECISION-MAKING PROCESS ON SOLVING THE BARTON DRIVE/M-14
INTERCHANGE PROBLEMS**

(Original Resolution):

Whereas, Due to the Barton Drive/M-14 interchange, traffic on Barton Drive far exceeds its intended design capacity and appropriate levels of traffic for a residential neighborhood;

Whereas, The Barton Drive/M-14 interchange has significant safety hazards which have contributed to numerous accidents, including a hairpin curve which requires deceleration to 15 mph for exiting traffic while crossing accelerating traffic from the North Main St. entrance; and a stop sign at the top of the Barton Drive ramp which requires a full stop for entering traffic before merging with full speed traffic;

Whereas, Though the Huron Parkway extension easement has long been considered for an interchange to replace the Barton Drive/M-14 interchange, the last time the issue of the Huron Parkway extension to M-14 came up, in 1988, there was such strong public opposition that plans for Huron Parkway to be extended through Leslie Park Golf Course and Black Pond Woods were cancelled;

Whereas, The public process regarding this application was inadequate and improper in that it involved working with the residents of the Barton Drive area impacted by the problem but did not include adequately informing or involving the residents of the Pontiac Trail area impacted by the proposed solution; it was submitted with the Mayor=s signature only, without City Council approval and without informing the Councilmembers representing the ward in which both impacted neighborhoods are located; and it was submitted to one of our U.S. Senators instead of to our U.S. Congressman, as appropriate;

RESOLVED, The City Council affirms the amendment to the application

originated by First Ward Councilmembers and submitted by the Mayor on May 14, 1997:

Because of newly raised concerns by citizens of Ann Arbor, regarding the stated location of the replacement interchange, we wish to amend our application so that the design phase will investigate all alternative interchange locations on M-14/US-23 from Maple Road to Plymouth Road, including safety mitigation measures. The desire is that a comprehensive transportation planning process be undertaken which could be a model for projects which engender significant public interest.

RESOLVED, The comprehensive transportation planning process to be undertaken must include full public process in the decision-making, and the options to be seriously considered must include:

1. All possible interchange options on the north side of the City,
2. Preserving the Huron Parkway easement as a Greenway connecting Bandemer Park to Leslie Park,
3. Closing the Barton interchange without replacing it,
4. Rail transit on the existing railroad tracks combined with park & ride lots for commuters,
5. Incentives for businesses to increase the number of their employees carpooling, using public transit, and otherwise helping to reduce commuter traffic;

RESOLVED, The City Council directs the City Administrator to devise a policy for submission of grant proposals so that proper public process is adhered to in the future;

RESOLVED, That copies of this resolution be sent to our U.S. Congressman, both U.S. Senators, the Michigan Department of Transportation and the Ann Arbor-Ypsilanti Urban Area Transportation Study Committee.

Councilmember Vereen-Dixon moved that the resolution be adopted.

Council unanimously agreed that the Substitute Resolution to Include Full Public Process in the Decision-Making Process on Solving the Barton Drive/M-14 Interchange Problems be placed on the table for consideration and adoption.

Council unanimously agreed that the sixth paragraph of the substitute resolution be amended as follows:

RESOLVED,...Because of concerns raised by citizens of Ann Arbor, regarding the statement location of the replacement interchange, we wish to amend our application to study the problem in its entirety, to investigate all solution options, to determine which option or combination of options is preferred by the <residents> STAKEHOLDERS most impacted,...

Council unanimously agreed that the second paragraph of the substitute resolution be amended as follows:

Whereas, the Barton Drive/M-14 interchange has significant safety hazards <which have contributed to numerous accidents> including a hairpin curve which requires deceleration of 15 mph for exiting traffic while crossing accelerating traffic from the North Main Street entrance; and a stop sign at the top of the Barton Drive Ramp which requires a full stop for entering traffic before merging with full speed traffic, WHICH HAVE CONTRIBUTED TO NUMEROUS ACCIDENTS.

Mayor declared a recess at 10:44 p.m.

The Mayor again called the meeting to order at 10:55 p.m.

Council unanimously agreed that the following amendment be made to the sixth paragraph of the substitute resolution:

RESOLVED,... ~~A~~Because of concerns raised by citizens of Ann Arbor, regarding the statement location of the replacement interchange, we wish to amend our application to study the problem in its entirety, to investigate all solution options, to determine which option or combination of options is preferred <by the stakeholder impacted> WITH INPUT FROM ALL STAKEHOLDERS, and to construct the option(s) chosen, APPROVED BY COUNCIL....

