

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - DECEMBER 18, 2000**

The regular session of the Ann Arbor City Council was called to order at 7:40 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 (entered at 8:50 p.m.), Marcia Higgins, Christopher Kolb, Christopher Easthope, Mayor John Hieftje, 11.

ABSENT : 0.

INTRODUCTIONS

CERTIFICATES OF ACHIEVEMENT FOR STUDENT ELECTION INSPECTORS

Election Inspector Recruiter Howard Scheps reported on the City's Student Election Inspector Program, which involves Pioneer High School Key Club students and Community High School National Honor Society students. The students donated a portion of their earnings to their school organizations. The Mayor presented certificates of achievements to these students for a job well done. Mr. Scheps announced that the City and Schools are sponsoring a \$1,000 scholarship competition for the students who worked at the Presidential Election.

2000 FINANCIAL REPORT

Interim City Finance Director Brenda Smith and Chief Accountant Karen Lancaster introduced David Fisher, of Rehmann Robson, auditors, who presented the City of Ann Arbor Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2000 (on file in the City Clerk's Office).

PUBLIC COMMENTARY - RESERVED TIME

MARK BIRNBAUM - GLAZIER WAY ROAD CONSTRUCTION

Mark Birnbaum, representing Chippewa Contracting, stated that his company was hired by the City in 1999 to construct Glazier Way. He reported that the job was completed this summer, but expressed concern with outstanding issues regarding top soil and embankments. Mr. Birnbaum requested that the Engineering Division work with his company to resolve the issues.

GEORGE BEAL - ANN ARBOR ROWING CLUB

George Beal, 3361 Yellowstone Dr., representing the Ann Arbor Rowing Club, spoke in support of the proposed resolution to approve the agreement with the Ann Arbor Rowing Club for construction of a boathouse in Bandemer Park and to approve the expenditure of funds.

ELISABETH DALEY - COUNCILMEMBER KOLB

Elisabeth Daley, 719 Miner St., recognized Councilmember Christopher Kolb for his many years of dedicated service to the City and for his leadership on Council. Mr. Kolb will be resigning December 31 to assume his new position as State Representative of the 53rd District.

PUBLIC HEARINGS**NICKELS-MAYNARD BUILDING PLANNED PROJECT SITE PLAN**

A public hearing was conducted on the proposed Nickels-Maynard building Planned Project Site Plan, 0.16 acre, 337 Maynard Street. Notice of public hearing was published December 10, 2000.

The following person appeared:

Robert Klingler, 275 Briarcrest Dr., spoke in support of the proposal. He stated that the project is a good use of land and will enhance the downtown.

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

PIZZA HOUSE RESTAURANT REVISED SITE PLAN

A public hearing was conducted on the proposed Pizza House Restaurant Revised Site Plan, 0.13 acre, 618 Church Street. Notice of public hearing was published December 10, 2000.

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

CABLE TELEVISION FRANCHISE

A public hearing was conducted on the proposed transfer of a cable television franchise from MediaOne of Eastern Michigan, Inc. to Comcast Cablevision of the South, Inc. Notice of public hearing was published December 17, 2000.

The following person appeared:

Michael Mouradian, Chair of the Cable Communications Commission, spoke in support of the proposed transfer and stated that he would be available for questions.

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

SNOW EMERGENCY PARKING VIOLATION FINE INCREASE

A public hearing was conducted on the proposed snow emergency parking violation fine increase. There was no prior notice of this public hearing.

The following person appeared:

Elisabeth Daley, 719 Miner St., spoke in opposition to the proposal. She stated that an effective public education campaign on the City=s snow emergency program is needed before a rate increase for violations should be considered.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

ORDINANCES - FIRST READING

Delete: Ordinance for Managing Fertilizer Applications to Protect Water Quality
(Councilmembers Kolb and Easthope)

MOTIONS AND RESOLUTIONS

Add: Resolution Supporting the 19th Annual Martin Luther King, Jr. March and
Waiving the Special Permit Fee (\$25.00) (Councilmember Kolb)

Add: Resolution to Increase the Snow Emergency Parking Violation Fine (Public
Services)

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF NOVEMBER 27 AND DECEMBER 4 APPROVED

Councilmember Higgins moved that the working session minutes of November 27, 2000
and the regular session minutes of December 4, 2000 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-603-12-00 APPROVED

RESOLUTION TO APPROVE INCREASE IN PROJECT BUDGET
FOR THE WASTEWATER TREATMENT PLANT DRIVE BRIDGE
REHABILITATION PROJECT - BID NO. 3340

Whereas, It is necessary to add a galvanized steel railing on the Wastewater Treatment Plant's access bridge over the Huron River to reduce any potential liability to the City;

Whereas, It is necessary to increase the project budget by \$4,000.00 to provide the necessary funds to install the galvanized steel railings; and

Whereas, On September 1, 2000, the Human Resources Department approved C.A. Hull Co., Inc. to perform work for the City;

RESOLVED, That Council approve an increase of \$4,000.00 in the project budget for the Wastewater Treatment Plant Drive Bridge Rehabilitation Project; and

RESOLVED, That the project budget increase will be funded from the FY 2000/01 Operations and Maintenance Budget of the Sewage Disposal System.

