

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - FEBRUARY 5, 2001**

The regular session of the Ann Arbor City Council was called to order at 7:34 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, Joseph Upton, Joan Lowenstein, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 10.

ABSENT : Councilmember Robert M. Johnson, 1.

INTRODUCTIONS

RECOGNITION OF THREE PAST DEAN FUND COMMITTEE MEMBERS

Parks and Recreation Department Forestry Technician Paul Bairley and Dean Fund Committee Member Bob Elton presented certificates of appreciation to Warren Attarian and Richard Chesbrough, thanking them for six consecutive years of service to the Elizabeth Dean Fund Committee. Claire Turcotte, the third committee member to receive a certificate of appreciation, was not in attendance.

STATE OF THE CITY MESSAGE

Mayor Hieftje presented his State of the City Address. (Address on file in the City Clerk's Office).

The Mayor declared a recess at 8:05 p.m.

The Mayor again called the meeting to order at 8:14 p.m.

PUBLIC COMMENTARY - RESERVED TIME

MARISA ARNOLD - AATA/U OF M BUS MERGER

Marisa Arnold, 2330 Ellsworth Rd., #102, representing University of Michigan temporary and unionized bus drivers, objected to the proposed merger of the University of Michigan Transportation Services and the Ann Arbor Transportation Authority. Ms. Arnold expressed concern with potential job loss, quality of service, accountability, and financial benefit. She requested the City's help in assuring that the process is fair.

DAVID HOROWITZ - NORTH SIDE COMMONS SANITARY SEWER PROJECT

David Horowitz, 2750 Pontiac Trail, expressed concern with the potential environmental consequences of the sewer route that traverses land adjacent to a former city landfill. He stated that further discussion is needed on health and safety consequences, and requested adequate soil and groundwater testing, a comprehensive site plan from the developer, and opportunity for public input.

MITCHELL ROHDE - NORTH SIDE COMMONS SANITARY SEWER PROJECT

Mitchell Rohde, 1820 Alhambra Dr., spoke in opposition to granting an easement to Norfolk Development for a sewer to support the North Side Commons development. He warned of potential damage to the environment since the sewer route is near an old city dump. Mr. Rohde stated that disturbing the site could contaminate nearby drinking wells, and expressed concern with inadequate environmental testing.

KERMIT SCHLANSKER - OIL CRISIS

Kermit Schlansker, 2960 Marshall St., expressed concern with future oil and gas shortages. He stated that people will have to conserve in order to survive, and suggested constructing apartment buildings to save land, transportation and heat.

CYBELE BLOOD - SHARING OF SERVICES BETWEEN U OF M AND AATA

Cybele Blood, 4838 Lakeridge Dr., representing a coalition of University of Michigan groups, expressed concerns with the proposed merger of U of M transportation services and the Ann Arbor Transportation Authority, and objected to the lack of opportunity for public input.

PUBLIC HEARINGSHOWARD COOPER HONDA REVISED SITE PLAN

A public hearing was conducted on the proposed Howard Cooper Honda Revised Site

Plan, 5.23 acres, 2565 and 2575 South State Street. Notice of public hearing was published January 28, 2001.

The following person appeared:

Kate Drueke, of Washtenaw Engineering Co., representing the petitioner, reported that agreement was reached with all parties on landscaping requirement issues.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

MOTIONS AND RESOLUTIONS

Revise Resolution to Accept and to Appropriate Funds from the COPS MORE
Memo: Program to the Ann Arbor Police Department (\$68,800.00) (Police) (8 Votes
Required)

Delete: Resolution on Membership of the Malletts Creek Coordinating Committee
(Councilmember Carlberg)

Add: Resolution Accepting Sanitary Sewer Easement from Dennis B. Brewer
Revocable Trust - North Side Commons Off-Site Sanitary Sewer Project
(Attorney) (8 Votes Required)

Add prior to Resolution to Accept Board of Insurance Minutes:

RECESS FOR CLOSED SESSION TO DISCUSS PENDING LITIGATION

MOTIONS AND RESOLUTIONS (CONT.)

Add: Resolution to Accept Board of Insurance Administration Minutes of February
2, 2001 and to Authorize Payments (Human Resources)

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF JANUARY 16 AND JANUARY 22 APPROVED

Councilmember Robinson moved that the working session minutes of January 16, 2001 and the regular session minutes of January 22, 2001 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-39-2-01 APPROVED

SPECIAL ASSESSMENT RESOLUTION NO. 1 - PREPARE PLANS AND SPECIFICATIONS FOR WEST LIBERTY STREET RECONSTRUCTION PROJECT

Whereas, Council deems it necessary to acquire and construct the following improvements: ROADWAY IMPROVEMENTS, DISTRICT NO. 26; FILE NO. 98071; described as:

West Liberty Street - from Virginia Avenue to I-94. Improvements include: curb and gutter, sidewalk, sanitary sewer, and watermain.