The question being the substitute resolution as amended, on a roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Herrell, Hartwell, Kolb, Daley, 7;

Nays, Councilmembers Lumm, Kwan, Putman, Mayor Sheldon, 4.

The Mayor declared the motion carried.

The substitute resolution as amended reads as follows:

R-201-5-97

**RESOLUTION TO INCLUDE FULL PUBLIC PROCESS IN THE
DECISION-MAKING PROCESS ON SOLVING THE BARTON DRIVE/M-14
INTERCHANGE PROBLEMS**

Whereas, Due to the Barton Drive/M-14 interchange, traffic on Barton Drive far exceeds its intended design capacity and appropriate levels of traffic for a

residential neighborhood;

Whereas, The Barton Drive/M-14 interchange has significant safety hazards, including a hairpin curve which requires deceleration to 15 mph for exiting traffic while crossing accelerating traffic from the North Main Street entrance; and a stop sign at the top of the Barton Drive ramp which requires a full stop for entering traffic before merging with full speed traffic, which have contributed to numerous accidents;

Whereas, Though the Huron Parkway extension easement has long been considered for an interchange to replace the Barton Drive/M-14 interchange, it has also long been used as unimproved parkland, and the last time the issue of the Huron Parkway extension to M-14 came up, in 1988, there was such strong public opposition that plans for the Huron Parkway to be extended through Leslie Park Golf Course and Black Pond Woods were cancelled;

Whereas, The City submitted an application on February 20, 1997, for federal funds to replace the Barton Drive/M-14 interchange with a new interchange at the Huron Parkway extension easement and a new road through the easement from Pontiac Trail west; and

Whereas, The public process regarding this application was inadequate and improper in that it involved working with the residents of the Barton Drive area impacted by the problem but did not include adequately informing or involving the residents of the Pontiac Trail area impacted by the proposed solution; it was submitted with the Mayor=s signature only, without City Council approval and without informing the Councilmembers representing the ward in which both impacted neighborhoods are located; and it was submitted to one of our U.S. Senators instead of to our US Congressman, as appropriate;

RESOLVED, That the Ann Arbor City Council affirm the following amendment to the application, in lieu of the amendment originated by First Ward Councilmembers and submitted by the Mayor on May 14, 1997:

ABecause of newly raised concerns by citizens of Ann Arbor, regarding the stated location of the replacement interchange, we wish to amend our application to study the problem in its entirety, to investigate all solution options, to determine which option or combination of options is preferred with input from all stakeholders, and to construct the option(s) chosen, approved by Council. The options to be investigated include all alternative interchange locations on M-14/US- 23 from Maple Road to Plymouth Road, plus mass transit options, and other means of reducing commuter traffic and improving highway safety. Specific options include:

- 1. Constructing an interchange at Huron Parkway easement, as originally proposed; or alternatively;**
- 2. Preserving the Huron Parkway easement as a Agreenway= connecting**

- Bandemer Park to Leslie Park;**
- 3. Making safety improvements to the hazardous Barton/M-14 ramp; or alternatively;**
- 4. Closing the Barton/M-14 ramp, with or without replacing it;**
- 5. Upgrading the North Main /st./M-14 interchange to a full four-way interchange;**
- 6. Constructing either a full or partial interchange at Nixon Road/M-14/US-23;**
- 7. Establishing rail transit on the existing railroad tracks combined with park and ride lots;**
- 8. Creating incentives for businesses to increase the number of employees carpooling, using public transit, and otherwise reducing commuter traffic;**
- 9. Other possible interchange locations and other options suggested during the public process. The study would cost \$1 million and would be completed within 18 months of approval of funds. The remaining funds would be used for construction of the solution(s) chosen. The desire is that a comprehensive transportation planning process be undertaken which could be a model for projects which engender significant public interest.≡**

RESOLVED, That the Ann Arbor City Council direct the City Administrator to review the current policy for submission of grant proposals and to strengthen it so that proper public process is adhered to in the future; and

RESOLVED, That copies of this resolution be sent to our U.S. Congressman, both our U.S. Senators, the Michigan Department of Transportation and the Ann Arbor-Ypsilanti Urban Area Transportation Study Committee.