R-604-12-00 APPROVED

RESOLUTION TO APPROVE PURCHASE OF STREET
CRACK SEALER FROM NATIONAL HIGHWAY MAINTENANCE
SYSTEM, LTD., L.L.C. - BID NO. 3405

Whereas, The Street Maintenance Division of the Public Services Department utilizes a street crack sealer as part of their general maintenance program to prolong the life of the street network;

Whereas, Bids were reviewed on November 14, 2000 and National Highway Maintenance System, Ltd., L.L.C. was the only bidder to meet all specifications;

Whereas, Funds for the purchase are budgeted within the Public Services, Major Street Fund; and

Whereas, National Highway Maintenance System, Ltd., L.L.C. received Human Rights approval on December 5, 2000;

RESOLVED, That City Council approve the issuance of a purchase order to National Highway Maintenance System. Ltd., L.L.C. for \$31,595.00 for the purchase of a street crack sealer.

R-605-12-00 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR DESIGN ENGINEERING SERVICES WITH TAWELL ENGINEERING SERVICE, P.C. FOR THE HURON PARKWAY RECONSTRUCTION PROJECT - PHASE V

Whereas, Professional engineering services were needed in the form of design engineering for the Huron Parkway Reconstruction Project - Phase V;

Whereas, Taweel Engineering Services, P.C. was retained to perform the design engineering for the retaining wall portion of the project;

Whereas, It is now necessary to amend the existing professional services agreement with Taweel Engineering Services, P.C. to compensate them for additional work tasks that were necessary to complete the retaining wall design of the project;

Whereas, Taweel Engineering Services, P.C. has received Human Rights approval on November 21, 2000; and

Whereas, Sufficient funds exist within the project budget to cover the cost of the services being requested herein;

RESOLVED, That Council approve an amendment to a Professional Services Agreement with Taweel Engineering Services, P.C. in the amount of \$4,460.00 for the Huron Parkway Reconstruction Project - Phase V;

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

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

R-606-12-00 APPROVED

RESOLUTION TO APPROVE AGREEMENT WITH THE ANN ARBOR AREA CHAMBER OF COMMERCE AND THE DOWNTOWN DEVELOPMENT AUTHORITY REGARDING THE HOUSING INNOVATION INITIATIVE

Whereas, On May 15 2000, City Council approved Resolution R-240-5-00 regarding the Affordable Housing Task Force Report and directed the City Administrator and the Community Development Department to coordinate implementation activities;

Whereas, The Chamber of Commerce was approached to undertake the Housing Innovation Initiative to coordinate implementation activities directed toward the private sector;

Whereas, \$27,000.00 in funds were set aside in the FY 2000-01 Community Development Department Budget for this projects;

Whereas, On November 17, 2000 the Ann Arbor Area Chamber of Commerce Board of Directors approved the Agreement and will hire a Housing Innovation Coordinator to undertake the Housing Innovation Initiative;

Whereas, On December 6, 2000 the Downtown Development Authority approved \$10,000.00 in funding for the Housing Innovation Coordinator; and

Whereas, Human Rights approval was received for the contractor on November 22, 2000;

RESOLVED, That City Council approve the Agreement with the Ann Arbor Area Chamber of Commerce and the Downtown Development Authority Regarding the Housing Innovation Initiative and authorize the Mayor and City Clerk to execute the Agreement substantially in the form on file in the office of the City Clerk, with funds to be available until expended without regard to fiscal year.

R-607-12-00 APPROVED

RESOLUTION TO APPROVE AGREEMENT WITH OZONE HOUSE, INC.
FOR THE ADMINISTRATION OF THE ANN ARBOR ASSISTANCE FUND

Whereas, The Ann Arbor Assistance Fund ("Fund") was established by City Council in January, 1984 as a mechanism by which individual donors and the business community could make tax-deductible contributions to prevent evictions and utility shut-offs;

Whereas, The Washtenaw County Chapter of the American Red Cross ("Red Cross") administered the Fund since its inception;

Whereas, In June, 2000 the Red Cross informed the City that it would no longer administer the Fund;

Whereas, The City requested nonprofit organizations to administer the fund and two organizations responded;

Whereas, Ozone House submitted a proposal to the City to administer the Fund in collaboration with the Shelter Association of Washtenaw and Interfaith Hospitality Network at no administrative cost to the Fund; and

Whereas, The Human Services Task Force voted to recommend approval of an Agreement with Ozone House to administer the Fund at its meeting December 6, 2000;

RESOLVED, That the Mayor and City Council approve the Agreement with Ozone House to administer the Ann Arbor Assistance Fund beginning December 18, 2000, automatically renewed each successive July 1, so long as funding continues at a level allowing distribution, unless terminated for breach or as provided in the agreement, and that the Mayor and City Clerk be authorized to execute this contract substantially in the form on file in the Office of the City Clerk.