RESOLVED, That:

1. The City Administrator be directed to have prepared plans and specifications for said improvement project, and an estimate of the cost thereof;
2. The City Administrator be directed to file a report of same with the City Clerk, including a recommendation as to what proportion of the cost should be paid by special assessment and what part, if any, should be a general obligation of the City, the number of installments in which the assessments may be paid, and the land which should be included in the special assessment district;
3. The City Clerk present said report to the Council and make it available for public examination;
4. Council Resolution No. R-143-4-00, which was approved on April 3, 2000,

appropriated \$498,520.00 for the planning and design of the West Liberty Street Reconstruction project which included said improvements, such sum being advanced from the Street Resurfacing Millage fund pending the sale of appropriate bonds;

5. Any unspent portion of said sum be re-appropriated and re-advanced as above for said project for succeeding fiscal years until bonds are sold and the Street Resurfacing Millage fund reimbursed, or until said project is officially closed; and
6. Council declare its intent to issue bonds to pay all or part of the cost of such improvement project, funding reserves, paying for credit enhancement, and the cost of issuance of such bonds (either initially or ultimately), provided that such bonds are issued in conformity with applicable State statutes and all documents, provisions, and details pertaining to such bonds are acceptable to and approved by this Council and provided, further, that such bonds can be sold.

R-40-2-01 APPROVED

RESOLUTION TO APPROVE PURCHASE OF TWO COMPRESSED NATURAL GAS POWERED VANS FROM BILL SNETHKEMP DOGE - STATE OF MICHIGAN BID

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

Whereas, Bill Snethkamp=s Dodge was the lowest responsible bidder, State of Michigan Cooperative Purchasing Program, for a total of \$42,404.00;

Whereas, A grant from the Clean Cities Program will contribute \$4,000.00 towards the cost of the vehicles reducing the City=s cost to \$38,404.00;

Whereas, The purchase of natural gas powered vehicles helps fulfill the City=s commitments to the Clean Cities Program;

Whereas, The purchase of natural gas powered vehicles reduces tailpipe emissions and demonstrates the City=s commitment to reducing the negative environmental impacts of City operations where feasible; and

Whereas, Bill Snethkamp=s Dodge received Human Rights approval on January 23, 2001;

RESOLVED, That the City Council approve the issuance of a purchase order to Bill Snethkamp=s Dodge for the purchase of two CNG powered vans for the amount of \$42,404.00, with funding for these purchases to be available without regard to fiscal year.

R-41-2-01 APPROVED

RESOLUTION TO APPROVE PURCHASE OF TWO 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 \$35,944.00; and

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

RESOLVED, That the City Council approve the issuance of a purchase order to Buff Whelan Chevrolet for the purchase of two 2001 Chevrolet S-10 four wheel drive mini pick up trucks for the amount of \$35,944.00 from 2000/01 budgeted Motor Equipment Funds, with funding for these purchases to be available without regard to fiscal year.

R-42-2-01 APPROVED

RESOLUTION AUTHORIZING THE PURCHASE OF ACCESSIBLE PEDESTRIAN SIGNALS FROM CARRIER AND GABLE, INC.

Whereas, Increasing traffic volumes make it more difficult for visually impaired persons to distinguish traffic patterns at signalized intersections, and accessible pedestrian signals provide the additional information on the status of the signal;

Whereas, On June 19, 2000 Council directed the City Administrator to install Polara Navigator accessible pedestrian signals at the following locations as recommended by the Disability Commission: Packard/Main, Jackson/Maple, State/Liberty, State/William, and Eisenhower/Ann Arbor-Saline;

Whereas, The Disability Commission has recommended voice messages and locator tone preferences, as well as recommending changing one installation location from the Eisenhower/Ann Arbor-Saline intersection to the Packard/Stadium intersection;

Whereas, The equipment is sold in Michigan only by Carrier and Gable, Inc.; and

Whereas, Carrier and Gable, Inc. received Human Rights approval on March 15, 2000;

RESOLVED, That a sole source purchase order not to exceed \$25,000.00 be issued to Carrier and Gable, Inc. for the purchase of accessible pedestrian signals as noted above for: Packard/Main, Jackson/Maple, State/Liberty, State/William, and Packard/Stadium.

R-43-2-01 APPROVED

RESOLUTION TO AUTHORIZE SINGLE LOT SPECIAL ASSESSMENTS FOR THE 2000 ANNUAL STREET RESURFACING PROJECT, THE 2000 DOWNTOWN STREET RESURFACING PROJECT, AND THE BIRK/LOOKOUT/ REVERE/RADCLIFFE WATER MAIN REPLACEMENT PROJECT

Whereas, The City has constructed improvements in the public right-of-way abutting certain lots and premises; and

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

RESOLVED, That single lot special assessments for the unpaid amounts be levied against such owners and premises as described in the attached Schedule A;

RESOLVED, That the payment of said special assessments be hereby authorized in 7 annual installments commencing on August 1, 2001, with a rate of interest of 5.75% with subsequent installments due on June 1 of each year commencing in 2002. Interest is to commence on August 1, 2001, and is to be collected annually on June 1 of each and every year thereafter; and

RESOLVED, That the total amount of \$21,735.86 be credited to the Street Millage Fund (Fund 062).

