

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - JUNE 17, 2002**

The regular session of the Ann Arbor City Council was called to order at 7:37 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, Michael R. Reid, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT: 0.

INTRODUCTIONS

PRESENTATION TO POLICE OFFICERS INVOLVED IN HOMICIDE INVESTIGATIONS

Chief Dan Oates and Mayor Hieftje presented certificates of appreciation to a number of Ann Arbor Police Detectives for their work on a homicide of an elderly woman, Evelyn Walter, a 20 year resident at 727 Miller Manor. The suspect was identified within 24 hours and apprehended within 4 days of the crime.

PUBLIC COMMENTARY - RESERVED TIME

BLAINE COLEMAN – DIVEST FROM ISRAEL

Blaine Coleman, P.O. Box 7038, asked City Council to consider a resolution to divest from Israel.

CARROT WAY PROPOSAL

The following people expressed concern with the Carrot Way proposal:

Steve Bush, Plan Smart member, 2974 Leslie park Circle
Peter Chen, 2905 Leslie Park Circle

The following people spoke in support of the Carrot Way proposal:

Carl Hueter, Architect, 1321 Franklin Boulevard
Eileen Spring, 1307 Belmar

ERIC LIPSON – TRAFFIC CALMING

Eric Lipson, 1318 Rosewood, expressed concern with the proposed traffic calming resolution allowing landlords and tenants the right to vote.

GRACE POTTS – AVALON AFFORDABLE HOUSING

Grace Potts, 2133 Medford Road, spoke in support of Avalon Affordable Housing. Ms. Potts stated that Religious Action for Affordable Housing provides a tour of affordable housing throughout Ann Arbor. She encouraged people to come out and take the tour.

ANGELA WILLIAMS – NORTHSIDE TOWN HOMES

Angela Williams, 1730 Longshore Drive, spoke in support of the Northside town homes. She stated that the thirty affordable housing units proposed by the Northside town homes will make a small but significant dent in affordable housing in Ann Arbor.

PUBLIC HEARINGS

777 EISENHOWER PARKWAY PHASE II PLANNED PROJECT SITE PLAN

A public hearing was conducted on the proposed 777 Eisenhower Parkway Phase II Planned Project Site Plan, 22.45 acres, 777 Eisenhower Parkway. Notice of public hearing was published June 9, 2002.

The following people appeared:

Patrick Hunt and Christopher Noon, of Great Lakes Reit, L. P., petitioner, presented plans to Council and were available to answer questions.

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

UNIVERSITY OF MICHIGAN SCHOOL OF ART GRADUATE STUDENT ANNEX

(ORDINANCE NO. 21-02)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.74 acre from TWP (Township District) to C3 (Fringe Commercial District), University of Michigan School of Art Graduate Student Annex property, 1631 South State Street. Notice of public hearing was published June 9, 2002.

The following person appeared:

Bob Ufer, petitioner, explained the project to Council and was available to answer questions.

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

UNIVERSITY OF MICHIGAN SCHOOL OF ART GRADUATE STUDENT ANNEX SITE PLAN

A public hearing was conducted on the proposed University of Michigan School of Art Graduate Student Annex Site Plan, 0.74 acre, 1631 South State Street. Notice of public hearing was published June 9, 2002.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

CONSENT AGENDA

Revise: Resolution to Approve Second Amendment to Contract with Pear, Sperling, Egan and Muskovitz for Legal Services Related to Various Labor and Employment Matters (\$75,100,000.00) (Attorney – Abigail Elias, City Attorney)

Revise: Resolution to Approve Amendment to Contract for Legal Services with Dymeka Gossett, PLLC (\$57,000.00) (Attorney – Abigail Elias, City Attorney)

MOTIONS AND RESOLUTIONS

Revise: Resolution to Approve the Brownfield Implementation Plan and Authorize the City Administrator to Accept and Review Applications Submitted to the Washtenaw County Brownfield Redevelopment Authority for Properties in the City of Ann Arbor (Administrator – Matthew Naud, Environmental Coordinator) (*Postponed June 3, 2002*) (**Implementation Document Revised**)

Revise: Resolution to Appoint Councilmember to Planning Commission (Councilmembers Herrell, Carlberg)

Delete: Resolution Approving a Development Agreement for the First & Washington Site (DDA – Susan Pollay, Director)

Added After Printing Deadline:

Add: Resolution in Support of Ann Arbor's Participation in Regional Planning (Mayor Hieftje & Councilmember Johnson)

Added After Newspaper Deadline:

Add: Resolution to Declare a Moratorium on Demolition of and Other Work with Respect to 120 Buildings in Proposed Historic Districts (Councilmember Carlberg)

Add: Resolution to Amend Resolution R-185-5-02 for the 2002 Ann Arbor Jaycees Carnival (Councilmember Upton)

Add: Resolution in Support of Law Enforcement and General Public Access to the Michigan Sex Offenders Registry (Councilmember Reid)

Add: Resolution Authorizing Date of Green Party Caucus (City Clerk – Yvonne Carl, Interim City Clerk)

Add: Motion to Reconsider Resolution to Approve State Street Lofts Parking Agreement – R-247-6-02 (Councilmember Carlberg)

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: Petition from neighborhood residents opposing the Carrot Way Rezoning proposal – Planning

Add: Petition from the Foxfire neighborhood residents opposing the Carrot Way Rezoning proposal – Planning

Add: Letter from Letitia J. Byrd, Chairperson of the Ann Arbor First United Methodist Church, supporting the Northside Town Homes Development – Planning.

Add: Petition from neighborhood residents opposing the Carrot Way Rezoning proposal – Planning

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF JUNE 3, 2002 APPROVED

Councilmember Hartwell moved that the regular session minutes of June 3, 2002 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CLAIMS DENIED:

- CC-015-02 Thomas/Linda Powers
Discussed by James Armstrong, Risk Manager
Board denied claim
- CC-041-02 Shirley Joan
Discussed by James Armstrong, Risk Manager
Board denied claim
- CC-042-02 Richard Bame III
Discussed by James Armstrong, Risk Manager
Board denied claim

CLAIMS APPROVED:

- CC-036-02 Christopher Johnson
Discussed by James Armstrong, Risk Manager
Board approved payment of claim
- CC-039-02 Edward Bostic, Jr.
Discussed by James Armstrong, Risk Manager
Board approved partial payment of claim
- CC-032-01 Catherine Turquist
Discussed by James Armstrong, Risk Manager
Board approved payment of claim
- CC-038-02 Sally Gillo
Discussed by James Armstrong, Risk Manager
Board approved payment of claim
- CC-006-02 GEICO Direct/Aric Knuth
Discussed by James Armstrong, Risk Manager
Board approved settlement authority

CLAIMS TABLED:

OTHER AGENDA ITEMS DISCUSSED:

Sewer back up class action lawsuit update
Discussed by Abigail Elias, City Attorney
Information only

Stacy Washington lawsuit update
Discussed by Mel Muscovitz, outside legal counsel
Update only

1998 sewer event update
Discussed by Abigail Elias, City Attorney
Update only

Catherine Nievaard case
Discussed by Abigail Elias, City Attorney
Authority granted for Abigail to mediate case

Extension of workers' compensation defense attorney contract
period
Discussed by Abigail Elias, City Attorney
Board approved

Credit of funds to various departments for vehicle accident repairs in
excess of \$1500.00 per vehicle
Discussed by Jim Armstrong, Risk Manager
Board approved

Prepared by:
Marilyn C. Mack, Claims Specialist
6/10/02

R-253-6-02 APPROVED

RESOLUTION TO APPROVE FY 2002/2003 COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) AND GENERAL FUND CONTRACTS

Whereas, At its meeting on May 6, 2002 City Council approved the FY 2002 One Year Action Plan for submission to the Department of Housing and Urban Development;

Whereas, The FY 2002 One Year Action Plan included the allocation of Community Development Block Grant and HOME Program funds to specified nonprofit organizations;

Whereas, At its meeting on June 3, 2002 City Council approved the allocation of General Fund monies to specific nonprofit organizations;

Whereas, The Human Resources Department has reviewed and approved these contractors for human rights compliance; and

Whereas, These contractors have agreed to comply with the City's Living Wage Ordinance;

RESOLVED, That City Council approve the following contracts beginning July 1, 2002 and terminating June 30, 2003 and authorize and direct the Mayor and City Clerk to sign contracts substantially in the form on file in the Office of the City Clerk on forms approved as to form by the City Attorney, and approved as to substance by the City Administrator:

NONPROFIT ORGANIZATION

| | |
|---|--------------|
| Ann Arbor Center for Independent Living | \$ 32,500.00 |
| Ann Arbor Community Center | 42,500.00 |
| Ann Arbor Housing Commission | 75,000.00 |
| Ann Arbor Teen Center | 50,000.00 |
| Arrowwood Hills Cooperative | 30,000.00 |
| Avalon Housing, Inc | 201,000.00 |
| Catholic Social Services | 27,000.00 |

