

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - JANUARY 8, 2001**

The regular session of the Ann Arbor City Council was called to order at 7:32 p.m. in the City Hall Council Chamber by Mayor John Hieftje.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Jean Robinson, Robert M. Johnson, Joseph Upton, Joan Lowenstein, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Marcia Higgins, Christopher Easthope, Mayor John Hieftje, 10.

ABSENT : 0.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

CHUCK FRANCISCO - MARIJUANA INITIATIVE

Chuck Francisco, 3810 Packard St., spoke in support of decriminalizing the medical use of marijuana and possession of an ounce or less.

AUDREY JACKSON - AFFIRMATIVE ACTION IN CITY GOVERNMENT

Audrey Jackson, 2557 Sandalwood Cir., expressed concern with the lack of racial diversity in city government, and stated that the city should do more to develop policies to address racism in its hiring practices.

PUBLIC HEARINGS

BERNSTEIN ZONING (ORDINANCE NO. 47-00)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.67 acre from TWP (Township District) to R1A (Single-Family Dwelling District), Bernstein property, 1200 Arlington Boulevard. Notice of public hearing was published December 17, 2000.

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

DARROW ZONING (ORDINANCE NO. 48-00)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.45 acre from TWP (Township District) to R1B (Single-Family Dwelling District), Darrow property, 251 Orchard Hills Dr. Notice of public hearing was published December 17, 2000.

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

FIFTH AVENUE BUILDING SITE PLAN

A public hearing was conducted on the proposed Fifth Avenue Building Site Plan, 0.19 acre, 150 South Fifth Avenue/219-223 East Washington Street. Notice of public hearing was published December 31, 2000.

The following person appeared:

Jeffrey Spoon, of Spoon Ventures II Fifth LLC, petitioner, stated that he would be available for questions.

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

SCHLECTE BUILDING SITE PLAN

A public hearing was conducted on the proposed Schlecte Building Site Plan, 0.05 acre, 116 North Fourth Avenue. Notice of public hearing was published December 31, 2000.

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

APPROVAL OF AGENDAAGENDA APPROVED WITH CHANGES

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

MOTIONS AND RESOLUTIONS

Add: Resolution to Appoint Superintendent of Utilities/Director of Utilities (Administrator)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Revise: Status of the National Pollutant Discharge Elimination System (NPDES) Permit for the Wastewater Treatment Plant

Add: Ann Arbor Police Explorer Post

Add: Mayor's Downtown Marketing Task Force

Add: Additional Information Regarding Wage Scale for DDA Parking Operator Employees

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF DECEMBER 18 APPROVED

Councilmember Herrell moved that the regular session minutes of December 18, 2000 be approved with the following corrections:

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Mayor [~~Sheldon~~] **HIEFTJE** led Council in the recitation of the Pledge of Allegiance.

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DEFEATED
(RESOLUTION TO INCREASE THE SNOW EMERGENCY
PARKING VIOLATION FINE)

Councilmember Upton moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Upton, Lowenstein, Higgins, Mayor Hieftje, 4;
Nays, Councilmembers Johnson, Carlberg, Herrell, Hartwell, Kolb, Easthope,
[Johnson] **ROBINSON**, 7.

The Mayor declared the motion defeated.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following items were removed from the Consent Agenda for consideration following approval of the Consent Agenda:

Resolution to Approve Purchase of Ten Replacement Pick Up Trucks from
Buff Whelan Chevrolet - Oakland County Bid (\$181,109.00) (Public Services)

Resolution to Approve Purchase of Four Compact Vehicles from Signature
Ford - Macomb County Bid (\$53,011.00) (Public Services)

CONSENT AGENDA ITEMS APPROVED

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

R-1-1-01 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDERS TO LODAL INCORPORATED FOR REFUSE AND RECYCLING TRUCK PARTS

Whereas, The Fleet Services Division of the Public Services Department requires repair parts for the City's refuse and recycling trucks;

Whereas, Lodal Incorporated is the sole supplier of Lodal parts for this area;

Whereas, The Public Services Department requests approval of a purchase order increase in the amount of \$55,000.00 for the remainder of this fiscal year;