SCHEDULE A

<u>Assessor's Code</u>	<u>Address</u>	<u>Owner</u>	<u>Amount</u>
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09-21-301-045	1133 Broadway St.	Richard E. Raab	\$	3,280.00
09-21-103-016	1676 Broadway St.	Wei Yang	\$	1,976.88
09-21-103-004	1660 Broadway St.	John & Donna Pointer	\$	3,999.50
09-21-104-018	1653 Broadway St.	David Wilkins & Julie Wilson	\$	1,716.02
09-21-103-002	1638 Broadway St.	David Barber	\$	2,464.30
09-21-300-023	1501 Broadway St.	Marianne Kirk	\$	1,789.75
09-33-432-007	1411 Ferdon Rd.	Linda Young	\$	1,401.18
12-03-208-006	2161 Independence	John & Susan Bullen	\$	816.75
12-03-213-008	2253 Medford Rd.	Ron & Nina Willett	\$	464.75
09-32-206-009	909 Edgewood Pl.	Patricia Murphy	\$	798.53
09-29-413-001	502 S. Ashley St.	Mikkel Thomsen	\$	585.90
09-30-416-012	1113 W. Liberty St.	Joseph Lloyd	\$	1,605.30
09-32-215-014	1109 Birk Ave.	Katherine Steenrod	\$	837.00
			<u>TOTAL</u>	<u>\$ 21,735.86</u>

The above amounts are not estimates. They are actual, final costs and will not be revised.

R-44-2-01 APPROVED

RESOLUTION TO APPROVE PURCHASE OF ONE FORD TAURUS SE
FROM SIGNATURE FORD - OAKLAND 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 sole responsible bidder, Oakland County Cooperative Purchasing Program, for a total of \$17,398.00; and

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

RESOLVED, That the City Council approve the issuance of a purchase order to Signature Ford for the purchase of one 2001 Ford Taurus SE vehicle for the amount of \$17,398.00 from 2000/01 budgeted Motor Equipment Funds, with funding for these purchases to be available without regard to fiscal year.

R-45-2-01 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF
SURVEYING ACCESSORIES

Whereas, Accessories for the Engineering Division=s surveying equipment are required and Leica Geosystem Inc. is the sole source provider;

Whereas, Funding for the accessories is available within the approved fiscal year 2000/01 Budget of the Engineering Division; and

Whereas, Leica Geosystem Inc. received Human Rights approval on January 10, 2001;

RESOLVED, That City Council approve the issuance of a purchase order to Leica Geosystem Inc. for surveying equipment accessories in the amount of \$3,720.80.

R-46-2-01 APPROVED

RESOLUTION TO APPROVE FIRST AMENDMENT TO AGREEMENT
FOR LEGAL SERVICES BETWEEN MILLER AND VAN EATON, P.L.L.C.
AND THE CITY OF ANN ARBOR

Whereas, The City of Ann Arbor and Miller and Van Eaton, P.L.L.C., entered into an Agreement for Legal Services effective September 8, 1999, to June 30, 2001, under which Miller and Van Eaton, P.L.L.C., will provide specialized legal services in the area of cable television matters;

Whereas, Services related to cable television franchise renewal and two cable television franchise transfers have resulted in a need for services not anticipated originally, with a corresponding increase in the total expense of the project(s) performed under the Agreement;

Whereas, Significant work has yet to be performed to complete ongoing project(s) under the Agreement, including the renewal of a cable television franchise agreement;

Whereas, There is time remaining on the contract term;

Whereas, Staff recommends that the not-to-exceed amount of the Legal Services Agreement with Miller and Van Eaton, P.L.L.C., be revised from Seventy Thousand Dollars (\$70,000.00) to One Hundred Twenty Thousand Dollars (\$120,000.00);

Whereas, Staff has determined that sufficient funding is available for the proposed amendment within the previously approved FY 00/01 Clerk/Cable Division budget, thus not requiring a transfer from the Cable Fund balance;

Whereas, Staff recommended and Miller and Van Eaton, P.L.L.C. has agreed to a modification of the insurance section of the Agreement to provide additional protection to the City; and

Whereas, Miller and Van Eaton, P.L.L.C. received Human Rights clearance on May 25, 2000;

RESOLVED, That the Mayor and City Clerk be authorized to sign a First Amendment to the Legal Services Agreement with Miller and Van Eaton, P.L.L.C., approved as to form by the City Attorney, to provide for additional insurance protection and to provide for additional legal services in an amount not to exceed \$50,000, for a total contract amount not to exceed \$120,000.00.