Center for Empowerment and Economic Development 7,000

| | |
|--|-------------------------|
| Child Care Network | \$176,750.00 |
| Community Action Network | 60,000.00 |
| Community Housing Alternatives | 45,000.00 |
| Domestic Violence Project | 43,000.00 |
| Family Learning Institute | 25,000.00 |
| Food Gatherers | 45,000.00 |
| Home of New Vision | 25,000.00 |
| Interfaith Hospitality Network | 26,000.00 |
| Legal Services of Southern Michigan | 53,000.00 |
| Michigan Ability Partners | 36,000.00 |
| Neighborhood Senior Services | 90,000.00 |
| Options Center, Inc. | 33,000.00 |
| Ozone House | 35,000.00 |
| Packard Community Clinic | 30,000.00 |
| Peace Neighborhood Center | 32,000.00 |
| Regents of the University of Michigan | |
| Community Dental Center | 50,000.00 |
| Community Family Health Center | 20,000.00 |
| Housing Bureau for Seniors | 35,000.00 |
| Motor Meals | 15,000.00 |
| Salvation Army | 30,000.00 |
| Shelter Association of Washtenaw County | 145,000.00 |
| SOS Community Services | 45,000.00 |
| Student Advocacy Center | 25,000.00 |
| Washtenaw Affordable Housing Nonprofit Corporation | 214,000.00 |
| Washtenaw County Health Organization | <u>100,000.00</u> |
| TOTAL | \$1,898,750.00 ; |

RESOLVED, That performance be monitored by the Community Development Department; and

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

R-254-6-02 APPROVED

RESOLUTION TO APPROVE HOUSING AFFORDABILITY AGREEMENT
WITH COMMUNITY HOUSING ALTERNATIVES REGARDING
112-114 N. GLENDALE

Whereas, An application was received in May 2002 from Community Housing Alternatives for financial assistance to be used for acquisition\rehabilitation of property at 112-114 N. Glendale;

Whereas, The City’s Consolidated Strategy and Plan identifies expanding the supply of affordable rental housing and increasing housing opportunities for persons with special needs as a high priority needs;

Whereas, Of the total estimated project cost of \$260,000.00, Community Housing Alternatives will be leveraging funds from Washtenaw County and the Michigan State Housing Development Authority;

Whereas, The Housing Policy Board at its meeting on June 6, 2002 recommended City Council approval of the use of \$150,000.00 of HOME funds for the project; and

Whereas, Human Rights and Living Wage approval was received for the contractor on February 8, 2002;

RESOLVED, That City Council approve the allocation of \$150,000.00 of HOME funds to Community Housing Alternatives for the acquisition\rehabilitation of 112-114 N. Glendale Drive as a 0% interest, deferred payment loan with no payment until the unit is sold;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign the Housing Affordability Agreement subject to approval as to form by the City Attorney with funds to be available until expended without regard to fiscal year; and

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

R-255-6-02 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT
WITH JEANETTE RUSSELL FOR 1436 ROSEWOOD STREET

Whereas, An application was received from Jeanette Russell for rehabilitation assistance for her home located at 1436 Rosewood;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program;

Whereas, Two bids were received on April 18, 2002 and Ms. Russell will be executing an agreement with Miracle Heating & Cooling, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation work; and

Whereas, On May 16, 2002 the Community Development Department Waiver and Review Board approved a waiver of the maximum amount for program assistance up to \$39,000.00 to complete rehabilitation work at 1436 Rosewood as a 0% interest deferred payment loan;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Jeanette Russell in the amount of \$39,000.00 as a deferred payment loan and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk with funds to be available without regard to fiscal year.

R-256-6-02 APPROVED

RESOLUTION TO APPROVE THE AGREEMENT WITH WASHTENAW
AFFORDABLE HOUSING CORPORATION FOR REHABILITATION OF
2185 HEMLOCK AND 13 METROVIEW CT.

Whereas, Washtenaw Affordable Housing Corporation has several single family homes which it wishes to sell to first time lower income home buyers;

Whereas, Rehabilitation is needed for single-family homes located at 2185 Hemlock and 13 Metroview;

Whereas, The Housing Policy Board at its meeting on June 6, 2002 recommended City Council approval of the balance of the FY 2000 federal HOME funds to rehabilitate the properties; and

Whereas, Human Rights and Living Wage approval was received for the contractor on March 22, 2002;

RESOLVED, That City Council approve an Agreement to utilize the balance of the FY 2000 HOME funds with Washtenaw Affordable Housing Corporation for the rehabilitation of affordable housing at 2185 Hemlock Court and 13 Metroview Court;

RESOLVED, That the terms of the Agreement shall be as a 0% interest, deferred payment loan with repayment due upon sale;

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the Agreement and all other documents necessary to implement this 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; and

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

R-257-6-02 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO THE HOUSING
REHABILITATION AGREEMENT WITH ERNESTINE HARTSON
FOR 2159 HEMLOCK

Whereas, An agreement in the amount of \$24,933.00 was entered into on January 4, 2001 with Ernestine Harston for rehabilitation assistance for her home located at 2159 Hemlock;

Whereas, The rehabilitation assistance was needed to complete the work on her home that would be an additional \$5,467.00; and

Whereas, On June 18, 2002 Ms. Harston will be executing an amended agreement with Michael P. McCarthy the lowest responsible bidder, which has Human Rights, and Living Wage Approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the amended Housing Rehabilitation Agreement with Ernestine Harston for \$5,467.00 in CDBG funds adding this to the original amount of \$24,933.00 which brings the total amount of \$30,400.00 as a deferred payment loan;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to

sign the Agreement subject to approval as to form by the City Attorney with funds to be available until expended without regard to fiscal year; and

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

R-258-6-02 APPROVED

RESOLUTION TO APPROVE AUTHORIZED EXPENDITURES FOR CERTAIN HOUSING REHABILITATION CONTRACTORS FROM JULY 1, 2002 THROUGH JUNE 30, 2003

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

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 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;

Whereas, Under the current Housing Program Guidelines, the City and the homeowner enter into agreements for the amount of work needing to be completed and the homeowner and the contractor also enter into agreements for the same amount; and

Whereas, The following rehabilitation contractors, each of which has received a Human Rights approval and has and will continue to obtain Living Wage approvals as required by Chapter 23 of the City code, are anticipated to be awarded contracts or purchases exceeding \$25,000.00 within this fiscal year in the amounts shown:

| <u>Contractor Name</u> | <u>Spending Authorized Limits Through 6-30-03</u> |
|---------------------------|---|
| A.H. Construction | \$150,000.00 |
| ABC Carpentry | \$150,000.00 |
| B. R. Stouffer | \$150,000.00 |
| C & P Painting | \$150,000.00 |
| Carl Waskul | \$150,000.00 |
| Cockrane Building Company | \$150,000.00 |
| Environmental Maintenance | \$150,000.00 |

| | |
|-------------------------------------|---------------|
| Home Run Services, Inc | \$150,000.00 |
| KAS Construction | \$150,000.00 |
| Michael P. McCarthy | \$150,000.00 |
| Miracle Heating & Cooling | \$150,000.00 |
| Mr. Construction | \$150,000.00 |
| Sharp Building Company | \$150,000.00 |
| Tony's Roofing, Siding, & Carpentry | \$150,000.00 |
| Xtreme Measures | \$150,000.00; |

RESOLVED, That City Council approve the anticipated expenses to the above listed vendors/contractors up to the amounts shown for Housing Rehabilitation contracts; and

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

R-259-6-02 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT
WITH MARSH USA, INC. FOR SAFETY AND HEALTH PROGRAM
FOR THE WATER UTILITIES DEPARTMENT, RFP NO. 522

Whereas, The Water Utilities Department has an excellent track record regarding safety of its workforce and compliance with regulations;

Whereas, The City’s Risk Management Division has assisted in the identification of required assistance to continue to maintain the Safety and Health Program in the Water Utilities Department;

Whereas, There is a need to hire a safety and health consulting firm to provide the required assistance to continue to maintain the Safety and Health Program in the Water Utilities Department;

Whereas, Of the three proposals received in response to RFP NO. 522, Marsh USA, Inc. is selected to be the most qualified to provide assistance for the Safety and Health Program for the Water Utilities Department; and

Whereas, On September 4, 2001, Marsh USA, Inc., received the Human Rights approval;

RESOLVED, That Council approve a Professional Services Agreement with Marsh USA, Inc. in the amount of \$91,800.00 for assistance for the Safety and Health Program for the Water Utilities Department;

RESOLVED, That the Mayor and City Clerk be authorized to execute for a contract for services with Marsh USA, Inc. after approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That a contingency in the amount of \$4,000.00 be approved for change orders to be approved by and executed by the City Administrator; and

RESOLVED, That the services provided by Marsh USA, Inc. under said agreement be funded from the contingency in the Risk Management Division’s approved budget for the FY2001/02 and said funds be available for the life of the contract without regard to fiscal year.

R-260-6-02 APPROVED

RESOLUTION TO APPROVE PURCHASE OF DESKTOP AND SERVER
OPERATING SYSTEM LICENSES FROM GOVSTREETUSA, BID NO. 3553

Whereas, The City of Ann Arbor requires that desktop and server operating systems be maintained to keep up with the changes necessary to efficiently and effectively increase the quality and timely delivery of city services;

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

Whereas, Competitive bids were received by the Purchasing Division on May 29, 2002;

Whereas, GovStreetUSA is a Microsoft Government Open License Program Partner;

Whereas, GovStreetUSA has received Human Rights approval from the Human Resources Department on May 31, 2002;

Whereas, GovStreetUSA has received Living Wage approval from the Human Resources Department on May 31, 2002; and

Whereas, Funding for these purchases is available through the Information Technology Services Department operating budget;

RESOLVED, That the City Administrator be authorized to issue a purchase order to GovStreetUSA for the sum of \$131,805.18 for Microsoft operating system licenses.

