

PROPOSED DRAFT

ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - THURSDAY, SEPTEMBER 20, 2001

The regular session of the Ann Arbor City Council was called to order at 7:35 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, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 10.

ABSENT : Councilmember Stephen C. Hartwell, 1.

INTRODUCTIONS

MESSAGE FROM THE MAYOR

Mayor Hieftje addressed the City of Ann Arbor in regards to the recent tragedy that took place last week in New York and Washington D.C. He announced that various City departments are contributing by donating to funds set up for the relief efforts.

RECOGNITION OF OFFICER BRAYTON AND POLICE DOG CLIFF

Mayor Hieftje gave Police Officer Mark Brayton and Police Dog Cliff the key to the City for their efforts in assisting rescue personnel in New York City.

ANN ARBOR LINKS PROCLAMATION – MAYOR HIEFTJE

Mayor Hieftje presented a proclamation to Dr. Margaret Woodbury, Co-Chair of Linkages to Life Day, for services provided for organ and tissue donations.

PUBLIC COMMENTARY - RESERVED TIME**JIM MOGENSEN – THINK GLOBALLY, THINK LOCALLY**

Jim Mogensen, 3780 Green Brier, #354C, expressed concern about the increasing development in the City of Ann Arbor.

MIKE NOWAK – BIKING CONDITIONS IN ANN ARBOR

Mike Nowak, 1394 Coler Road, expressed concern in regards to the biking conditions in Ann Arbor.

RICHARD ROBBEN – CHALMERS ROAD PAVING STUDY

Richard Robben, 3441 Wooddale Court, spoke in opposition of the Chalmers Road Project. A survey was taken of the residents in the Wood Creek subdivision, and most of them did not want to have Chalmers Road paved at this time.

MICHAEL HOMEL – CHALMERS ROAD

Michael Homel, 3473 Wooddale Court, spoke in opposition of the Chalmers Road Project.

PETER SCHERMERHORN – BIKE TRANSPORTATION IN ANN ARBOR

Peter Schermerhorn, 3066 Chelsea Circle, stressed concerns with the bike transportation in Ann Arbor. Mr. Schermerhorn gave Council suggestions in making biking more accessible in Ann Arbor.

PUBLIC HEARINGS**TRAVER TRAIL PROPERTIES LAND DIVISION**

A public hearing was conducted on the proposed Traver Trail Properties Land Division, 1.9 acres, 1321 and 1323 Traver Road and 1328 and 1330 Pontiac Trail. Notice of public hearing was published September 9, 2001.

Gregory H. McMillin, petitioner, stated that he was available to answer questions.

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

CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

A public hearing was conducted on the proposed Consolidated Annual Performance and Evaluation Report (CAPER) for the 2000 Program Year. Notice of public hearing was published September 9, 2001.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

CA – CONSENT AGENDA

Delete: Resolution to Approve the Purchase of Turf Mowing Tractors (Finance)

Delete: Resolution Authorizing the Acquisition of Turf Mowing Tractors for the City Golf Courses (\$64,740.05) (Parks and Recreation)

Delete: Resolution for Approval of Amendment No. 6 to Professional Services Agreement with Camp, Dresser & McKee (\$35,223.00) (Utilities)

Delete: Resolution to Accept a Grant from the Michigan Energy Office to Assist in Purchasing a Heavy Duty Compressed Natural Gas Powered Refuse Truck (\$48,734.00) (Solid Waste) **(See D-23)**

D – MOTIONS AND RESOLUTIONS

Delete: Resolution Accepting Utility Easement from Linda M. Berauer (Columbine Court) (Attorney) **(8 Votes Required)**

Move: Resolution to Retroactively Approve the Emergency Rental of Equipment to Provide a Temporary Influent Pumping System at the Wastewater Treatment Plant (\$360,000.00) (Utilities) **(Considered first under Motions and Resolutions)**

Delete: Resolution to Approve the Emergency Rental of Equipment to Provide a Temporary Influent Pumping System at the Waste Water Treatment Plant (\$36,000.00) (Utilities) **(Duplicate, see D-20)**

Re-number Resolution to Authorize the City Administrator to execute the Insurance Policy for Fiduciary and Crime Liability with Hartford Insurance Company (\$27,604.00) (Human Resources) **(Re-numbered D-22 to D-21)**

Add: Resolution to Appoint Environmental Commission Members (Councilmembers Higgins, Easthope)

Add: Resolution to Accept a Grant from the Michigan Energy Office to Assist in Purchasing a Heavy Duty Compressed Natural Gas Powered Refuse Truck (\$48,734.00) (Solid Waste)

Add: Resolution to Support the University of Michigan's Transportation Enhancement Fund Application (Mayor)

Add: Resolution to Approve Purchase of IBM pSeries 660 Servers and Implementation Services from Logical (\$183,320.00) (Information Services)

Add: Resolution to Approve the Purchase of Oracle Relational Database Server Software and Miscellaneous Hardware from Mythics, Incorporated (An Authorized Reseller of Oracle Software) for Fiscal Year 2001-2002 (\$115,000.00) (Information Services)

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

Add: Resolution in Support of Cooperatives (Councilmember Carlberg)

G – COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: City's 150th Anniversary of Incorporation Celebration – Susan Pollay Assoc.
Administrator

On a voice vote the Mayor declared the motion carried.

Councilmember Herrell moved that all of the utility easements be heard together.

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF SEPTEMBER 6, 2001 APPROVED

Councilmember Easthope moved that the regular session minutes of September 6, 2001 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-389-9-01 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT **Error!**
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 WITH MODEL CITIES LEGAL SERVICES
 FOR COURT APPOINTED COUNSEL
 FOR INDIGENT DEFENDANTS
 (\$200,000.00)

Whereas, Individuals charged with misdemeanor violations for which jail time may be imposed are entitled to have counsel represent them;

Whereas, Those defendants who are determined by the court to be indigent have a right to have counsel appointed to represent them at public expense;

Whereas, The City of Ann Arbor by law, must provide funding for 15th District Court operations;

Whereas, Funds for court appointed counsel have been approved in the 15th District Court's FY 2001 – 2002 budget in an estimated amount of \$200,000.00;

Whereas, Under Michigan Court Rule 8.110(C), the Chief Judge is the chief administrative official in the District Court with the responsibility for oversight of the appointment of counsel for indigent defendants;

Whereas, The 15th District Court frequently appoints Model Cities Legal Services attorneys to represent indigent defendants based on their proven abilities, demonstrated knowledge and sensitivity in performing this work;

Whereas, Model Cities Legal Services bills the court for these services at a rate that is less than the prevailing rate for criminal defense counsel; and

Whereas, Effective September 10, 2001, Human Rights approved both the Contract Affirmative Action and the Ann Arbor Living Wage for Model Cities Legal Services.

RESOLVED, That the Ann Arbor City Council authorize, contingent on the City Attorney's approval, a professional services agreement with Model Cities Legal Services to provide court appointed counsel for indigent defendants in an amount not to exceed \$200,000.00 for FY 2001 - 2002.

R-390-9-01 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT WITH
COURT SPECIALISTS, INC. TO DEVELOP SOFTWARE AND ELECTRONICALLY
FILE TRAFFIC AND OTHER CITATIONS WITH 15TH DISTRICT COURT
(\$26,400.00)

Whereas, The Ann Arbor Police Department currently uses electronic devices to write traffic and other citations issued in the course of law enforcement efforts;

Whereas, Data from these devices is manually entered into the District Court's information system to open case files that correspond to the citations issued;

Whereas, Development of software for the court's information system will allow citations to be electronically filed with the court resulting in more effective use of court personnel and more efficient processing of citations;

Whereas, The Court's information system software is owned by Court Specialists, Inc. which has committed resources to development of electronic filing software for the 15th District Court;

Whereas, Human Rights Contract Affirmative Action for Court Specialists, Inc. was approved effective July 7, 2001 and on July 3, 2001, the vendor received approval from Human Rights on the City of Ann Arbor Living Wage; and

Whereas, The Ann Arbor City Council approved funding in a previous year's budget for this software development and those funds have been carried over to the FY 2001-2002 budget specifically for this program;

RESOLVED, That Ann Arbor City Council approve a professional services agreement with Court Specialists, Inc. that substantially corresponds to that on file with the Ann Arbor City Clerk for the development of software to electronically file Ann Arbor Police Department citation data with the 15th District Court.