R-202-5-97 APPROVED

**RESOLUTION TO APPROPRIATE AND TRANSFER FUNDS
FROM PARKING SYSTEM TO LOCAL STREETS FOR STREET SWEEPING**

Whereas, There are insufficient funds in the Local Streets Fund to complete this year=s spring sweeping; and

Whereas, Sufficient unobligated revenue exists in the Parking System Fund;

RESOLVED, That \$30,000 be appropriated from the Parking System Fund and transferred to the Local Streets Fund; and

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

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-203-5-97 APPROVED

**RESOLUTION APPROVING THE WASHTENAW COUNTY/CITY OF
ANN ARBOR COMMUNITY CORRECTIONS COMPREHENSIVE APPLICATION FOR
FUNDING FOR FISCAL YEAR 1997/1998**

Whereas, On August 6, 1989, by resolution number 98-0219, the Washtenaw County Board of Commissioners established, in conjunction with the Ann Arbor City Council, a city/county Community Corrections Advisory Board, pursuant to Public Act 511 (PA511) of 1988;

Whereas, The Washtenaw County/City of Ann Arbor Community Corrections Advisory Board meets monthly on the second Tuesday of every month, pursuant to the By-laws established for that Board;

Whereas, This application builds on the original Comprehensive Corrections Plan, which was developed and approved by this body on November 6, 1991 by resolution number R-649-11-91;

Whereas, An application for FY 1997/98 funding has been reviewed and approved by the Washtenaw County/City of Ann Arbor Community Corrections Advisory Board=s Program and Policy Subcommittee at a regularly scheduled meeting held on April 29, 1997, and said application was recommended for forwarding to the Washtenaw County Board of Commissioners and Ann Arbor City Council for review and approval at their next regularly scheduled meeting; and

Whereas, The State of Michigan - Office of Community Corrections has set a mandatory deadline for funding submissions by not later than May 9, 1997; therefore, this application will be submitted to the State of Michigan - Office of Community Corrections pending review and approval by the State Board of Community Corrections at a regularly scheduled meeting to be held on June 19, 1997 in Lansing, Michigan;

RESOLVED, That the Ann Arbor City Council approve the Washtenaw County/City of Ann Arbor Community Corrections Comprehensive Application for Funding for FY 1997/98 and directs that a copy of this approved resolution accompany the funding application.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-204-5-97 APPROVED

**RESOLUTION TO APPROVE SUPPLEMENTAL APPROPRIATION
AND CHANGE ORDER NO. 11 FOR THE OZONATION AND RELATED WATER
TREATMENT PLANT IMPROVEMENTS CONSTRUCTION PROJECT**

Whereas, It was necessary to make changes in the contract work to complete the Water Plant Improvements project which required extra labor and materials by the construction contractor and its subcontractors;

Whereas, A negotiated and a tentatively agreed upon cost of these changes, as Change Order No. 11, has now been reached of \$207,000.00 with the general contractor, Design & Build, Inc.

Whereas, On April 1, 1997 the Human Resources Department approved

Design & Build;

RESOLVED, That Council approve Change Order No. 11 in the amount of \$207,000 and that the original project budget of \$17,994,670 be correspondingly revised to \$18,201,670 for the life of the project to be expended without regard to the fiscal year;

RESOLVED, That Council approves a supplemental appropriation from the Water Supply System Fund to finance \$207,000 for a change order for Design & Build.

Councilmember Kwan moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-205-5-97 APPROVED

RESOLUTION TO AUTHORIZE A SUPPLEMENTAL APPROPRIATION FROM THE STORMWATER SYSTEM FUND BALANCE TO RECORD MAINTENANCE PERFORMED IN THE LANS BASIN OF MALLET=S CREEK

Whereas, A maintenance project for Mallet Creek, adjacent to the culvert outlet at Seventh Street between Morehead and Delaware Streets, was determined necessary by the County Drain Commissioner and was performed under the auspices of the Mallet Creek Chapter 20 Drainage District;

Whereas, The City=s share of the project is 74.54% and equals \$111,810; and

Whereas, This County drain maintenance was not anticipated nor budgeted for in the Stormwater System 96/97 fiscal year budget;

RESOLVED, That Council approve a supplemental appropriation to the FY 1996/97 Stormwater System budget from fund balance in the amount of \$111,810.

