

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

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, Michael R. Reid, Jean Carlberg, Heidi Cowing Herrell, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 8;

ABSENT : Councilmembers Joseph Upton, Stephen C. Hartwell, Marcia Higgins, 3.

INTRODUCTIONS

CLEAN COMMUNITIES PROGRAM – MAYOR HIEFTJE

Mayor Hieftje gave an update on the Clean Communities Program. The latest report shows that 203 calls were received during the month of August. Seventy-five of those calls were resolved in one day, 128 were resolved within 2-5 days. The Mayor commended what staff and Solid Waste for keeping up with the program.

PUBLIC COMMENTARY - RESERVED TIME

KIRSTEN SCHWIND – DIVEST FROM ISRAEL

Kirsten Schwind, 8420 Strawberry Lake Road, Dexter, MI, spoke to Council regarding divesting from Israel.

THOMAS – NEED FOR IMPROVEMENT IN THE LIVING CONDITIONS OF SENIOR AND DISABLED CITIZENS OF ANN ARBOR

Thomas, Ann Arbor resident, spoke to Council about improving the living conditions of senior citizens and disabled citizens in Ann Arbor.

PUBLIC HEARINGS

1641 FULMER STREET LAND DIVISION

A public hearing was conducted on the 1641 Fulmer Street Land Division, 0.52 acre. Notice of public hearing was published September 15, 2002.

The following people spoke in opposition of he proposed land division:

Kay Castro, 1745 Fulmer St.
Dave McBeady, 1601 Fulmer St.
Birgetter Hill, 1706 Fulmer St.
Louis Mayfield, 1700 Fulmer St.
Gary Koppin, 1628 Fulmer St.
Rena Worley, 1757 Fulmer St.

Gary Hahn, 709 W. Huron St., attorney, on in behalf of the owner of the proposed land division.

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

KESSLER ZONING (ORDINANCE NO. 36-02)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.30 acre from R5 (Hotel-Motel District) to R4C (Multiple-Family Dwelling District), Kessler Commons property, 936 Wall Street. Notice of public hearing was published September 1, 2002.

Ray Detter spoke in opposition of the proposed rezoning.

Tom Foley, developer, spoke in support of the proposed rezoning.

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

KESSLER COMMONS PLANNED PROJECT SITE PLAN

A public hearing was conducted on the proposed Kessler Commons planned project site plan, 0.30 acre, 936 Wall Street. Notice of public hearing was published September 15 2002.

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

CITY OF ANN ARBOR CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

A public hearing was conducted on the proposed City of Ann Arbor Consolidated Annual Performance Evaluation Report (CAPER), FY 2001 – July 1, 2001 – June 30, 2002. Notice of public hearing was published September 15, 2002.

Jim Mogensen, 3780 Green Briar Blvd., spoke in support of the proposed performance evaluation report.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

INTRODUCTIONS

1. Clean Communities Program – Mayor Hieftje

MOTIONS AND RESOLUTIONS

Move: Resolution to Approve Kessler Commons Planned Project Site Plan, 0.30 acre, 936 Wall Street (Planning Commission recommendation: Approval – Motion to approve passed 9 yeas, 0 nays) (Karen Hart, Director) (**Consider with B-1**)

Add: Resolution Appointing Police Chief Daniel Oates as Interim Fire Chief (Administrator – Roger Fraser, Administrator)

Add: Resolution to Close North Fourth Avenue for Events Associated with National Coming Out Day (Councilmember Carlberg)

Add: Resolution Directing the City Administrator to Retain the Services of an Outside Consultant to Analyze the Salary Survey Contained in Council Resolution R-575-11-00 (Mayor Hieftje)

Add: Resolution to Accept Board of Insurance Administration Minutes of September 16, 2002 and to Authorize Payments (Human Resources, David Ferber, Director)

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: Communication from Governor Engler regarding approval of Charter Amendment

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF SEPTEMBER 3, 2002 APPROVED

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

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEM APPROVED

Councilmember Johnson moved that the following Consent Agenda item be approved as presented:

R-392-9-02 APPROVED

RESOLUTION TO APPROVE A SERVICE PURCHASE ORDER
FOR THE PURCHASE OF INTELLUTION SCADA SOFTWARE UPGRADE
FIX32 TO I-FIX AND TECHNICAL SUPPORT
FROM SMITH INSTRUMENT, INC.