R-391-9-01 APPROVED

RESOLUTION TO APPROVE AN APPLICATION TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ENHANCEMENT GRANT FOR THE WASHTENAW AVENUE (GLENWOOD TO TUOMY) NON-MOTORIZED PATH

Whereas, The Michigan Department of Transportation (MDOT) has matching grant funds available through the TEA-21 Transportation Enhancement Activities Program;

Whereas, Following the completion of the Huron Village Development, the only gap in the non-motorized path system along the northerly/easterly side of Washtenaw Avenue will be between Glenwood Street and Tuomy Street;

Whereas, The proposal consists of the construction of a non-motorized path on the northerly/easterly side of Washtenaw between Glenwood Street and Tuomy Street; and

Whereas, Pending approval of the TEA-21 grant, the proposed funding for the project would be as follows:

<u>FUNDING SOURCE</u>	<u>CONSTRUCTION CONTRACT</u>	<u>DESIGN, CONSTRUCTION INSPECTION, & TESTING</u>	<u>TOTAL</u>
MDOT Grant	\$440,000.00	\$0.00	\$440,000.00
Special Assessment and City General Fund (FY 2004)	102,000.00	275,000.00	377,000.00
Dean Fund	<u>8,000.00</u>	<u>0.00</u>	<u>8,000.00</u>
TOTAL	\$550,000.00	\$275,000.00	\$825,000.00;

RESOLVED, That the Mayor and City Council approve the application to the Transportation Enhancement Program for matching grant funds; and

RESOLVED, That the Mayor, City Clerk, and City Administrator be authorized to execute all documents necessary to complete the requirements of the project grant agreement with the Michigan Department of Transportation.

R-392-9-01 APPROVED

RESOLUTION TO APPROVE A STANDING PURCHASE ORDER FOR ICE RINK

REFRIGERATION EQUIPMENT MAINTENANCE AND REPAIR FOR
DELTA TEMP, INC.
(\$49,000.00)

Whereas, The City of Ann Arbor has relied on Delta Temp, Inc., for ongoing maintenance and repair of the refrigeration equipment at Veterans Memorial Ice Arena and Buhr Park Ice Rink;

Whereas, Scheduled repairs and routine annual maintenance are required on compressors at each rink;

Whereas, Delta Temp, Inc. has supplied and will continue to supply refrigeration equipment maintenance in accordance with City purchasing requirements; and

Whereas, Delta Temp, Inc. received City of Ann Arbor Human Rights approval on July 7, 2001;

RESOLVED, That the Mayor and City Council approve a standing purchase order for Delta Temp, Inc. to a total of \$49,000.00 for fiscal year 2000-01.

R-393-9-01 APPROVED

RESOLUTION TO APPROVE PURCHASE OF ONE ASPHALT COMPACTOR AND
TRAILER MICHIGAN CAT – BID NO. 3491
(\$49,525.00)

Whereas, The Fleet Services Division needs to purchase a replacement asphalt compactor and trailer for the City's fleet;

Whereas, Michigan Cat was the lowest responsible bidder, for a total of \$49,525.00;

Whereas, Adequate funds have been budgeted for this purpose; and

Whereas, Michigan Cat received Human Rights approval on July 3, 2001;

RESOLVED, That City Council approve the issuance of a purchase order to Michigan Cat for the purchase of one 2001 Caterpillar CB334D asphalt compactor and one Towmaster T10P trailer in the total amount of \$49,525.00.

R-394-9-01 APPROVED

RESOLUTION TO DESIGN THE SHEEHAN AVENUE WATER MAIN PROJECT
(\$15,000.00)

Whereas, The Utilities Department has received complaints on the water quality from residents of Sheehan Avenue;

Whereas, The 2002-2007 Capital Improvements Plan contains project number UT-WS-02-29, the Sheehan Avenue Water Main Project, which provides for the construction of a new water main in Sheehan Avenue in fiscal year 2001/2002; and

Whereas, The design of the said water main will eliminate the functional deficiencies of the existing system in Sheehan Avenue;

RESOLVED, That \$15,000.00 be advanced from the Water Supply Operating Fund (Fund 042) for the design phase of the Sheehan Avenue Water Main Project;

RESOLVED, That the Water Supply System Fund (Fund 042) be reimbursed following the sale of the appropriate Water Revenue Bonds;

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

RESOLVED, That the funds be available for the life of the project without regard to fiscal year.

R-395-9-01 APPROVED

RESOLUTION TO CLOSE N. FOURTH AVENUE FOR EVENTS ASSOCIATED WITH NATIONAL COMING OUT DAY (\$190.00)

Whereas, The City has received a request from the Washtenaw Rainbow Action Project to close N. Fourth Avenue from Catherine to E. Kingsley Street on Saturday, September 29, 2001 from 4:00 p.m. to 12:00 Midnight;

Whereas, the closing is requested for events associated with National Coming Out Day; and

Whereas, The sponsors of the event will obtain all necessary permits, provide evidence of proper liability insurance and comply with all procedures, rules and regulations for closing the street including payment of the following fees:

Transportation Division:

Bagging parking meters (for lost revenue) \$130.00; AND

Whereas, the sponsor has requested that city council waive the meter bad deposit fee (\$190.00);

RESOLVED, That the closing of N. Fourth Avenue as requested is approved.

R-396-9-01 APPROVED

RESOLUTION TO AUTHORIZE CONTRACT FOR TOWING AND STORAGE OF IMPOUNDED VEHICLES

Whereas, Competitive bids for the towing and storage of impounded vehicles have been received by the Administrative Services Department;

Whereas, The bids were solicited for three tow districts;

Whereas, Bids were received from three towing companies, Brewer’s Towing Inc., Sakstrup’s Towing, Inc., and Triangle Towing Inc., to perform services related to towing and storage services of impounded vehicles;

Whereas, Each of the three companies responded to bids on only one tow district;

Whereas, Brewer’s, Inc., received Human Rights approval on September 14, 2001, and complies with the living wage ordinance;

Whereas, Sakstup’s Towing and Storage Inc., received Human Rights approval on September 14, 2001, and complies with the living wage ordinance; and

Whereas, Triangle Towing Inc., received Human Rights approval on September 14, 2001, and complies with the living wage ordinance;

RESOLVED, That the Mayor and City Clerk be authorized to sign contracts with Triangle Towing, Inc., for tow district #1, Brewer’s Towing, Inc., for tow district #2, and Sakstrup’s Towing, Inc., for tow district #3 under the terms and conditions of Bid #3486.

R-397-9-01 APPROVED

RESOLUTION TO APPROVE TRANSFER OF A CLASS C LICENSED BUSINESS LOCATED AT 870 BRIARWOOD CIRCLE – D.B.A. CALIFORNIA PIZZA KITCHEN

RESOLVED, That the ownership transfer of a 1997 Class C licensed business, located in escrow at 870 Briarwood Circle, Store E-132, from Ruby Tuesday, Inc. to California Pizza Kitchen, Inc., be approved.

R-398-9-01 APPROVED

RESOLUTION TO APPROVE NEW OUTDOOR SERVICE PERMIT LOCATED AT 115 WEST WASHINGTON STREET – D.B.A. WASABI SUSHI PLUS

RESOLVED, That the request from Do It Investments, Inc. (D.B.A. Wasabi Sushi Plus) to maintain a service area on City sidewalk in conjunction with its 2001 Class C licensed business located at 115 W. Washington St., 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

37-01 APPROVED AS AMENDED

NOTICE OF PUBLIC HEARINGS FOR AREA PLANS,
SITE PLANS, PUD SITE PLANS, SITE PLANS FOR COMMISSION
APPROVAL, LAND DIVISIONS, OR PRELIMINARY PLATS

An Ordinance to Amend Section 5:135 of Chapter 57
of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 37-01 is on file in the City Clerk=s Office).

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

Councilmember Johnson moved to amend Section 5:135 (4) by adding the following:

A second public hearing will be held in the same manner if either:

- a) final action by the Planning Commission is delayed more than six months after the initial public hearing; or
- b) in the judgment of the planning staff, the project plan has been substantially revised.

On a voice vote the Mayor declared the motion carried.