Councilmember Lumm moved that the resolution be adopted.

Councilmember Hartwell moved that the resolution be postponed for further information concerning the stormwater fund.

On a roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Carlberg, Herrell, Hartwell, Putman, 5;

Nays, Councilmembers Vereen-Dixon, Lumm, Kwan, Kolb, Daley, Mayor Sheldon, 6.

The Mayor declared the motion defeated.

The question being the resolution as presented, on a roll call the vote was as follows:

Yeas, Councilmembers Vereen-Dixon, Lumm, Kwan, Carlberg, Herrell, Putman, Kolb, Daley, Mayor Sheldon, 9;

Nays, Councilmember Hartwell,1;

Absent during vote, Councilmember Hanna-Davies, 1.

The Mayor declared the motion carried.

R-206-5-97 APPROVED

**RESOLUTION ACCEPTING UTILITY EASEMENT
FROM ANN ARBOR GOLF AND OUTING CLUB (SOUTH MAIN/STADIUM
BOULEVARD WATER MAIN - PHASE III PROJECT**

Whereas, Ann Arbor Golf and Outing Club, is the owner in fee simple of certain property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 1180, Page 19;

Whereas, The Board of Directors of the Ann Arbor Golf and Outing Club have authorized by action of the Board on May 9, 1997, the delivery of a perpetual easement to the City for the construction and maintenance of municipal operated public services comprising the public utilities system; and

Whereas, Ann Arbor Golf and Outing Club has delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of Southeast 1/4 of Section 32, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S2° 13' 30" W 38.01 feet; thence S88° 56' E 16.75 feet to the POINT OF BEGINNING; thence S88° 56' E 6.50 feet; thence S1° 04' W 6.00 feet; thence Easterly 56.16 feet along the arc of a 29.00 foot radius circular curve concave to the Southwest, through a central angle of 110° 57' 22", having a chord which bears S33° 28' 30"E 47.79 feet; thence S22° 00'40"W 46.09 feet; thence Westerly 29.26 feet along the arc of a 19.00 foot radius circular curve concave to the

Northwest, through a central angle of 88° 14' 08", having a chord which bears S56° 00' 13"W 26.45 feet; thence N3° 34' 09"E 103.70 feet to the POINT OF BEGINNING. Being a part of the Northeast 1/4 of the Southeast 1/4 of Section 32, T2S, R6E, City of AnnArbor, Washtenaw County, Michigan and containing 0.05 acres of land, more or less.

RESOLVED, That the easement is hereby accepted by the City.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-207-5-97 APPROVED AS AMENDED

**RESOLUTION TO APPROVE CLOSING
THE FOURTH AND WASHINGTON PARKING STRUCTURE**

A resolution to approve the closing of the Fourth and Washington parking structure effective May 31, 1997 was considered.

Councilmember Putman moved that the resolution be adopted.

Council unanimously agreed that the sixth paragraph of the resolution be amended as follows:

RESOLVED, That the DDA, CONSIDERING THE CONCERNS OF STAKEHOLDERS OF THE FOURTH & WASHINGTON PARKING STRUCTURE, be asked to continue with its process to remediate the loss of these parking spaces expeditiously, ~~consistent with the concerns of the stakeholders of the Fourth & Washington Parking Structure.~~>

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

The resolution as adopted reads as follows:

**R-207-5-97
RESOLUTION TO APPROVE CLOSING
THE FOURTH AND WASHINGTON PARKING STRUCTURE**

Whereas, *The Engineering Condition Appraisal and Options Analysis Report of the Fourth and Washington Parking Structure* completed by the Carl Walker, Inc. company on April 15, 1997 indicates that the parking structure at Fourth &

Washington has significant structural repair needs;

Whereas, This structure does not meet B.O.C.A. code;

Whereas, Representatives of the City Public Services Department, Building Department, Attorney=s Office, and DDA met May 9, 1997 with the City Administrator and a representative of the Carl Walker, Inc. Company who had conducted the engineering assessment to discuss the status of this structure, and all agreed to the necessity of closing the facility no later than May 31, 1997; and

Whereas, This facility is used extensively by the public and contributes significantly to the economic and residential vitality of the area;

RESOLVED, That City Council authorize the closing of this structure effective May 31, 1997 and direct the City Administrator to take all actions necessary to provide for its closing; and

RESOLVED, That the DDA, considering the concerns of the stakeholders of the Fourth & Washington Parking Structure, be asked to continue with its process to remediate the loss of these parking spaces expeditiously.