R-47-2-01 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO EXTEND TERM OF CABLE
TELEVISION FRANCHISE AGREEMENT BETWEEN COMCAST CABLEVISION
OF THE SOUTH, INC. AND THE CITY OF ANN ARBOR

Whereas, On February 7, 1980, the City of Ann Arbor approved a cable television franchise for Ann Arbor Cablevision, Inc., for an initial term of fifteen (15) years;

Whereas, City Council has approved the following assignments, transfers and modifications of the cable television franchise agreement: assignment and modification by Clarification of Franchise Agreement and Approval of Assignment to Columbia Associates, L.P., dated October 1, 1985, and revised February 22, 1993; modification by Consent Agreement between the City and Columbia Associates, L.P., dated June 2, 1992; transfer to Continental Cablevision by Transfer Consent Agreement dated April 3, 1995; transfer to

U.S. West, Inc., by Transfer Agreement dated January 23, 1997, with a change of name from Continental Cablevision of Eastern Michigan, Inc., to MediaOne of Eastern Michigan, Inc., on April 28, 1997; change of corporate control to AT&T/Meteor Acquisition, Inc., by 1999 Agreement dated December 6, 1999; transfer to Comcast Cablevision of the South, Inc., by Transfer Agreement dated December 18, 2000;

Whereas, The initial fifteen (15) year term of the cable television franchise agreement was extended for five (5) additional years, to February 7, 2000, in the Consent Agreement Between the City of Ann Arbor and Columbia Associates, L.P., dated February 22, 1993, and further extended to February 7, 2001 by Amendment to Extend Term of Cable Television Franchise Agreement Between MediaOne of Eastern Michigan, Inc., and the City of Ann Arbor dated December 20, 1999;

Whereas, Comcast Cablevision of the South, Inc. currently holds the cable television franchise described herein; and

Whereas, The City and Comcast Cablevision of the South, Inc. desire to extend the term of the franchise held by Comcast Cablevision of the South, Inc., for a brief period to provide both parties with additional time to conclude cable franchise renewal negotiations;

RESOLVED, That the City Council approve the Amendment to Extend Term of Cable Television Franchise Agreement Between Comcast Cablevision of the South, Inc. and the City of Ann Arbor (on file in the City Clerk's Office) to extend the existing cable television franchise agreement with Comcast Cablevision of the South, Inc. for a period of ninety (90) days and setting a new expiration date of May 8, 2001.

R-48-2-01 APPROVED

RESOLUTION TO APPROVE 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</u> <u>Limit Through</u> <u>6-30-01</u>	
Ann Arbor Printing & Mailing		\$ 60,000.00	B
& A Software	35,000.00		
K & W Equipment		50,000.00	
Office Depot		108,000.00	

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-49-2-01 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER WITH MICRON GOVERNMENT COMPUTER SYSTEMS, INC. FOR SCHEDULED REPLACEMENT OF PERSONAL COMPUTERS FOR DISTRICT COURT OPERATIONS

Whereas, Fifteenth District Court=s personal computers are supported and maintained under a professional services agreement with the Washtenaw County Information Technology Services Department (WCITSD);

Whereas, WCITSD schedules replacement of personal computers approximately every four years in order to remain current with changing technologies and enhancements in personal computing systems and hardware;

Whereas, Fifteenth District Court=s Afleet= of personal computers is more than four years old and as such, has been scheduled for replacement by WCITSD;

Whereas, WCITSD developed specifications for desktop personal computers in the courts and selected Micron Government Computer Systems, Inc. as the vendor for this product;

Whereas, Micron Government Computer Systems, Inc. was approved by the City of Ann Arbor Human Resources Department on January 26, 2001; and

Whereas, Funding to purchase replacements for one-half the court=s inventory of personal computers was approved in the fiscal year 20000-2001 budge and contingent on availability of funds in the fiscal year 2001-2002 budget, the court will replace the remainder to retain uniformity and consistency in its hardware inventory;

RESOLVED, That the City Council authorize a purchase order to Micron Government Systems, Inc. in an amount not to exceed \$45,600.00 for the purchase of personal computers to replace a portion of those currently in use in the District Court.

R-50-2-01 APPROVED

RESOLUTION TO APPROVE FUNDING FOR
ANN ARBOR HOUSING COMMISSION

Whereas, The Ann Arbor Housing Commission has requested \$15,000.00 in additional funding to support full-time onsite support services at Baker Commons;

Whereas, The Ann Arbor Housing Commission operates and manages all public housing within the City of Ann Arbor;

Whereas, The Ann Arbor Housing Commission currently receives funding from the city to provide case management services to residents of Miller Manor who are non-elderly and disabled;

Whereas, There is a need for case management services for the residents of Baker Commons;

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

Whereas, There is \$53,546.00 remaining in the fiscal year 2000/2001 Housing and Human Services Contingency;

RESOLVED, That the Mayor and City Council approve the allocation of \$15,000.00 in fiscal year 2000/2001 Housing and Human Services Contingency funds to Ann Arbor Housing Commission and authorize the Community Development Department to amend the contractual agreement with the Ann Arbor Housing Commission in accordance with the City's purchasing procedures.