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

ORDINANCES - FIRST READING

42-01 APPROVED

ELIMINATE REFERENCE TO MICHIGAN STATUTES ANNOTATED

An Ordinance to Amend Section 10:104 of Chapter 126
of Title X of the Code of the City of Ann Arbor

(The complete text of Ordinance 42-01 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-399-9-01 APPROVED

RESOLUTION TO RETROACTIVELY APPROVE THE EMERGENCY RENTAL OF
EQUIPMENT TO PROVIDE A TEMPORARY INFLUENT PUMPING SYSTEM AT THE
WASTEWATER TREATMENT PLANT
(\$360,000.00)

Whereas, It is necessary to rent equipment to provide a temporary pumping system that will serve as a back-up to the pumps that lift sewage into the City’s Wastewater Treatment Plant (WWTP) to prevent overflow of the incoming sewage into the Huron River;

Whereas, Three proposals were solicited to provide a temporary pumping system and the two proposals submitted were evaluated by WWTP staff, and AIS Rental Corp. proposed the only responsible alternative;

Whereas, The City Attorney has approved the contract for lease of the temporary pumping system as to form and content; and

Whereas, On September 10, 2001, the Human Resources Department approved AIS Rental Corp. to provide equipment and perform work for the City and AIS Rental Corp.

has signed the City’s “Notice of Intent to Comply with Living Wage Ordinance”;

RESOLVED, That Council affirm and approve the emergency Purchase Order in the amount of \$243,370.00 issued to AIS Rental Corp. to supply equipment for a temporary pumping system at the WWTP and authorize the City Administrator to execute any related necessary documents to lease the temporary pumping system;

RESOLVED, That Council approve total rental costs from AIS Rental Corp. by the WWTP in the amount of \$360,000.00, including \$243,370.00 for equipment rental and a contingency of \$116,630.00 to finance change orders to be approved by the City Administrator for additional equipment usage due to weather conditions; and

RESOLVED, That the project be funded from the approved FY 00/01 Operation and Maintenance Budget for the Sewage Disposal System.

Councilmember Higgins moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

DEFEATED

SPECIAL ASSESSMENT RESOLUTION NO. 1 – PREPARE PLANS AND SPECIFICATIONS FOR CHALMERS DRIVE IMPROVEMENTS PROJECT (\$50,000.00)

Whereas, Council deems it necessary to acquire and construct the following improvement:

Chalmers Drive Improvements
District No. 27; File No. 2001022;

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. The sum of \$50,000.00 be appropriated without regard to fiscal year for the planning and design of said project, such sum being advanced from the General fund unreserved fund balance, pending the sale of appropriate bonds, until bonds are sold and the General fund reimbursed, or until said project is officially closed; and
5. Council declares its intent to issue bonds to pay all or part of the cost of such improvement project, funding reserves, paying for credit enhancement, and the cost of issuance of such bonds (either initially or ultimately), provided that such bonds are issued in conformity with applicable State statutes and all documents, provisions, and details pertaining to such bonds are acceptable to and approved by this Council and provided, further, that such bonds can be sold.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion defeated.

POSTPONED

RESOLUTION FOR APPROVAL AND TRANSFER OF INSURANCE FUND RESERVE DOLLARS FOR THE FIRE SERVICE JOINT LABOR/MANAGEMENT WELLNESS AND FITNESS INITIATIVE (\$130,000.00)

Councilmember Carlberg moved that the resolution be adopted.

Councilmember Higgins moved that the resolution be postponed until the second meeting in October for further review.

On a voice vote the Mayor declared the motion carried.

R-400-9-01 APPROVED

RESOLUTION TO UPDATE OUTDOOR LIGHTING ORDINANCE

Whereas, Members of the community have shown an interest in updating the City's outdoor lighting ordinance;

Whereas, A modern outdoor lighting ordinance can save energy and reducing glare and "light pollution" to the sky or adjacent properties;

Whereas, A modern lighting ordinance will provide developers and code officials with lighting specifications that protect neighboring properties from lighting spillover, reduce dangerous glare, and reduce unnecessary up-lighting that tends to wash out the night sky;

Whereas, The Energy Commission members and staff have reviewed numerous outdoor lighting ordinances and recommendations from across the United States and compiled a draft ordinance; and

Whereas, The Energy Commission has taken this effort as far as they feel qualified and recommends that Council assign the final development and implementation of a new lighting ordinance based on the Energy Commission draft to the appropriate City body;

RESOLVED, That the Mayor and City Council direct the City Administrator to assign the appropriate City body to review the Energy Commission draft outdoor lighting ordinance, provide for the appropriate public input, make necessary revisions, and submit a final recommendation for an outdoor lighting ordinance for first reading within twelve months from Council approval of this resolution.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-401-9-01 APPROVED

RESOLUTION TO ESTABLISH A CITY PANHANDLING TASKFORCE

Whereas, The City of Ann Arbor wishes to maintain a vital and attractive downtown and community;

Whereas, A committee with representatives of the downtown area associations, City staff, community service providers, and others, have been meeting for nearly a year to consider ways to address issues resulting from panhandling;

Whereas, This group has shaped a program entitled, "Loose Change for Real Change", which is focused on outreach and education and is geared toward encouraging downtown stakeholders to donate to agencies providing services for the homeless and mentally ill through canisters located on merchant and restaurant counters rather than to individuals with the goal of providing more targeted services to the homeless, mentally-ill and addicted individuals panhandling on downtown sidewalks; and

Whereas, It is now time to affirm the work of this Committee with the goal of ensuring its continuation into the future;

RESOLVED, That the Mayor and City Council hereby establish a Panhandling Taskforce;

RESOLVED, That this group shall consist of representatives of the following organizations and City Departments:

- Mayor's Office
- City Community Development Department
- City Attorney's Office
- 15th District Court
- Police Department
- Shelter Association
- DDA's Citizen's Advisory Council
- Main Street Area Association
- State Street Area Association

South University Area Association
Kerrytown Historic Market District
University of Michigan
Human Service Agencies providing services for the homeless;
and

RESOLVED, That Taskforce members shall be nominated by the Mayor and appointed by City Council, and shall be asked to serve terms of indefinite length.

Councilmember Woods moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-402-9-01 APPROVED

RESOLUTION TO APPROVE TRAVER TRAIL PROPERTIES LAND DIVISION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Traver Trail Land Division, 1.9 acres, 1321 and 1323 Traver Road and 1328 and 1330 Pontiac Trail.

Whereas, Gregory H. McMillin has requested land division approval in order to divide the property at 1321 and 1323 Traver Road and 1328 and 1330 Pontiac Trail (Assessor’s Code Nos. 09-21-213-002, 09-21-213-003, 09-21-311-006, 09-21-311-007, 09-21-311-009 and 09-21-311-010) into four separate parcels; and

Whereas, The Ann Arbor City Planning Commission, on September 4, 2001, recommended approval of said request;

RESOLVED, That City Council approve the Traver Trail Properties Land Division, as described below, subject to approval of the administrative lot divisions, removal of the carport on Parcel 44-C/Parcel 44-G, and recording of a shared access easement for Parcel 44-A and Lot 53/Parcel 44-G:

Parcel 44-A

Part of Lot 44, of “Assessor’s Plat No. 48,” City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 16 of Plats, pages 55, 56 and 57, Washtenaw County Records, described as: Commencing at the most Easterly corner of Lot 46 of “Assessor’s Plat No. 48;” thence along the Southwesterly line of Pear Street, North 49° 34’ 00” West 194.36 feet (recorded as 194.53 feet) to the Corner of Lot 44 and to the Point of

Beginning; thence North $49^{\circ} 34' 00''$ West 11.42 feet (recorded as 11.25 feet) to the most Northerly corner of Lot 48; thence along the Northwesterly line of Lot 48 and its extension Southwesterly, South $36^{\circ} 36' 00''$ West 104.54 feet; thence North $73^{\circ} 16' 22''$ West 65.89 feet to the Southeast corner of Lot 50; thence along the Easterly line of Lot 50, North $16^{\circ} 39' 34''$ East (recorded as North $16^{\circ} 40' 30''$ East) 59.00 feet to the Northeast corner of Lot 50; thence along the Northerly line of Lot 50, North $73^{\circ} 16' 22''$ West (recorded as North $73^{\circ} 16' 30''$ West) 23.00 feet to the Southeast corner of Lot 49; thence along the Easterly line of Lot 49, North $16^{\circ} 39' 34''$ East (recorded as North $16^{\circ} 40' 30''$ East) 65.00 feet to the Northeast corner of Lot 49; thence along the Northerly line of Lot 44, South $73^{\circ} 16' 22''$ East 135.03 feet (recorded as South $73^{\circ} 16' 30''$ East 134.77 feet) to the corner of Lot 44; thence along the West line of Pear Street, South $16^{\circ} 43' 30''$ West 30.27 feet (recorded as 31.31 feet) to the Point of Beginning, containing 12,626 square feet, subject to easements and restrictions of record.

