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<b>Enactment date:</b>			<b>Enactment #:</b>	
<b>Title:</b>	ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - MAY 3, 1999			

[History \(1\)](#)[Text](#)**Title****ANN ARBOR CITY COUNCIL MINUTES  
REGULAR SESSION - MAY 3, 1999****Body**

The regular session of the Ann Arbor City Council was called to order at 7:36 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for a moment of silence.

Mayor Sheldon led Council in the recitation of the Pledge of Allegiance.

**ROLL CALL OF COUNCIL**

PRESENT : Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Joseph Upton, David Kwan, Jean Carlberg, Heidi Cowing Herrell, Patrick A. Putman, Christopher Kolb, Mayor Ingrid B. Sheldon, 9.

ABSENT : Councilmembers Stephen C. Hartwell, Elisabeth L. Daley, 2.

**INTRODUCTIONS****SENIOR HOUSING AWARENESS WEEK**

Mayor Sheldon presented a proclamation to Carolyn Hastings, representing the Housing Bureau for Seniors, in recognition of Senior Housing Awareness Week, May 16-22, 1999.

The proclamation recognizes the work of the Housing Bureau for Seniors which provides housing information and counseling to senior citizens throughout Washtenaw County.

Other Housing Bureau for Seniors representatives present were Susan Greenberg, Sally Allen, Judy Cook and Jennifer Abernathy.

**INTERNATIONAL COMPOSTING AWARENESS WEEK**

Mayor Sheldon presented a proclamation to Ray Ayer, of the City Solid Waste Department, in recognition of International Composting Awareness Week, May 1-8, 1999. The proclamation urges all residents to compost at home and purchase city-made compost and mulch for their gardens.

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**FIBROMYALGIA AWARENESS DAY**

Mayor Sheldon presented a proclamation to Deborah Sackett, representing the Arthritis

Foundation, in recognition of Fibromyalgia Awareness Day, May 12, 1999. The proclamation recognizes fibromyalgia organizations for encouraging awareness of the syndrome, and urges medical professionals and employers to become better informed about this disease that causes severe widespread pain.

#### **PUBLIC COMMENTARY - RESERVED TIME**

##### **MILLIE EMPEDOCLES - FOREST AVENUE PARKING STRUCTURE**

Millie Empedocles, 1308 Granger Ave., owner of the rental property next to the proposed Forest Avenue parking structure, urged Council to move the wall of the structure back from the west property line to reduce the negative impact to her property. Ms. Empedocles expressed concern with the potential danger to the residents of the house and damage to the structure during construction.

#### **PUBLIC HEARINGS**

##### **THE PRODUCE STATION ZONING (ORDINANCE NO. 16-99)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.95 acre from TWP (Township District) and M1 (Limited Industrial District) to P (Parking District) and C3 (Fringe Commercial District), The Produce Station property, 1629 and 1641 South State Street. Notice of public hearing was published April 18, 1999.

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

##### **THE PRODUCE STATION AREA PLAN**

A public hearing was conducted on the proposed Produce Station Area Plan, 0.75 acre, 1629 South State Street. Notice of public hearing was published April 25, 1999.

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

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##### **COMMUNITY DEVELOPMENT CONSOLIDATED STRATEGY AND PLAN**

A public hearing was conducted on the proposed Community Development Consolidated Strategy and Plan, Fiscal Year 1999-2000 One Year Action Plan for submission to the Department of Housing and Urban Development. Notice of public hearing was published April 25, 1999.

The following person appeared:

Robert Gillett, Director of Legal Services of Southeastern Michigan, spoke in opposition to the proposed reduction of CDBG funding for his agency in the coming fiscal year.

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

##### **1999-2000 CITY OF ANN ARBOR BUDGET**

A public hearing was conducted on the proposed 1999-2000 City of Ann Arbor Budget. Notice of public hearing was published April 25, 1999.

Paul Lambert, 201 W. William St., stated that more funding should be set aside for human services in the proposed budget.