R-261-6-02 APPROVED

RESOLUTION TO APPROVE SECOND AMENDMENT TO CONTRACT
WITH PEAR, SPERLING, EGGAN AND MUSKOVITZ FOR LEGAL SERVICES
RELATED TO VARIOUS LABOR AND EMPLOYMENT MATTERS

Whereas, On June 19, 2000, the City Council approved a legal services 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 and on September 20, 2001, approved a first amendment to said contract in the amount of \$145,000.00;

Whereas, The need for legal services from the firm has been greater than previously anticipated due to, in part, the delay in hiring an assistant city attorney with labor and employment experience, and the City has found it necessary to ask the firm to handle additional matters, resulting in additional fees;

Whereas, The estimated cost of the additional legal services, including both services already rendered but not covered by the amount of the original contract and first amendment, and projected future services on open, ongoing matters, is approximately \$100,000.00;

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; and

Whereas, Funds are available for this amendment in the City Attorney’s Office and Human Resources Department 2001/2002 budgets;

RESOLVED, That the Mayor and City Clerk be authorized to sign a standard second 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 \$100,000.00, for a total contract amount of \$370,000.00, to be expended without regard to fiscal year.

R-262-6-02 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO CONTRACT FOR
LEGAL SERVICES WITH DYMEKA GOSSETT, PLLC

Whereas, On June 18, 2001, City Council approved the selection of Dykema Gossett, PLLC, as bond counsel for the City's water, sewer and stormwater systems;

Whereas, At the time of the selection, the scope of services in the contract provided for Dykema Gossett, PLLC, to provide additional legal services, including advice regarding rates as they affect the City's ability to issue debt, but no dollar amount was specified for these additional services because the amount and cost of those services were unknown;

Whereas, Dykema Gossett, PLLC, has been asked to provide the City with some of these additional legal services in connection with the footing drain disconnect program, and additional services are anticipated through FY 2002/03;

Whereas, The estimated cost of these legal services is approximately \$57,000.00;

Whereas, Human Rights Approval was granted to Dykema Gossett, PLLC, on June 14, 2002, and Dykema Gossett, PLLC, agreed to comply with the Living Wage Ordinance; and

Whereas, Funds for these services will be advanced from the Sewage Disposal System Fund Balance pending the sale of appropriate Sewer Revenue Bonds;

RESOLVED, That the Mayor and City Clerk be authorized to sign a standard amendment to the legal services agreement with Dykema Gossett, PLLC, approved as to form by the City Attorney, to provide funding in an amount not to exceed \$57,000.00 for additional legal services previously provided for under the original contract, to be expended without regard to fiscal year.

R-263-6-02 APPROVED

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

Whereas, Activity related to cable television franchise renewal and subsequent request for a cable television franchise transfer has resulted in an increase in the estimated hours of service contemplated when total expenses for this Agreement For Legal Services was originally executed by the parties;

Whereas, There is significant work yet to be performed to complete negotiation to a close and present renewal and transfer agreements to Council for consideration;

Whereas, Staff is recommending an extension of the original contract period of the agreement to permit completion of the cable franchise transfer and renewal projects;

Whereas, Staff is recommending that the total not-to-exceed amount of the Legal Services Agreement with Miller and Van Eaton, P.L.L.C., be revised from Thirty Five Thousand Dollars (\$35,000.00) to Seventy-Five Thousand Dollars (\$75,000.00) to fund the necessary additional hours of consultation services; and

Whereas, Staff has determined that sufficient funding is available for the proposed amendment within the previously approved FY 01/02 City Clerk/Cable Division budget, thus not requiring a transfer from the Cable Fund balance;

RESOLVED, That the City Council approve Amendment Number (1) to the Agreement for Legal Services Between Miller and Van Eaton, P.L.L.C. and the City of Ann Arbor;

RESOLVED, That the funds appropriated in the FY01/02 City Clerk/Cable Division budget for these services be available for the life of the contract without regard to fiscal year; and

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

R-264-6-02 APPROVED

RESOLUTION TO APPROVE AN OUTDOOR SERVICE AREA PERMIT

FOR PACIFIC RIM BY KANA, 114 WEST LIBERTY STREET,
IN CONJUNCTION WITH A CLASS C LIQUOR LICENSE

RESOLVED, That the request of Youngbok Ko for an Outdoor Service Area Permit on city sidewalk in conjunction with an existing 2002 Class C licensed business, located at 114 W. Liberty St. (D.B.A. Pacific Rim by Kana), be approved.

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

R-265-6-02 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT
WITH MODEL CITIES LEGAL SERVICES FOR COURT APPOINTED
COUNSEL FOR INDIGENT DEFENDANTS

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, Funds for court appointed counsel have been approved in the 15th District Court's FY 2002-2003 budget in an estimated amount of \$200,000.00;

Whereas, Under Michigan Court Rule 8.110(C)(3), the Chief Judge of District Court is the chief administrative official of the Court charged with the responsibility for oversight of the appointment of counsel for indigent defendants;

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, Model Cities Legal Services received Human Rights approval and executed a Declaration of Living Wage effective September 10, 2001;

RESOLVED, That City Council approve a professional services agreement for FY 2002-2003 with Model Cities Legal Services to provide court appointed counsel to indigent defendants for an amount to exceed \$200,000.00; and

RESOLVED, That the Mayor and City Clerk be authorized to execute said agreement on behalf of the City after approval as to substance by the City Administrator and as to form by the City Attorney.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-266-6-02 APPROVED

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICES AGREEMENT
WITH INSIGHT ENVIRONMENTAL SERVICES, INC. FOR ENVIRONMENTAL
MONITORING SERVICES AT THE ANN ARBOR LANDFILL

Whereas, It is necessary to perform quarterly groundwater and gas monitoring at the Ann Arbor Landfill and prepare quarterly groundwater and gas monitoring reports required by the Michigan Department of Environmental Quality (MDEQ);

Whereas, It is necessary to perform quarterly sampling of the leach-ate manholes and purge wells at the Ann Arbor Landfill and prepare quarterly reports required by the Ann Arbor Wastewater Treatment Plant;

Whereas, Insight Environmental Services, Inc. (Insight) has been implementing the City's landfill groundwater and gas monitoring program since October 1997 and has the experience and aptitude to continue the environmental monitoring and oversight of the Ann Arbor Landfill;

Whereas, Insight has submitted a detailed proposal for environmental monitoring and oversight at the Ann Arbor Landfill holding prices at fiscal year 2001/02 levels;

Whereas, Funding for these services will be provided through the environmental bond and Solid Waste Department operating budgets; and

Whereas, Insight received updated Human Rights and Living Wage approval on June 5, 2002;

RESOLVED, That City Council authorize a Professional Services Agreement with Insight Environmental Services, Inc. in the amount of \$111,533.00/year for fiscal years 2002/03, 2003/04 and 2004/05, with \$48,198.00/year funded through the environmental bond and \$63,335.00 funded through the Solid Waste Department's general fund budget;

RESOLVED, That a two year extension of this Agreement for fiscal years 2005/06 and 2006/07 may be authorized by the City Administrator if deemed to be in the City's interest, with fiscal 2005/06 payments not to exceed \$117,111.00 (\$50,608.00 environmental bond and \$66,503.00 general fund) and fiscal 2006/07 payments not to exceed \$122,965.00 (\$53,138.00 environmental bond and \$69,827.00);

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute this Agreement after approval as to form by the City Attorney and approval as to substance by the City Administrator and Interim Solid Waste Director; and

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

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

ORDINANCES - SECOND READING

21-02 APPROVED

UNIVERSITY OF MICHIGAN SCHOOL OF ART GRADUATE STUDENT ANNEX 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 0.74 acre, located at 1631 South State Street, from TWP (Township District) to C3 (Fringe Commercial District). (The complete text of Ordinance 21-02 is on file in the City Clerk's Office).

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

On a voice vote the Mayor declared the motion carried.

22-02 APPROVED

EMPLOYEE RETIREMENT SYSTEM/COMPLIANCE
WITH INTERNAL REVENUE CODE

Ordinance to Amend Sections 1:561, 1:566, 1:585 through 1:589
of Chapter 18 of Title I of the Code of the City of Ann Arbor

(The complete text of Ordinance 22-02 is on file in the City Clerk's Office).

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

On a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

23-02 APPROVED

MINIMUM BUILDING HEIGHT REQUIREMENTS
FOR NEW PRINCIPAL USE BUILDINGS IN C2A AND 2A/R DISTRICTS

An Ordinance to Amend Sections 5:44 and 5:44A of
Chapter 55 of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 23-02 is on file in the City Clerk's Office).

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

On roll call the vote was as follows:

Yeas, Councilmembers Johnson, Carlberg, Herrell, Easthope, Woods, Mayor Hieftje, 6.

Nays, Councilmembers Robinson, Upton, Reid, Hartwell, Higgins, 5.

The Mayor declared the motion carried.

24-02 APPROVED

CARROT WAY DEVELOPMENTS 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 10.29 acres, located at 1731 Dhu Varren Road, from TWP (Township District) to PUD (Planned Unit Development District). (The complete text of Ordinance 24-02 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.

25-02 APPROVED

INCREASE WATER AND SEWER RATES

An Ordinance to Amend Sections 2:63 and 2:64 of Chapter 29 of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 25-02 is on file in the City Clerk's Office).

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

On a voice vote the Mayor declared the motion carried.

26-02 APPROVED**INCREASE STORMWATER RATES**

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

(The complete text of Ordinance 26-02 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.

The Mayor declared a recess at 9:17 p.m.

The Mayor again called the meeting to order at 9:27 p.m.

MOTIONS AND RESOLUTIONS**R-247-6-02 RECONSIDERED
APPROVED AS AMENDED****RESOLUTION TO APPROVE STATE STREET LOFTS PARKING AGREEMENT**

Council unanimously agreed to alter the agenda to consider a motion to reconsider Resolution R-247-6-02 – Resolution to Approve State Street Lofts Parking Agreement.