Parcel 44-B

Part of Lot 44, of "Assessor's Plat No. 48," City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 16 of Plats, pages 55, 56 and 57, Washtenaw County Records, described as: Commencing at the most Easterly corner of Lot 46 of "Assessor's Plat No. 48;" thence along the Northwesterly line of Traver Road, South $38^{\circ} 10' 00''$ West 125.53 feet to the most Easterly corner of Lot 44; thence North $49^{\circ} 34' 00''$ West 82.78 feet to the most Westerly corner of Lot 45 and to the Point of Beginning; thence South $38^{\circ} 10' 00''$ West 25.00 feet; thence North $75^{\circ} 25' 31''$ West 38.95 feet; thence along the North line of Lot 53 and its extension Easterly, North $73^{\circ} 16' 22''$ West (recorded as North $73^{\circ} 16' 30''$ West) 100.00 feet to the Southeast corner of Lot 51; thence along the Easterly line of Lot 51, North $16^{\circ} 39' 34''$ East (recorded as North $16^{\circ} 40' 30''$ East) 93.46 feet to the Northeast corner of Lot 51; thence South $73^{\circ} 16' 22''$ East 65.89 feet; thence South $49^{\circ} 34' 00''$ East 56.00 feet; thence South $36^{\circ} 10' 00''$ West 21.17 feet; thence South $49^{\circ} 34' 00''$ East 63.56 feet to the Point of Beginning, containing 11,963 square feet, subject to and together with a 20-foot wide easement for ingress, egress and utilities, described as: Commencing at the most Easterly corner of Lot 46 of "Assessor's Plat No. 48;" thence along the Northwesterly line of Traver Road, South $38^{\circ} 10' 00''$ West 150.53 feet to the Point of Beginning; thence continuing along the Northwesterly line of Traver Road, South $38^{\circ} 10' 00''$ West 20.00 feet; thence North $49^{\circ} 34' 00''$ West 124.79 feet; thence South $75^{\circ} 25' 31''$ East 45.81 feet; thence South $49^{\circ} 34' 00''$ East 82.78 feet to the Point of Beginning, subject to easements and restrictions of record.

Parcel 44-C

Part of Lot 44, of "Assessor's Plat No. 48," City of Ann Arbor, Washtenaw

County, Michigan, as recorded in Liber 16 of Plats, pages 55, 56 and 57, Washtenaw County Records, described as: Commencing at the most Easterly corner of Lot 46 of "Assessor's Plat No. 48;" thence along the Northwesterly line of Traver Road, South 38°10'00" West 125.53 feet to the most Easterly corner of Lot 44 and to the Point of Beginning; thence continuing along the Northwesterly line of Traver Road, South 38°10'00" West 120.00 feet; thence North 67°40'24" West 100.78 feet; thence North 16°53'34" East 109.66 feet; thence South 72°25'31" East 58.95 feet; thence North 38°10'00" East 25.00 feet to the most Westerly corner of Lot 45; thence South 49°34'00" East 82.78 feet to the Point of Beginning, containing 15,129 square feet, subject to and together with a 30-foot wide easement for ingress, egress and utilities, described as: Commencing at the most Easterly corner of Lot 46 of "Assessor's Plat No. 48;" thence along the Northwesterly line of Traver Road, South 38°10'00" West 150.53 feet to the Point of Beginning; thence continuing along the Northwesterly line of Traver Road, South 38°10'00" West 20.00 feet; thence North 49°34'00" West 124.79 feet; thence South 75°25'31" East 45.81 feet; thence South 49°34'00" East 82.78 feet to the Point of Beginning, subject to easements and restrictions of record.

Parcel 44-D

Part of Lot 44, of "Assessor's Plat No. 48," City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 16 of Plats, pages 55, 56 and 57, Washtenaw County Records, described as: Commencing at the most Easterly corner of Lot 46 of "Assessor's Plat No. 48;" thence along the Northwesterly line of Traver Road, South 38°10'00" West 245.53 feet to the Point of Beginning; thence continuing along the Northwesterly line of Traver Road the following two courses: South 38°10'00" West 249.62 feet and South 14°30'35" West 24.90 feet; thence North 73°35'01" West 106.16 feet; thence along the West line of Lot 44, North 23°17'50" East (recorded as North 23°19'30" East) 203.03 feet; thence South 66°42'10" East 23.20 feet; thence North 23°17'50" East 65.95 feet; thence South 78°45'29" East (recorded as South 78°55'30" East) 42.67 feet; thence South 67°40'24" East 100.78 feet to the Point of Beginning, containing 33,371 square feet, subject to easements and restrictions of record.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-403-9-01 APPROVED

RESOLUTION TO APPROVE FIRST AMENDMENT TO CONTRACT WITH PEAR,

SPERLING, EGGAN AND MUSKOVITZ FOR LEGAL SERVICES RELATIVE TO
VARIOUS LABOR AND EMPLOYMENT MATTERS
(\$145,000.00)

Whereas, On June 19, 2000, the City Council approved the City Attorney's recommendation that the City contract in the amount of \$125,000.00 with Pear, Sperling, Eggan and Muskovitz ("the firm") for legal services representing the City relative to various labor and employment matters;

Whereas, The need for legal services from the firm has been greater than originally anticipated due to, in part, the delay in hiring an assistant city attorney with labor and employment experience, the backlog of matters that needed to be handled, the time needed to be spent by city staff on labor negotiations for labor contracts which expired June 30, 1998, and June 30, 2001, and due to recent additional and unanticipated matters which the City is asking the firm to handle;

Whereas, The estimated cost of the additional legal services, including both those services already rendered but not covered by the original contract amount and projected future services on open, ongoing matters, is approximately \$145,000.00;

Whereas, The firm received Human Rights clearance on July 3, 2001, and has agreed to comply with the City's living wage ordinance and has received approval with respect to such compliance;

Whereas, The FY 2001/2002 budget for the City Attorney's Office contains no appropriation for outside legal services, no funds were used from the FY 2000/2001 budget for services under this contract; but the un-audited balance remaining in City Attorney's Office budget for the 2000/2001 fiscal year is approximately \$128,000.00, which amount will be transferred to the general fund balance; and

Whereas, The remainder of the funds necessary to cover the cost of the amendment comes from funds already in the FY 2001/2002 budget for the Human Resources Department.

RESOLVED, That \$120,000.00 be appropriated from general fund balance to the FY 2001/2002 budget for the City Attorney's Office; and

RESOLVED, That the Mayor and City Clerk be authorized to sign a standard amendment to the legal services agreement with Pear, Sperling, Eggan and Muskovitz approved as to form by the City Attorney, for additional legal services in an amount not to exceed \$145,000.00, to be expended without regard to fiscal year.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-404-9-01 APPROVED

RESOLUTION TO APPROVE CONTRACT FOR PERFORMANCE AND HEALTH SOLUTIONS, PROVIDER OF EMPLOYEE ASSISTANCE PROGRAM (EAP) SERVICES FOR THE CITY OF ANN ARBOR EMPLOYEES (\$92,273.00)

Whereas, The City provides Employee Assistance Program services to City employees and their dependents at an estimated annual cost of \$27,183.00;

Whereas, Performance and Health Solutions provided the most comprehensive proposal with competitive rates, saving the City over 13% per year;

Whereas, Performance and Health Solutions will provide 24 hours per day, 7 days a week assessment services and a variety of other services to employees and their dependents;

Whereas, Performance and Health Solutions will provide additional services not to exceed \$6000.00 per year; and

Whereas, Performance and Health Solutions received Human Rights approval, and Living Wage Ordinance compliance on September 20, 2001;

RESOLVED, That City Council approve the contract with Performance and Health Solutions to provide Employee Assistance Program (EAP) services for a three-year period beginning October 1, 2001.