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

#### **APPROVAL OF AGENDA**

##### **AGENDA APPROVED WITH CHANGES**

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

##### **CONSENT AGENDA**

Revise Resolution to Approve the Public Assistance Grant Agreement that Allows & Move: for Emergency Recovery Work for Snow Emergency FEMA-3137-EM, Declared January 27, 1999 (\$68,909.00) (Fire) ***(Remove from consent agenda)***

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Revise: Resolution to Approve the Emergency Management Grant Agreement that Allows for Federal Emergency Management Assistance to Local Units of Government for the Development and Maintenance of an Emergency Management Program (\$34,716.00) (Fire)

**MOTIONS AND RESOLUTIONS**

Correct Resolution to <Move the West Wall of the Forest Street Parking Title: Structure> **PLACE THE NEW FOREST AVENUE PARKING STRUCTURE TEN FEET FROM THE WEST PROPERTY LINE** (Councilmembers Hanna-Davies **AND CARLBERG**)

8 Votes Resolution to Approve Reappropriation of General Fund Fund Balance for Required: the Commission on Art in Public Places Into the 1999-2000 Budget (Councilmember Vereen-Dixon) **(8 VOTES REQUIRED)**

Correct: Resolution to Approve 2223 South Main Street Annexation (Planning Title: Commission recommendation: Denial - 2 yeas, 5 nays) **(Title of resolution in Council packet corrected: Resolution to Approve <Roebuck> 2223 SOUTH MAIN STREET Annexation)**

Add: Resolution to Award a Contract to Detroit Edison Company to Provide Energy Saving Lighting Improvements at City Facilities (\$88,367.00) (Administrative Services)

**CLERK=S REPORT**

Add: Resolution from Washtenaw County Board of Commissioners condemning use of racial slurs in dictionaries - File

On a voice vote the Mayor declared the motion carried.

**APPROVAL OF COUNCIL MINUTES****MINUTES OF APRIL 19 AND 21 APPROVED**

Councilmember Kolb moved that the regular session minutes of April 19, 1999 and the budget working session minutes of April 21, 1999 be approved as presented.

On a voice vote the Mayor declared the motion carried.

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**CONSENT AGENDA****CONSENT AGENDA ITEMS APPROVED**

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

**R-229-5-99 APPROVED**

**RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO STAR CONTRACTING, INC. AND ESTABLISH A PROJECT BUDGET FOR THE DHU VARREN ROAD SANITARY SEWER EXTENSION PROJECT - BID NO. 3195**

Whereas, It is necessary to construct sanitary sewer along Dhu Varren Road to serve the property owned by the Ann Arbor Chinese Christian Church;

Whereas, Competitive bids were received by the Purchasing Division on March 25, 1999, and Star Contracting, Inc. was the lowest responsible bidder at \$261,284.33; and

Whereas, Star Contracting, Inc. has received approval from the Human Resources Department on March 30, 1999;

**RESOLVED**, That a contract in the amount of \$261,284.33 be awarded to Star Contracting, Inc. for the construction of Dhu Varren Road Sanitary Sewer Extension Project (Bid No.3195);

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

**RESOLVED**, That City Council adopt the following budget for the life of the project, to be available until expended without regard to fiscal year:

Section I, Revenue

\$ 397,200 Advanced from the Sewage Disposal System Fund (Fund 043) pending the sale of special assessment bonds

\$ 397,200 TOTAL

Section II - Expense

\$ 261,300 Construction

31,350 Design Engineering

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39,250 Construction Engineering

13,050 Testing, Consulting and Professional Services

20,900 Contingencies to be approved by the City Administrator

13,050 Miscellaneous Costs

18,300 User Fee/Overhead Charges

\$ 397,200 TOTAL; and

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

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R-230-5-99 APPROVED

RESOLUTION TO APPROVE PURCHASE OF FIVE REPLACEMENT DUMP TRUCKS FROM WOLVERINE TRUCK SALES - BID NO. 3252

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

Whereas, Wolverine Truck Sales was the lowest responsible bidder, Bid No. 3252, for new dump trucks, at \$67,036.00 each, for a total of \$335,180.00; and

Whereas, Wolverine Truck Sales received Human Resources Department approval on May 3, 1999;

RESOLVED, That City Council approve the issuance of a purchase order to Wolverine Truck Sales for the purchase of one 2000 Freightliner dump truck, in the amount of \$67,036.00, from 1998-99 budgeted Motor Equipment Funds, and the issuance of a purchase order to Wolverine Truck Sales for the purchase of four 2000 Freightliner dump trucks, in the total amount of \$268,144.00, from 1999-00 budgeted Motor Equipment Funds, with funding for these purchases to be available without regard to fiscal year.