R-608-12-00 APPROVED

RESOLUTION TO APPROVE AUTHORIZED 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 6-30-01</u>
Ann Arbor Print & Mail Service	\$ 35,000.00
Environmental Systems Research Institute	39,000.00
E-Z Go, Division of Textron	58,000.00
Fisher Scientific	35,000.00
Knapheide Truck Equipment	50,000.00
Lakewood Parks & Equipment	38,000.00
Miesel & Sysco	30,000.00
NAPA	57,000.00
Osburn Industrial	30,000.00
Peerless Midwest	30,000.00
Rathco Safety	40,000.00
Shaheen Chevrolet	50,000.00
Staples Advantage	45,000.00
Stadium Hardware	40,000.00
W. W. Grainger	47,000.00
West Group	30,000.00

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.

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

49-00 APPROVED

LOUNSBERY 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 0.02 acre, located at 456 Clarendon Drive, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 49-00 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.

50-00 APPROVED

RYAN 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 0.22 acre, located at 2942 Shady Lane, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 50-00 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.

51-00 APPROVED

BUSINESS AND PROFESSIONAL OFFICE PARKING REQUIREMENTS

An Ordinance to Amend Chapter 59 of Title V of
the Code of the City of Ann Arbor

(The complete text of Ordinance 51-00 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-609-12-00 APPROVED

**RESOLUTION TO APPROVE NICKELS-MAYNARD BUILDING
PLANNED PROJECT SITE PLAN**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Nickels-Maynard Building Planned Project Site Plan and Development Agreement, 0.16 acre, 337 Maynard Street.

Whereas, Spoon Ventures III Maynard has requested site plan approval in order to demolish the existing two-story building and construct a seven-story, 37,322-square foot multiple-use building, consisting of retail, office and residential uses, at 337 Maynard;

Whereas, A development agreement has been prepared to address affordable housing and a park contribution; and

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that on file in the City Clerk=s Office, dated November 17, 2000; and

RESOLVED, That City Council approve the Nickels-Maynard Building Site Plan and planned project modification from the off-street parking and north side setback requirements upon the conditions that (1) the Development Agreement is signed by all necessary parties; (2) all terms of the Development Agreement are satisfied; (3) more than the minimum required front setback is provided; and (4) one of the five residential units will be affordable, as defined by Chapter 55 for the long term as approved by the City.

Councilmember Carlberg moved that the resolution be adopted.

With unanimous consent, Jeffrey Spoon, of Spoon Equities, L.L.C., developer, answered questions of Council, and distributed a report detailing the proposal. (Report on file in the City Clerk=s Office).

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

R-610-12-00 APPROVED

RESOLUTION TO APPROVE PIZZA HOUSE RESTAURANT
REVISED SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Pizza House Restaurant Revised Site Plan, 0.13 acre, 618 Church St.

Whereas, William, Dennis and Mathew Tice have requested revised site plan approval in order to construct a 1,404-square foot addition by enclosing an existing second floor outdoor dining area at 618 Church Street; and

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

RESOLVED, That City Council approve the Pizza House Revised Site Plan.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-611-12-00 APPROVED

RESOLUTION TO APPROVE A PURCHASE AGREEMENT
FOR 4.98 ACRES OF LAND (AUDUBON WOODS) ON
PARKWOOD AVENUE FOR PARK USE

Whereas, A 4.98-acre parcel of land adjacent to Mallets Creek on the west side of Parkwood Avenue is for sale;

Whereas, The 2000-2005 Park, Recreation and Open Space Plan recommends that parcels be acquired to preserve significant woods and wetlands and provide public open space;

Whereas, The Park Advisory Commission reviewed and approved the proposed purchase and recommends the purchase to the Mayor and City Council;

Whereas, The negotiated price for the parcel was established at \$350,000.00 with adjustments for removal cost of yard waste and the update of the environmental assessment for a purchase price of \$342,500.00 and incidental expenses related to the purchase will not exceed an additional \$12,000.00; and

Whereas, There are sufficient funds in the Park Acquisition Millage (Fund 024) FY 2000-2001 Budget to match the total purchase price not of \$342,500.00 plus \$12,000.00 estimated incidental closing costs and other fees totaling \$354,500.00;

RESOLVED, That the Mayor and City Council approve an agreement for the purchase of the 4.98 acres of vacant land in an amount not to exceed \$354,500.00, including incidental expenses for park use described as:

Beginning at the Southeast corner of Block 14, Pittsfield Village, as recorded in Liber 10 of Plats, page 21, Washtenaw County Records, Washtenaw County Michigan; thence South 88(50'00" West 488.55 feet along the South Line of Blocks 14 and 17 to the Southwest corner of said Block 17, thence North 31(39'48" East 625.01 feet along the Southeasterly line of Arlington Place condominium, as recorded in Liber 2975 of Deeds, pages 637-675, Washtenaw County Records, Washtenaw County, Michigan; thence South 74(00'00" East 359.43 feet to the Westerly right of way line of Parkwood Avenue, as located in said Pittsfield Village; thence Southerly along the Westerly right of way line of said Parkwood Avenue the following 4 courses; Southerly 151.27 feet along the arc of a 228.82 foot radius non tangential

circular curve to the right, with a central angle of 38(23'59", and a chord bearing South 12(46'01" West 148.53 feet; South 25(38'00" West 102.27 feet; South 37(22'00" West 172.70 feet; and South 03(50'05" West 48.75 feet to the Place of Beginning; being a part of Blocks 14 and 17, Pittsfield Village, as recorded in Liber 10 of Plats, page 21, Washtenaw County Records, Washtenaw County, Michigan. Subject property having been previously described as:

Commencing at the Southeast corner of Block 1, Pittsfield Village, as recorded in Liber 10 of Plats, page 21, Washtenaw County Records; thence South 89(48'00" West 812.51 feet along the South line of Blocks 1, 2 and 3 of said Pittsfield Village; thence North 00(00'00" East 2157.12 feet along the West line of Blocks 3, 6 and 7 of said Pittsfield Village, thence South 89(48'30" West 84.00 feet along the South line of Block 10 of said Pittsfield Village; thence North 02(10'30" East 478.32 feet along the West line of Block 10 of said Pittsfield Village; thence South 88(50'00" West 363.70 feet along the South line of Blocks 14 and 16 of said Pittsfield Village to the Point of Beginning; thence South 88(50'00" West 488.55 feet to the Southeast corner of said Block 17; thence North 31(39'48" East 625.01 feet; thence South 74(00'00" East 359.43 feet; thence along the Westerly right of way line of Parkwood Avenue in the following 4 courses: Southerly 151.34 feet along the arc of a circular curve concave to the West, radius 225.82 feet, central angle 38(23'59", chord South 12(46'01" West 148.53 feet; South 25(38'00" West 102.27 feet; South 37(22'00" West 172.70 feet; South 03(50'05" West 48.75 feet to the Point of Beginning, being a part of Blocks 14 and 17 of said Pittsfield Village;

and

RESOLVED, That the Mayor and Clerk be authorized to sign the agreements substantially in the form on file with the City Clerk and approve an amount not to exceed \$354,500.00 from the Park Acquisition Millage (fund 024) FY 2000-2001 Budget for the purchase of the parcel and associated closing costs and fees for the life of the project. Councilmember Higgins moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-612-12-00 APPROVED

RESOLUTION TO APPROVE AGREEMENT WITH ANN ARBOR
ROWING CLUB FOR CONSTRUCTION OF BOATHOUSE IN

BANDEMER PARK AND APPROVE EXPENDITURE OF FUNDS

Whereas, The Ann Arbor Rowing Club has requested the City to allow for a public boathouse to be built in Bandemer Park to support rowing programs;

Whereas, The Park Advisory Commission has reviewed and approved construction of a boathouse in Bandemer Park to accommodate the existing and future storage for public rowing programs sponsored by the Ann Arbor Rowing Club (AARC);

Whereas, The AARC, a long-standing tenant in Bandemer Park, has the technical expertise necessary to the design of a rowing storage facility;

Whereas, The Ann Arbor Rowing Club has agreed to act as general contractor during construction of the boathouse which will be completed in accordance with City specifications by a combination of subcontractors and volunteer labor provided by members of the Ann Arbor Rowing Club;

Whereas, The proposed boathouse is consistent with the Master Plan and all necessary planning reviews and approvals have been secured; and

Whereas, The FY 2000-2001 Bandemer Park Fund (revenue from rental fees) budget has sufficient funds to finance boathouse construction costs not to exceed \$70,000.00;

RESOLVED, That Mayor and City Council approve the agreement with the Ann Arbor Rowing Club for construction of the boathouse in Bandemer Park, 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 Mayor and City Council approve the expenditure of funds not to exceed \$70,000.00 from funds budgeted for Bandemer Park.

Councilmember Herrell moved that the resolution be adopted.

With unanimous consent, Catherine Delaney-Freeman, President of the Ann Arbor Rowing Club, answered questions from Council concerning scholarship programs.