Councilmember Robinson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-405-9-01 APPROVED

RESOLUTION TO ACCEPT AND TO APPROPRIATE THE DONATION OF \$1,500.00 FROM HUDSON'S TO THE ANN ARBOR POLICE DEPARTMENT FOR THE PURCHASE OF TWO BICYCLES

Whereas, On July 2, 2001, by resolution R-269-7-01, the Council approved the acceptance of a donation of two bicycles to the Ann Arbor Police Department; and,

Whereas, On August 28, 2001 Hudson's issued a check to the Ann Arbor Police Department in the amount of \$1500.00 for the purpose of purchasing two bicycles;

RESOLVED, That the Mayor and City Council approve the acceptance of \$1500.00 from Hudson's to the Ann Arbor Police Department; and,

RESOLVED, That the \$1500.00 is appropriated to the Police Department FY 01/02 budget for the purpose of purchasing two bicycles for the Bike Patrol Program.

Councilmember Woods moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-406-9-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM WILLIAM F. ANGER, JR. AND MARY AGER AND JOHN M. SATARINO - COLUMBINE COURT

Whereas, William F. Ager, Jr. And Mary Ager, Husband and Wife, as land contract vendors, and John M. Satarino, a single man, as land contract vendee of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3062, Page 58, recorded December 23, 1994; and

Whereas, William F. Ager, Jr. And Mary Ager, Husband and Wife, as land contract vendors, and John M. Satarino, a single man, have delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

The Easterly Thirty (30) Feet of the following described parcels:

Lots 95 and 97, Westover Hills Subdivision, according to the Plat thereof,

as recorded in Liber 5 of Plats, Page 32, Washtenaw County Records, Washtenaw County, Michigan.

RESOLVED, That the City hereby accepts said easement.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-407-9-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM LINDA M. BERAUER – COLUMBINE COURT

Whereas, Linda M. Berauer, a single woman, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3835, Page 192, recorded December 17, 1998; and

Whereas, Linda M. Berauer, a single woman, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

The Westerly Ten (10) Feet of the following described parcels:

Lots 96 and 98, Westover Hills Subdivision, according to the Plat thereof, as recorded in Liber 5 of Plats, Page 32, Washtenaw County Records, Washtenaw County, Michigan.

RESOLVED, That the City hereby accepts said easement.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-408-9-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT AND VACATING A PORTION OF EXISTING UTILITY EASEMENT FROM NEWPORT RIDGE LIMITED PARTNERSHIP –

RIVERWOOD SITE CONDOMINIUMS

Whereas, The City acquired a utility easement from Newport Ridge Limited Partnership, a Michigan limited partnership, for the construction and maintenance of public utilities, over property located at 1639 Timber Trail, as recorded in Liber 3877, Page 41, dated June 9, 1999, Washtenaw County Records;

Whereas, The City, Newport Ridge Limited Partnership, a Michigan limited partnership, and Peter J. Warburton, a married man, as successor-in-title to 1639 Timber Trail, now desire to abandon a portion of the above referenced easement; and

Whereas, Newport Ridge Limited Partnership, a Michigan limited partnership, and Peter J. Warburton, a married man, have granted the City an easement for public utilities which will replace that portion of the referenced easement to be vacated;

RESOLVED, That the City hereby relinquishes all rights conveyed to it in the easement recorded in Liber 3877, Page 41, dated June 9, 1999, and particularly identified as PU# 21 as described below in the Washtenaw County Records and that an appropriate instrument approved by the City Attorney be recorded at the Washtenaw County Register of Deeds Office as soon as practicable following approval of this resolution, and being more particularly described as follows:

STORM SEWER (PU #21)
(Existing)

Commencing at the S 1/4 corner of Section 18 (also being the N 1/4 corner of Section 19), T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 00°11'00" W, 94.70 feet along the N-S 1/4 line of said Section 19; thence along the Northerly line of the M-14 (MDOT) right-of-way in the following three (3) courses: N 69°55'50" W, 823.37 feet; Westerly 481.76 feet in the arc of a circular curve concave Southerly, having a radius of 3424.17 feet, a central angle of 08°03'40", and a chord which bears N 73°57'40" W, a distance of 481.36 feet; N 77°59'30" W, 143.14 feet; thence N 00°12'00" E, 323.53 feet along the West line of the East 1/2 of the Southwest 1/4 of said Section 18; thence S 89°30'00" E, 1380.81 feet along the North line of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 18; thence N 00°29'00" E, 629.00 feet along the N-S 1/4 line of said Section 18; thence S 89°25'00" E, 91.08 feet; thence N 00°29'00" E, 32.24 feet; thence S 89°24'36" E, 652.91 feet along the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 18 as monumented,; thence S 30°43'28" W, 36.31 feet; thence Southwesterly 251.09 feet in the arc of a circular curve concave Northwesterly, having a radius of 280.00 feet, a central angle of 51°22'51", and a chord which bears S 56°24'53" W, a distance of 242.76 feet; thence S 82°06'18" W, 139.44 feet, to the POINT OF BEGINNING;

thence S 74°11'03" E, 15.45 feet;
thence S 07°53'42" E, 63.70 feet;
thence S 34°39'17" W, 103.49 feet;
thence S 83°07'07" E, 72.99 feet;
thence S 06°52'53" W, 30.00 feet;
thence N 83°07'07" W, 113.87 feet;
thence N 06°52'53" E, 16.75 feet;
thence N 34°39'17" E, 122.58 feet;
thence N 07°53'42" W, 32.43 feet;
thence N 74°11'03" W, 54.34 feet;
thence Easterly 39.81 feet in the arc of a circular curve concave Southerly, having a radius of 200.00 feet, a central angle of 11°24'14", and a chord which bears N 76°24'12" E, a distance of 39.74 feet;
thence N 82°06'18" E, 26.07 feet, to the POINT OF BEGINNING; being a part of the S 1/2 of said Section 18, T2S, R6E. Being subject to easements and restrictions of record, if any;

RESOLVED, That the City Clerk be authorized to execute the documents necessary to vacate a portion of the existing easement as described above; and

RESOLVED, That the City accepts an easement for public utilities from Newport Ridge Limited Partnership, a Michigan limited partnership, and Peter J. Warburton, a married man, over property located in the City of Ann Arbor, Washtenaw County, Michigan and described as follows:

STORM SEWER (PU #21)
(Replacement)

Commencing at the S 1/4 corner of Section 18 (also being the N 1/4 corner of Section 19), T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 00°11'00" W 94.70 feet along the N-S 1/4 line of said Section 19; thence along the Northerly line of the M-14 (MDOT) right-of-way in the following three (3) courses: N 69°55'50" W 823.37 feet; Westerly 481.76 feet in the arc of a circular curve concave Southerly, having a radius of 3424.17 feet, a central angle of 08°03'40", and a chord which bears N 73°57'40" W, a distance of 481.36 feet; N 77°59'30" W 143.14 feet; thence N 00 12'00" E 323.53 feet along the West line of the E 1/2 of the Southwest 1/4 of said Section 18; thence S 89°30'00" E, 1380.81 feet along the North line of the S 1/2 of the SE 1/4 of the SW 1/4 of said Section 18; thence N 00°29'00" E 629.00 feet along the N-S 1/4 line of said Section 18; thence S 89°25'00" E 91.08 feet; thence N 00°29'00" E 32.24 feet; thence S 89°24'36" E 652.91 feet along the North line of the SW 1/4 of the SE 1/4 of said Section 18 as monumented,; thence S 30°43'28" W 36.31 feet; thence Southwesterly 251.09 feet in the arc of a circular curve concave Northwesterly, having a radius of 280.00 feet, a central angle of 51°22'51", and a chord which bears S 56°24'53" W, a distance of 242.76 feet; thence S 82°06'18" W 139.44 feet, to the POINT OF BEGINNING;

thence S 74°11'03" E 15.45 feet;
thence S 07°53'42" E 71.10 feet;
thence S 34°39'17" W 95.41 feet;
thence S 83°07'07" E 67.34 feet;
thence S 06°52'53" W 30.00 feet;
thence N 83°07'07" W 113.87 feet;
thence N 06°52'53" E 6.02 feet;
thence N 34°39'17" E 126.63 feet;
thence N 07°53'42" W 39.83 feet;
thence N 74°11'03" W 54.34 feet;
thence Easterly 39.81 feet in the arc of a circular curve concave Southerly, having a radius of 200.00 feet, a central angle of 11°24'14", and a chord which bears N 76°24'12" E, a distance of 39.74 feet;
thence N 82°06'18" E, 26.07 feet, to the POINT OF BEGINNING; being a part of the S 1/2 of said Section 18, T2S, R6E. Being subject to easements and restrictions of record, if any;