Whereas, The Water Treatment and Wastewater Treatment Divisions of the Water Utilities Department use Intellution FIX32 for monitoring, control, and automation of plant, water distribution and sewage pump station systems;

Whereas, Latest software versions, revisions and technical support provide the best means for effective, efficient, and stable operation of the Water Treatment Plant and Wastewater Treatment Plant and associated systems;

Whereas, Smith Instrument, Inc. is the sole source for Intellution products; and

Whereas, Smith Instrument, Inc. received Human Rights approval on August 6, 2002, and Living Wage approval on August 6, 2002;

RESOLVED, That Council accept Smith Instrument, Inc.'s quote of \$83,640.00 (\$34,826.93 for the Water Treatment Plant, \$48,813.07 for the Wastewater Treatment Plant) for Supervisory Control and Data Acquisition (SCADA) software upgrades and 36 months of technical support in accordance with the terms of Smith Instrument Inc.'s Quotation No. 2977;

RESOLVED, That the City Administrator be directed to issue a service purchase order to Smith Instrument, Inc. in the amount of \$83,640.00 (\$34,826.93 for the Water Treatment Plant, \$48,813.07 for the Wastewater Treatment Plant) for the purchase of SCADA software upgrades and technical support for three years; and

RESOLVED, That the purchase of SCADA software upgrades and 36 months of technical support has been budgeted and will be funded from the Operation and Maintenance Budgets of the Water Supply System and Sewage Disposal System for FY 2002/03.

R-393-9-02 APPROVED

RESOLUTION TO APPROVE AMENDMENT #1 TO THE
PROFESSIONAL SERVICES CONTRACT FOR PHASE TWO
OF THE WELLHEAD AND SOURCE WATER PROTECTION
PROGRAMS – BID NO. 3432

Whereas, The Water Treatment Division has two well fields and a surface water source that are essential for the production of drinking water and the Michigan Department of Environmental Quality requires protection programs for these sources;

Whereas, Fleis and Vandenbrink Engineering were selected as the most qualified consultant to perform the work for the development of the wellhead protection program from the proposals received in response to RFP No. 3432;

Whereas, Resolution R-313-8-01 awarding the contract to Fleis and Vandenbrink Engineering has the provision for Fleis and Vandenbrink Engineering to continue to perform the work for the phase two portion of the wellhead protection program;

Whereas, Fleis and Vandenbrink Engineering has substantially completed Phase I of the wellhead protector program and has submitted a proposal in the amount of \$80,115.39 for Phase II of the Wellhead and Source Water Protection Programs;

Whereas, Fleis and Vandenbrink Engineering, Inc. received Human Rights approval on June 12, 2002;

Whereas, Fleis and Vandenbrink Engineering, Inc. received approval of the Living Wage ordinance on June 12, 2002; and

Whereas, The Michigan Department of Environmental Quality awarded the City of Ann Arbor a Wellhead Protection Grant in the amount of \$40,057.70 for FY 02/03;

RESOLVED, That City Council accept Fleis and Vandenbrink Engineering's proposal of \$80,115.39 for phase two of the Wellhead and Source Water Protection Program;

RESOLVED, That the City Administrator be authorized and directed to sign amendment #1 to the professional services agreement with Fleis and Vandenbrink Engineering for the development of phase two of the Wellhead and Source Water Protection Program;

RESOLVED, That City Council accept the Wellhead Protection Grant in the amount of \$40,057.70 and apply this grant to the Fleis and Vandenbrink Engineering costs with \$40,057.70 to be returned to Water Treatment Division account 042 073 4000 1000 2100; and

RESOLVED, That this professional service contract be funded from the FY 02/03 Water Supply System Operation and Maintenance budget, and the Wellhead Protection Program Grant from the Michigan Department of Environmental Quality and that the \$80,115.39 funds be available for the life of the project until expended without regard to fiscal year.

R-394-9-02 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT
TOTALING \$49,060.00 FOR ALLMENDINGER PARK
IMPROVEMENTS PER BID NO. 3570 AND ESTABLISH A
\$53,966.00 PROJECT BUDGET

Whereas, Allmendinger Park is scheduled in the Park and Recreation Open Space Plan, 2000-2005 to be renovated,

Whereas, A neighborhood survey and public meeting was held to obtain input to plan the park improvements,

Whereas, Competitive bids were sought by the Purchasing Division with two bids received on August 29, 2002 and D & J Lawn and Snow Service Inc. were identified as the lowest responsible bidder,

Whereas, Funds for the project are included in the FY 2002/2003 from the Parks Rehabilitation and Development Millage, the Maintenance and Repair Millage, and previously collected Developer Park Contributions, and

Whereas, The Human Rights approval and compliance with the living wage ordinance was received on September 3, 2002 for D & J Lawn and Snow Service, Inc.;

RESOLVED, That the Mayor and City Council approve a construction contract, per bid #3570, with D & J Lawn and Snow Service in the amount of \$49,060.00 for Allmendinger Park Improvements and authorize the Mayor and City Clerk to sign the agreement substantially in the form on file with the City Clerk; and

RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$4906.00 (10%) to cover potential contract change orders to be approved by the City Administrator and to approve a total project budget of \$53,966.00 for the life of the project without regard to fiscal year.