Councilmember Carlberg moved to reconsider Resolution R-247-6-02 – Resolution to Approve State Street Lofts Parking Agreement, adopted June 3, 2002, and to place it on the table for adoption.

On a voice vote the Mayor declared the motion carried.

The Resolution to Approve the State Street Lofts Parking Agreement was considered.

Councilmember Easthope moved to postpone the resolution until July 1, 2002, to allow the Downtown Development Authority Board a chance to review the agreement.

On roll call the vote was as follows:

Yeas, Councilmembers Robinson, Johnson, Carlberg, Herrell, Easthope 5;

Nays, Councilmembers Upton, Reid, Hartwell, Higgins, Woods, Mayor Hieftje, 6.

The Mayor declared the motion defeated.

Councilmember Herrell moved that the first sentence in Section 1.(f) of the agreement be amended as follows:

Page 2, Section 1(f)

...The rate charged to the residents for these permit spaces shall ~~be at the standard monthly rate that the DDA charges for its spaces~~ not exceed the permit fee as defined in sub section (g)....

On a voice vote the Mayor declared the motion carried.

Councilmember Herrell moved to amend Section 1 of the agreement as follows:

~~(a) — Parking permits (“permits”) for 29 vehicles shall be made available at the Structure for a period of twenty (20) years (the “Term”), with renewals offered in perpetuity, except that if the building is demolished or if it is determined by the City, either through Code amendments or petition of the Owner, that the 29 spaces are no longer required as a condition of the State Street Lofts site plan.~~

~~(b) — Parking permits for 47 additional vehicles (a total of 76 permits) shall be made available at the Structure for a period of twenty (20) years. Renewals for the 47 additional permits will be offered following the Term, subject to negotiation of the price and terms with the City or its designated manager.~~

(a) Parking permits for 76 vehicles shall be made available at the structure for a period of twenty (20) years (the "Term"), renewals for the 76 additional parking permits will be offered following the term subject to negotiation of the price and terms with the City or its designated manager. Six months before the expiration of any parking term, the owner will provide proof to the city of having procured 29 parking spaces for the next term so that a minimum of 29 spaces are available to this project at all times.

The Mayor declared a recess at 10:41 p.m.

The Mayor again called the meeting to order at 10:54 p.m.

The question being Councilmember Herrell's amendment, on roll call the vote was as follows:

Yeas, Councilmembers Robinson, Herrell, Woods 3;

Nays, Councilmembers Johnson, Upton, Reid, Carlberg, Hartwell, Higgins, Easthope, Mayor Hieftje, 8.

The Mayor declared the motion defeated.

Councilmember Easthope moved to amend the resolution and the agreement as follows:

Add a Whereas Clause

Whereas, City Council is concerned with the perpetual use of public parking for private residential use;

Add a RESOLVED Clause

RESOLVED, That the City Administrator, the DDA and the property owner be directed to develop long term plans for replacement parking to serve this property.

Page 2, Paragraph 1(a) of Agreement

...that the 29 spaces are no longer required as a condition of the State Street Lofts site plan. The owner agrees to negotiate in good faith with the City and/or its designated representative to develop alternate arrangements for permanent parking so that renewal of the 29 spaces is not required.

On roll call the vote was as follows:

Yeas, Councilmembers Robinson, Johnson, Upton, Reid, Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried.

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

Yeas, Councilmembers Robinson, Johnson, Upton, Reid, Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

R-247-6-02

RESOLUTION TO RECONSIDER RESOLUTION TO APPROVE
STATE STREET LOFTS PARKING AGREEMENT – R-247-6-02

Whereas, The Ann Arbor City Council approved the State Street Lofts Development Agreement on August 6, 2001, in which the petitioner agreed to provide a written agreement for no less than 29 off-street parking spaces;

Whereas, A Parking Agreement has been prepared to provide for 29 parking permits in a public structure for 20 years, renewable in perpetuity, and up to 47 additional permits for 20 years, which may be renewed subject to negotiation. It also provides that all permits shall be utilized only by occupants of State Street Lofts, and states the timing, method of payment, and terms for fees and adjustments; and

Whereas, The City Council is concerned with the perpetual use of public parking for private, residential use;

RESOLVED, That City Council approve the State Street Lofts Parking Agreement, substantially in the form on file in the City Clerk's Office, dated May 15, 2002; and

RESOLVED, That the City Administrator, the DDA and the property owner be directed to develop long term plans for replacement parking to serve this property.

Councilmember Reid moved that the agenda be altered to consider the Resolution to Approve 777 Eisenhower Parkway Phase II Planned Project Site Plan and Development Agreement.

On roll call the vote was as follows:

Yeas, Councilmembers Upton, Reid, Hartwell, Mayor Hieftje, 4;

Nays, Councilmembers Robinson, Johnson, Carlberg, Herrell, Higgins, Easthope, Woods,

7.

The Mayor declared the motion defeated.

POSTPONED

RESOLUTION TO AMEND POLICIES RELATING TO THE TRAFFIC CALMING PROGRAM

Whereas, The City's traffic calming program has been in operation since December, 1999;

Whereas, Several traffic calming projects were undertaken in 2001, of which some are now completed;

Whereas, The administration of past projects has resulted in valuable experience to be used in the future projects; and

Whereas, On May 7, 2001 by resolution R-176-5-01, the City Council determined the need for an annual evaluation of the traffic calming program and its further enhancement;

RESOLVED, That Attachment “A”, Amendment to the Traffic Calming Program, be approved:

Attachment “A”
Amendment to the Traffic Calming Program
By
The Public Services Department – Engineering Division
Effective May 20, 2002

Project Initiation

A traffic calming project may be initiated by any group of residents or property owners adjacent to a local street, equal to or larger than one average City block (300 feet). A petition in favor of a project must be completed by at least thirty percent of the residents or property owners within the specified area.

Study Area

With a qualified petition in place, the City will establish a project study area. It will include all the addresses in the immediate vicinity of the project, as described herein:

- A study area will consist of a section of a local street that begins with an intersection and terminates at one of the following points:
 - i. At an intersection with a street of higher category
 - ii. At a T-intersection
 - iii. At the end of an area zoned residential, or the beginning of an area zoned commercial.
- All cul-de-sacs that are directly connected to the local street, between the beginning and the ending points of the project.
- The first 250 feet of any side street that is directly connected to the local street, between the beginning and the ending points of the project.

Voting Addresses within a Study Area

The following addresses within a defined study area will be included in the voting process:

- Where the residents and the property owners are the same, one vote per address will be allowed.
- Where the residents are not the owners of the property, two votes per address will be allowed; one vote by the owners of the property and one by the residents of the property.
- Where a single property includes multiple dwelling units, the number of votes allowed will be equivalent to the number of mailing addresses assigned to the

property by the United States Post Office, plus one for the property owner.

- Where a property contains multiple units and it is designated both residential and business, it will be entitled to one vote for each residential US Post Office mailing address plus one vote for the owner of the property (if the owner does not reside there).
- Where a property is a place of business only, neither the owners nor the occupants may vote.

Data Collection/Administering the Voting Process

- All correspondence to the study area will be addressed to the “addressee or current resident”.
- All correspondence will be mailed to all the mailing addresses in the study area, and also to the property owners’ addresses per the City assessor’s record, if different.
- The residents’ database will be presented to the neighborhood at the first neighborhood meeting, both as a list and graphically, to confirm the addresses.
- The participants will be asked to confirm the mailing list and report the necessary changes within two weeks. With the exception of new residents or property owners relocating to the study area, no other changes will be made to the completed database for the life of the project.
- For each phase of a project that requires voting by those in the study area, a postcard with a return address will be sent to each address.
- To be included in the final counts, all returned postcards must be postmarked by the United States Post Office no later than the specified deadline. All postcards returned by other means must be delivered to the City Clerk’s Office on or prior to the specified deadline.

The City Clerk’s Office will administer the tally of all votes received and will present the final results to the City’s Engineering Division, for further action.

Councilmember Johnson moved that the resolution be adopted.

Councilmember Higgins moved that the resolution be postponed until July 1, 2002 for further review.

On roll call the Mayor declared the motion carried.

Councilmember Reid moved that the agenda be altered to consider the Resolution to Approve 777 Eisenhower Parkway Phase II Planned Project Site Plan and Development Agreement.

On a voice vote the Mayor declared the motion carried.

R-268-6-02 APPROVED

RESOLUTION TO APPROVE 777 EISENHOWER PARKWAY PHASE II
PLANNED PROJECT SITE PLAN AND DEVELOPMENT AGREEMENT

Whereas, Great Lakes REIT has requested planned project site plan approval in order to construct a three-story, 109,675-square foot office building east of the existing ten-story building at 777 Eisenhower Parkway;

Whereas, The Ann Arbor City Planning Commission, on June 4, 2002, recommended approval of the site plan;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in this Chapter; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated May 30, 2002; and

RESOLVED, That City Council approve the 777 Eisenhower Parkway Phase II Planned Project Site Plan upon the conditions that (1) the Development Agreement be signed by all necessary parties; (2) all terms of the Development Agreement be satisfied; (3) front setbacks of 76 feet from Eisenhower Parkway, 25 feet from Boardwalk and 71 feet 7 inches from South State Street be maintained; (4) there be a maximum height of ten stories; (5) a minimum of 46 percent usable open space; and (6) a maximum of 55 percent impervious cover of the site, with the condition that 101 parking spaces west of the ten-story building be deferred until a final certificate of occupancy has been issued, the new building is in operation, and it can be determined by the owner that such spaces are necessary.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed 777 Eisenhower Parkway Phase II Planned

Project Site Plan and Development Agreement, 22.45 acres, 777 Eisenhower Parkway.