DEFERRED

**RESOLUTION TO ADOPT ANN ARBOR CITY BUDGET,
RELATED PROPERTY TAX MILLAGE RATES, AND VARIOUS FEE INCREASES
FOR FISCAL YEAR 1997-1998**

Council unanimously agreed that the resolution to adopt the Ann Arbor City Budget be moved to the end of the agenda.

R-208-5-97 APPROVED

**RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT
WITH DOUGLAS N. HIGGINS, INC., AND TO ESTABLISH A PROJECT
BUDGET FOR THE SOUTH MAIN/STADIUM BOULEVARD
WATER MAIN PROJECT (PHASE III) - BID NO. 3004**

Whereas, The 1997-2003 Capital Improvements Program includes the South Main/Stadium Boulevard Water Main Project (Phase III) in its Capital Program Summary of Utilities Water System Projects;

Whereas, Competitive bids were received by the Purchasing Division on

May 2, 1997 and Douglas N. Higgins, Inc. was the lowest responsible bidder at \$483,780.65; and

Whereas, Douglas N. Higgins, Inc. has received approval from the Human Resources Department on May 19, 1997;

RESOLVED, That a contract in the amount of \$483,780.65 be awarded to Douglas N. Higgins, Inc. for the construction of the South Main/Stadium Boulevard Water Main Project (Phase III) (Bid No. 3004);

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said contract, after approval as to form by the City Attorney and approval as to substance by the City Administrator;

RESOLVED, That City Council adopt the following budget for the life of the project, to be available until expended without regard to fiscal year;

Section I, Revenue

\$714,000 **Advanced from the Water Supply System Fund (Fund 042). (\$340,000 from the 1996 Water Revenue Bonds, Series V; \$374,000 from the sale of future Water Revenue Bonds.)**

\$714,000 **TOTAL**

Section II, Expense

\$483,800 **Construction**
45,000 **Design Engineering**
72,600 **Construction Engineering**
15,800 **Testing, Consulting and Professional Services**
38,700 **Contingencies approved by the City Administrator**
24,200 **Miscellaneous Costs**
33,900 **Overhead Charges**
\$714,000 **TOTAL; and**

RESOLVED, That Council authorize the City Administrator to take the necessary administrative actions to implement this resolution.

Councilmember Kwan moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-209-5-97 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH TOLTEST, INC. FOR TESTING SERVICES FOR THE SOUTH MAIN/STADIUM BOULEVARD WATER MAIN PROJECT (PHASE III)

Whereas, It is necessary to employ a qualified testing firm to perform essential testing for the South Main/Stadium Boulevard Water Main Project (Phase III);

Whereas, Proposals for this testing were received and evaluated by the Engineering Division on the basis of qualifications and fees;

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

Whereas, Toltest, Inc. has received approval from the Human Resources Department on May 19, 1997; and

Whereas, Funding for this agreement is available within the approved South Main/Stadium Boulevard Water Main (Phase III) project budget;

RESOLVED, That Council approve a professional services agreement with Toltest, Inc., in the amount of \$10,075.00 for construction testing and inspection services for the South Main/Stadium Boulevard Water Main Project (Phase III);

RESOLVED, That the Mayor and Clerk be authorized and directed to sign said agreement, after approval as to form by the City Attorney and approval as to substance by the City Administrator; and

RESOLVED, That Council authorize the City Administrator to take the necessary administrative actions to implement this resolution.

Councilmember Kwan moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

DEFERRED

RESOLUTION OF INTENT NOT TO PURSUE A CITY INCOME TAX

Council unanimously agreed that the resolution of intent not to pursue a City income tax be moved to the end of the agenda.