R-395-9-02 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH D. KERRY LAYCOCK
FOR MANAGEMENT CONSULTING SERVICES NOT TO EXCEED \$43,200.00

Whereas, First initiatives for change have been identified which may provide significant first year opportunity for improvements that will reduce overall operational expenses and prepare employees to provide services meeting or exceeding customer expectations;

Whereas, It is essential to hire a consultant to assist with these initiatives, in the development of reorganization plans due to the complexity of the processes and provide timely completion of these efforts to minimize impact on operations of these areas;

Whereas, An opportunity exists to utilize the management consulting services of D. Kerry Laycock who has established a positive working relationship with City staff as well as with Bargaining unit leadership in Teamster's and AFSCME through the organizational redesign in the Water Utilities Department;

Whereas, D. Kerry Laycock submitted a proposal in the amount not to exceed \$43,200.00 for assistance in these change initiatives; and

Whereas, D. Kerry Laycock is the sole proprietor, has no employees, and therefore does not require Human Rights approval;

RESOLVED, That Council approve a contract with D. Kerry Laycock in the amount not to exceed \$43,200.00 for management consulting services for various areas of the organization; and

RESOLVED, The contract with D. Kerry Laycock be funded from the vacancy savings in the FY 2002/03 Operations and Maintenance Budget of the City with allocations to the various Departments and Funds based on the participants.

R-396-9-02 APPROVED

RESOLUTION TO APPROVE PURCHASE OF GREAT LAKES
POWER LIFT FORKLIFT FOR MATERIAL RECOVERY FACILITY

Whereas, A replacement forklift is needed for operations at the City’s Material Recovery Facility;

Whereas, Great Lakes Power Lift provided the low bid for a Hyster H60XM forklift that met City specifications;

Whereas, Great Lakes Power Lift received Human Rights approval on September 9, 2002; and

Whereas, Funds for this purchase are available through the approved 2002-03 Solid Waste General Fund budget, to be paid for from the MRF capital replacement account of the Solid Waste Fund;

RESOLVED, That City Council approve the issuance of a purchase order to Great Lakes Power Lift for the purchase of one new Hyster H60XM forklift at a cost of \$23,079.00.

R-397-9-02 APPROVED

RESOLUTION TO APPROVE THE APPOINTMENT OF
JAMES SEXSMITH AS MAGISTRATE PRO TEMPORE
OF THE 15TH JUDICIAL DISTRICT COURT

Whereas, The Magistrate of the 15th Judicial District presides over approximately 8,700 cases per year, accepts pleas, arraigns defendants, issues search and arrest warrants, sets bail and bond and in other ways authorized by statute assists the judges of the 15th Judicial District Court;

Whereas, the efficient operation of the office of Magistrate of the 15th Judicial District Court is necessary for the equitable, effective and efficient administration of justice;

Whereas, Magistrate Michael J. Gatti may, from time to time and for appropriate reasons, be unable to preside at Court;

Whereas, The judges of the 15th Judicial District Court and visiting magistrates from eligible foreign jurisdictions may not be able to preside in lieu of Magistrate Gatti;

Whereas, MCL 600.8501(2) authorizes the judges of the 15th Judicial District to appoint one or more magistrates;

Whereas, MCL 600.8501(2) further requires the approval of the appointment of Michael J. Gatti as Magistrate by the Ann Arbor City Council;

Whereas, The State Court Administrative Office permits the appointment of Magistrates Pro Tempore under the same appointment and approval procedure used for district court magistrates; and

Whereas, Chief Judge Ann Mattson has appointed James Sexsmith as Magistrate Pro Tempore of the 15th Judicial District Court;

RESOLVED, That the Ann Arbor City Council approve the appointment of James Sexsmith by Chief Judge Ann Mattson as Magistrate Pro Tempore of the 15th Judicial District effective this date.

R-398-9-02 APPROVED

RESOLUTION AUTHORIZING LEVY OF MILLAGE ON
DECEMBER, 2002 COUNTY TAX ROLL FOR THE CITY'S
SHARE OF THE MALLET'S CREEK STORM DRAIN DEBT ASSESSMENT

Whereas, Washtenaw County has levied an assessment on the City of Ann Arbor for debt payments on the Mallet's Creek (Pittsfield-Ann Arbor) storm drain in the amount of \$84,276.00; and

Whereas, The Council in prior years has authorized a special millage on the December Washtenaw County tax levy (on City of Ann Arbor properties only) for payment of this item;

RESOLVED, That Council does hereby authorize a levy of 0.0234 mills on the December, 2002 Washtenaw County tax levy (City of Ann Arbor properties only) for the City Share of this debt payment as outlined above.

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

ORDINANCES - SECOND READING

36-02 APPROVED

KESSLER 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 0.30 acre, located at 936 Wall Street, from R5 (Motel-Motel District) to R4C (Multiple-Family Dwelling District). (The complete text of Ordinance 36-02 is on file in the City Clerk's Office).

R-399-9-02 APPROVED

RESOLUTION TO APPROVE KESSLER COMMONS PLANNED PROJECT
SITE PLAN, 0.30 ACRE, 936 WALL STREET

Whereas, Doolin Properties, Inc. has requested site plan approval in order to construct a 12,600-square foot townhouse building for six condominium units at 936 Wall Street;

Whereas, The Ann Arbor City Planning Commission, on August 6, 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 Kessler Commons Planned Project Site Plan, subject to a signed utility easement from the adjacent property owner.