Councilmember Carlberg moved that the resolution be adopted.

With unanimous consent, Jerold Lax, attorney representing the petitioner answered questions from Council.

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

R-269-6-02 APPROVED AS AMENDED

RESOLUTION TO APPROVE THE BROWNFIELD IMPLEMENTATION PLAN AND
AUTHORIZE THE CITY ADMINISTRATOR TO ACCEPT AND REVIEW
APPLICATIONS SUBMITTED TO THE WASHTENAW COUNTY BROWNFIELD
REDEVELOPMENT AUTHORITY FOR PROPERTIES IN THE CITY OF ANN ARBOR

A resolution to approve the Brownfield Implementation Plan and authorize the City Administrator to accept and renew applications submitted to the Washtenaw County Brownfield Redevelopment Authority for properties in the City of Ann Arbor was considered.

Councilmember Easthope moved that the resolution be adopted.

Councilmember Easthope moved to amend the resolution by adding a third Resolved clause as follows:

RESOLVED, That City Council reserves the right to determine whether the City TIF revenues generated by the proposed project will be used to cost-share in a negotiated amount, the difference between the State Due Care Requirements and the City standards described in the Brownfield Implementation plan;...

On roll call the vote was as follows:

Yeas, Councilmembers Robinson, Johnson, Upton, Reid, Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried.

Councilmember Herrell moved to amend the resolution by adding a fourth Resolved clause as follows:

RESOLVED, That after each of the first five (5) projects, the Implementation Plan shall be reviewed and possibly revised by the Environmental Commission to incorporate lessons learned during implementation.

On roll call the vote was as follows:

Yeas, Councilmembers Robinson, Johnson, Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Mayor Hieftje, 9;

Nays, Councilmembers Upton, Reid, 2.

The Mayor declared the motion carried.

Councilmember Upton moved to amend page 5 of the revised City of Ann Arbor Brownfields Implementation Plan as follows:

Page 5, bullet point 4

2) remediation activities and costs to clean the site to current Part 201 Residential standards using a ~~10⁻⁶~~ 10⁻⁵ risk level for carcinogens when applicable;

On roll call the vote was as follows:

Yeas, Councilmembers Upton, Reid, 2;

Nays, Councilmembers Robinson, Johnson, Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Mayor Hieftje, 9.

The Mayor declared the motion defeated.

With unanimous consent, Peter Allen, of Allen & Kwan Commercial Developers, and Gretchen McKernan, of Atwell-Hicks, Inc., answered questions from Council.

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

Yeas, Councilmembers Robinson, Johnson, Upton, Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Mayor Hieftje, 10;

Nays, Councilmember Reid, 1.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

R-269-6-02

**RESOLUTION TO APPROVE THE BROWNFIELD IMPLEMENTATION PLAN AND
AUTHORIZE THE CITY ADMINISTRATOR TO ACCEPT AND REVIEW
APPLICATIONS SUBMITTED TO THE WASHTENAW COUNTY BROWNFIELD
REDEVELOPMENT AUTHORITY FOR PROPERTIES IN THE CITY OF ANN ARBOR**

Whereas, The Washtenaw County Board of Commissioners has established the Washtenaw County Brownfield Redevelopment Authority (the "WCBRA") and has adopted the Brownfield Redevelopment Plan for Washtenaw County (the "Plan"), which facilitates the implementation of plans relating to the identification and treatment of environmentally-distressed areas within the County of Washtenaw, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Authority Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act");

Whereas, The Act requires the explicit consent of each local governmental unit to be included in the Authority Zone, and that the County resolution included a provision that the Proposed Brownfield Redevelopment Zone will include all local governmental units within the County that pass a resolution approving the inclusion of the Brownfield Redevelopment

Zone;

Whereas, The City of Ann Arbor Environmental Commission passed a resolution supporting the City's inclusion in the Washtenaw County Brownfield Redevelopment Authority Zone;

Whereas, The Ann Arbor City Council passed Resolution R-35-1-02 to include the City of Ann Arbor in the Washtenaw County Brownfield Redevelopment Authority;

Whereas, The Ann Arbor City Council directed the Administrator to develop an implementation procedure to be reviewed by the Environmental Commission and approved by City Council;

Whereas, The Administrator has developed a Brownfield Implementation Plan, based on the existing Advisory Development Committee model used by the City, and received review and comment from the Environmental Coordinator, the Environmental Commission, The Environmental Management Team, the Planning Department and Planning Commission and other City Departments;

Whereas, The Brownfield Implementation Plan allows for public participation and comment and allows the City of Ann Arbor to use a more restrictive clean up standard for each project based on the Current Part 201 Residential clean up standard and a 10^{-6} risk level for carcinogens; and

Whereas, The Brownfield Implementation Plan recognizes that Brownfield Plans approved by City Council resolution will include language that the Plan may not be amended by other government entities without City Council approval;

RESOLVED, That the Ann Arbor City Council approve the Brownfield Implementation Plan developed by the Administrator;

RESOLVED, That the Ann Arbor City Council authorize and direct the City Administrator to take the necessary steps to begin accepting and reviewing applications following the Brownfield Implementation Plan;

RESOLVED, That City Council reserves the right to determine whether the City TIF revenues generated by the proposed project will be used to cost-share in a negotiated amount, the difference between the State Due Care Requirements and the City standards described in the Brownfield Implementation Plan; and

RESOLVED, That after each of the first five (5) projects, the Implementation Plan shall be reviewed and possibly revised by the Environmental Commission to incorporate lessons learned during implementation.

A resolution to approve the Brownfield Implementation Plan and authorize the City Administrator to accept and renew applications submitted to the Washtenaw County Brownfield Redevelopment Authority for properties in the City of Ann Arbor was considered.

R-270-6-02 APPROVED AS AMENDED

RESOLUTION TO APPOINT COUNCILMEMBER TO PLANNING COMMISSION

A resolution to appoint a Councilmember to the Planning Commission was considered.

Councilmember Herrell moved that the resolution be adopted.

Councilmember Herrell moved to amend the resolution as follows:

RESOLVED, That City Council hereby appoint Councilmember Carlberg as its representative to the Ann Arbor Planning Commission, for the year beginning July 1, 2002.

On a voice vote the Mayor declared the motion carried.

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

The resolution as amended reads as follows:

R-270-6-02

RESOLUTION TO APPOINT COUNCILMEMBER TO PLANNING COMMISSION

RESOLVED, That City Council hereby appoint Councilmember Carlberg as its representative to the Ann Arbor Planning Commission, for the year beginning July 1, 2002.

R-271-6-02 APPROVED

RESOLUTION TO APPROVE UNIVERSITY OF MICHIGAN SCHOOL OF ART GRADUATE STUDENT ANNEX SITE PLAN

Whereas, RPU Enterprises has requested site plan approval in order to renovate the existing warehouse at 1631 South State Street to accommodate art studios for use by the University of Michigan Graduate School of Art and Design;

Whereas, The Ann Arbor City Planning Commission, on April 2, 2002, recommended approval of the site plan;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in this Chapter; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare;

RESOLVED, That City Council approve the University of Michigan School of Art Graduate Student Annex Site Plan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed University of Michigan School of Art Graduate Student Annex Site Plan, 0.74 acre, located at 1631 South State Street.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-272-6-02 APPROVED

RESOLUTION FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT
WITH CAMP, DRESSER & MCKEE (\$1,321,600.00) AND TO ESTABLISH
A PROJECT BUDGET FOR CITYWIDE SANITARY SEWER HYDRAULIC MODEL
AND GIS DATA COLLECTION

Whereas, System capacity concerns exist due to sanitary sewer overflows to the environment and basement backups, a need to evaluate development impacts has been identified, a method for prioritizing future footing drain disconnection priorities must be established and an effective sewage system maintenance management system needs to be implemented;

Whereas, Camp Dresser & McKee (CDM) successfully demonstrated their experience and superior performance in completing a “pilot” of this project in its work with the Sanitary Sewer Overflow Prevention Task Force;

Whereas, CDM provided a proposal with the necessary scope and reasonable costs to accomplish the tasks required; and

Whereas, CDM has received Human Rights approval on February 12, 2002;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the Professional Services Agreement with CDM for developing a citywide sanitary sewer hydraulic model, flow monitoring, model calibration and GIS data collection, substantially in the form on file with the City Clerk, following approval as to substance by the City Administrator, and approval as to form by the City Attorney;

RESOLVED, That City Council adopt the following budget and appropriate funds for the life of the project, to be expended without regard to fiscal year:

RESOLVED,

Section I, Revenue

| | |
|----------------------|---|
| \$ 600,000.00 | University of Michigan Funds |
| \$ 147,000.00 | Pfizer Global Research Funds |
| <u>\$ 913,000.00</u> | Sewage Collection System Fund (Fund Balance and/or Bonds) |
| \$1,660,000.00 | TOTAL |

Section II, Expenses

| | |
|-------------------|--|
| \$1,321,600 | CDM Contract for Citywide Model and GIS Data Collection |
| \$ 190,400 | Miscellaneous Costs (internal labor (3000 hours), city vehicles, materials, supplies, bond fees, etc.) |
| <u>\$ 148,000</u> | Contingencies (10%) approved by the Administrator |
| \$1,660,000 | TOTAL; and |

RESOLVED, That City Council authorize the City Administrator to take necessary administrative actions to implement this resolution and approve change orders within contingency funds listed above.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-273-6-02 APPROVED

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR TO ALLOCATE ADDITIONAL FUNDS FOR FRINGE BENEFITS CLAIM SETTLEMENT COSTS FOR FISCAL YEAR 2001-2002