DEFERRED

**RESOLUTION INDICATING NO OPPOSITION
TO RELOCATION OF NATIONAL SANITATION FOUNDATION**

Council unanimously agreed that the resolution indicating no opposition to relocation of National Sanitation Foundation be moved to the end of the agenda.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

JUNE 2, 1997 REGULAR SESSION:

Resolution Regarding the Use of the Arboretum by the ROTC (Councilmember Hanna-Davies)

Resolution Regarding External Customer Survey (Councilmember Lumm)

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED/ POSTPONED

Mayor Sheldon recommended the following appointments at the January 6, January 21, February 3, February 18, March 3, and March 17, April 7, April 21, and May 5, 1997 regular sessions of Council:

EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES (POSTPONED)

**Larry Hahn (reappointment)
1524 Brookfield Dr.
Ann Arbor, MI 48103
Term 01/20/97 to 12/31/2000**

SOLID WASTE COMMISSION (POSTPONED)

Robert Tidmore (at-large citizen representative)
432 Sumark Way
Ann Arbor, MI 48104
Term: 05/01/97 to 04/30/99

Larry Zahn (reappointment - Chamber of Commerce representative)
ReMax Community Associates
2699 Oak Valley Drive
Ann Arbor, MI 48103
Term: 5/1/97 to 4/30/99

Carol J. Miller (replacing Donald Gray as Civil Engineering representative)
2412 Georgetown Blvd.
Ann Arbor, MI 48105
Term: 5/5/97 to 4/30/99

MAYOR=S TASK FORCE ON INCREASING SAFETY FOR WOMEN

The Rev. Susan K. Bock
2309 Page
Ann Arbor, MI 48104

DOWNTOWN DEVELOPMENT AUTHORITY CITIZENS ADVISORY COUNCIL

Andrew L. Wright
311 Thompson #6
Ann Arbor, MI 48104

ANN ARBOR TRANSPORTATION AUTHORITY

James H. Saalberg (reappointment)
2711 Provincetown
Ann Arbor, MI 48103
Term: 05/19/97 to 05/01/2002

ANN ARBOR COMMISSION ON DISABILITY ISSUES

**Ann Carpenter (reappointment)
2200 Fuller Rd., No. 705B
Ann Arbor, MI 48105
Term: 05/19/97 to 05/18/2000**

**Clark B. Shuler (reappointment)
3000 Glazier Way, No. 140
Ann Arbor, MI 48105
Term: 05/19/97 to 05/18/2000**

Councilmember Lumm moved that Council concur with the recommendations of the Mayor.

Councilmember Carlberg moved that the appointment to the Employees Retirement System Board be postponed.

On roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Herrell, Hartwell, Kolb, 6;

Nays, Councilmembers Lumm, Kwan, Putman, Daley, Mayor Sheldon, 5.

The Mayor declared the motion carried.

Councilmember Carlberg moved that the three appointments to the Solid Waste Commission be postponed.

On a voice vote the Mayor declared the motion carried.

Council unanimously agreed that a separate vote be taken on the appointment to the Downtown Development Authority Citizens Advisory Council.

The question being the appointment to the Downtown Development Authority Citizens Advisory Council, on roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Lumm, Kwan, Carlberg, Herrell, Hartwell, Putman, Kolb, Mayor Sheldon, 10;

Nays, Councilmember Daley, 1.

The Mayor declared the motion carried.

The question being the Mayor=s recommended appointments to the Mayor=s Task Force on Increasing Safety for Women, Ann Arbor Transportation Authority, and Ann Arbor Commission on Disability Issues, on a voice vote the Mayor declared the motion carried.

LARRY HAHN=S TERM EXTENDED

Councilmember Kolb moved that Larry Hahn=s term on the Employees Retirement System Board be extended for 90 days.

On a voice vote, the Mayor declared the motion carried, with Councilmember Daley dissenting.

NOMINATIONS PLACED ON TABLE

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

DISASTER PREPAREDNESS COORDINATOR

Capt. Robert Lechtanski, Fire Department (replacing David Schneider)

SIGN BOARD OF APPEALS

Sharon L. Knight (reappointment)
208 W. Ann Street
Ann Arbor, MI 48104
Term: 06/06/97 to 06/05/2000

Jeffrey McGrew
1880 Independence
Ann Arbor, MI 48104
Term: 06/06/97 to 06/05/2000

ANNOUNCEMENTS

Mayor Sheldon made the following announcements of upcoming events:

- X City Hall Reception for Tuebingen, Germany, Sister City Delegation, 8:30 a.m. May 21, 1997, in the Council Chamber; and Potluck Dinner, 5:45 p.m., May 23, 1997, Cobblestone Farm