R-51-2-01 APPROVED

RESOLUTION TO APPROVE STREET CLOSING FOR THE SHAMROCKS
AND SHENANIGANS 5K RUN ON MARCH 11, 2001

Whereas, The City has received a request to hold the 2nd Annual Shamrocks & Shenanigans 5K Race on Sunday, March 11, 2001;

Whereas, The Sponsor is requesting the City provide the following services:

- 1) Closing the following streets from 2:00 - 3:00 p.m.
 - *E. Liberty from S. State to S. Ashley
 - *E. William from S. State to S. Ashley
 - *S. Main and S. Fourth Ave. From E. Washington to Packard
 - *S. Fifth Ave. And S. Division from E. Washington to E. Jefferson
 - *Hamilton Place from E. William to E. Jefferson
 - *Thompson and Maynard from E. Liberty to E. Jefferson
 - *Jefferson from Maynard to Thompson
 - *S. State from E. Washington to E. Madison
 - *S. University from S. State to S. Forest
 - *Tappan from Monroe to S. University
 - *E. University from Willard to S. University
 - *Church from Willard to N. University
 - *N. University from Washtenaw to S. State
 - *Fletcher from N. University to E. Huron
 - *E. Washington from Fletcher to S. Division

- 2) Closing the following street from 1:30 - 2:00 p.m. to provide a staging area for the participants: b
 - *S. Main from E. Liberty to E. William

- 3) Provide directional cones and barricades

- 4) Provide parking meter bags for the sponsor to place over the meters on the closed streets Saturday night and removed immediately after the event

- 5) Clean the streets prior to the race

Whereas, The Sponsor has agreed to pay the costs associated with the event for Police Department and Transportation Department services;

Whereas, The Sponsor agrees to defend and indemnify and save the City harmless against any claim arising from their sponsorship of this event;

Whereas, The Sponsor will obtain the necessary permits and provide evidence of proper liability insurance;

Whereas, The Main Street Area Association supports the event;

Whereas, The Sponsor will provide written notification to all religious institutions affected by this event not less than 21 days prior to the race; and

Whereas, The Sponsor has requested the City waive the meter bag deposit fees;

RESOLVED, That City Council approve the street closings as requested;

RESOLVED, That the Sponsor reimburse the City for the following services:

Police	\$2,000.00 (est.)
Transportation	\$ 200.00 (est.);

and

RESOLVED, That City Council agree to waive the \$2,010.00 (est.) meter bag deposit fees.

R-52-2-01 APPROVED

RESOLUTION TO APPROVE TRANSFER OF A CLASS C LICENSED BUSINESS TO 114 WEST LIBERTY STREET - D.B.A. KANA KOREAN RESTAURANT

RESOLVED, That the request from Youngbok Ko (D.B.A. Kana Korean Restaurant) to transfer the ownership of a 1996 Class C licensed business, located in escrow at 11 W. Michigan, Ave., Ypsilanti, from Main Venture, Inc., and to transfer the location to 114 W. Liberty St., Ann Arbor, be approved.

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

1-01 APPROVED

GLEN ANN PLACE 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 0.34 acre, located at 201, 213 and 215 Glen Street, from C1 (Local Business District) and R4C (Multiple-Family Dwelling District) to PUD (Planned Unit Development District). (The complete text of Ordinance 1-01 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-53-2-01 APPROVED

**RESOLUTION TO APPROVE HOWARD COOPER HONDA
REVISED SITE PLAN**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Howard Cooper Honda Revised Site Plan, 5.23 acres, 2565 and 2575 South State Street.

Whereas, Howard Cooper has requested revised site plan approval in order to allow expansion of the existing Honda automobile dealership at 2565 and 2575 South State Street by adding 4,282 square feet to the west side of the showroom, 2,204 square feet to the south side for a service reception area, and 4,413 square feet for an automobile service area on the east;

Whereas, A modification from the standards of Chapter 62 has been requested to allow alternate location of right-of-way buffer trees; and

Whereas, The Ann Arbor City Planning Commission, on January 18, 2001, recommended approval of the site plan;

RESOLVED, That City Council approve the Howard Cooper Honda Revised Site Plan and modification from the standards of Chapter 62 for alternate location of trees required in the right-of-way buffer for screening the vehicular use area.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-54-2-01 APPROVED

RESOLUTION TO APPROVE PURCHASE OF LODAL, INC.
RECYCLING TRUCKS

Whereas, Replacement recycling trucks are needed by the Solid Waste Department;

Whereas, Lodal Inc. provided bids for recycling trucks that met the City specifications as outlined in Bid No. 3410;

Whereas, the new trucks will add compaction capabilities and greater efficiencies to the City's recycling collection operations; and

Whereas, Lodal Inc. received Human Resources approval on December 21, 2000;

RESOLVED, That City Council approves the issuance of a purchase order to Lodal Inc. for the purchase of two new Lodal Split Evo recycling trucks in the amount of \$322,000.00, with the funds to be available without regard to fiscal year; and

RESOLVED, That \$298,000.00 of the purchase price will be provided through the 2000-01 budgeted Solid Waste General Fund account, combined with a \$24,000.00 withdrawal from the Solid Waste Fund recycling truck account.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-55-2-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM ENVIRONMENTAL

RESEARCH INSTITUTE OF MICHIGAN (ERIM), 3600 GREEN ROAD

Whereas, Environmental Research Institute of Michigan, a Michigan non-profit corporation, 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 2501, Pages 336-338, dated June 6 1991;

Whereas, A Consent Resolution of the Executive Committee, dated December 1, 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, Environmental Research Institute of Michigan 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:

Watermain Easement #1:

Commencing at the N 1/4 corner of Section 23, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S01E06'00"W 674.92 feet along the centerline of Green Road, 80.00 feet wide, thence N88E54'00"E 194.62 feet to a PLACE OF BEGINNING; thence N89E54'00"E 37.13 feet; thence N83E53'17"E 2.88 feet; thence S00E06'00"E 15.96 feet; thence S90E00'00"W 40.00 feet; thence N00E00'06"W 15.66 feet to the PLACE OF BEGINNING, being a part of the Northeast 3 of said Section 23.