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

R-613-12-00 APPROVED

RESOLUTION TO APPROVE CONTRACT FOR CONSTRUCTION
SUPPORT FOR THE MINOR RESIDUALS IMPROVEMENT PROJECT
AT THE WASTEWATER TREATMENT PLANT - RFP NO. 310

Whereas, It is necessary to construct improvements to the minor residuals systems at the City=s Wastewater Treatment Plant (WWTP);

Whereas, Black & Veatch, Corp. (B&V) prepared the design documents for these repairs and submitted a proposal in the amount of \$236,448 to provide engineering and support services during construction; and

Whereas, On May 8, 2000, the Human Resources Department approved B&V to perform work for the City;

RESOLVED, That Council accept the proposal and approve the professional services agreement with B&V in the amount of \$236,448.00 to provide engineering and support services during construction of improvements to the minor residuals systems at the WWTP, and that the Mayor and City Clerk be authorized to sign the contract approved as to form by the City Attorney;

RESOLVED, That Council approve a contingency in the amount of \$33,552.00 to finance change orders to be approved by the City Administrator;

RESOLVED, That \$270,000.00 be available for the life of the project without regard to the fiscal year; and

RESOLVED, That the project be funded from balances for non-bond funded completed projects and the approved FY 2000/01 Operations and Maintenance Budget of

the Sewage Disposal System, in the amounts indicated as follows:

Completed Non-Bond Project Balances:	\$238,931
FY 2000/01 O&M Budget:	\$ 31,069

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-614-12-00 APPROVED

RESOLUTION TO APPROVE APPROPRIATION OF FUNDS AND
PROFESSIONAL SERVICES AGREEMENT WITH BLACK & VEATCH
FOR STORMWATER RATE STUDY - RFP NO. 489

Whereas, The City is reviewing the current procedure and ordinance for the Stormwater Utility to be consistent with the intent of Michigan Supreme Court decision in a case involving the City of Lansing;

Whereas, An engineering consultant is needed to provide technical assistance, to perform the Stormwater Rate Study, to complete the said review;

Whereas, Of the two proposals received, it is determined that Black & Veatch is better suited to perform the Stormwater Rate Study for a fee of \$213,760.00; and

Whereas, Black & Veatch has received Human Rights approval on May 8, 2000;

RESOLVED, that Council accept the proposal and approve an agreement with Black & Veatch in the amount of \$213,760.00 to perform Stormwater Rate Study;

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

RESOLVED, That Council approve a contingency in the amount of \$10,640.00 to finance change orders to be approved by the City Administrator; and

RESOLVED, That \$224,400.00 be appropriated from the fund balance for the Stormwater Fund, with the funds to be available for the life of the project without regard to fiscal year.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-615-12-00 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION
MINUTES OF DECEMBER 1, 2000 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of December 1, 2000, be accepted and that the payments therein be authorized:

MINUTES
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION
DECEMBER 1, 2000

Present: Joe Upton, Councilperson
Brenda Smith, City Treasurer
Christopher Kolb, Councilperson 3.

Absent: None

Also Present: James Armstrong, Safety Manager
Neal Berlin, City Administrator
Abigail Elias, City Attorney
Dave Ferber, Human Resources Director
Tom Blessing, Chief Assistant City Attorney
David Swan, Assistant City Attorney
Susan Campbell, Risk Management Office 7.

CLAIMS DENIED:

CASE NO.

- CC 174-00 Vehicle damage claim of Joann Rice
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board denied the claim.
- CC 235-00 Vehicle damage claim of Nihar Kanodia
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board denied the claim.
- CC 195-00 Vehicle damage claim of LaRaine Andrew
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board denied the claim.
- CC 260-00 Vehicle damage claim of Angela Taylor
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board denied the claim.
- CC 206-00 Sewer back up claim of James Gregg (825 Starwick Drive)
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board denied the claim.

OTHER BUSINESS:

CASE NO.

- Discussion of sewer back up lawsuits
Discussed by Tom Blessing, Chief Assistant City Attorney and the Board was given a status update on the cases.
- CC 124-00 Sewer back up claim of Boualem Lanseur (2380 South Seventh)
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board tabled pending further investigation.
- CC 236-00 Sewer back up claim of Tom Snyder (2407 Packard, Unit #45)
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board tabled pending further investigation.

- CC 127-00 Sewer back up claim of Iris Floyd (420 Hill Street)
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 191-00 Sewer back up claim of Greg Napier (2317 Miller)
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 104-98 Lawsuit of Tatyana Austin by Christine Green, Attorney
Discussed by David Swan, Assistant City Attorney and the Board authorized settlement.
- CC 38-00 Personal injury claim of Patty LaMoreaux
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 234-00 Vehicle damage claim of Jason Witler by National City Insurance
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- PD 107-00 Property damage claim of the Engineering Department Equipment
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 269-00 Vehicle damage claim of Jordan Stolte
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 259-00 Vehicle damage claim of Citizen=s Insurance for Katherine Larkins
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 261-00 Property damage claim of Thano Masters
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 262-00 Vehicle damage claim of Met Life for Kathryn Smith
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.