Whereas, The Public Services Department requests approval for sole source purchase orders in the amounts of \$85,000.00 for each of the next three fiscal years;

Whereas, Lodal Incorporated, received Human Rights approval on October 24, 2000; and

Whereas, Funds for these purchases are, and in the future will be, budgeted and available within Fleet Services Division accounts;

RESOLVED, That City Council approve a purchase order increase to Lodal Incorporated, in the amount of \$55,000.00 for fiscal year 2000/01, and the issuance of purchase orders to Lodal Incorporated, for \$85,000.00 for fiscal years 2001/02, 2002/03, and 2003/04, subject to Lodal Incorporated maintaining current Human Rights approvals; and

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

R-2-1-01 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH SPALDING, DEDECKER AND ASSOCIATES, INC. FOR THE BROADWAY BRIDGES RECONSTRUCTION PROJECT

Whereas, It is necessary to retain the services of a professional consulting engineering firm to assist the City of Ann Arbor with reviewing the construction plans, specifications, and cost estimates for the Broadway Bridges Reconstruction Project;

Whereas, The professional engineering firm of Spalding, DeDecker, and Associates, Inc. has submitted to the City a proposal for the necessary services, setting forth the services to be performed by said firm, and the payments to be made by the City therefor, all of which are agreeable to the City; and

Whereas, Spalding, DeDecker, and Associates, Inc. received Human Rights approval on October 23, 2000;

RESOLVED, That a professional services agreement with Spalding, DeDecker, and Associates, Inc. in the amount of \$42,300.00 be approved;

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

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

R-3-1-01 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT
WITH TETRA TECH MPS AND ESTABLISH A PROJECT BUDGET FOR
THE 2001 BRIDGE MAINTENANCE PROGRAM

Whereas, It is necessary to retain the services of a professional consulting engineering firm to assist the City of Ann Arbor with updating its bridge management and maintenance plan;

Whereas, The professional engineering firm of Tetra Tech MPS of Ann Arbor, Michigan has submitted to the City a proposal for the necessary services, setting forth the services to be performed by said firm, and the payments to be made by the City therefor, all of which are agreeable to the City; and

Whereas, Tetra Tech MPS received Human Rights approval on November 8, 2000;

RESOLVED, That a professional services agreement with Tetra Tech MPS in the amount of \$16,447.69 be approved;

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

RESOLVED, That the following project budget be adopted for the life of the project, to be available without regard to fiscal year:

	Section I - Revenue
<u>\$29,000</u>	Major Street Fund (0021)
\$29,000	TOTAL;
	Section II - Expense
\$16,500	Consulting engineering services
\$10,900	Other charges including City engineering services, printing, materials and supplies, etc.
<u>\$ 1,600</u>	Contingencies to be approved by the City Administrator
\$29,000	TOTAL; and

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

R-4-1-01 APPROVED

RESOLUTION TO AUTHORIZE EXPENDITURES FOR CERTAIN VENDORS FROM JULY 1, 2000 THROUGH JUNE 30, 2001

Whereas, City Code Section 1:321 allows the City Administrator to approve contracts for services without City Council approval when the total payments to the contractor in a fiscal year do not exceed \$25,000.00;

Whereas, City Code Section 1:312 allows the City Administrator to approve any purchase or contract under \$25,000.00;

Whereas, City Charter Chapter 14, Section 14.2, requires City Council approval of any contracts with or purchases from a vendor totaling \$25,000.00 or more in a single fiscal year; and

Whereas, The following vendors, each of which has received Human Rights approval, are anticipated to be awarded contracts or purchases exceeding \$25,000.00 within this fiscal year in the amounts shown:

<u>Vendor Name</u>	<u>Spending Authorized Limit Through 6-30-01</u>
Barrett Paving	150,000.00

Central Printing	37,000.00
Madison Electric	35,000.00
McNaughton-Mckay Electric	58,000.00

RESOLVED, That City Council approve the anticipated expenses to the above listed vendors up to the amounts shown; and

RESOLVED, That any single contract or purchase to any of the above vendors that is equal to or exceeds \$25,000.00 be brought separately to City Council for approval prior to entry into the obligation to pay.