Watermain Easement #2:

Commencing at the N 1/4 corner of Section 23, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S01E06'00"W 647.98 feet along the centerline of Green Road, 80.00 feet wide, thence S88E57'52"E 417.76 feet to a PLACE OF BEGINNING; thence N83E53'17"E 40.32 feet; thence S01E06'00"W 245.46 feet; thence N88E54'00"W 73.34 feet; thence N01E06'00"E 40.00 feet; thence S88E54'00"E 33.34 feet; thence N01E06'00"E 200.19 feet to the PLACE OF BEGINNING, being a part of the Northeast 3 of said Section 23.

Watermain Easement #3

Commencing at the N 3 corner of Section 23, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S01E06'00"W 647.98 feet along the

centerline of Green road, 80.00 feet wide, thence S88E57'52"E 417.76 feet; thence N12E09'49"W 43.24 feet to a PLACE OF BEGINNING; thence N01E06'00"E 96.07 feet; thence S88E53'59"E 40.00 feet; thence S01E06'01"W 91.01 feet; thence S83E53'17"W 40.32 feet to the Place of Beginning, being a part of the Northeast 3 of said Section 23.

RESOLVED, That the City hereby accepts said easement.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-56-2-01 APPROVED AS AMENDED

RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS FROM THE COPS MORE PROGRAM TO THE ANN ARBOR POLICE DEPARTMENT

A resolution to accept and appropriate funds from the COPS MORE Program to the Ann Arbor Police Department was considered.

Councilmember Herrell moved that the resolution be adopted.

Councilmember Herrell moved that the following two paragraphs be added to the resolution prior to the final Resolved clause:

RESOLVED, That when the 3 new civilian employees are hired, 3 currently employed sworn officers will be re-deployed to participate in the Community Oriented Policing Program;

RESOLVED, That in the event that future grant funding is not made available, that these positions may be eliminated;

On a voice vote the Mayor declared the motion carried.

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

The resolution as adopted reads as follows:

RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS FROM THE
COPS MORE PROGRAM TO THE ANN ARBOR POLICE DEPARTMENT

Whereas, The Ann Arbor Police Department has been awarded \$68,800.00 from the COPS MORE Program by the United States Department of Justice;

Whereas, The purpose of COPS MORE is to assist law enforcement agencies to become more efficient;

Whereas, It is anticipated that these funds will be used to hire three new civilian employees; and

Whereas, The difference between this grant and the actual hiring cost will be expended from the Police Department's general fund budget;

RESOLVED, That the City Council hereby accept the grant in a form acceptable to the City Attorney;

RESOLVED, That when the 3 new civilian employees are hired, 3 currently employed sworn officers will be re-deployed to participate in the Community Oriented Policing Program;

RESOLVED, That in the event that future grant funding is not made available, that these positions may be eliminated; and

RESOLVED, That the City Administrator or his designee be authorized to take all administrative actions to implement these provisions and to appropriate funds for the life of the grant specifically for personnel cost in the Police Department.

R-57-2-01 APPROVED

RESOLUTION CREATING INFORMATION TECHNOLOGY
SERVICES DEPARTMENT

Whereas, Section 5.7, Administrative Departments, of the Charter for the City of Ann Arbor provides that the City Council may establish other administrative departments;

Whereas, Section 5.1, City Administrator, of the Charter of the City of Ann Arbor provides that it shall be the duty of the City Administrator to direct, supervise and coordinate the work of such other administrative departments as the City Council may

establish; and

Whereas, Section 12.1, Officers, of the Charter of the City of Ann Arbor provides that certain officers shall be appointed by the City Council on the recommendation of the City Administrator;

RESOLVED, That the City Council does hereby establish the Information Technology Services Department in accordance with the provisions of Section 5.1 of the Charter of the City of Ann Arbor;

RESOLVED, That the City Council place the Information Technology Services Department under the direction of the City Administrator in accordance with Section 5.1 of the Charter of the City of Ann Arbor; and

RESOLVED, That the City Council, recognizing that Section 2.1 of the Charter of the City of Ann Arbor established a method of appointment for certain department heads and that it is appropriate that this process be applied to the Information Technology Services Department, direct the City Administrator to establish a procedure for the appointment of the Director of Information Technology Services by the City Council on the recommendation of the City Administrator, consistent with the provisions of Section 12.1.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-58-2-01 APPROVED

RESOLUTION ACCEPTING SANITARY SEWER EASEMENT FROM
DENNIS B. BREWER REVOCABLE TRUST - NORTH SIDE COMMONS
OFF-SITE SANITARY SEWER PROJECT

Whereas, The Dennis B. Brewer Revocable Trust is the fee simple owner of property located in the Township of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3993, Page 457;