- CC 152-00 Sewer back up claim of Michael Huget (1907 Austin)
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 265-00 Sewer back up claim of Chris & Gina Thursby (2846 Whitewood)
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 205-00 Sewer back up claim of Frank/Elizabeth Richardson (1242 Ardmoor)
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 237-00 Sewer back up claim of Laverna Cash (2330 Westport)
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 263-00 Sewer back up claim of Lawrence Kramer (1225 S. State)
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.
- CC 268-00 Sewer back up claim of Charles Kellerman (2655 Manchester)
Discussed by Jim Armstrong, Manager of Safety & Risk Mgt. and the Board authorized settlement.

Prepared by,
Susan Campbell,
Senior Secretary/Claims Processing Clerk

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-616-12-00 APPROVED

**RESOLUTION TO APPROVE THE TRANSFER OF CABLE TELEVISION
FRANCHISE FORM MEDIAONE OF EASTERN MICHIGAN, INC. TO
COMCAST CABLEVISION OF THE SOUTH, INC.**

Whereas, MediaOne of Eastern Michigan currently holds a cable franchise from the City subject to the Cable Television Franchise Agreement Between City of Ann Arbor and Ann Arbor Cablevision, Inc. dated February 7, 1980 ("Cable Television Franchise

Agreement"), as assigned and modified by Clarification of Franchise Agreement and Approval of Assignment To Columbia Associates, L.P., dated October 1, 1985, and revised February 22, 1993, as modified by Consent Agreement between the City and Columbia Associates, L.P., dated June 2, 1992, as transferred to Continental Cablevision by Transfer Consent Agreement dated April 3, 1995, as transferred 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, as modified by the 1999 Agreement among and between the City, MediaOne of Eastern Michigan, Inc., MediaOne Group, Inc., Meteor Acquisition, Inc., AT&T Corporation, and MediaOne of Delaware, Inc., including the Cable Television Ordinance (Chapter 32 of the City Code) as any of them may be or have been amended from time to time, with the exception of the 1999 Agreement, are collectively referred to as the "Franchise Documents";

Whereas, AT&T is currently the ultimate parent of MediaOne of Eastern Michigan Inc.;

Whereas, Pursuant to an Asset Exchange Agreement between AT&T and Comcast Corporation dated August 11, 2000, Comcast Cablevision of the South Inc., a wholly owned subsidiary of Comcast Corporation, will acquire the Franchise and Cable System currently held by MediaOne of Eastern Michigan, Inc.;

Whereas, Section 2:122 of the Cable Television Ordinance provides that the prior approval of the City is required for the Transfer;

Whereas, On or about August 28, 2000, AT&T and Comcast Cablevision of the South, Inc., filed an FCC Form 394 pursuant to the 1992 Cable Act and FCC regulations, and requested that the City approve the Transfer (the "Application");

Whereas, The City has reviewed the Application and followed all required procedures to consider and act upon the Application;

Whereas, Comcast Cablevision of the South, Inc., has agreed to comply with the Franchise Documents and applicable law from and after the completion of the Transfer; and

Whereas, Relying on representations from AT&T Corporation, MediaOne of Eastern Michigan, Inc., and Comcast Cablevision of the South, Inc., the City is willing to grant its consent to the Application, as long as the representations made by AT&T Corporation, MediaOne of Eastern Michigan, Inc., and Comcast Cablevision of the South, Inc., are complete and accurate, and subject to such conditions as may be necessary to protect against harm to the City and to the public;

RESOLVED, That the City provides consent to, and approval of, the Transfer of the

Cable Television Franchise held MediaOne of Eastern Michigan, Inc. to Comcast Cablevision of the South, Inc., subject to the following conditions:

1. That on or before January 31, 2001, MediaOne of Eastern Michigan, Inc., and Comcast Cablevision of the South, Inc. enter into and execute a Transfer Agreement, substantially in the form of Exhibit 1, attached hereto;
2. That Comcast Cablevision of the South, Inc., agrees to provide a parent company guarantee acceptable to the City assuring compliance by Comcast Cablevision of the South, Inc., with all the obligations of the Franchise Documents, substantially in the form of Exhibit A to the Transfer Agreement;
3. That the Transfer is consummated on or before December 31, 2001;
4. That the Transfer is consummated in all material respects as described in the Application;
5. If any of the conditions specified herein are not satisfied, then the City's consent to, and approval of, the Transfer is hereby DENIED as of the date hereof;
6. If any representations made to the City by MediaOne of Eastern Michigan, Inc., AT&T, and Comcast Cablevision of the South, Inc., prove to be incomplete, untrue or inaccurate in any material respect, it shall be deemed a material breach of the Franchise Documents, and the City shall have available to it all remedies provided under the Franchise Documents and applicable law, including, without limitation, revocation or termination of the Franchise.