Whereas, The City provides Health Care Insurance coverage to City employees in accordance with Personnel Rules and Regulations and various labor contracts;

Whereas, It has been determined that an additional \$1,538,900.00 is needed to cover Healthcare, General Liability and Workers' Compensation claim costs for the remainder of fiscal year 2001-2002;

Whereas, Adjustments in benefits levels for dental coverage in mid-Fiscal Year as well as an unforeseeable increase in claims in the self-funded Blue Cross Blue Shield

insurance and the failure to amend costs allocated for fringe benefits for the 2001-02 budget were the main contributing factors in this deficit; and

Whereas, To eliminate the projected shortfall in the Insurance Fund it will be necessary to transfer funds from various funds fund balances to the Insurance Fund as shown on the attached spreadsheet;

RESOLVED, That the City Administrator or designee be authorized to amend the various funds and department budgets as shown on the attached spreadsheet, appropriate the funds to the Insurance Fund and make the necessary transfers to the Insurance Fund to cover the unanticipated costs for Employee and Retiree Insurances and higher than anticipated General Liability and Workman's Compensation claims.

| | 2001-2002 BUDGET | APPROVED RESOLUTION AMOUNT | DIFF. 01-02 BUDGET - RESOLUTION. AMOUNT | ACTUALS INVOICED* | DIFF: RESOLUTION - ACTUALS | RETIREE COSTS | % of COST |
|---|---------------------|----------------------------------|--|----------------------|----------------------------------|------------------|-----------|
| BCBS PROGRAM | \$4,534,956.00 | \$4,753,264.00 | -\$218,308.00 | \$5,263,681.00 | -\$510,417.00 | \$3,838,728.94 | 72.93% |
| BLUES CLAIMS | \$4,089,956.00 | \$4,355,351.00 | -\$265,395.00 | | | | |
| BLUES STOPLOSS | \$175,000.00 | \$164,243.00 | \$10,757.00 | | | | |
| BLUES ADMIN | \$270,000.00 | \$233,671.00 | \$36,329.00 | | | | |
| HMO PREMIUM | \$4,184,877.00 | \$4,808,934.00 | -\$624,057.00 | \$4,569,065.67 | \$239,868.33 | \$729,000.92 | 15.96% |
| DENTAL INSURANCE | \$505,189.00 | \$653,889.29 | -\$148,700.29 | \$707,849.94 | -\$53,960.65 | na | na |
| OPTICAL | \$142,837.00 | \$154,791.00 | -\$11,954.00 | \$133,735.72 | \$21,055.28 | na | na |
| | | | | | | | |
| EAP | \$0.00 | \$92,273.00 | -\$92,273.00 | \$19,543.88 | \$72,729.12 | na | na |
| LIFE INSURANCE | \$167,391.00 | \$363,004.00 | -\$195,613.00 | \$260,937.34 | \$102,066.66 | \$75,087.00 | 28.78% |
| | | | | | | | |
| TOTAL | \$9,535,250.00 | \$10,826,155.29 | -\$1,290,905.29 | \$10,954,813.55 | -\$128,658.26 | \$4,642,816.86 | 42.38% |
| | | | | | | | |
| *May include outstanding invoices for May and June, 2002. | | | | | | | |
| | | | | | | | |
| | | retiree costs | | | | | |
| Mcare | \$1,702,544.13 | \$110,083.41 | 6.47% | | | | |
| CareChoices | \$2,308,307.22 | \$572,372.12 | 24.80% | | | | |
| BCN | \$558,214.32 | \$46,545.39 | 8.34% | | | | |
| | \$4,569,065.67 | \$729,000.92 | 15.96% | | | | |

Councilmember Reid moved that the resolution be adopted.

Councilmember Reid moved that the resolution be postponed for further discussion.

After additional discussion, the resolution to postpone was withdrawn.

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

R-274-6-02 APPROVED

RESOLUTION TO APPROVE THE 2001/2002 TEAMSTERS LOCAL 214,
DEPUTY POLICE CHIEFS, COLLECTIVE BARGAINING AGREEMENT

Whereas, The current collective bargaining agreement between the City of Ann Arbor and Teamsters Local 214, Deputy Police Chiefs, expired on June 30, 2001;

Whereas, The parties have reached a settlement on a new labor agreement effective July 1, 2001 through June 30, 2002, which provides for a general across-the-board increase of 3.74% for the time period of July 1, 2001 through June 30, 2002;

Whereas, There are no additions or revisions to the current labor agreement with respect to other economic or non-economic issues, and the Police Department have budgeted sufficient funds to cover the total cost of the 3.74% general wage increase; and

Whereas, The City Administrator recommends approval of the negotiated agreement;

RESOLVED, That the City Council approve the one (1) year labor agreement providing for wage increases of 3.74%;

RESOLVED, That the Mayor and City Clerk be hereby authorized to sign the bargaining agreement on behalf of the City, after approval as to form by the City Attorney.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-275-6-02 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT IN THE AMOUNT
OF \$261,000.00 FOR VETERANS MEMORIAL PARK RECREATION FACILITY
ROOF RENOVATIONS – BID #3549 AND ESTABLISHING A PROJECT
BUDGET OF \$287,000.00

Whereas, The Veterans Memorial Park recreation facility roof is in need of renovations;

Whereas, Competitive bids were sought by the Purchasing Division with bids received on May 28, 2002 and Baseline Constructors, Inc. was the lowest responsible bidder;

Whereas, Funds for the project are available from the Maintenance and Repair Millage fund balance; and

Whereas, The Human Rights Department approval was received on October 3, 2001 for Baseline Constructors, Inc.;

RESOLVED, That the Mayor and City Council approve a construction contract, per bid #3549, with Baseline Constructors Inc. in the amount of \$261,000.00 for Veterans Memorial Park recreation facility roof renovations and authorize the Mayor and City Clerk to sign the agreement substantially in the form on file with the City Clerk;

RESOLVED, That the Mayor and City Council appropriate \$287,000.000 (including the 10% construction contingency) from the fund balance of the Maintenance and Repair Millage for the repair of the roof at the Veterans Memorial Park recreation facility; and

RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$26,000.00 (10%) to cover potential contract change orders to be approved by the City Administrator and to approve a total project budget of \$287,000.00 for the life of the project without regard to fiscal year.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-276-6-02 APPROVED

RESOLUTION TO AMEND THE 2002/2003 BUDGET

Whereas, When the budget for 2002/2003 was presented to City Council the Labor Relations positions were included in the Human Resource’s budget and the positions will now report directly to the City Administrator; and

Whereas, When the budget resolution was presented to City Council for approval the position of AFSCME President was inadvertently excluded, although the costs were included in the budget;

RESOLVED, That the following budget amendments be approved:

| | |
|----------------------------|------------------|
| City Administrator Budget | +\$143,087 |
| Human Resource Budget | - <u>143,087</u> |
| Net Change to General Fund | <u>\$ 0</u> |

| | |
|----------------------------------|---------------------------|
| City Administrator Budget | +2 Positions |
| Human Resource Budget | - <u>1 Position</u> |
| Net Change to Positions Budgeted | + <u>1 Position</u> ; and |

RESOLVED, That the City Administrator be authorized to implement these amendments.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-277-6-02 APPROVED

RESOLUTION TO AUTHORIZE SUMMARY PUBLICATION OF
ORDINANCE NO. 22-02 AMENDING PROVISIONS 1:561, 1:566,
1:585, 1:587, 1:588, 1:589 OF THE CITY OF ANN ARBOR
EMPLOYEES RETIREMENT SYSTEM ORDINANCE

Whereas, Section 7.4 of the City Charter authorizes the publication by summary of ordinances over 500 words in length;

RESOLVED, That Ordinance No. 22-02 be published by the following summary:

Ordinance No. 22-02 amends the City Code by revising the various provisions of the Retirement System Ordinance to maintain the Retirement System’s status as a qualified defined benefit pension plan and to allow for the transfer or rollover by City employees of their 457 Deferred Compensation plan saving to purchase service credit or repay a prior refund of employee contributions from the City’s pension plan. The complete text of this ordinance is available for inspection at the City Clerk’s office on the 2nd floor of the Guy C. Larcom Municipal Building, 100 N. Fifth Ave., Ann Arbor.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-278-6-02 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM BARCLAY
DEVELOPMENT CORPORATION – BARCLAY PARK CONDOMINIUMS

Whereas, Barclay Development Corporation, a Michigan corporation, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 3776, Page 482, recorded October 5, 1998;

Whereas, A Resolution of the Board of Directors, dated August 29, 2001, authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, Barclay Development Corporation, a Michigan corporation, has delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually, being more particularly described as follows:

WATER MAIN

Commencing at the S 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, thence N 89°56'13" E 1316.52 feet along the South line of said Section 10, thence N 00°11'20" W 661.18 feet along the centerline of Nixon Road (variable width), and the West line of the E 1/2 of the SE 1/4 of said Section 10, thence N 89°55'10" E 1318.08 feet, thence S 00°04'50" W 0.85 feet, thence S 89°36'10" E 208.83 feet to the POINT OF BEGINNING,

thence N 00°37'13" W 73.50 feet;
 thence N 29°23'26" E 29.63 feet;
 thence N 61°57'19" E 16.83 feet;
 thence N 28°02'41" W 10.75 feet;
 thence N 29°23'26" E 28.41 feet;
 thence N 61°57'21" E 24.49 feet;
 thence N 28°02'39" W 128.12 feet;
 thence S 61°57'21" W 77.78 feet;
 thence N 73°02'39" W 88.48 feet;
 thence N 55°32'57" W 21.25 feet;
 thence S 34°27'03" W 47.98 feet;
 thence S 22°54'59" W 110.74 feet;
 thence S 89°55'10" W 47.68 feet;
 thence N 00°04'50" W 40.00 feet;
 thence N 89°55'10" E 21.21 feet;
 thence N 22°54'59" E 88.30 feet;
 thence N 34°27'03" E 52.02 feet;
 thence N 55°32'57" W 1.64 feet;
 thence Northwesterly 142.25 feet along the arc of a circular curve to the left,
 radius 198.00 feet, central angle 41°09'51", long chord N 76°07'52" W
 139.21 feet;
 thence S 83°17'12" W 90.45 feet;
 thence Southwesterly 17.44 feet along the arc of a circular curve to the left,
 radius 298.00 feet, central angle 03°21'11", long chord S 81°36'37" W