Whereas, Dennis B. Brewer, as Trustee of the Dennis B. Brewer Revocable Trust under Agreement dated February 15, 1980, as amended, is authorized to and has delivered an easement to the City for the maintenance of municipally operated sanitary sewer line to be constructed by Norfolk Development Corporation within the easement as part of the North Side Commons Off-Site Sanitary Sewer Project system;

Whereas, Said easement contains a termination provision that the grant of easement shall terminate and the City=s rights under the grant of easement shall cease if construction of the sanitary sewer line is not commenced by Norfolk Development Corporation within two years of the date of the grant of easement; and

Whereas, Said easement subject to satisfaction of the above condition subsequent shall run with the land and burden the respective property perpetually, being more particularly described as follows:

VARIABLE WIDTH PERMANENT UTILITY EASEMENT
FOR SANITARY SEWER

Commencing at the N 1/4 corner of Section 16, T2S, R6E, Township of Ann Arbor, Washtenaw County, Michigan, thence S 01E06=40≅ E 1074.62 feet along the N-S 1/4 line of said Section 16 to the POINT OF BEGINNING;

thence N 88E53=20≅ E 27.00 feet; thence S 01E06=40≅ E 174.16 feet; thence S 41E41=44≅ E 357.55 feet; thence S 47E38=52≅ E 309.24 feet; thence S 81E27=18≅ E 371.58 feet; thence N 89E06=55≅ E 425.52 feet; thence S 80E26=20≅ E 54.29 feet; thence S 01E14=33≅ E 59.05 feet along the N-S 1/8 line of said Section 16; thence N 80E26=20≅ W 82.12 feet; thence S 89E06=55≅ W 366.35 feet; thence N 81E27=18≅ W 423.15 feet; thence N 47E38=52≅ W 329.20 feet; thence N 41E41=44≅ W 347.74 feet; thence N 01E06=40≅ W 213.35 feet to the POINT OF BEGINNING. Being a part of the NE 1/4 of said Section 16, T2S, R6E, Township of Ann Arbor, Washtenaw County, Michigan.

RESOLVED, That the City hereby accept said easement.

Councilmember Carlberg moved that the resolution be adopted.

With unanimous consent of Council, Kim Wilkins, of Norfolk Development Co., and Tom Wackerman, of Applied Science and Technology Inc., representing the developer, answered questions concerning soil and groundwater testing.

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

Yeas, Councilmembers Lowenstein, Carlberg, Herrell, Easthope, Woods, Robinson, Upton, Mayor Hieftje, 8;

Nays, Councilmembers Hartwell, Higgins, 2.

The Mayor declared the motion carried.

RECESS FOR CLOSED SESSION

Councilmember Woods moved that the regular session of Council be recessed for a closed session to discuss pending litigation.

On a voice vote the Mayor declared the motion carried and the meeting recessed at 9:00 p.m.

Councilmember Carlberg moved that the regular session of Council be reconvened.

On a voice vote the Mayor declared the motion carried and the meeting reconvened at 9:12 p.m.

MOTIONS AND RESOLUTIONS (CONT.)

R-59-2-01 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MINUTES OF FEBRUARY 2, 2001 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of February 2, 2001, be accepted and that the payments therein be authorized.

MINUTES CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION FEBRUARY 2, 2001

Present: Joe Upton, Councilperson
Karen Sanford, City Treasurer
Joan Lowenstein, Councilperson 3.

Absent: None

Also Present: James Armstrong, Safety Manager
Abigail Elias, City Attorney
Dave Ferber, Human Resources Director
Al Knot, Assistant City Attorney
Susan Campbell, Risk Management Office
Bob West, Assistant City Attorney
Matt Zender, Crawford & Company

Marilyn Mack, Crawford & Company
Stephen Postema, Claimant 9.

CLAIMS DENIED:

CASE NO.

CC 264-00 Personal Injury claim of Margarita Minor
Discussed by Jim Armstrong, Mgr of Safety & Risk Management and the
Board denied the claim.

OTHER BUSINESS:

CASE NO.

Discussion for approval of a Third Party Administrator (TPA) for Workers= Compensation and Multi Lines Claim Administration
Discussed by Jim Armstrong, Mgr. of Safety & Risk Management and the Board authorized approval.

Claim of Maryanne Woosley
Discussed by Al Knot, Assistant City Attorney and the Board was given an updated status report.

CC 80-99 Vehicle damage claim of Sandra Evanski
Discussed by Jim Armstrong, Mgr. of Safety & Risk Management and the Board approved of closing the file.

CC 11-01 Sewer back up claim of Stephen Postema (1017 Woodbridge)
Discussed by Stephen Postema and the Board tabled pending further information.

CC 184-00 Sewer back up claim of Gregory Hawkins (750 Dartmoor)
Discussed by Jim Armstrong, Mgr of Safety & Risk Management and the Board authorized settlement.

C 90-00 Lawsuit of Michael Kinnucan
Discussed by Al Knot, Assistant City Attorney and the Board authorized settlement.

CC 02-01 Vehicle damage claim of Patricia Runyon
Discussed by Jim Armstrong, Mgr of Safety & Risk Management and the Board authorized settlement.