- X **National Bike-To-Work Week, May 20, 1997, treats available at front door of City Hall for City employees who bike to work**
- X **Community meeting to discuss M-14/Barton Drive Interchange options, 7:00 p.m., May 21, 1997, Clague Junior High School**
- X **City Hall closed, Monday, May 26, 1997 for Memorial Day Holiday**
- X **Fire Reimbursement Formula Proposal before the State Legislature; Councilmembers interested in this alternative financing call State Representatives Mary Schroer and Liz Brater, and State Senator Alma Wheeler Smith to support this funding measure.**

RECENTLY SIGNED PROCLAMATIONS

Mayor Sheldon reported that she recently signed proclamations in recognition of:

- X **Chemical Awareness Week - May 11-17, 1997**
- X **Welcome to Tuebingen Visitors - May 21, 1997**
- X **Family Fun Day at Domino=s Farm - June 1, 1997**

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

City Administrator Neal G. Berlin submitted the following reports for information of Council:

1. **Juvenile Justice and Delinquency Prevention Grant Application**
2. **Material Recovery Facility (MRF) Status**
3. **Budget Review Questions from May 12th and from Councilmember Hartwell**

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

COMMUNICATIONS FROM THE CITY ATTORNEY**REPORT ON COMPLETED ANNEXATION**

City Attorney Abigail Elias submitted a report on the following completed annexation:

Bruestle Property, 0.4 acres, 2385 South Main Street, from Pittsfield Township.

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

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER KOLB**

Councilmember Kolb thanked Mayor Sheldon and Council for extending condolences to his family during their bereavement.

COUNCILMEMBER DALEY

Councilmember Daley thanked Utilities Field Services Superintendent Craig Hupy and staff for their continuing work on the Liberty/Glendale Stormwater issues.

Ms. Daley announced that Community Television Network is currently presenting A Cabbage Town, a documentary on Ann Arbor's Old West Side Historic District.

COUNCILMEMBER HANNA-DAVIES

Councilmember Hanna-Davies invited Council to a town meeting on quality health care in Washtenaw County, May 31, 1997, 1:30 p.m. to 3:30 p.m., Washtenaw County Building Trades Building, 5300 W. Michigan Avenue near Carpenter Road.

COUNCILMEMBER VEREEN-DIXON

Councilmember Vereen-Dixon announced a meeting regarding West Park Improvements, June 11, 1997, 7:00 p.m. to 8:30 p.m., West Park.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

- 1. Communication from Grace Beardley, 772 Peninsula Court, protesting Ordinance No. 20-97 - University Commons Rezoning - Planning**
- 2. Communication from Nancy E. Riley, Community Corrections Manager, regarding Community Corrections FY 1997-1998 Application for Continuation - File**
- 3. Communication from Nancy Snyder, Chair of Washtenaw County Historic District Commission, announcing Washtenaw County Historic District Commission Special Workshop - File**
- 4. Communication from Governor John Engler regarding Council Resolution Concerning a Federal Waiver of Food Stamp Work Requirements for Eligible Areas in Michigan (Resolution No. R-188-5-97) - File**
- 5. Communication from David R. Bassett regarding Usage by ROTC Units of the Nichols Arboretum - File**

The following minutes were received for file:

- 1. Building Board of Appeals - March 18, 1997**
- 2. Sign Board of Appeals - February 11, 1997**
- 3. Downtown Development Authority - March 13, 1997**
- 4. Taxicab Board - January 30, 1997**
- 5. Farmer=s Market Commission - April 10, 1997**
- 6. Human Services Task Force - January 29, 1997**
- 7. Energy Commission - April 10, 1997**

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

MEETING RECESSED

Councilmember Daley moved that the meeting be recessed until 7:30 p.m., Wednesday, May 28, 1997, to consider the following items that were moved to the end of the agenda:

- B-2 Amendment to Chapter 33, Sections 2:203-2:205 - Stormwater Service Charges Increase (Ordinance No. 23-97)**
- D-10 Resolution to Adopt Ann Arbor City Budget, Related Property Tax Millage Rates, and Various Fee Increases for Fiscal Year 1997-1998 (City Administrator) (7 Votes Required)**
- D-13 Resolution of Intent Not to Pursue a City Income Tax (Mayor Sheldon)**
- D-14 Resolution Indicating No Opposition to Relocation of National Sanitation Foundation (Mayor Sheldon)**

On a voice vote the Mayor declared the motion carried and the meeting recessed at 12:25 a.m.

**W. Northcross
Clerk of the Council**

**Frances M. McMullan
Recording Secretary**