R-5-1-01 APPROVED

RESOLUTION TO APPROVE FUNDING FOR
ANN ARBOR COMMUNITY CENTER

Whereas, The Ann Arbor Community Center has requested \$8,954.00 in additional funding to support a full time Financial Manager position;

Whereas, The Ann Arbor Community Center is a vital part of the human service provider community;

Whereas, The Ann Arbor Community Center currently receives funding from the city to provide youth services and drug treatment services for very low-income Ann Arbor residents;

Whereas, The Human Services Task Force recommends approval of this request;
and

Whereas, There is \$62,500.00 remaining in the fiscal year 2000/2001 Housing and Human Services Contingency;

RESOLVED, That the Mayor and City Council approve the allocation of \$8,954.00 in fiscal year 2000/2001 Housing and Human Services Contingency funds to Ann Arbor Community Center, and authorize the Community Development Department to amend the contractual agreement with the Ann Arbor Community Center in accordance with the City's purchasing procedures.

R-6-1-01 APPROVED

RESOLUTION TO APPROVE FISCAL YEAR 2001-02 CONSOLIDATED
STRATEGY AND PLAN COMMUNITY GOALS AND PRIORITIES

Whereas, The City of Ann Arbor is required to submit an Annual Plan to the Department of Housing and Urban Development in order to receive FY 2001-02 Community Development Block Grant and HOME funds;

Whereas, Community Goals and Priorities have been established based on needs identified in the City's FY 2000-05 Consolidated Strategy and Plan and reviewed by the CDBG Executive Committee;

Whereas, The City is expected to receive a total of \$2,211,000.00 in federal funds, including \$1,423,000.00 in Community Development Block Grant funds and \$788,000.00 in HOME funds; and

Whereas, The Human Services Task Force and CDBG Executive Committee have reviewed and endorsed the Community Goals and Priorities;

RESOLVED, That the City Council approve the fiscal year 2001-02 Consolidated Strategy and Plan Community Goals and Priorities and direct the Community Development Department staff to develop and issue a Request for Proposals for services consistent with them.

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

POSTPONED

RESOLUTION TO APPROVE PURCHASE OF TEN REPLACEMENT PICK UP TRUCKS FROM BUFF WHELAN CHEVROLET - OAKLAND COUNTY BID

Whereas, The Fleet Services Division of the Public Services Department needs to purchase replacement pick up trucks for the City=s fleet;

Whereas, Buff Whelan Chevrolet was the lowest responsible bidder, Oakland County Cooperative Purchasing Program, for a total of \$181,109.00; and

Whereas, Buff Whelan Chevrolet received Human Rights approval on December 21, 2000;

RESOLVED, The City Council approve the issuance of a purchase order to Buff Whelan Chevrolet for the purchase of ten 2001 Chevrolet pick up trucks for the amount of \$181,109.00 from 2000/01 budgeted Motor Equipment Funds, with funding for these purchases to be available without regard to fiscal year.

Councilmember Easthope moved that the resolution be adopted.

Councilmember Easthope moved that the resolution be amended to approve the purchase of the 3/4 ton trucks from Snethkamps Lansing Dodge.

After further discussion, the motion to amend was withdrawn.

Councilmember Herrell moved that the resolution be postponed until the January 22, 2001 regular session of Council for an analysis of green house gas emissions for each vehicle model.

On a voice vote the Mayor declared the motion carried.

POSTPONED

RESOLUTION TO APPROVE PURCHASE OF FOUR COMPACT VEHICLES FROM SIGNATURE FORD - MACOMB COUNTY BID

Whereas, The Fleet Services Division of the Public Services Department needs to purchase replacement vehicles for the City's fleet;

Whereas, Signature Ford was the lowest responsible bidder, Macomb County

Cooperative Purchasing Program, for a total of \$53,011.00; and

Whereas, Signature Ford received Human Rights approval on December 21, 2000;

RESOLVED, The City Council approve the issuance of a purchase order to Signature Ford for the purchase of four 2001 Ford Focus compact vehicles for the amount of \$53,011.00 from 2000/01 budgeted Motor Equipment Funds, with funding for these purchases to be available without regard to fiscal year.