PD 118-00 Vehicle damage claim of Solid Waste Vehicle 8521
Discussed by Jim Armstrong, Mgr of Safety & Risk Management and the Board authorized settlement.

CC 06-01 Property damage claim of Mary Hensel (1071 Arlington)
Discussed by Jim Armstrong, Mgr of Safety & Risk Management and the Board authorized settlement.

CC 04-01 Vehicle damage claim of Erica Dusek
Discussed by Jim Armstrong, Mgr of Safety & Risk Management and the

Board authorized settlement.

- CC 273-00 Sewer back up claim of Stephanie Johnson (727 S. Division)
Discussed by Jim Armstrong, Mgr of Safety & Risk Management and the Board authorized settlement.
- CC 7-01 Sewer back up claim of Steve Gavas (2395 Delaware)
Discussed by Jim Armstrong, Mgr of Safety & Risk Management and the Board authorized settlement.
- CC 05-01 Sewer back up claim of Rubina Kakwan (440 Pine Brae Drive)
Discussed by Jim Armstrong, Mgr of Safety & Risk Management and the Board authorized settlement.
- CC 277-00 Sewer back up claim of Matt LeVasseur (1860 N. Maple)
Discussed by Jim Armstrong, Mgr of Safety & Risk Management and the Board authorized settlement.
- CC 166-00 Sewer back up claim of John Orton (1304 E. Stadium)
Discussed by Jim Armstrong, Mgr of Safety & Risk Management and the Board authorized settlement.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR**APPOINTMENTS APPROVED**

Mayor Hieftje recommended the following appointments at the January 22, 2001 regular session of Council:

Board of Review

Robert White (reappointment)
1849 Saxon Rd. 48103
Term: 2/5/01 to 1/31/04

Jean S. Willing (reappointment)
1717 Avondale Ave. 48103
Term: 2/5/01 to 01/31/04

City Market Commission

Raquel B. Agranoff
1942 Boulder Dr. 48104
Term: 2/5/01 to 12/31/04

Councilmember Hartwell 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:

1. General Fund Targets
2. Ann Arbor Police Explorer Post
3. Web Access for Persons with Disabilities
4. Electronic Government Quarterly Report

5. Solid Waste Department=s Customer Survey
6. Revenue Impact of AFree End of the Year Parking Program≡
7. Cost of Snow Removal for the December 2000 Snow Event
8. Northside Commons Off-Site Sanitary Sewer Extension Study
9. Traver Creek Bank Stabilization and Improvements
10. Stormwater Public Education
11. 2001 Golf Fees and Cobblestone Farm Center Rental Fees
12. 2nd Quarter - Quarterly Report

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

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATIONS

City Attorney Abigail Elias submitted reports on the following completed annexations from Ann Arbor Township:

- X Bailey property, 0.5 acre, 2129 Victoria Circle
- X DeLosh property, 4.28 acres, 4040 East Huron River Dr.
- X Haarer property, 0.59 acre, 2610 Geddes Rd.
- X Hamilton property, 1.52 acres, 2700 Nixon Rd.
- X Singer property, 0.51 acres, 2641 Geddes Ave.
- X Tyler property, 0.59 acre, 381 Orchard Hills Dr.

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

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER UPTON

Councilmember Upton expressed his appreciation to the Dean Fund Committee Members for their service to the community and for presenting him with a calendar for his work on the committee.

Mr. Upton ask whether a schedule for the snow emergency plan, mentioned in the Mayor's state of the city message, would be presented to Council.

City Administrator Berlin responded that a schedule will be submitted after his meeting tomorrow with Public Services Director Wheeler.

COUNCILMEMBER HERRELL

Councilmember Herrell congratulated Councilmember Easthope on the arrival of his son and presented him with a gift certificate from Council.

COUNCILMEMBER EASTHOPE

Councilmember Easthope expressed his appreciation for all the support and best wishes he and his wife have received.

COUNCILMEMBER HARTWELL

Councilmember Hartwell requested a meeting with the United Way Fund Board.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from U.S. Representative Lynn Rivers regarding Resolution R-554-11-00 - Resolution Concerning Genetic Engineering In Food and Agriculture, approved by City Council November 9, 2000 - File.
2. Resolution from the Washtenaw County Board of Commissioners, adopted January 17, 2001, A Resolution Adopting the Washtenaw County Tentative Enhanced 9-1-1 Plan which Reflects Updates and Changes that are Required by the State of Michigan's Emergency Telephone Service Committee - Police.
3. Communication from Carolyn Comiskey, 110 N. Ingalls, regarding rental reservation

policy at Cobblestone Farm - Parks and Recreation.

The following minutes were received for file:

1. Planning Commission - December 5 and December 19, 2000
2. Building Board of Appeals - December 13, 2000
3. Airport Advisory Committee - November 15, 2000
4. Ann Arbor Transportation Authority - December 20, 2000
5. Housing Policy Board - January 11, 2001
6. Cable Communications Commission - November 28 and December 12, 2000
7. Information Services Steering Team - January 18, 2001
8. Zoning Board of Appeals - October 25 and November 15, 2000

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

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 9:19 p.m.

Yvonne Carl
Interim Clerk of the Council

Janet L. Chapin
Recording Secretary