Councilmember Easthope moved that the ordinance be adopted at second reading and that the resolution be adopted.

On roll call the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried.

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

DEFEATED

RESOLUTION TO APPROVE 1641 FULMER STREET LAND DIVISION, 0.52 ACRE

Whereas, Dalton Construction Services has requested land division approval in order to divide the property at 1641 Fulmer Street (Assessor's Code No. 09-19-212-013) into two separate parcels; and

Whereas, The Ann Arbor City Planning Commission, on August 20, 2002, reviewed said request;

RESOLVED, That City Council approve the 1641 Fulmer Street Land Division, as described below:

Parcel 54

Part of Lot 54, Garden Homes Park Subdivision, a subdivision of part of the West ½ of Section 19, T2S, R6E, Ann Arbor Township, and part of the NE ¼ of Section 24, T2S, R5E, Scio Township, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 20 of Plats, pages 92 and 93, Washtenaw County Records, described as beginning at a point on the southeast corner of Lot 13 of said Subdivision and proceeding thence N 89°26'05" W 229.94 feet; thence N 00°02'00" E 72.32 feet; thence S 89°26'05" E 148.74 feet; thence S 00°02'00" W 70.93 feet to the Point of Beginning, containing 0.24 acres and being subject to any easements.

Parcel 54A

Part of Lot 54, Garden Homes Park Subdivision, a subdivision of part of the West ½ of Section 19, T2S, R6E, Ann Arbor Township, and part of the NE ¼ of Section 24, T2S, R5E, Scio Township, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 20 of Plats, pages 92 and 93, Washtenaw County Records, described as beginning at a point on the southeast corner of Lot 13 of said Subdivision and proceeding thence N 89°26'05" W 148.74 feet; thence S 00°02'00" W 72.32 feet; thence N 89°26'05" W 80.96 feet; thence N 00°02'00" E 99.93 feet; thence S 89°26'05" E 229.94 feet to the Point of Beginning, containing 0.28 acres and being subject to any easements.

A communication was received from the City Planning Commission transmitting its

recommendation of denial of the proposed 1641 Fulmer Street land division, 0.52 acre.

Councilmember Carlberg moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Herrell, Reid, 3;

Nays, Councilmembers Easthope, Woods, Robinson, Johnson, Mayor Hieftje, 5.

Mayor declared the motion defeated.

R-400-9-02 APPROVED

RESOLUTION TO AUTHORIZE REDUCTION OF FILING FEE FOR THE
CARROT WAY DEVELOPMENTS

Whereas, The Carrot Way Developments PUD Zoning petition was submitted to the City of Ann Arbor of January 28, 2002;

Whereas, The filing fee of \$3,840.00 for the PUD zoning was paid at the time of submittal;

Whereas, Chapter 55, Section 5:108(4), allows a reimbursement of up to 50 percent of the fees for developments providing affordable housing for lower income households; and

Whereas, Food Gatherers has requested reimbursement of 50 percent of the original filing fees;

RESOLVED, That the Mayor and City Council hereby authorize a reimbursement of 50 percent of The Carrot Way Developments PUD Zoning filing fee, totaling \$1,920.00.

Councilmember Woods moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-401-9-02 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE CORRANDINO GROUP, INC. (\$189,499.00) AND REVISE THE PROJECT BUDGET FOR THE NORTHEAST AREA COMPREHENSIVE TRANSPORTATION PLAN PROJECT (\$652,000.00) AND APPROPRIATE \$192,000.00 IN FEDERAL GRANT FUNDS

Whereas, It is necessary to retain the services of a professional consulting firm to perform the transportation system analysis, the freeway access feasibility study, and the community involvement program for the Northeast Area Comprehensive Transportation Plan project;

Whereas, It is now necessary to amend the existing professional services agreement with The Corradino Group, Inc. for the additional work tasks that are necessary to complete this project; and

Whereas, The Corradino Group received Human Rights and Living Wage approval on May 24, 2001 and September 17, 2002;

RESOLVED, That the City Council approve an amendment to the Professional Services Agreement with The Corradino Group, Inc. in the amount of \$159,499.00 for the completion of the Northeast Area Comprehensive Transportation Plan project;

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

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

Section I – Revenue

\$280,000.00	2000-2001 General Fund – Public Services Department
\$180,000.00	Federal High Priority Project Fund
<u>\$153,000.00</u>	Appropriate New Federal High Priority Project Fund, to be advanced from the General Fund pending reimbursement from Federal funds

\$613,000.00 TOTAL

Section II – Expenses

\$558,000.00	Consulting engineering services
20,000.00	Other charges, including City engineering services, City owned vehicles, printing, materials and supplies
<u>35,000.00</u>	Contingencies to be approved by the City Administrator

\$613,000.00 TOTAL

; and

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

Councilmember Carlberg moved that the resolution be adopted.