Councilmember Higgins moved that the resolution be adopted.

Councilmember Hartwell entered at 8:50 p.m.

With unanimous consent, Leigh Ann Hughes, Comcast Area Manager, answered questions from Council.

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

R-617-12-00 APPROVED

RESOLUTION TO APPOINT FINANCE DIRECTOR/CONTROLLER AND TREASURER

Whereas, Brenda Smith has served as interim finance director/controller since July 1, 2000 and previously served as city treasurer since 1992;

Whereas, Brenda Smith has demonstrated her capabilities and is qualified to serve as the finance director/controller;

Whereas, Karen Sanford has served as deputy city treasurer since 1993 and is currently serving as interim city treasurer; and

Whereas, Karen Sanford has demonstrated her capabilities and is qualified to serve as the city treasurer;

RESOLVED, That the City Council does hereby appoint Brenda Smith to the position of Finance Director/Controller, effective January 1, 2001, and further that the City Council does hereby appoint Karen Sanford to the position of City Treasurer, effective January 1, 2001.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-618-12-00 APPROVED

RESOLUTION TO AMEND CITY CENTER BUILDING OFFICE SPACE LEASE AGREEMENT WITH DAHLMANN APARTMENTS, LTD.

Whereas, The City of Ann Arbor has leased office and storage space in the City Center building at 220 E. Huron since 1995;

Whereas, Dahlmann Apartments LTD., (landlord) is desirous of moving the three city departments occupying 10,000 square feet in the third floor of the City Center Building to

the seventh floor by January 15, 2001;

Whereas, The seventh floor will accommodate the three departments with modifications to be made by the landlord and is higher quality space;

Whereas, The landlord is willing to extend the lease for two option years beyond the current lease to (November 2004) at the current rate plus the cost of living adjustments and two additional option years to November 2006 at market rates;

Whereas, Dahlmann Apartments LTD. has Human Rights Approval as of August 2, 2000;

Whereas, If the City stays on the third floor, the landlord will not allow any further options than exist and will require market rates which could raise the costs by \$100,000.00 per year; and

Whereas, It will cost the city a one-time cost of \$37,000.00 to install computer cable and a telephone system and accommodate moving;

RESOLVED, That the Mayor and Council approve the amended lease with Dahlmann Apartments LTD. to accommodate the move of City offices from the third floor to the seventh floor of the City Center Building and to extend the city option years to lease the space through November 2006, per the terms of the agreement; and

RESOLVED, That the Mayor and City Clerk be authorized to sign the agreement substantially in the form on file with the City Clerk, and that \$40,000.00 be appropriated from the Maintenance Facility Fund into a non-departmental budget line item to cover the one-time cost of the move.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-619-12-00 APPROVED

RESOLUTION SUPPORTING THE 19TH ANNUAL MARTIN LUTHER KING, JR. MARCH AND WAIVING THE SPECIAL PERMIT FEE

Whereas, The Second Baptist Church of Ann Arbor has submitted a request to hold the 19th Annual Martin Luther King, Jr. March on Sunday, January 14, 2001;

Whereas, The march is held to both commemorate the life of Dr. Martin Luther King, Jr. and to reaffirm the participants' commitment to his legacy;

Whereas, The march will originate in front of the Washtenaw County Courthouse Building and proceed along city sidewalks to the Second Baptist Church at 850 Red Oak, where the celebration will continue; and

Whereas, This peaceful march has been held for many years without incident, and organizers and participants have abided by all conditions set forth by the City;

RESOLVED, That the Mayor and City Council approve and support the event by waiving the \$25.00 cost of the Special Events Permit.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

DEFEATED

RESOLUTION TO INCREASE THE SNOW EMERGENCY PARKING VIOLATION FINE

Whereas, The effective removal of snow from City streets is sometimes hampered by parked vehicles;

Whereas, Impoundment storage lots often have insufficient space to handle the volume of vehicles towed during such an emergency, so it may be necessary to move vehicles from snow covered streets and replace them after the street has been cleared of snow; and

Whereas, Snow emergency parking violation fines should be high enough to cover the City=s direct costs of moving and replacing vehicles to accommodate snow removal;

RESOLVED, That the snow emergency parking violation fine be increased from \$30.00 to \$125.00 if paid within 14 days; and from \$35.00 to \$150.00 if paid after 14 days.

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, Robinson, 7.

The Mayor declared the motion defeated.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

SNOW

Mayor Hieftje thanked the employees who have been clearing the streets of snow and ice, and asked for patience from residents as the streets are being cleared.

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the December 4, 2000 regular session of Council:

Planning Commission

Kristin Gibbs (to fill vacancy)
2080 Pauline Blvd.