ORDINANCES - SECOND READING

47-00 APPROVED

BERNSTEIN 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 0.67 acre, located at 1200 Arlington Boulevard, from TWP (Township District) to R1A (Single-Family Dwelling District). (The complete text of Ordinance 47-00 is on file in the City Clerk's Office).

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

On a voice vote the Mayor declared the motion carried.

48-00 APPROVED

DARROW 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 0.45 acre, located at 251 Orchard Hills Drive, from TWP (Township District) to R1B (Single-Family Dwelling District). (The complete text of Ordinance 48-00 is on file in the City Clerk's Office).

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

On a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-7-1-01 APPROVED

RESOLUTION TO APPROVE FIFTH AVENUE BUILDING SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Fifth Avenue Building Site Plan, 0.19 acre, 150 South Fifth Avenue/219-223 East Washington Street.

Whereas, Fischer Building Partnership has requested site plan approval in order to construct a 7,175-square foot addition to the north side of the existing building at 221-225 East Washington Street; and

Whereas, The Ann Arbor City Planning Commission, on November 21, 2000, recommended approval of said request;

RESOLVED, That City Council approve the Fifth Avenue Building Site Plan.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-8-1-01 APPROVED

RESOLUTION TO APPROVE SCHLECTE BUILDING SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of technical denial (5 years, 0 nays) of the proposed Schlecte Building Site Plan, 0.05 acre, 116 North Fourth Avenue.

Whereas, Laura and Bill Schlecte have requested site plan approval in order to construct a 2,195-square foot addition onto the existing two-story office building at 116 North Fourth Avenue; and

Whereas, The Ann Arbor City Planning Commission, on December 19, 2000, reviewed said request;

RESOLVED, That City Council approve the Schlecte Building Site Plan.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-9-1-01 APPROVED

RESOLUTION TO APPROVE LISULL ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of technical denial (5 years, 0 nays) of the proposed Lisull Annexation, 0.76 acre, 411 Orchard Hills Drive.

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

Whereas, Michael and Debra Lisull are the owners of said property; and

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

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

Lot 5 of Orchard Hills, Ann Arbor Township, Washtenaw County, Michigan, as recorded in Liber 5 of Plats, page 2, Washtenaw County Records.

Councilmember Lowenstein moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-10-1-01 APPROVED

RESOLUTION TO APPROVE PURCHASE OF FIFTEEN FORD POLICE PATROL VEHICLES FROM SHAHEEN FORD MERCURY AND TWO CHEVROLET POLICE PATROL VEHICLES FROM SHAHEEN CHEVROLET - OAKLAND COUNTY BID

Whereas, The Fleet Services Division of the Public Services Department needs to purchase replacement Police Patrol Vehicles for the City's fleet;

Whereas, Shaheen Ford Mercury was the lowest responsible bidder on Ford units, Oakland County Cooperative Purchasing Program, for a total of \$315,150.00;

Whereas, Shaheen Ford Mercury received Human Rights approval on January 2, 2001;

Whereas, Shaheen Chevrolet was the lowest responsible bidder on Chevrolet units, Oakland County Cooperative Purchasing Program, for a total of \$37,875.00; and

Whereas, Shaheen Chevrolet received Human Rights approval on December 7, 2000;

RESOLVED, That the City Council approve the issuance of a purchase order to Shaheen Ford Mercury for the purchase of fifteen 2001 Ford Crown Victoria Police Patrol Vehicles (\$315,150.00), with funds to be available without regard to fiscal year;

RESOLVED, That the City Council approve the issuance of a purchase order to Shaheen Chevrolet for the purchase of two 2001 Chevrolet Impala Police Patrol Vehicles (\$37,875.00), with funds to be available without regard to fiscal year;

RESOLVED, That the City Council approve the transfer of \$162,225.00 from the Motor Equipment Fund fund balance to the vehicle purchase expenditure accounts of the Public Services Department, fiscal year 2000/01 budget; and

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

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-11-1-01 APPROVED

RESOLUTION TO APPROVE INCREASE TO FISCAL YEAR 2000/01 EXPENDITURE BUDGET FOR GASOLINE AND DIESEL FUEL

Whereas, The Fleet Services Division of the Public Services Department purchases gasoline and diesel fuel for the City's fleet;