The Mayor declared a recess at 9:12 p.m.

The Mayor again called the meeting back to order at 9:21 p.m.

On roll call the vote was as follows:

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

Nays, 0.

On a voice vote the Mayor declared the motion carried.

R-402-9-02 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO THE AGREEMENT

WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR
THE NORTHEAST AREA COMPREHENSIVE TRANSPORTATION
PROJECT PLAN

Whereas, The Federal Highway Administration has allocated High Priority Project funds for a study of freeway access options, to be conducted as a key component of the Northeast Area Comprehensive Transportation Plan;

Whereas, City Council approved an agreement with the Michigan Department of Transportation (MDOT) on July 2, 2001 (R-275-7-01) for the Northeast Area Comprehensive Transportation Plan project;

Whereas, City Council has approved the hiring of The Corradino Group on June 4, 2001 (R-206-6-01) to lead the Northeast Area Comprehensive Transportation Plan and has established a project budget for the project; and

Whereas, It is necessary to amend the agreement with MDOT to allow for an extension of time and additional funding allocation to complete the project;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute an amended agreement with the Michigan Department of Transportation for the Northeast Area Comprehensive Transportation Plan, following approval as to substance by the City Administrator and approval as to form by the City Attorney; and

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

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-403-9-02 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT
WITH PARSONS BRINCKORHOFF MICHIGAN, INC. FOR THE
BROADWAY BRIDGES REPLACEMENT PROJECT

Whereas, Professional engineering services are needed in the form of project management and construction engineering for the Broadway Bridges Reconstruction Project;

Whereas, It is now necessary to enter into an agreement with Parsons Brinckerhoff Michigan, Inc. for the services associated with the project management and construction engineering associated with the reconstruction of the Broadway Bridges; and

Whereas, Parsons Brinckerhoff Michigan, Inc. received Human Rights approval on September 17, 2002;

RESOLVED, That Council approve a Professional Services Agreement with Parsons Brinckerhoff Michigan, Inc. in the amount of \$3,547,072.88 for the Broadway Bridges Reconstruction Project;

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

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

Councilmember Woods moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-404-9-02 APPROVED

RESOLUTION FOR APPROVAL OF A CONTRACT WITH THE HENRY PRATT COMPANY FOR PURCHASE OF VALVES, ACTUATORS, AND DIGITAL NETWORK CONTROLS FOR THE FILTER OPERATING CONTROLS PROJECT

Whereas, It is necessary to replace the operating controls for the filters at the Water Treatment Plant to provide reliability of operation;

Whereas, The Filter Operating Controls Project is identified as urgent in the approved CIP;

Whereas, The current operating controls are beyond their useful life and spare parts are no longer available;

Whereas, Of the four bids received, the Henry Pratt Company furnished the lowest responsible bid in the amount of \$622,600.00; and

Whereas, The Henry Pratt Company has received Human Rights approval on September 3, 2002;

RESOLVED, That Council accepts the proposal and awards a contract to the Henry Pratt Company in the amount of \$622,600.00 for the Contract for the Purchase of Valves, Actuators, and Digital Network Controls;

RESOLVED, That a contingency in the amount of \$62,000.00 be approved to finance change orders to be approved by the City Administrator;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the contract which is substantially in a form on file with the City Clerk;

RESOLVED, That funds for the project are appropriated from the Water Supply System Unobligated Fund Balance which will be reimbursed, if necessary, upon sale of Water Supply System revenue bonds; and

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

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-405-9-02 APPROVED

RESOLUTION TO APPROPRIATE FUNDS AND APPROVE A REPAIR SERVICE CONTRACT IN THE AMOUNT OF \$59,900.00 FOR REPAIRS AT THE NORTHSIDE COMMUNITY CENTER – BID NO. 3569 AND ESTABLISH A PROJECT BUDGET OF \$65,900.00 FOR THE LIFE OF THE PROJECT

Whereas, The Northside Community Center and Warming Shelter are in need of major maintenance and repairs;

Whereas, These repairs are prudent to maintain the structural integrity of the facility;

Whereas, Competitive bids were sought by the Purchasing Division with bids received on August 28, 2002 and Gilbert Company General Contractors, Inc. was identified as the lowest responsible bidder;

Whereas, Funds for the project are coming from the fund balance of the Park Maintenance and Repair Mileage in the amount of \$59,900.00, plus \$6,000.00 for potential contract change order(s); and

Whereas, The Human Rights approval and compliance with the living wage ordinance was received on September 9, 2002 for the Gilbert Company General Contractors, Inc.