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R-231-5-99 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO THOMPSON-MC CULLY CO. AND ESTABLISH A PROJECT BUDGET FOR THE HURON PARKWAY-GLAZIER WAY INTERSECTION IMPROVEMENT PROJECT - BID NO. 3246

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Whereas, It has been found necessary to close the Huron Parkway median at the Glazier Way intersection and add new median crossovers for indirect turns to the south and north of the existing intersection;

Whereas, Competitive bids were received by the Purchasing Division on April 15, 1999, and Thompson-McCully Co. was the lowest responsible bidder at \$215,791.56; and

Whereas, Thompson-McCully Co. has received approval from the Human Resources Department on March 16, 1999;

RESOLVED, That a contract in the amount of \$215,791.56 be awarded to Thompson-McCully Co. For the construction of the Huron Parkway-Glazier Way Intersection Improvement Project (Bid No. 3246);

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

RESOLVED, That City Council adopted the following budget for the life of the

project, to be available until expended without regard to fiscal year:

Section I - Revenue

\$ 304,000 1996 Street Millage Fund

\$ 304,000 TOTAL

Section II - Expenses

\$ 215,800 Construction

\$ 17,000 Design Engineering

\$ 32,370 Construction Engineering

\$ 17,250 Contingencies to be approved by the City Administrator

\$ 10,790 Construction Testing Services

\$ 10,790 Miscellaneous Costs

\$ 304,000 TOTAL; and

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

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R-232-5-99 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES

AGREEMENT WITH TOLTEST, INC. FOR THE HURON PARKWAY-

GLAZIER WAY INTERSECTION IMPROVEMENT PROJECT

Whereas, It is necessary to employ a qualified testing firm to perform essential testing for the Huron Parkway-Glazier Way Intersection Improvement Project;

Whereas, Proposals for this testing were received and evaluated by the Engineering Division on the basis of qualifications and fees;

Whereas, Toltest, Inc. has demonstrated the required experience, personnel and competitive fee schedule to perform the work;

Whereas, Toltest, Inc. has received approval from the Human Resources Department on March 31, 1999; and

Whereas, Funding for this agreement is available within the approved Huron Parkway-Glazier Way Intersection Improvement Project budget;

RESOLVED, That Council authorize a professional services agreement in the standard City form in the amount of \$10,790.00 with Toltest, Inc. for construction testing and inspection services for the Huron Parkway-Glazier Way Intersection Improvement Project budget;

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

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

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R-233-5-99 APPROVED

RESOLUTION TO APPROVE PURCHASE OF REPLACEMENT

TELESCOPING BUCKET TRUCK FROM DUECO, INC. - BID NO. 3257

Whereas, The Fleet Services Division of the Public Services Department needs to purchase a replacement telescoping bucket truck for the City=s fleet;

Whereas, DUECO, Inc. was the lowest responsible bidder, Bid No. 3257, for a new telescoping bucket truck for \$101,955.00; and

Whereas, DUECO, Inc. received Human Resources Department approval on May 3, 1999;

RESOLVED, That City Council approve the issuance of a purchase order to

DUECO, Inc. for the purchase of one TE-403 Terex-Telelect telescoping bucket mounted to a 2000 Ford F-750 truck chassis, in the amount of \$101,955.00, from 1998-99 budgeted Motor Equipment Funds, with funding for this purchase to be available without regard to fiscal year.

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R-234-5-99 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WASHTENAW ENGINEERING COMPANY, INC. FOR THE HURON PARKWAY-WASHTENAW AVENUE INTERSECTION IMPROVEMENTS PROJECT

Whereas, The Capital Improvements Program contains project TR-SC-98-01, which provides for the construction of additional turning lanes at the intersection of Huron Parkway and Washtenaw Avenue;

Whereas, It is necessary to retain the services of a skilled professional engineering firm to perform the design of the needed improvements to this intersection;

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Whereas, The firm of Washtenaw Engineering has submitted to the City a proposal for the necessary services, setting forth the services to be performed by said firm, and the payments to be made by the City therefor, all of which are agreeable to the City; and

Whereas, The Human Resources Department has given approval of Washtenaw Engineering Company, Inc. on February 23, 1999;

RESOLVED, That a professional services agreement with Washtenaw Engineering Company, Inc. in the amount of \$65,313.00 be approved;

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

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R-235-5-99 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION AGREEMENT WITH CONSOLIDATED RAIL CORPORATION FOR THE HURON PARKWAY BRIDGE REHABILITATION PROJECT