Whereas, Increases in the cost of gasoline and diesel fuel will exhaust the budgeted amounts for these fuels before the end of this fiscal year; and

Whereas, The Motor Equipment Fund has adequate fund balance to increase the expenditure budget for gasoline and diesel fuel;

RESOLVED, That City Council approve the transfer of \$150,000.00 from the Motor Equipment Fund fund balance to the fuel expenditure accounts of the Public Services Department, fiscal year 2000/01 budget; and

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

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-12-1-01 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO THE STATE

OF MICHIGAN NATURAL RESOURCES TRUST FUND GRANT PROJECT
AGREEMENT FOR ACQUISITION OF 25 ACRES OF PARK LAND -
FINKEL PROPERTY

Whereas, The City of Ann Arbor Mayor and Council approved an agreement with the State of Michigan MiDNR regarding the Natural Resources Trust Fund grant in the amount of \$575,500.00 toward the purchase of 25 acres on Platt Road adjacent to I-94;

Whereas, The grant project agreement between the City of Ann Arbor and the Michigan MiDNR Natural Resources Trust Fund grant is for the purchase of 25 acres and a grant award of \$575,000.00 toward the \$1,100,000.00 purchase;

Whereas, Part 19, Natural Resources Trust Fund, of the Natural Resources and Environmental Act, Act 451 of the Public Acts of 1994, establishes the Michigan Natural Resources Trust Fund which provides for acquisition and development of lands for public outdoor recreation purposes; and

Whereas, A second amendment to the agreement is necessary to extend the deadline for completing the purchase from December 1, 2000 to May 31, 2001;

RESOLVED, That the Mayor and City Council approve the second amendment to the Michigan Natural Resources Trust Fund grant project agreement between the City of Ann Arbor and the Michigan Department of Natural Resources, extending the deadline for completion to May 31, 2001; and that the Mayor and City Clerk be authorized to sign the grant agreement substantially in the form on file with the City Clerk, with all other terms of the agreement remaining in effect.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-13-1-01 APPROVED

RESOLUTION AUTHORIZING INSTALLMENT PURCHASE CONTRACT
WITH MICHIGAN NATIONAL BANK FOR FINANCING THE PURCHASE
OF RESCUE/PUMPER VEHICLE

Whereas, An Installment Purchase Contract between the City of Ann Arbor (the ACity≅), Pierce Manufacturing, Inc. (the AVendor≅) and Michigan National Bank (the AAssignee≅) for the purchase and delivery of one Fire Rescue/Pumper vehicle (the

Equipment), all as set forth in the Vendor's proposal and the City's acceptance thereof (the Specifications) have been prepared;

Whereas, The purchase price of the Equipment is as set forth in the Installment Contract, on file in the City Clerk's Office, and made part hereof;

Whereas, Pursuant to the Agreement, the City will pay the Purchase Price in the installments, at the rates and on the dates as set forth in said Contract;

Whereas, The Contract is to be assigned to the Assignee; and

Whereas, It is necessary to approve the Contract and authorize the Mayor and Clerk to execute the Contract and authorize City officials to execute certain other documentation relative thereto;

RESOLVED, That the Contract be hereby approved substantially in the form on file with the City Clerk with such additions, changes and modifications as shall be recommended by the City's Bond Counsel and approved by the City Attorney. The City shall incur the debt described in the Contract through execution of the Contract by the Mayor and City Clerk which debt principal installments shall be payable serially annually from 6/01/2001 through 12/01/2005 with interest payable semi-annually on the principal installments as set forth in said Contract;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to execute the Contract and deliver same to the Vendor and Assignee;

RESOLVED, That the useful life of the Equipment be hereby determined to be not less than ten (10) years;

RESOLVED, That the Mayor, City Clerk, Treasurer and City Finance Director be each hereby directed and authorized to execute such additional documentation and open such accounts as shall be necessary to effectuate the closing of the Contract and the assignment thereof;

RESOLVED, That the assignment of the Contract by the Vendor to the Assignee be hereby approved;