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-409-9-01 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR ADDITIONAL PUBLIC RIGHT-OF-WAY
FROM NEWPORT RIDGE LIMITED PARTNERSHIP – RIVERWOOD SITE
CONDOMINIUMS

Whereas, Newport Ridge Limited Partnership, a Michigan limited partnership, is the owner in fee simple of certain property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3800, Pages 0871;

Whereas, A Resolution of the Partnership, dated February 8, 1999, authorized the delivery of a perpetual easement to the City for public right-of-way;

Whereas, It has been determined that additional public right-of-way in Springwood Court is necessary; and

Whereas, Newport Ridge Limited Partnership has delivered an easement to the City for public right-of-way over the following described parcel, to run with the land and burden the respective property perpetually:

Commencing at the S 1/4 corner of Section 18 (also being the N1/4 corner of Section 19), T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 00E11'00" W, 94.70 feet along the N-S 1/4 line of said Section 19, T2S, R6E, City of Ann Arbor; Washtenaw County, Michigan, thence along the N line of the M-14 (MDOT) right-of-way for the following three (3) courses: N69E55=50≅ W 823.37 feet, Northwesterly 481.76 feet along the arc of a 3424.17 foot radius curve to the left, central angle 08E03=40=, chord bearing N 73E57=40≅ W 481.36 feet, N 77E59=30≅ W 143.14 feet, thence N 00E12=00≅ E 323.53 feet along the West line of the E 1/2 of the SW 1/4 of said Section 18; thence S 89E30=00≅ E 1380.81 feet along the North line of the S 1/2 of the SE 1/4 of the SW 1/4 of said Section 18, thence N 00E29=00≅ E 629.00 feet along the N-S 1/4 line of said Section 18, thence S 89E25=00≅ E 91.08 feet, thence N 00E29=00≅ E 32.24 feet, thence S 89E24=36≅ E 743.12 feet along the North line of the SW 1/4 of the SE 1/4 of said Section 18, as monumented, thence along the West line of Jennings Newport Heights, as recorded in Liber 10 of Plats, Page 56, Washtenaw County Records, the following two (2) courses: S 07E52=30≅ W 150.00 feet, Northwesterly 125.28 feet along the arc of a circular curve to the left, radius 1976.08 feet, central angle 03E37=57≅, long chord N 83E56=29≅ W 125.26 feet to the POINT OF BEGINNING,

thence S00E16=40≅ W 99.41 feet along the West line of said Jennings Newport Heights; thence Northwesterly 105.40 feet along the arc of a circular curve to the left, radius 210.00

feet, central angle 28E45=28≅, long chord N 14E06=04≅ W 104.30 feet; thence Southeasterly 25.95 feet along the arc of a circular curve to the right, radius 1976.08 feet, central angle 00E45=09≅, long chord S 86E08=02≅ E 25.95 feet to the POINT OF BEGINNING. Being a part of the SE 1/4 of said Section 18, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, and containing 0.019 acres of land, more or less. Being subject to easements and restrictions of record, if any;

RESOLVED, That said easement is hereby accepted.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-410-9-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENTS FROM JOHN M. SATARINO – LOTS 99 AND 100 – COLUMBINE COURT

Whereas, John M. Satarino, a single man, 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 3988, Page 647, recorded January 8, 2001; and

Whereas, John M. Satarino, a single man, has delivered easements to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

The Easterly Thirty (30) feet of Lot 99 and the Westerly Ten (10) feet of Lot 100, Westover Hills Subdivision, according to the Plat thereof, as recorded in Liber 5 of Plats, Page 32, Washtenaw County Records, Washtenaw County, Michigan;

RESOLVED, That the City hereby accepts said easements.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-411-9-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM JOHN M. SATARINO – LOT 101 – COLUMBINE COURT

Whereas, John M. Satarino, a single man, 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 3328, Page 703, recorded October 8, 1996; and

Whereas, John M. Satarino, a single man, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

The Easterly Thirty (30) feet of Lot 101 of Westover Hills Subdivision, according to the Plat thereof, as recorded in Liber 5 of Plats, Page 32, Washtenaw County Records, Washtenaw County, Michigan;

RESOLVED, That the City hereby accepts said easement.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-412-9-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM JOHN M. SATARINO LOT 102 – COLUMBINE COURT

Whereas, John M. Satarino, a single man, 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 2889, Page 182, recorded November 15, 1993; and

Whereas, John M. Satarino, a single man, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

The Westerly Ten (10) feet of Lot 102 of Westover Hills Subdivision, according to the Plat thereof, as recorded in Liber 5 of Plats, Page 32, Washtenaw County Records, Washtenaw County, Michigan;

RESOLVED, That the City hereby accepts said easement.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-413-9-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM JOHN M. SATARINO – LOT 103 – COLUMBINE COURT

Whereas, John M. Satarino, a single man, 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 3260, Page 0020, recorded May 15, 1996; and

Whereas, John M. Satarino, a single man, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

The Easterly Thirty (30) feet of Lot 103 of Westover Hills Subdivision, according to the Plat thereof, as recorded in Liber 5 of Plats, Page 32, Washtenaw County Records,

Washtenaw County, Michigan;

RESOLVED, That the City hereby accepts said easement.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-414-9-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM JOHN M. SATARINO – LOT 104 – COLUMBINE COURT

Whereas, John M. Satarino, a single man, 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 2915, Page 183, recorded December 29, 1993; and

Whereas, John M. Satarino, a single man, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

The Westerly Ten (10) feet of Lot 104 of Westover Hills Subdivision, according to the Plat thereof, as recorded in Liber 5 of Plats, Page 32, Washtenaw County Records, Washtenaw County, Michigan;

RESOLVED, That the City hereby accepts said easement.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-415-9-01 APPROVED

RESOLUTION ACCEPTING PEDESTRIAN ACCESS EASEMENT FROM ARBOR LAKE VILLAGE APARTMENTS LIMITED LIABILITY COMPANY – PHASES I AND II

Whereas, Arbor Lake Village Apartments Limited Liability Company, a Delaware

limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 03297, Page 0507-0510, recorded July 31, 1996;

Whereas, A resolution of the Members, dated September 7, 2001, authorized the delivery of a perpetual easement to the City for pedestrian access over Phases I and II; and

Whereas, Arbor Lake Village Apartments Limited Liability Company, a Delaware Limited Liability Company, has delivered an easement to the City for pedestrian access to run with the land and burden the respective property perpetually, being more particularly described as follows:

Phase I:

A six (6) foot wide strip of land, being a part of the SE 1/4 of Section 5, T35, R6E, City of Ann Arbor, Washtenaw County, Michigan, the centerline of which is described as follows:

Commencing at the center of said section; thence along the N-S quarter line of said section, N03° 19' 55" E, 13.86 feet; thence S88° 05' 34" E 1153.72 feet; thence along a curve to the left, having a radius 32.00 feet with a chord bearing S04° 11' 46" E 35.94 feet; thence N51° 40' 10" E 12.00 feet to the POINT OF BEGINNING; thence along a curve to the right having a radius 58.62 feet, with a chord bearing S19° 06' 56" E, 37.10 feet; thence S1° 56' 52" W, 441.41 feet; thence S87° 57' 01" E, 63.13 feet; thence along a curve to the right, having a radius 69.14 feet, with a chord bearing S53° 26' 07" E, 79.05 feet; thence S05° 34' 01" E, 18.27 feet to a point on the S line of "LakeVillage of Ann Arbor - Phase I" and the POINT OF ENDING.