17.44 feet;
thence N 14°52'10" W 40.12 feet;
thence Northeasterly 23.14 feet along the arc of a circular curve to the right,
radius 338.00 feet, central angle 03°55'21", long chord N 81°19'32" E
23.14 feet;
thence N 83°17'12" E 90.45 feet;
thence Southeasterly 170.99 feet along the arc of a circular curve to the
right, radius 238.00 feet, central angle 41°09'51", long chord S
76°07'52" E 167.34 feet;
thence S 55°32'57" E 56.74 feet;
thence S 73°02'39" E 65.76 feet;
thence N 61°57'21" E 151.00 feet;
thence S 89°31'37" E 184.15 feet;
thence S 55°46'37" E 87.96 feet;
thence S 42°57'21" E 19.00 feet;
thence N 31°16'25" E 17.20 feet;
thence Northeasterly 90.98 feet along the arc of a circular curve to the left,
radius 180.00 feet, central angle 28°57'32", long chord N 16°47'39" E
90.01 feet;
thence N 02°18'53" E 37.24 feet;
thence N 87°41'07" W 91.19 feet;
thence N 02°18'53" E 40.00 feet;
thence S 87°41'07" E 97.60 feet;
thence N 45°25'54" E 136.38 feet;
thence N 00°15'07" E 84.39 feet;
thence N 89°44'53" W 4.00 feet;
thence N 00°15'07" E 28.96 feet;
thence S 89°44'53" E 40.00 feet;
thence S 00°15'07" W 133.97 feet;
thence S 45°25'54" W 140.95 feet;
thence S 02°18'53" W 54.59 feet;
thence Southwesterly 111.19 feet along the arc of a circular curve to the
right, radius 220.00 feet, central angle 28°57'32", long chord S
16°47'39" W 110.01 feet;
thence S 31°16'25" W 26.37 feet;
thence S 74°25'28" E 43.28 feet;
thence N 89°43'57" E 31.73 feet;
thence N 58°11'29" E 227.34 feet;
thence N 80°41'29" E 11.36 feet;
thence N 09°18'31" W 18.72 feet;
thence N 80°41'29" E 40.00 feet;
thence S 09°18'31" E 18.72 feet;
thence N 80°41'29" E 345.90 feet;

thence Northeasterly 44.07 feet along the arc of a circular curve to the right,
 radius 270.00 feet, central angle 09°21'11", long chord N 85°22'05" E
 44.03 feet;
 thence S 89°57'20" E 26.10 feet;
 thence N 00°02'40" E 12.00 feet;
 thence S 89°57'20" E 24.63 feet;
 thence S 00°02'40" W 52.00 feet;
 thence N 89°57'20" W 50.73 feet;
 thence Southwesterly 37.55 feet along the arc of a circular curve to the left,
 radius 230.00 feet, central angle 09°21'11", long chord S 85°22'05" W
 37.50 feet;
 thence S 80°41'29" W 389.30 feet;
 thence S 58°11'29" W 230.68 feet;
 thence S 89°43'57" W 48.59 feet;
 thence N 74°25'28" W 49.58 feet;
 thence N 58°43'35" W 27.78 feet;
 thence N 42°57'21" W 49.00 feet;
 thence N 55°46'37" W 71.33 feet;
 thence N 89°31'37" W 161.85 feet;
 thence S 61°57'21" W 39.62 feet;
 thence S 28°02'39" E 133.70 feet;
 thence S 89°31'37" E 61.94 feet;
 thence S 00°28'23" W 40.00 feet;
 thence N 89°31'37" W 63.46 feet;
 thence S 61°57'21" W 32.36 feet;
 thence S 29°23'26" W 4.23 feet;
 thence N 89°31'37" W 5.90 feet;
 thence S 00°28'23" W 10.68 feet;
 thence S 29°23'26" W 39.18 feet;
 thence S 00°37'13" E 63.49 feet;
 thence N 89°36'10" W 40.01 feet to the POINT OF BEGINNING. Being a
 part of the SE 1/4 of said Section 10, and being a part of the SW 1/4
 of Section 11, T2S, R6E, City of Ann Arbor, Washtenaw County,
 Michigan. Being subject to easements and restrictions of record, if
 any.

SANITARY SEWER

Commencing at the S 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor,
 Washtenaw County, Michigan, thence N 89°56'13" E 1316.52 feet along the South
 line of said Section 10, thence N 00°11'20" W 661.18 feet along the centerline of
 Nixon Road (variable width), and the West line of the E 1/2 of the SE 1/4 of said
 Section 10, thence N 89°55'10" E 1284.64 feet, thence N 00°04'50" W 119.45 feet,

thence N 89°55'10" E 5.00 feet to the POINT OF BEGINNING,

thence N 00°04'50" W 29.05 feet;
thence S 89°55'10" W 31.12 feet;
thence N 22°54'59"E 136.58 feet;
thence S 75°59'17" E 237.99 feet;
thence S 28°02'39" E 48.20 feet;
thence S 89°31'37" E 173.92 feet;
thence N 47°02'39" E 139.94 feet;
thence N 24°13'19" E 99.52 feet;
thence N 02°18'53" E 121.60 feet;
thence N 89°44'53" W 98.79 feet;
thence N 00°15'07" E 34.00 feet;
thence S 89°44'53" E 164.24 feet;
thence N 37°02'00" E 86.04 feet;
thence S 52°58'00" E 34.00 feet;
thence S 37°02'00" W 100.57 feet;
thence N 89°44'53" W 47.89 feet;
thence S 02°18'53" W 121.14 feet;
thence S 24°13'19" W 125.82 feet;
thence S 61°53'11" E 63.58 feet;
thence N 76°14'18" E 76.18 feet;
thence N 52°20'43" E 100.77 feet;
thence S 37°39'17" E 30.00 feet;
thence S 52°20'43" W 107.12 feet;
thence S 76°14'18" W 94.01 feet;
thence N 61°53'11" W 86.55 feet;
thence S 47°02'39" W 127.25 feet;
thence N 89°31'37" W 207.04 feet;
thence N 28°02'39" W 51.33 feet;
thence N 75°59'17" W 187.13 feet;
thence S 22°54'59" W 120.99 feet to the POINT OF BEGINNING. Being a part of the SE 1/4 of said Section 10 and a part of the SW 1/4 of Section 11, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan. Being subject to easements and restrictions of record, if any.

RESOLVED, That the City hereby accepts said easement.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-279-6-02 APPROVED

RESOLUTION TO APPROPRIATE \$98,000.00 AND PURCHASE
MAINTENANCE MANAGEMENT SOFTWARE FOR THE
PARKS AND RECREATION DEPARTMENT

Whereas, The Parks and Recreation Department is responsible for the maintenance and management of parks and recreation facilities, equipment and related infrastructure worth over \$500,000,000.00;

Whereas, The Parks and Recreation Department does not have a consistent system to manage its assets;

Whereas, A high priority of the Department is to inventory the departments assets and develop a preventative maintenance plan for these assets;

Whereas, The Parks and Recreation Department can reduce equipment downtime, improve staff utilization, and reduce costs by using a computerized maintenance management system for the department assets;

Whereas, The Parks Maintenance and Repair Millage is intended for cost effective maintenance of the park system and there are sufficient funds in the Millage Fund Balance for the purchase; and

Whereas, Cayenta, Inc. has received Human Rights and Living Wage approvals on June 10, 2002;

RESOLVED, That the Mayor and City Council appropriate \$98,000.00 from the Fund Balance of the Parks Maintenance and Repair Millage for the life of the project and approves the purchase of Cayenta Mainsaver Maintenance Management System.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-280-6-02 APPROVED

RESOLUTION IN SUPPORT OF ANN ARBOR'S PARTICIPATION IN

REGIONAL PLANNING

Whereas, The City of Ann Arbor is experiencing directly and indirectly the negative impacts of growth adjacent to Ann Arbor and throughout Washtenaw County that threaten to diminish our quality of life;

Whereas, The traffic impacts of growth in the region are seen in increased traffic and congestion on Ann Arbor streets, increased air pollution, substantial increases in travel time throughout the city and accelerated deterioration of city streets;

Whereas, Residents and business people from neighboring communities routinely use Ann Arbor's parks, trails, libraries and other facilities and Ann Arbor residents are regular visitors to the surrounding communities;

Whereas, The quality of Ann Arbor's physical environment is stressed in many ways by the increased demands associated with growth in the region;

Whereas, Environmental degradation is demonstrated in air and water quality monitoring and is especially noticeable in the Huron River Watershed, in the recurring pollution concerns for the area's groundwater; the diminishing numbers of farms and natural areas; and the general press of increasing numbers of people;

Whereas, The continued economic success of Ann Arbor and the region as a whole is closely linked with sustaining a high quality of life and a clean environment;

Whereas, Economic and functional efficiencies may be achieved when governmental service providers combine resources and work more closely together to avoid duplication of effort;

Whereas, There is no near term expectation that pressures of growth in Washtenaw County will diminish; and

Whereas, By working and planning together with the surrounding communities we will be better able to minimize sprawl and the resulting negative impacts on our quality of life;

RESOLVED, That City Council and staff shall work cooperatively with representatives of Washtenaw County and our neighboring communities to establish an appropriate process to begin effective regional planning.