RESOLVED, That the Mayor and City Council approve a repair services contract, per bid #3569, with Gilbert Company General Contractors, Inc. in the amount of \$59,900.00 for improvements at The Northside Community Center and Warming Shelter and authorize the Mayor and City Clerk to sign the agreement substantially in the form on file with the City Clerk; and

RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$6,000.00 (10%) to cover potential contract change orders to be approved by the City Administrator, appropriate \$65,900.00 from the fund balance of the Park Maintenance and Repair Mileage and to approve a total project budget of \$65,900.00 for the life of the project without regard to fiscal year.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-406-9-02 APPROVED

RESOLUTION TO ENTER INTO A CARETAKER CONTRACT FOR COBBLE STONE FARM

Whereas, Cobblestone Farm is a large historic site that requires an on-site caretaker to clean and maintain the site;

Whereas, The Caretaker provides security for the Cobblestone Farm site;

Whereas, The Caretaker at Cobblestone Farm provides daily care and feeding of on-site farm animals; and

Whereas, The City Attorney has approved the Caretaker Contract for Cobblestone Farm;

RESOLVED, That the Mayor and City Council authorize staff to enter into a caretaker contract for Cobblestone Farm.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-407-9-02 APPROVED

RESOLUTION TO APPROVE CONTRACT WITH THE ANN ARBOR HOUSING COMMISSION FOR DEDICATED POLICING SERVICES AND TO ACCEPT AND APPROPRIATE FUNDS TO THE ANN ARBOR POLICE DEPARTMENT

Whereas, It is in the interest of public safety to have the Police Department provide police services to the community in the most effective manner possible;

Whereas, The Ann Arbor Police Department continues to embrace the philosophy of the city-wide community policing as a result oriented tool to meet the changing needs of our City;

Whereas, The Ann Arbor Housing Commission has been awarded a grant from the United States Department of Housing and Urban Development which could allow for the partial funding of one officer to work in the family housing sites; and,

Whereas, This officer's salary meets, at a minimum, the City's living wage requirement;

RESOLVED, That City Council do hereby approve a contract with the Ann Arbor Housing Commission in the amount of \$25,000.00 to partially fund one officer to work primarily in the family housing sites, and that the Mayor and City Clerk are authorized to sign the contract after approval as to substance by the City Administrator and approval as to form by the City Attorney; and,

RESOLVED, That the City Administrator or his designee be directed to take all actions necessary to appropriate the funds to the police budget until expended in the time frame of the grant.

Councilmember Robinson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-408-9-02 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PEDESTRIAN ACCESS
FROM CRAIG G. STRICKLAND AND APRIL L. STRICKLAND
811 N. MAIN STREET

Whereas, Craig G. Strickland and April L. Strickland, Husband and Wife, are the fee simple owners of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3983, Page 376, dated December 6, 2000; and

Whereas, Craig G. Strickland and April L. Strickland, Husband and Wife, have delivered an easement to the City for a pedestrian access over land located on the west side of N. Main Street, to run with the land and burden the respective property perpetually, being more particularly described as follows:

Beginning at the SE Corner of Lot 3 of Hiscock’s Estates, according to the Plat thereof, as recorded in Liber 2 of Plats, Page 32, Washtenaw County Records; thence Northerly 100.00 feet along the Westerly line of N. Main Street (66 feet wide) to the NE Corner of Lot 4 of said Hiscock’s Estates; thence Westerly 6.00 feet along the Northerly line of said Lot 4; thence Southerly 50 feet parallel with said Westerly line of N. Main Street to the Southerly line of said Lot 4; thence Southerly to a point on the Southerly line of said Lot 3, said point being 4.00 feet Westerly of the SE Corner of said Lot 3; thence Easterly along said Southerly line of Lot 3, 4.00 feet to the PLACE OF BEGINNING. Being a part of Lots 3 & 4, Hiscock’s Estates according to the plat thereof, as recorded in Liber 2 of Plats, Page 32, Washtenaw County Records, State of Michigan and containing 550 sq. ft. of land, more or less.

RESOLVED, That said easement is hereby accepted.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-409-9-02 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR TRAFFIC SIGNAL BASE
FROM CRAIG G. STRICKLAND AND APRIL L. STRICKLAND
811 N. MAIN STREET

Whereas, Craig G. Strickland and April L. Strickland, Husband and Wife, are the fee simple owners of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3983, Page 376, dated December 6, 2000; and

Whereas, Craig G. Strickland and April L. Strickland, Husband and Wife, have delivered an easement to the City for the construction and maintenance of a traffic signal base in, on and over a rectangular piece of land located on the west side of N. Main Street, to run with the land and burden the respective property perpetually, being more particularly described as:

Commencing at the SE Corner of Lot 4, Hiscock’s Estates, according to the Plat thereof, as recorded in Liber 2 of Plats, Page 32, Washtenaw County Records; thence Northerly 32.40 feet along the Westerly line of N. Main Street (66 feet wide), to the PLACE OF BEGINNING; thence continuing Northerly along said Westerly line of N. Main Street, 10.00 feet; thence

deflecting 90° to the left, 7.00 feet; thence deflecting 90° to the left and parallel with said Westerly line of N. Main Street, 10.00 feet; thence deflecting 90° to the left, 7.00 feet to the PLACE OF BEGINNING. Being a part of Lot 4, Hiscock’s Estates, according to the Plat thereof as recorded in Liber 2 of Plats, Page 32, Washtenaw County Records and containing 70 sq. ft. of land, more or less.