Whereas, The City desires to rehabilitate the Huron Parkway Bridge over the Consolidated Rail Corporations tracks and Geddes Road; and

Whereas, It is necessary to enter into an agreement with the Consolidated Rail Corporation in order to set forth the terms and conditions of the work within its right-of-way, determine the responsibility of each party, and set forth terms and conditions of the City=s payment of Consolidated Rail Corporation=s engineering and inspection fees therefor, all of which are agreeable to the City;

RESOLVED, That an agreement in an amount not to exceed \$68,530.00 (based on estimated costs for like work and inclusive of a 10% contingency for scheduling, field conditions, weather, and other uncontrollable factors related to the work) be approved with Consolidated Rail Corporation, substantially in the form on file with the City Clerk;

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RESOLVED, That said agreement with Consolidated Rail Corporation may be assigned or otherwise transferred, subject to approval of the City Attorney, if not completed prior to June 1, 1999, to Norfolk Southern Rail Corporation that being the date of transfer of the line from Consolidated Rail Corporation and Norfolk Southern Rail Corporation;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to execute said amendment after approval as to form by the City Attorney and as to substance by the City Administrator; and  
 RESOLVED, That the City Administrator be authorized to take the necessary administrative action to implement this resolution.

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R-236-5-99 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF A TRUCK  
 CHASSIS WITH A HOOK LIFT LOADER FROM WOLVERINE  
 TRUCK SALES - BID NO. 3255

Whereas, A replacement truck is needed for the City of Ann Arbor=s Parks Department;

Whereas, Wolverine Truck Sales was the lowest responsible bidder, Bid No. 3255; and

Whereas, Wolverine Truck Sales received Human Resources Department approval on April 20, 1999;

RESOLVED, That City Council approve the issuance of a purchase order to Wolverine Truck Sales for the purchase of a truck chassis with a hook lift loader for \$52,725.00, with funds to be available without regard to fiscal year.

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R-237-5-99 APPROVED

RESOLUTION REGARDING BROADWAY BRIDGE  
 RIGHT-OF-WAY

Whereas, It is necessary to designate certain land as right of way, which land includes structural earth fill for the Broadway Bridges Project;

RESOLVED, That the strip of city-owned land described as follows:

Beginning at the westerly corner of Lot 1 of Block XVIII, Ormsby & Page=s Addition to the Village (now City) of Ann Arbor, thence N 56° 30' E along the northerly line of said Block XVIII and the southerly right of way line of Broadway Street to the easterly line of the land conveyed to the City of Ann Arbor by the Detroit Edison Co. and recorded in Liber 1043 Pages 267-307, Washtenaw County records; thence southeasterly along said easterly line to a point 49.0 ft, measured perpendicularly, from the southerly right of way line of Broadway Street; thence S 56° 30' W parallel to Broadway Street to a point on the southwesterly side of said Lot 1 and the northerly right of way line of the Consolidated Railroad Co., said point being 49.0 ft; measured perpendicularly, from the southerly right of way line of Broadway Street; thence northwesterly along said southwesterly side of Lot 1 and the northerly right of way line of the Consolidated Railroad Co. to the Point of Beginning. Being a part of the SE 1/4 of Section 20 and the SW 1/4 of Section 21, T2S, R6E, Washtenaw County, Michigan (see attached map).  
 be designated as public right-of-way.

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R-238-5-99 APPROVED

RESOLUTION TO APPROVE THE EMERGENCY MANAGEMENT  
 GRANT AGREEMENT THAT ALLOWS FOR FEDERAL EMERGENCY  
 MANAGEMENT ASSISTANCE TO LOCAL UNITS OF GOVERNMENT  
 FOR THE DEVELOPMENT AND MAINTENANCE OF  
 AN EMERGENCY MANAGEMENT PROGRAM

Whereas, The City of Ann Arbor, under Public Act 390 of 1976, as amended, is an

emergency management service district, and Chapter 15 of the City of Ann Arbor Code establishes an Office of Emergency Management to provide services identified in Public Act 390 of 1976, as amended;

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Whereas, In order to obtain reimbursement of funds expended for the Office of Emergency Management, the City of Ann Arbor will elect to be part of a federal grant to the State of Michigan as a subgrantee to receive emergency management allocated funds; and Whereas, The agreement provides federal funding for local assistance;

RESOLVED, That the Mayor and Council be authorized to execute a grant contract with the State of Michigan and the Federal Emergency Management Agency substantially in the form on file with the City Clerk, after approval as to form by the City Attorney; and RESOLVED, That the Mayor and Council direct the City Administrator to accept these reimbursement grant funds and deposit them into the Fire Department budget revenue source 010-032-0135 to meet the currently approved appropriated amount.