Councilmember Johnson moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Robinson, Johnson, Upton, Reid, Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Mayor Hieftje, 11.

Nays, 0.

The Mayor declared the motion carried.

R-281-6-02 APPROVED

RESOLUTION TO DECLARE A MORATORIUM ON DEMOLITION OF AND OTHER WORK WITH RESPECT TO 120 BUILDINGS IN PROPOSED HISTORIC DISTRICTS

Whereas, The Ann Arbor Historical Preservation Ordinance, Chapter 103, Section 8:413, authorizes City Council to declare an emergency moratorium on demolition or other action which will irreparably harm buildings proposed for historic designation;

Whereas, The Local Historic Districts Act, MCL 399.201, et seq., likewise authorizes City Council to declare an emergency moratorium on work that will irreparably harm resources in proposed historic districts;

Whereas, City Council has received substantial evidence of historic, architectural, archaeological, engineering, or cultural significance of each of the 120 buildings listed and described on the attached list, all of which are proposed as historic districts singly or in multiple groupings; and

Whereas, Demolition of or other action with respect to the buildings on the attached list without permission from the Historic District Commission poses a substantial danger of irreparable harm;

RESOLVED, That City Council declare an emergency moratorium for a period of six (6) months on demolition of or other action with respect to each of the 120 buildings and properties listed and described on the attached list, all of which are proposed as historic districts singly or in multiple groupings;

RESOLVED, That City Council order that no permit be issued for any of these buildings, except upon receiving permission from the Historic District Commission pursuant to an application filed with the Building Department under Chapter 103, Section 8:409; and

RESOLVED, That City Council authorize the City Attorney to institute court proceedings if necessary to prevent damage to any of these buildings in violation of the moratorium.

Councilmember Carlberg moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Robinson, Johnson, Carlberg, Herrell, Easthope, Woods, 6;

Nays, Councilmembers Upton, Reid, Hartwell, Higgins, Mayor Hieftje, 5.

The Mayor declared the motion carried.

R-282-6-02 APPROVED AS AMENDED

RESOLUTION TO AMEND RESOLUTION R-185-5-02 FOR THE 2002
ANN ARBOR JAYCEES CARNIVAL

A resolution to amend Resolution R-185-5-02 regarding the 2002 Ann Arbor Jaycees Carnival was considered.

Councilmember Upton moved that the resolution be adopted.

Councilmember Reid moved to amend the resolution as follows:

Last RESOLVE Clause

1. The hours of operation shall be 12:00 noon – 6:00 p.m. on July 7, 2002.

On a voice vote the Mayor declared the motion carried.

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

The resolution as amended reads as follows:

R-282-6-02

RESOLUTION TO AMEND RESOLUTION R-185-5-02
FOR THE 2002 ANN ARBOR JAYCEES CARNIVAL

Whereas, On May 6, 2002 City Council granted approval to the 2002 Ann Arbor Jaycees to hold a carnival at Pioneer High School from July 3-6, 2002;

Whereas, The special events permit application submitted by the Ann Arbor Jaycees incorrectly identified the dates they wish to hold the carnival; and

Whereas, The Ann Arbor Jaycees have requested City Council approve the addition of July 7, 2002 to the carnival dates of operation;

RESOLVED, That City Council approve the request to add July 7, 2002 to the Ann Arbor Jaycees Carnival subject to the following conditions:

1. The hours of operation shall be 12:00 noon – 6:00 p.m. on July 7, 2002.

- 2. The Ann Arbor Jaycees comply with the conditions previously approved by City Council in RESOLUTION R-185-5-02 to hold the 2002 Jaycees carnival.

R-283-6-02 APPROVED

RESOLUTION IN SUPPORT OF LAW ENFORCEMENT AND GENERAL PUBLIC ACCESS TO THE MICHIGAN SEX OFFENDERS REGISTRY

Whereas, The Attorney General for the State of Michigan has asked the U.S. District Court in Detroit for an immediate stay of the ruling striking down Michigan’s Sex Offenders Registration Act and has also appealed the District Court’s decision to the U.S. 6th Circuit Court of Appeals in Cincinnati;

Whereas, The state is prohibited from enforcing any portion of the Sex Offenders Registration law including those provisions that allow law enforcement to track offenders about to be released from jail;

Whereas, The Michigan State Police has filed a brief in support of the Attorney General’s motion;

Whereas, Federal law requires each state to maintain a registry of convicted sex offenders;

Whereas, Michigan is potentially in violation of federal law and could be subject to penalties including the loss of federal law enforcement grant money used for narcotics enforcement and community police education programs;

Whereas, The Michigan Sex Offenders Registry Act mandates the creation of a compilation of data accessible only by law enforcement for law enforcement purposes (commonly known as the Sex Offender Registry), and also creates a second, more limited compilation (commonly known as the Public Sex Offender Registry) that makes information about name, address, and offense accessible to the public; and

Whereas, The loss of these resources removes an important tool for local law enforcement and diminishes peace of mind for families and neighborhoods;

RESOLVED, That the City of Ann Arbor wishes to communicate to the Attorney General's office our support for continued law enforcement and general public access to some form of a Sex Offenders Registry and an immediate stay of the court's decision; and

RESOLVED, That copies of this resolution be forwarded to Governor John Engler, Attorney General Jennifer Granholm, President of the Senate Dick Posthumus, State Senator Alma Wheeler Smith, Speaker of the House Rick Johnson, State Representative John Hansen, and State Representative Chris Kolb.

Councilmember Reid moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Robinson, Johnson, Upton, Reid, Herrell, Higgins, Easthope, Woods, Mayor Hieftje, 9.

Nays, Councilmembers Carlberg, Hartwell, 2.

The Mayor declared the motion carried.

R-284-6-02 APPROVED

RESOLUTION AUTHORIZING DATE OF GREEN PARTY CAUCUS

RESOLVED, That the date of June 29, 2002 be hereby approved as the official caucus date of the Green Party for the purpose of determining its candidates for the November 5, 2002 General City Election.

Councilmember Herrell 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

ANNOUNCEMENTS

- X Mayor Hieftje asked that the City Clerk post a notice of call of a special session of Council to be held on Thursday, June 27, 2002 at 7:30 p.m., in the Ann Arbor City Hall Council Chamber. The meeting will be a joint session of the Ann Arbor and Ypsilanti City Councils concerning the SmartZone.
- X Mayor Hieftje and Councilmember Higgins will be defending the Mayor's Cup on July 14, 2002 at the Huron River Day Races. All elected officials are invited to participate in this event.
- X Mayor Hieftje will be out of town June 24, 2002. He asked that the Mayor Pro Tem attend a luncheon at Liberty Plaza on that day if possible.
- X The Green Fair will be held on Friday, June 28, 2002 from 6-9 p.m. Electric vehicles will be available for people to try out.

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the June 3, 2002 regular session of Council:

Bicycle Coordinating Committee

Riin Gill (Fill a vacancy)
2830 Pittsfield Road
Ann Arbor, MI 48104
Term: June 17, 2002 – June 16, 2005

Economic Development Corporation

James Bradley (Re-appointment)
3500 Jackson Road
Ann Arbor, MI 48103
Term: June 17, 2002 – June 16, 2008

Historic District Commission

Sonia Schmerl (Re-appointment)
539 S. First St.
Ann Arbor, MI 48103
Term: June 17, 2002 – June 16, 2005

Planning Commission

Steve Thorp (Take the position of Donna Tope)
124 Chapin Street
Ann Arbor, MI 48103
Term: July 1, 2002 – June 30, 2005

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

On a voice vote the Mayor declared the motion carried.

NOMINATION PLACED ON TABLE

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

Human Rights Commission

Sherry E. Woods (Filling the Vacancy of A.C. Alery)
2493 Dundee Drive
Ann Arbor, MI 48103
Term: July 1, 2002 - October 31, 2003

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

City Administrator Roger Fraser submitted the following reports for information of Council:

1. Community Development Block Grant and General Fund Contracts/Purchase Orders – Community Development
2. Housing Rehabilitation Program Update for FY 2002/03 – Community Development
3. Donation from Kroger and Milk-Bone™ for the Purchase of Kevlar Vest and Equipment for the Police Department's Two Current Canines as well as the Future Bomb Dog – Police
4. FY 2002 Local Law Enforcement Block Grant (\$87,785.00) – Police
5. Summary of Proposed Cable Television Ordinance and Franchise Agreement – City Clerk
6. Recent Events in and Around Miller Manor – Housing Commission

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

None.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Petition from neighborhood resident opposing the Carrot Way Rezoning Proposal – Planning.
2. Petition from the Foxfire neighborhood residents opposing the Carrot Way Rezoning Proposal – Planning.
3. Letter from Letitia J. Byrd, Chairperson of the Ann Arbor First United Methodist Church, supporting the Northside Town Homes Development.
4. Petition from neighborhood residents opposing the Carrot Way Rezoning Proposal – Planning.

The following minutes were received for file (J):

1. Building Board of Appeals – April 10, 2002
2. Zoning Board of Appeals – April 24, 2002
3. Ann Arbor Housing Commission – May 1, 2002
4. Ann Arbor Commission on Disability Issues – May 15, 2002

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

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

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 1:02 a.m.

Yvonne Carl
Interim Clerk of the Council

Anissa R. King
Recording Secretary