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-410-9-02 APPROVED

RESOLUTION TO APPOINT CITY CLERK

Whereas, Section 12.1(b) of the Charter of the City of Ann Arbor provides that the City Clerk shall be appointed by the Council on the recommendation of the City Administrator;

Whereas, A national search developed candidates for the position of City Clerk;

Whereas, Kathleen M. Root was selected as the preferred candidate in the selection process;

Whereas, Kathleen M. Root has 17 years of municipal government experience and previously served in various positions, including Municipal Clerk for East Windsor Township and Deputy Township Clerk for the Township of Plainsboro, and

Whereas, Kathleen M. Root is qualified to serve as the City Clerk;

RESOLVED, That the City Council, upon the recommendation of the City Administrator, does hereby appoint Kathleen M. Root as City Clerk, effective September 30, 2002, in accordance with the terms and conditions of employment contained in the letter (on file in the City Clerk’s Office) dated August 14, 2002, and which letter hereby is made a part of this resolution of appointment.

Councilmember Robinson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-411-9-02 APPROVED

RESOLUTION TO APPOINTING POLICE CHIEF DANIEL OATES AS INTERIM FIRE CHIEF

Whereas, The position of Fire Chief has been vacant for several months;

Whereas, The City Administrator has engaged an executive search firm to conduct a national search for a new Fire Chief;

Whereas, The City Council’s recent appointment of the City Administrator as Interim Fire Chief may be in conflict with certain provisions of the State Code, and

Whereas, The best interests of the City will be served by the appointment of Police Chief Daniel Oates as Interim Fire Chief pending the successful completion of the national search;

RESOLVED, That the appointment of City Administrator Roger Fraser as Interim Fire Chief is rescinded; and

RESOLVED, That Police Chief Daniel Oates shall also serve as Interim Chief of the Fire Department until a new Fire Chief is hired and begins employment.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-412-9-02 APPROVED

RESOLUTION TO CLOSE NORTH FOURTH AVENUE FOR EVENTS ASSOCIATED WITH NATIONAL COMING OUT DAY

Whereas, The City has received a request from the Washtenaw Rainbow Action Project to close North Fourth Avenue from Catherine to East Kingsley Street on September 28th, from 4:00 p.m. until 2:00 a.m.;

Whereas, The closing is requested for events associated with the annual 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 any related and required fees;

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

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-413-9-02 APPROVED

RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO RETAIN THE SERVICES OF AN OUTSIDE CONSULTANT TO ANALYZE THE SALARY SURVEY CONTAINED IN COUNCIL RESOLUTION R-575-11-00

Councilmember Easthope moved that the resolution be adopted.

Councilmember Reid moved to amend the resolution as follows:

(RESOLUTION DIRECTING THE CITY ADMINISTRATOR ~~[TO RETAIN THE SERVICES OF AN OUTSIDE CONSULTANT]~~ TO ANALYZE THE SALARY SURVEY CONTAINED IN COUNCIL RESOLUTION R-575-11-00)

RESOLVED Clause

.....in consultation with City Council, be directed to **DRAFT AND RFP TO** contract with a professional services consultant to conduct a contemporary analysis of the **CURRENT** pay practices for non-union administrative, executive and professional job classifications and report back to Council with findings and recommendations within ~~[90]~~ **123** days, **INCLUDING THE ADMINISTRATION'S FINDINGS ON THE NOVEMBER 20, 2000 SALARY SURVEY.**

On roll call the vote was as follows:

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

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 Carlberg, Herrell, Easthope, Woods, Robinson, Johnson, Reid, Mayor Hieftje, 8;

Nays, 0.

The Mayor declared the motion carried.

The resolution reads as follows:

**RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO ANALYZE
THE SALARY SURVEY CONTAINED IN COUNCIL RESOLUTION R-575-11-00**

Whereas, On or before November 20, 2000, the Ann Arbor City Council was presented with a survey of administrative salaries and a companion resolution authorizing the adjustment of certain salaries to fall within the survey's findings;

Whereas, A recent media survey raised questions regarding the integrity of the wage survey and the City's policies regarding administrative compensation; and

Whereas, The City Council would like a fresh review by an independent consultant of the City's administrative pay practices;

RESOLVED, That the City Administrator, in consultation with City Council, be directed to draft an RFP to contract with a professional services consultant to conduct a

contemporary analysis of the current pay practices for non-union administrative, executive and professional job classifications and report back to Council with findings and recommendations within 120 days, including the Administration's findings on the November 20, 2000 salary survey.

R-414-9-02 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MINUTES OF SEPTEMBER 16, 2002 AND TO AUTHORIZE PAYMENTS

RESOLVED, that the attached Board of Insurance Administration Minutes of September 16, 2002 be accepted and that the recommended courses of action therein, including payments, be authorized.