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R-239-5-99 APPROVED AS AMENDED  
RESOLUTION DECLARING 3432 PLATT ROAD AS  
EXCESS CITY PROPERTY

Councilmember Herrell moved that the following paragraph be added to the resolution:  
RESOLVED, That residents/property owners within 300 of the property be notified by mail that the parcels have been declared as excess City property.

On a voice vote the Mayor declared the motion carried.

The resolution as amended reads as follows:

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R-239-5-99  
RESOLUTION DECLARING 3432 PLATT ROAD AS  
EXCESS CITY PROPERTY

Whereas, On October 16, 1995, City Council approved Resolution R-495-10-95 relating to evaluating City-owned real estate and making disposition recommendations to Council;

Whereas, additional parcels have been identified and determined to be excess property;

Whereas, The Real Estate Committee has reviewed information about these additional parcels and recommends that City Council declare them excess property and take actions necessary to dispose of the property; and

Whereas, The City of Ann Arbor is the owner of additional property which is located in the City of Ann Arbor, Washtenaw County, State of Michigan, and more fully described as follows:

PARCEL A - A parcel of land being part of the Northeast 1/4 of Section 10, T3S, R6E, Pittsfield township, Washtenaw County, Michigan. Also described as beginning at the southeast corner of Lot 27 of "Springwater Subdivision No. 1," thence S 01 degrees 46 minutes 30 seconds W 99.00 feet; thence N 89 degrees 57 minutes 00 seconds W 489.13 feet to the Point of Beginning; thence N 89 degrees 57 minutes 00 seconds W 105.05 feet; thence N 01 degrees 44 minutes 00 seconds E 99.00 feet; thence S 89 degrees 57 minutes 00 seconds E 105.05 feet; thence S 01 degrees 44 minutes 00 seconds W 99.00 feet to the Point of Beginning, containing 0.2386 acres.

PARCEL B - A parcel of land being part of the Northeast 1/4 of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan. Also described as beginning at the southeast corner of Lot 27 of "Springwater



Subdivision No. 1," thence S 01 degrees 46 minutes 30 seconds W 99.00 feet; thence N 89 degrees 57 minutes 00 seconds W 326.06 feet to the Point of Beginning; thence N 89 degrees 57 minutes 00 seconds W 163.07 feet; thence N 01 degrees 44 minutes 00 seconds E 99.00 feet; thence S 89 degrees 57 minutes 00 seconds E 163.07 feet; thence S 01 degrees 44 minutes 00 seconds W 99.00 feet to the Point of Beginning, containing 0.3705 acres.

PARCEL C - A parcel of land being part of the Northeast 1/4 of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan. Also described as beginning at the southeast corner of Lot 27 of "Springwater Council - May 3, 1999 15

Subdivision No. 1," thence S 01 degrees 46 minutes 30 seconds W 99.00 feet; thence N 89 degrees 57 minutes 00 seconds W 162.99 feet to the Point of Beginning; thence N 89 degrees 57 minutes 00 seconds W 163.07 feet; thence N 01 degrees 44 minutes 00 seconds E 99.00 feet; thence S 89 degrees 57 minutes 00 seconds E 163.07 feet; thence S 01 degrees 44 minutes 00 seconds W 99.00 feet to the Point of Beginning, containing 0.3705 acres.

PARCEL D - A parcel of land being part of the Northeast 1/4 of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan. Also described as beginning at the southeast corner of Lot 27 of "Springwater Subdivision No. 1," thence S 01 degrees 46 minutes 30 seconds W 99.00 feet; thence N 89 degrees 57 minutes 00 seconds W 162.99 feet; thence N 01 degrees 44 minutes 00 seconds E 99.00 feet; thence S 89 degrees 57 minutes 00 seconds E 163.07 feet to the Point of Beginning, containing 0.3704 acres.

Subject to all easements and restrictions of record.