Term: 12/18/00 to 6/30/03

Scott Wade (to fill vacancy)
1838 Joseph St. 48104
Term: 12/18/00 to 6/30/03

Housing Policy Board

Margorie Bolgos (to fill vacancy)
2105 Fair St. 48103
Term: 12/18/00 to 12/17/03

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

On a voice vote the Mayor declared the motion carried.

NOMINATIONS PLACED ON TABLE

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

Housing Policy Board

Stephen L. Ranzini (to fill vacancy)
101 N. Main St., #1004 48105
Term: 01/08/01 to 01/07/04

Jennifer Hall (to fill vacancy)
1370 Jewitt Ave. 48104
Term: 01/08/01 to 01/07/04

Park Advisory Commission

Catherine Riseng (to fill vacancy)
236 Sunset Rd. 48103
Term: 01/08/01 to 01/07/04

Planning Commission

William Hanson (to fill vacancy)
1321 Orkney Dr. 48103
Term: 01/08/01 to 06/30/04

Housing Board of Appeals

Amy Kullenberg (to fill vacancy)
c/o M.S.A.
3909 Michigan Union 48109-1349
Term: 01/08/01 to 06/30/04

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Motorized Skateboards and Scooters
2. Buy Recycled Initiatives and Fall Street Leaf Collection
3. Report on Implementation of On Street Parking Reforms
4. Traffic Calming Program
5. New Parking Operator for DDA Parking Facilities
6. Northeast Water Service District Pressure Improvement
7. Ann Arbor Police Department Crime and Incident Report, Fiscal Year 1999-2000
8. Brownfield Redevelopment Plan Quarterly Status Report

(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 completed annexation of the Lounsbury property, 0.02 acre, 456 Clarendon Dr., from Scio Township. (Report on file in the City Clerk's Office).

COMMUNICATIONS FROM COUNCIL

NEW HOMELESS SHELTER

Councilmember Carlberg reported that the Shelter ground breaking ceremony took place last week. The event included City and County officials and human service agency representatives. Ms. Carlberg further reported that the Towsley Foundation has contributed \$1 million to the program.

FAREWELL TO COUNCILMEMBER KOLB

Councilmembers Herrell, Easthope, Carlberg, Upton, Hartwell, Lowenstein and Mayor Hieftje expressed their appreciation to departing Councilmember Christopher Kolb for his many accomplishments on Council, and wished him well in his position as State Representative.

Councilmember Kolb presented his farewell remarks and thanked Councilmembers for their comments. He stated that his greatest privilege has been to serve on Council.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Jan Bower, 633 Dartmoor Rd., regarding development of property on Liberty St. near Stadium Blvd. - File.
2. Washtenaw County Board of Canvassers Official Election Results of the City of Ann Arbor November 7, 2000 General Election - File. (See Page 32 for summary of results)

3. Communication from Superintendent of Schools Rossi Ray-Taylor responding to Human Rights Commission letter regarding the Boy Scouts of America - File.

The following minutes were received for file:

1. Building Board of Appeals - October 11, 2000
2. Housing Board of Appeals - September 19 and October 4, 2000
3. Ann Arbor Energy Commission - November 9, 2000
4. Housing Policy Board - December 7, 2000

Councilmember Kolb 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 Herrell that the meeting be adjourned.

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 10:32 p.m.

Yvonne Carl
Interim Clerk of the Council

Janet L. Chapin
Recording Secretary

SUMMARY OF RESULTS
FOR THE CITY OF ANN ARBOR, MICHIGAN
NOVEMBER 7, 2000 GENERAL ELECTION

(Complete Official Report of the Washtenaw County
Board of Canvassers on file in the City Clerk=s Office)

MAYOR:

Stephen Rapundalo (Rep.)	13,946
John Hieftje (Dem.)	34,111
Charles Goodman (Lib.)	1,849
Audrey L. Jackson (Write-In)	9

WARD 1 - COUNCILMEMBER:

Tony Ramirez (Rep.)	1,565
Jean M. Robinson (Dem.)	5,679

WARD 2 - COUNCILMEMBER:

Joe Upton (Rep.)	4,989
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WARD 3 - COUNCILMEMBER:

Gary A. Vandermade (Rep.)	2,322
Jean Carlberg (Dem.)	6,594
J. P. Denoyer (Lib.)	380

WARD 4 - COUNCILMEMBER:

Jeff Harshe (Rep.)	3,746
Steve Hartwell (Dem.)	5,190
Stephen Saletta (Lib.)	198
Christie Nowak (Green)	910

WARD 5 - COUNCILMEMBER:

Todd Christopher Hagopian (Rep.)	2,587
Chris Easthope (Dem.)	8,648
Lawrence Purdy (Lib.)	441

CHARTER AMENDMENT AUTHORIZING
RENEWAL OF TAX FOR PARK
REHABILITATION AND DEVELOPMENT:

Yes	37,152
No	10,062