RESOLVED, That the City hereby agree to include in its budget for each year commencing with the current fiscal year, a sum which will be sufficient to pay the principal of and interest on each of the payments under the Contract coming due before the next fiscal year. In addition, the City hereby pledges to levy ad valorem taxes on all taxable property in the City each year in an amount necessary to make its debt service payments

under the Contract, subject to applicable constitutional, statutory and charter tax rate limitations;

RESOLVED, That the City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exemption of the interest on the obligations under the Contract from general federal income taxation (as opposed to alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of proceeds of the Contract and moneys deemed to be proceeds; and

RESOLVED, That all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-14-1-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM GREEN ROAD OFFICE ASSOCIATES, L.L.C. - AVE MARIA SCHOOL OF LAW, 3475 PLYMOUTH ROAD

Whereas, Green Road Office Associates, L.L.C., a Michigan limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3884, Pages 948, dated July 14, 1999;

Whereas, The Operating Agreement for Green Road Office Associates, L.L.C. authorizes the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, Green Road Office Associates, L.L.C. 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 Center of Section 14, City of Ann Arbor, Township 2 South, Range 6 East, Washtenaw County, State of Michigan; thence

S00°05'25"W 667.92 feet along the North and South 1/4 line of said Section and the Centerline of Green Road; thence N89°54'35"W 40.00 feet; thence 46.90 feet along the arc of a 490.00 feet radius circular nontangential curve concave to the East, having a central angle of 05°29'00" and a chord which bears S02°39'05"E 46.88 feet; thence S05°23'35"E 353.86 feet; thence 245.71 feet along the arc of a 630.00 feet radius circular curve to the right, having a central angle of 22°20'45" and a chord which bears S05°46'48" W 244.15 feet for a Place of Beginning; thence 25.51 feet along the arc of said 630.00 feet radius circular curve to the right, having a central angle of 02°19'13" and a chord which bears S18°06'47"W 25.51 feet; thence N57°24'28"W 104.46 feet; thence N22°31'50"W 42.26 feet; thence N50°53'57"W 189.29 feet; thence S70°54'50"W 36.07 feet; thence N18°56'34"W 40.00 feet; thence N70°54'50"E 58.23 feet; thence S50°53'57"E 220.40 feet; thence S22°31'50"E 39.80 feet; thence S57°24'28"E 81.89 feet to the Place of Beginning;

RESOLVED, That the City hereby accept said easement.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-15-1-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM ANN ARBOR GOLF AND OUTING CLUB - 400 EAST STADIUM BOULEVARD

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 November 16, 2000, 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:

DESCRIPTION OF 40- FOOT WIDE EASEMENT

A 40-foot wide strip of land for the installation and maintenance of public utilities having a centerline described as follows: Commencing at the Center of Section 32, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S88E07'00" E 1323.13 feet along the East and West 1/4 line of said Section to a point on the East line of the Northwest 1/4 of the Southeast 1/4 of said Section; thence S03E02' 31" W 258.85 feet along said East line to the PLACE OF BEGINNING; thence N42E54'09" W 29.97 feet; thence N76E29'19" W 150.35 feet; thence S75E51'44" W 223.17 feet; thence S53E21'44" W 79.17 feet to the POINT OF TERMINATION. Being subject to easements and restrictions of record, if any;

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

Councilmember Higgins moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-16-1-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM CROSSINGS OF ANN ARBOR, L.L.C. - 560 KELLOGG STREET

Whereas, Crossings of Ann Arbor, L.L.C., a Michigan limited liability company, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3877, Page 699, recorded June 11, 1999;

Whereas, A Resolution of the Members, dated November 8, 2000, authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, Crossings of Ann Arbor, L.L.C., has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