Phase II: (Connector to Phase I)

A six (6) foot wide strip of land, being a part of the NE 1/4 of Section 5, T35, R6E, City of Ann Arbor, Washtenaw County, Michigan, more particularly described as follows:

Commencing at the center of said section; thence along the N-S quarter line of said section, N03° 19' 55" E, 13.87 feet; thence S88° 05' 34" E, 20.33 feet; thence along a curve to the left, having a radius 17.00 feet, with chord bearing S12° 54' 40" W, 26.53 feet; thence S51° 40' 10" W, 15.00 feet; thence along a curve to the right, having radius 32.00 feet with chord bearing N04° 11' 46" W, 35.94 feet to the POINT OF BEGINNING.

Phase II:

A six (6) foot wide strip of land, being a part of the NE 1/4 of Section 5, T35, R6E, City of Ann Arbor, Washtenaw County, Michigan; more particularly described as:

Commencing at the center of said Section 5; thence N03° 19' 55" E, 13.87 feet, along the

N and S 1/4 line of said Section 5; thence S88° 05' 34" E, 1161.61 feet, to the POINT OF BEGINNING; thence N01° 54' 26" E, 15.00 feet; thence S88° 05' 34" E, 61.65 feet; thence N74° 06' 06" E, 62.31 feet; thence N42° 00' 03" E, 42.38 feet; thence N03° 46' 15" E, 134.41 feet; thence N09° 17' 46" W, 68.81 feet; thence N08° 33' 58" E, 66.58 feet; thence N20° 37' 22" W, 62.21 feet; thence S88° 04' 40" E, 16.24 feet; thence S20° 37' 22" E, 59.88 feet; thence S08° 33' 58" W, 68.13 feet; thence S09° 17' 46" E, 68.17 feet; thence S03° 46' 15" W, 141.32 feet; thence S42° 00' 03" W, 51.90 feet; thence S74° 06' 06" W, 68.97 feet, to the N and S 1/4 line of said Section 5; thence N88° 05' 34" W, 64.00 feet, along the N and S 1/4 line of said Section 5, to the POINT OF BEGINNING;

RESOLVED, That the City hereby accepts said easement.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-416-9-01 APPROVED

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE INSURANCE POLICY FOR FIDUCIARY AND CRIME LIABILITY WITH HARTFORD INSURANCE COMPANY (\$27,604.00)

Whereas, The City’s Fiduciary and Crime Liability insurance policies have expired on August 15, 2001;

Whereas, The City placed the service out to bid and three companies responded with complete proposals;

Whereas, The renewal for these services through Hartford would increase the annual cost by \$1,085.00;

Whereas, Hartford provided the best proposal with the lowest composite rate structure of \$27,604.00, saving the City over 13% from the proposed annual renewal rate from American of \$31,212.00;

Whereas, Human Rights Approval was granted on September 4, 2001; and

Whereas, The City will enter into a one year contract with Hartford for fiduciary and crime liability insurance;

RESOLVED, That the City Administrator be authorized to execute the insurance renewal for fiduciary and crime insurance with Hartford for a one year period beginning August 16, 2001.

Councilmember Robinson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-417-9-01 APPROVED

RESOLUTION TO APPOINT ENVIRONMENTAL COMMISSION MEMBERS

Whereas, The City Council passed an ordinance creating a City Environmental Commission;

Whereas, That ordinance requires the City Council to nominate and appoint the members of the commission; and

Whereas, That ordinance requires three out of the following four commissions or committees have members on the Environmental Commission: Energy Commission, Planning Commission, Natural Features Ordinance Committee and the Parks Advisory Commission;

RESOLVED, That the following individuals be appointed to the Environmental Commission for a three-year term:

- Mary Beth Doyle
- Stephen Rapundalo, Parks Advisory Commission; and

RESOLVED, That the City Clerk notifies the newly elected commission members of their appointment and when the next meeting will be held.

Councilmember Higgins moved that the resolution be adopted.

Councilmember Herrell requested that a separate vote be taken on the two candidates.

The question being the appointment of Mary Beth Doyle to the Environmental Commission, on a voice vote the Mayor declared the motion carried.

The question being the appointment of Stephen Rapundalo to the Environmental Commission, on roll call the vote was as follows:

Yeas, Councilmembers Higgins, Easthope, Woods, Robinson, Johnson, Upton, Lowenstein, Carlberg, Mayor Hieftje, 9;

Nays, Councilmember Herrell, 1.

The Mayor declared the motion carried.

R-418-9-01 APPROVED

RESOLUTION TO ACCEPT A GRANT FROM THE MICHIGAN ENERGY OFFICE TO ASSIST IN PURCHASING A HEAVY DUTY COMPRESSED NATURAL GAS POWERED REFUSE TRUCK
(\$48,734.00)

Whereas, The City of Ann Arbor is a member of the US Department of Energy's "Clean Cities Program" to bring alternative fuel vehicles into our community to reduce pollution and reliance on imported oil;

Whereas, The City operates many heavy duty vehicles that use a large amount of diesel fuel;

Whereas, This grant offers the City an opportunity to purchase a compressed natural gas refuse truck at a reduced cost in order to demonstrate the potential for displacing conventionally fueled refuse trucks;

Whereas, Switching to natural gas fuel is one of the most effective strategies to both reduce vehicle emissions and displace diesel fuel use in these vehicles;

Whereas, Fueling for this vehicle will be available at the City Garage's at the compressed natural gas fueling facility;

Whereas, A natural gas powered refuse truck has an estimated increased purchase price of approximately \$73,400.00 over the standard diesel vehicle;

Whereas, This grant will pay up to 66% of the incremental cost difference (up to \$48,734.00) and the City will pay 33% of the difference (an estimated \$24,666.00);

Whereas, Efforts will be made to make this vehicle high profile within the community;
and

Whereas, The Energy Office will provide grant management services for this grant;

RESOLVED, That the Mayor and City Clerk be authorized to sign a City Attorney-approved grant contract with the Michigan Department of Consumer and Industry Services to accept a \$48,734.00 grant to purchase a natural gas powered refuse truck; and

RESOLVED, That the grant funds be appropriated for the life of the project, regardless of fiscal year.

Councilmember Robinson moved that the resolution be adopted.

On roll call, the vote was as follows:

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

Nays, Councilmembers Higgins, Upton, 2;

The Mayor declared the motion carried.

R-419-9-01 APPROVED

RESOLUTION TO SUPPORT THE UNIVERSITY OF MICHIGAN'S TRANSPORTATION ENHANCEMENT FUND APPLICATION

Whereas, The University Region of the Michigan Department of Transportation (MDOT) is supporting and acting as grant applicant, for a University of Michigan sponsored project seeking Transportation Enhancement Funds;

Whereas, The proposed project is the construction of a pedestrian and non-motorized vehicle bridge across Washtenaw Avenue within the City of Ann Arbor;

Whereas, The proposed bridge is to be constructed at a critical location that is the link-point for connecting the Medical Center and Central Campus of the University;

Whereas, This location has been long known as a place where hundreds of thousands of pedestrians make their way across Washtenaw each year;

Whereas, A safer pedestrian and non-motorized crossing at this location would afford more convenient and eminently safer access to nearby recreation, cultural and business venues; and

Whereas, The State of Michigan Department of Transportation application guidelines require that every application for Transportation Enhancement Funds be accompanied by a resolution of support from the local unit of government where the proposed project is to be located;

RESOLVED, That the Mayor and Council of the City of Ann Arbor do hereby indicate our support for the Enhancement Program funds sought by the Regional MDOT office and the University of Michigan to facilitate the construction of this pedestrian and non-motorized

bridge.

Councilmember Herrell moved that the resolution be adopted.

Councilmember Herrell moved to postpone the resolution for more discussion.

With unanimous consent of Council, Jim Kostiva, representing the University of Michigan, answered questions.

The question being the motion to postpone, on a voice vote the Mayor declared the motion failed.