MINUTES
September 16, 2002
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

- Present: Chris Easthope – Councilperson
- James Armstrong - Risk Manager
- Abigail Elias – City Attorney
- Marilyn Mack – Claims Specialist
- Bob West – Assistant City Attorney
- Joe Upton – Councilperson
- Ron Olson – Administration
- Terri Renard – Parks Supervisor

CLAIMS DENIED:

- CC067-02 Maria Huffman
- Sewer Back Up
- Discussed by James Armstrong, Risk Manager

CC058-02 Nancy Hannan
Property Damage
Discussed by James Armstrong, Risk Manager

CC062-02 Marvin/Claudia Sauer
Sewer Back Up
Discussed by James Armstrong, Risk Manager

CC053-02 FSA Properties/H. David Fee
Property Damage
Discussed by James Armstrong, Risk Manager

CLAIMS APPROVED:

CC061-02 Elaine Jordan
Sewer Back Up
Discussed by James Armstrong, Risk Manager

CC059-02 Joshua Fish
Property Damage
Discussed by James Armstrong, Risk Manager

CLAIMS TABLED:

CC054-02 Andrew Johnson
Sewer Back Up
Discussed by James Armstrong, Risk Manager

OTHER AGENDA ITEMS DISCUSSED:

Nievaard lawsuit
Discussed by Robert West, Assistant City Attorney

Englebort class action lawsuit settlement
Discussed by Abigail Elias, City Attorney

Fidelity Insurance/Janet Roth subrogation suit settlement
Discussed by Abigail Elias, City Attorney

Bull Transport case
Discussed by Robert West, Assistant City Attorney

Prepared by:
Marilyn Mack, Claims Specialist

9/16/02

Councilmember Johnson moved that the resolution be adopted.

Councilmember Carlberg moved to vote on the claims and to table the other agenda items discussed portion of the agenda in order to discuss pending litigation under closed session at a later date.

On a voice vote the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

NOMINATIONS PLACED ON TABLE

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

Community Development Citizen Participation Executive Committee

James Mogensen (Reappointment)
3780 Greenbrier Blvd.
#354C
Ann Arbor, MI 48105
Term: October 7, 2002 – June 30, 2005

Floyd Robinson (Reappointment)
2852 Page
Ann Arbor, MI 48104
Term: October 7, 2002 – June 30, 2005

Steven J. Sheldon (fill a vacancy from Ikeita Cantu Hnojosa)

2352 Pinecrest Avenue
Ann Arbor, MI 48104
Term: October 7, 2002 – June 30, 2005

Councilmember Woods moved that Council concur with the Mayor's recommendation.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Acceptance of \$1,000.00 Donation - Police
2. City of Ann Arbor Consolidated Annual Performance and Evaluation Report (CAPER) – FY 2001 – July 1, 2001 – June 30, 2002 – Community Development

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

COMMUNICATIONS FROM THE CITY ATTORNEY

City Attorney Elias informed Council she will be presenting a resolution regarding the new Tele-Communications Act to direct compliance with the State Act with respect to compensation and the first reading of an ordinance which put into place compliance with the new Act.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER REID

Councilmember Reid thanked Dave Konkle and Matthew Naud for responses to caucus questions regarding the Alternative Fuel Vehicle Program.

COUNCILMEMBER EASTHOPE

Councilmember Easthope thanked Dave Van Eck and Information Services Staff for their help with the e-government packet. He also thanked the City Administrator, Mr. Wheeler, Chief Oates and others regarding constituent concerns.

COUNCILMEMBER HERRELL

Councilmember Herrell asked that the appointments be sent electronically to councilmembers to save paper. She thanked Mr. Van Eck, the Information Services Department and Anissa King for moving forward with the paperless council packet.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Fulmer Street Residents regarding the proposed 1641 Fulmer Street Land Division
2. Resolution Approving Relinquishment of the Springwater Subdivision Drain Drainage District by the Drain Commission to the City of Ann Arbor, adopted by Washtenaw County Board of Commissioners, August 7, 2002
3. Communication from Governor Engler regarding approval of Charter Amendment

The following minutes were received for file:

1. Ann Arbor Housing Commission – July 17, 2002
2. Ann Arbor Human Rights Commission – July 17, 2002

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

THOMAS – NEED FOR IMPROVEMENT IN THE LIVING CONDITIONS OF SENIOR AND DISABLED CITIZENS OF ANN ARBOR

Thomas, Ann Arbor resident, spoke to Council about improving the living conditions of senior citizens and disabled citizens in Ann Arbor.

JIM MOGENSEN – COUNCIL E-PACKET

Jim Mogensen, 3780 Greenbrier Blvd., spoke to Council regarding the paperless city council packet.

ADJOURNMENT

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

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 11:04 p.m.

Yvonne Carl
Interim Clerk of the Council

Anissa R. King
Recording Secretary