A forty (40) foot wide easement for water main which is described as being located within Lots 1,2, and 3 of Block 1, Brown and Fuller's Addition to The City of Ann Arbor as recorded in Liber D of Plats, Page 1, Washtenaw County Records, and also part of the SW 1/4 of Section 21 and part of the SE 1/4 of Section 20, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, being more particularly described as commencing at the SE corner of said Lot 1; thence N73°00'00"W 149.20 feet along the North R.O.W. line of Longshore Drive (49.50 feet Wide) to the point of beginning; thence N73°00'00"W 40.00 feet; thence N17°41'58"E 342.10 feet; thence N38°07'27"W 13.74 feet; thence N16°59'06"E 6.37 feet; thence N73°00'54"W 9.13 feet; thence N38°07'27"W 58.08 feet; thence N17°31'51"E 274.36 feet; thence S73°00'00"E 40 feet; thence S17°31'51"W 253.62 feet; thence S38°07'27"E 2.81 feet; thence S17°00'17"W 6.75 feet; thence S72°59'43"E 9.68 feet; thence S38°07'27"E 32.83 feet; thence N56°39'06"E 28.94 feet; thence S33°20'54"E 30.53 feet; thence S17°00'00"W 14.84 feet; thence S56°39'06"W 20.15 feet; thence S17°41'58"W 355.59 feet to the Point of Beginning.

RESOLVED, That the City hereby accept said easement.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-17-1-01 APPROVED

RESOLUTION TO APPOINT SUPERINTENDENT OF UTILITIES/
DIRECTOR OF UTILITIES

Whereas, Section 12.1(b) of the Charter for the City of Ann Arbor provides that the Superintendent of Utilities, commonly known as the Director of Utilities, shall be appointed by the Council on the recommendation of the City Administrator;

Whereas, A national search developed candidates for the position of Director of Utilities;

Whereas, During 2000, the City conducted a selection process involving Department of Utility employees, city staff and Councilmembers;

Whereas, Sue McCormick was selected by all groups involved in the selection process;

Whereas, Sue McCormick has been employed by the Lansing Board of Water and Light for 20 years in various positions, including most recently Manager of Sales and Marketing and previously in environmental engineering as a laboratory chemist, as Manager of Water and Steam System Planning and Manager of Water Technical Support Services; and

Whereas, Sue McCormick is qualified to serve as the Superintendent of Utilities/ Director of Utilities;

RESOLVED, That the City Council does hereby appoint Sue McCormick as Superintendent of Utilities/Director of Utilities, effective January 29, 2001, in accordance with the terms and conditions of employment contained in the letter dated December 7, 2000, on file in the City Clerk's Office.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEESCOUNCILMEMBER CARLBERG

Councilmember Carlberg announced that the City/County Community Corrections Advisory

Board has a new director, Joe Degraff, who has served on the staff of the board as the drug testing administrator.

COUNCIL PROPOSED BUSINESS

None.

The Mayor declared a recess at 8:12 p.m.

The Mayor again call the meeting to order at 8:21 p.m.

COMMUNICATIONS FROM THE MAYOR

ANNOUNCEMENTS

- X The deadline for applications for the Fifth Ward Council seat is January 9. A Council work session for presentations from the candidates is scheduled for January 16, 7:00 p.m., and a candidate forum sponsored by Fifth Ward residents is scheduled for January 18, 7:30 p.m., at the Sequoia Community Room, 1131 N. Maple Rd.

- X Congratulations for a job well done to staff who worked the recent snow emergency. The Mayor requested that, by the January 22 Council meeting, the City Administrator prepare an analysis of the recent snow emergency and make recommendations to better deal with the next large snow fall.

NOMINATIONS PLACED ON TABLE

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

Individual Historic Properties Study Commission

H. Mark Hildebrandt, Historic District Comm. representative (to fill vacancy)
1930 Cambridge Rd. 48104
Term: 1/22/01 to 5/1/04

Beth Van Liere, Historic District Comm. representative (to fill vacancy)
342 Mulholland Ave. 48103
Term 1/22/01 to 5/1/04

City Market Commission

Scott Robertello
Kapnik Orchards
4245 Rogers Hwy.
Britton, MI 48158
Term: 1/22/01 to 1/21/02

Christine Schopieray
719 Daniel St. 48103
Term: 1/22/01 to 1/21/03

Nelson Meade
2484 Pinecrest Ave. 48104
Term: 1/22/01 to 1/21/04

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the December 18, 2000 regular session of Council:

Housing Policy Board

Stephen L. Ranzini (to fill vacancy)
101 N. Main St., #1004 48105
Term: 1/8/01 to 1/7/04

Jennifer Hall (to fill vacancy)
1370 Jewett Ave. 48104
Term: 1/8/01 to 1/7/04

Park Advisory Commission

Catherine Riseng (to fill vacancy)
236 Sunset Rd. 48103
Term: 1/8/01 to 1/7/04

Planning Commission

William Hanson (to fill vacancy)
1321 Orkney Dr. 48103
Term: 1/8/01 to 6/30/04

Housing Board of Appeals

Amy Kullenberg (to fill vacancy)
c/o M.S.A.
3909 Michigan Union 48109-1349
Term: 1/8/01 to 6/30/04

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

On a voice vote the Mayor declared the motion carried.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

City Administrator Neal G. Berlin submitted the following reports for information of Council and called Council's attention to items 5 and 6:

1. October 2000 Investment Portfolio Report
2. November 2000 Investment Portfolio Report
3. Request for Proposals for Traffic Stop Data Collection Methods and Analysis Study (RFP No. 499)
4. City's White House Recycling Recognition
5. Glazier Way Road Reconstruction Project Construction Contract Status Report
6. Status of the National Pollutant Discharge Elimination System (NPDES) Permit for the Wastewater Treatment Plant

7. Ann Arbor Police Explorer Post
8. Mayor's Downtown Marketing Task Force
9. Additional Information Regarding Wage Scale for DDA Parking Operator Employees

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER ROBINSON

Councilmember Robinson announced that a Gun Violence Awareness Day Forum, sponsored by the Coalition for Safe Communities, is planned for January 20, 2-4 p.m., at the Perry Child Development Center in Ypsilanti. Ms. Robinson stated that the event is an effort to raise community awareness on the issue of gun violence and encouraged everyone to attend.

COUNCILMEMBER HIGGINS

Councilmember Higgins asked whether there is a schedule for the Police Chief interview process.

City Administrator Berlin responded that a schedule of dates should be ready by the next regular session of Council.

COUNCILMEMBER CARLBERG

Councilmember Carlberg announced that the annual Martin Luther King, Jr. Day March, sponsored by the Second Baptist Church, is scheduled for January 14. A program at the Second Baptist Church will follow the march. Councilmembers are urged to attend.

COUNCILMEMBER HARTWELL

Councilmember Hartwell requested a report outlining the City's search efforts to recruit and identify minority candidates, both male and female, including efforts outside of the traditional channels.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communication was referred as indicated:

1. Letter of Resignation from Councilmember Christopher Kolb - File.

The following minutes were received for file:

1. Planning Commission - November 14 and November 21, 2000
2. Ann Arbor Transportation Authority - November 15, 2000
3. Market Commission - November 16, 2000
4. Airport Advisory Committee - November 15, 2000
5. Building Board of Appeals - November 8, 2000
6. Downtown Development Authority - November 1, 2000

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL**AMY KULLENBERG - APPOINTMENT TO HOUSING BOARD OF APPEALS**

Amy Kullenberg, Executive Director of the Ann Arbor Tenants Union, thanked Councilmembers for their support of her appointment to the Housing Board of Appeals.

ERIC STURGIS - SNOW ON SCHOOL SIDEWALKS

Eric Sturgis stated that, due to the budget limitations of the Ann Arbor Schools, snow is not being removed from sidewalks around the public schools. He asked what Council can do to help with the situation.

AUDREY JACKSON - DIVERSITY

Audrey Jackson, 2557 Sandalwood Cir., urged the City to join with the University of Michigan in celebrating Martin Luther King Day and in strengthening efforts for diversity. Ms. Jackson requested the City's help to clear snow from bus stops, and thanked Councilmember Hartwell for encouraging racial diversity in the search for a police chief.

CLINTON SMITH - NEW CITY HALL BUILDING

Clinton Smith, 1508 Broadway St., asked Council to consider a plan for a new city hall building to be built on the library lot.

ADJOURNMENT

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

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 8:43 p.m.

Yvonne Carl
Interim Clerk of the Council

Janet L. Chapin
Recording Secretary