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

R-420-9-01 APPROVED

RESOLUTION TO APPROVE PURCHASE OF IBM P SERIES 660 SERVERS AND IMPLEMENTATION SERVERS AND IMPLEMENTATION SERVICES FROM LOGICAL (\$183,320.00)

Whereas, The City of Ann Arbor entered into a contract with American Management Systems to upgrade the financial system and implement new human resource and budget systems;

Whereas, The financial system upgrade and new human resource and budget systems from American Management Systems require IBM pSeries 660 servers running IBM AIX operating system;

Whereas, The City of Ann Arbor requires computer purchases over \$2,000.00 be bid out and awarded to the lowest bidder;

Whereas, The Administrative Services Department, Purchasing Division has been permitted to procure products and/or services from the Government Services Administration contracts due to lower costs for volume purchases;

Whereas, The Government Services Administration contract is a cost effective means of obtaining hardware and services that improves the City of Ann Arbor's overall acquisition process by minimizing duplicate efforts;

Whereas, Logical has received Human Rights approval on September 14, 2001;

Whereas, Funding for these purchases is available through the Information Technology Special Projects fund;

Whereas, On August 6, 2001, Council approved the project budget and the use of the Information Technology Special Projects funds to fund the project; and

Whereas, The project budget includes hardware and implementation services;

RESOLVED, That the City Administrator be authorized to issue a purchase order to Logical for the sum of \$183,320.00 for server hardware and implementation services.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-421-9-01 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF ORACLE RELATIONAL
DATABASE SERVER SOFTWARE AND MISCELLANEOUS HARDWARE FROM
MYTHICS, INCORPORATED (AN AUTHORIZED RESELLER OF ORACLE
SOFTWARE) FOR FISCAL YEAR 2001-2002
(\$115,000.00)

Whereas, The City of Ann Arbor requires Oracle Relational Database Management Systems Client/Server Software and Software Packs, to support the deployment of American Management Systems' (AMS) Financial Management Software, Human Resources Management Software and Budget Reconciliation (BRASS) Software necessary to efficiently and effectively increase the level of city services delivery;

Whereas, The City of Ann Arbor requires computer purchases over \$2,000.00 be bid out and awarded to the lowest bidder;

Whereas, The Administrative Services Department, Purchasing Division is permitted (by Council resolution dated March 31, 1975) to procure products and/or services from the State of Michigan through its Extended Purchasing Program due to lower costs for volume purchases;

Whereas, The State of Michigan's extended purchasing contract with Oracle Corporation and Mythics, Incorporated (an Authorized Reseller of Oracle Software) is a cost effective means of obtaining software products and services that improves the City of Ann Arbor's overall acquisition process by minimizing duplicate efforts;

Whereas, Mythics, Incorporated has received Human Rights approval on August 29, 2001;

Whereas, Funding for these purchases is available through the Information Technology Special Projects fund; and

Whereas, On June 1, and August 6, 2001, the City Council approved the project and the use of the Information Technology Special Projects funds to fund the project; and

RESOLVED, That the City Administrator be authorized to issue a purchase order to Mythics, Incorporated for the sum of \$115,000.00 for Oracle Relational Database Management Systems (RDBMS) Client/Server software, training and support.

Councilmember Higgins moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-422-9-01 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MINUTES OF SEPTEMBER 14, 2001 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of September 14, 2001, be accepted and that the payments therein be authorized. Councilmember Lowenstein moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-423-9-01 APPROVED
RESOLUTION IN SUPPORT OF COOPERATIVES

Whereas, Cooperative businesses are a unique form of business which exist in large numbers throughout the world (74,000 in the United States, 750,000 globally), whose owners are the people who use the company (consumer and producer co-ops) or run the business (worker co-ops);

Whereas, Cooperative businesses are able to offer lower prices and better services to their members because they do not need to make a profit for stockholders;

Whereas, Cooperative businesses are operated by a set of principles, recognized and used by co-ops throughout the world, which include:

- Voluntary and open membership;
- Democratic member control (1 person 1 vote);
- Members' economic participation (limited return on investment, rebates in proportion to usage);
- Autonomy and independence;

- Education, training and information (for members and the general public, about the benefits and practices of cooperation);
- Cooperation among cooperatives;
- Concern for community;

Whereas, There are cooperative businesses in nearly every sector of the U.S. economy, including but not limited to agriculture production (Sunkist, Welch's), finance (credit unions), insurance (Nationwide, Farm Bureau), news media (Associated Press), humanitarian assistance (CARE), retail grocery (food co-ops), childcare (co-op nurseries), burial services (memorial societies), energy (telephone, electric co-ops), and housing (housing co-ops);

Whereas, The Ann Arbor community has been served by a large number and wide variety of cooperative businesses for many years, including but not limited to:

- The Inter-Cooperative Council of the University of Michigan (student housing)
- Forest Hills Cooperative (housing)
- Arrowwood Hills Cooperative (housing)
- Colonial Square Cooperative (housing)
- Pinelake Village Cooperative (housing)
- Corntree Co-op (housing)
- Hei-wa House (housing)
- Sunward Co-Housing
- University of Michigan Credit Union
- Huron River Area Credit Union
- Automotive Federal Credit Union
- Michigan Educational Credit Union
- Midwest Financial Credit Union
- Co-op Optical
- Stone School Nursery (childcare)
- First United Methodist Nursery (childcare)
- Daily Grind (milling)
- People's Food Co-op (grocery)
- Student Buyer' Association (food purchasing)
- North American Students of Cooperation (US/Canadian student co-op trade association)
- Farm Bureau (insurance); and

Whereas, October is Co-op Month, first so designated in 1948 by the Minnesota Association of Cooperatives and celebrated by co-ops throughout the United States as a time to honor the service to their members and their communities provided by cooperative

businesses;

RESOLVED, That the Ann Arbor City Council hereby recognizes and honors the cooperative businesses that serve the Ann Arbor community, and suggests that city residents explore during Co-op Month the benefits they could receive by becoming members of local co-ops.

Councilmember Carlberg 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

APPOINTMENT APPROVED

Mayor Hieftje recommended the following appointment at the August 20, 2001 regular session of Council:

Commission on Disability Issues

Mr. Paul Cartman (Re-appointment)
5 Faust Court
Ann Arbor, MI 48108
Term: September 20, 2001 – September 19, 2004

Councilmember Robinson 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:

Community Development Block Grant Citizens Participation Executive Committee

Ikeita Cantu Hinojosa (Fill a Vacancy)
1419 McIntyre Drive
Ann Arbor, MI 48105
Term: October 1, 2001 – June 30, 2004

Daniel Amir Singer (Youth Representative to fill a Vacancy)
2015 Day
Ann Arbor, MI 48104
Term: October 1, 2001 – June 30, 2004

ANNOUNCEMENT

Mayor Hieftje announced that the Canadian Broadcasting Company was in town for a couple of days this week, filming people from Ann Arbor regarding their reactions to the recent tragedy in New York City.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

Interim City Administrator Ron Olson submitted the following reports for information of Council:

1. Brownfield Redevelopment Plan – Quarterly Status Report – Public Services
2. Consolidated Annual Performance and Evaluation Report for 2000 Program Year – Community Development
3. Amendment to Chapter 57 Section 5:135 – Public Notices
4. City's 150th Anniversary of Incorporation Celebration – Susan Pollay Assoc. Administrator

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

COMMUNICATIONS FROM THE CITY ATTORNEY

LAWSUIT

City Attorney Elias reported that it was announced on the radio that a lawsuit had been filed against the City regarding an individual who wanted to appear on the ballot. She has not yet seen the lawsuit and did not know when it will be served.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER CARLBERG

Councilmember Carlberg inquired about what kind of provisions there are for the public safety people who may be injured or die while serving the city in various capacities.

COUNCILMEMBER UPTON

Councilmember Upton stated that the City is very fortunate to have Police Chief Oates on the force in regards to the recent tragedy on the United States. Chief Oates reported that police officers were going to meet with the Islamic Community.

COUNCILMEMBER HERRELL

Councilmember Herrell informed Council that everyone is invited to a gathering of Native Americans to share in the culture and heritage of our country's first people on September 29th and 30th at the Siena Heights University Field House in Adrian, Michigan.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communication was referred as indicated:

1. Communication from Governor John Engler Regarding City of Ann Arbor Charter Amendment § 8.20 – File.

The following minutes were received for file:

1. Cable Communicatioins Commission – June 26, 2001
2. Ann Arbor Energy Commission Minutes – July 12, 2001
3. Housing Policy Board – September 6, 2001

Councilmember Easthope 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 Higgins that the meeting be adjourned.

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 10:00 p.m.

Yvonne Carl
Interim City Clerk

Anissa R. King
Recording Secretary