Parcels #12-10-109-021, #12-10-109-020, #12-10-109-019, and #12-10-109-018

RESOLVED, That City Council declare these parcels excess City property;

RESOLVED, That City Council direct the City Administrator to take actions necessary to issue bids for the removal of the house on this property, with the provision that the unit be occupied by a low-income, owner occupant family;

RESOLVED, That the bid document include provisions that all costs related to moving the structure, terminating utilities and restoring the site be the responsibility of the bidder/purchaser; and

RESOLVED, That residents/property owners within 300 of the property be notified by mail that the parcels have been declared as excess City property.

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R-240-5-99 APPROVED

RESOLUTION TO APPROVE AN ENGINEERING CONSULTING CONTRACT FOR THE JACKSON AVENUE BICYCLE PATH/LANE PROJECT - RFP NO. 459

Whereas, The Department of Parks and Recreation has funding through an ISTEAA grant and the Park Rehabilitation and Development Millage to construct a bicycle path/lane along Jackson Avenue between Wagner and Gralake;

Whereas, Staff sent a request for proposal for engineering services to fifteen engineering firms;

Whereas, Human Rights approval for Midwestern Consulting, Incorporated was granted on April 16, 1999; and

Whereas, Interviews were held and a combination of staff members from the Department of Parks and Recreation and Engineering Division completed a process of ranking the engineers;

RESOLVED That the Mayor and Council approve an engineering services contract with Midwestern Consulting Incorporated in the amount of \$56,762.26 to design the Jackson Avenue bicycle path/lane, per RFP #459, and authorize the Mayor and Clerk to sign the contract substantially in form on file with the City Clerk; and

RESOLVED That, the Mayor and Council establish a project budget of \$56,762.26 with funds from the Park Rehabilitation and Development Millage for the life of the project.

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R-241-5-99 APPROVED

RESOLUTION TO APPROVE INCREASE OF STANDING  
PURCHASE ORDER TO MEISEL SYSCO, INC. FOR RESALE  
ITEMS AT RECREATION FACILITY CONCESSIONS

Whereas, The City of Ann Arbor operates concessions operations at nine different recreation facilities;

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Whereas, Meisel Sysco, Inc. is a major supplier of concession items used for resale at the concessions;

Whereas, Meisel Sysco, Inc. is competitive in its pricing, provide very good customer service, meet delivery schedules at multiple locations, and provide the vending service product needed; and

Whereas, Meisel Sysco, Inc. received human Rights approval on May 26, 1998;

RESOLVED, That the Mayor and City Council approve an increase to the standing purchase order for Meisel Sysco, Inc., in the amount of \$25,000.00 for the 1998-99 fiscal year for a total, not to exceed \$50,000.00.

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R-242-5-99 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER WITH  
AMERICAN MANAGEMENT SYSTEMS, INC. FOR SOFTWARE  
MAINTENANCE AND SUPPORT OF THE LOCAL  
GOVERNMENT FINANCIAL SYSTEM

Whereas, The City of Ann Arbor entered into a License Agreement with American Management Systems, Inc. in 1981 for the use of the Local Government Financial System (LGFS) software;

Whereas, The City's financial system has been structured around the LGFS software package for the past 18 years;

Whereas, Under the terms of this License Agreement, the City is entitled to purchase annual software maintenance at 10% of the prevailing market price or \$37,563.00;

Whereas, American Management Systems, Inc. received Human Rights approval April 26, 1999; and

Whereas, Funding for the LGFS software maintenance is budgeted in the FY 1998-99 Information Services budget;

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RESOLVED, That the City Administrator be authorized to issue a purchase order to American Management Systems, Inc. for the sum of \$37,563.00 for LGFS software maintenance.

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R-243-5-99 APPROVED

RESOLUTION TO INCREASE PURCHASE ORDER WITH OFFICE

**DEPOT FOR POLICE DEPARTMENT OFFICE SUPPLIES**

Whereas, The Purchasing Division has entered into a contract with Office Depot to be the City's office supply provider;

Whereas, Sufficient funds have been included in the Police Department 1998/99 fiscal budget to fund purchases of office supplies; and

Whereas, Human Resources approval was received for Office Depot on May 29, 1998;

RESOLVED, That City Council approve increasing standing purchase order #59-1189-31 for the purchase of office supplies with Office Depot to the amount of \$25,000.00.

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**R-244-5-99 APPROVED****RESOLUTION TO APPROVE STREET CLOSINGS FOR THE 1999****ÁTASTE OF ANN ARBOR AND THE REST OF THE WORLD**

Whereas, The Main Street Area Association will be sponsoring the ÁTaste of Ann Arbor and the Rest of the World event on Sunday, June 6, 1999;

Whereas, It is necessary to close certain City streets to facilitate a successful event;

Whereas, The street closures will be signed and barricaded by the Main Street Area Association and properly supervised, both by the sponsor and the Ann Arbor Police Department;

Whereas, The sponsor will obtain all necessary permits and be responsible to comply with all procedures, rules and regulations required by the City to stage such an event;

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

Whereas, The sponsor has requested that the City waive the following

Transportation Division fees:

Parking Meter Bag Deposit \$840.00

RESOLVED, That City Council authorize the closing of South Main Street from William Street to Huron Street, Liberty Street between Ashley Street and Fourth Avenue and Washington Street between Ashley Street and Fourth Avenue, from 12:00 p.m. and 5:00 p.m. on Sunday, June 6, 1999 for the "Taste of Ann Arbor and the Rest of the World" event; and

RESOLVED, That City Council approve the waiving of the parking meter bag deposit fees.

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**R-245-5-99 APPROVED****RESOLUTION TO APPROVE THE CLOSING OF CITY STREETS****FOR KERRYTOWN TRUE ROLLERS CUSTOM CAR SHOW**

Whereas, The City has received a request from the Kerrytown Historic Market District Commission to temporarily close certain City streets to facilitate the staging of the Kerrytown True Rollers Custom Car Show on Sunday, May 30, 1999, from 8:00 a.m. to 6:00 p.m.;

Whereas, The sponsor will obtain the necessary permits, provide evidence of proper liability insurance, and pay all costs associated with their sponsorship of this event;

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

Whereas, The sponsor will provide written notice to all persons and/or buildings within the effected area of the event no later than ten days prior to the event; and

Whereas, The sponsor has requested that the City waive the following

Transportation Division fees:

\*Parking Meter Bag Deposit \$580.00;

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RESOLVED, That City Council approve the closing of the following streets to vehicular traffic from 7:00 a.m. to 7:00 p.m. on the date of the event:

\* N. Fourth Ave. between E. Kingsley St. and E. Ann St.

\* Catherine St. between N. Main St. and N. Fifth Ave.

\* Detroit St. between N. Fifth Ave. and Catherine St.; and

RESOLVED, That City Council approve the waiving of the parking meter bag deposit fees.

\*\*\*\*\*

R-246-5-99 APPROVED AS AMENDED  
RESOLUTION TO CLOSE CITY STREETS FOR THE FOURTH  
AFRICAN-AMERICAN DOWNTOWN FESTIVAL

Councilmember Kolb moved that the following paragraph be added to the resolution:

RESOLVED, That up to \$1,000.00 be allocated from the Community Events fund to subsidize other City charges related to this event.

On a voice vote the Mayor declared the motion carried.

The resolution as amended reads as follows:

R-246-5-99

RESOLUTION TO CLOSE CITY STREETS FOR THE FOURTH  
AFRICAN-AMERICAN DOWNTOWN FESTIVAL

Whereas, The Community Leaning Post, a local service organization, wishes to hold the Fourth African-American Downtown Festival to commemorate and celebrate the contributions of local African-Americans in the development of both the community and the City;

Whereas, The Community Leaning Post wishes to hold the event in the Ann Street - Fourth Avenue area, which was formerly the center of the African-American business district in the City;

Whereas, This will require the closing of Ann Street from North Main to Fifth Avenue (local traffic access maintained) and Fourth Avenue from Huron Street to Catherine Council - May 3, 1999 21

between 6:00 a.m. and 9:30 p.m. on June 5, 1999;

Whereas, The Community Leaning Post will obtain all necessary permits and be responsible to comply with all procedures, rules and regulations required by the City to stage such an event;

Whereas, The Community Leaning Post will provide written notice to all persons and/or buildings within the effected area of the event no later than ten days prior to the event;

Whereas, The Community Leaning Post has requested that the City waive parking meter bag deposit fees (\$470.00 est.), and street occupancy fees for approximately 2000 square feet of vendor area (approximately \$100.00); and

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

RESOLVED, The Mayor and City Council hereby approve the closing of Ann Street and Fourth Avenue on Saturday, June 5, 1999 from 6:00 a.m. to 9:30 p.m. as requested by the sponsor;

RESOLVED, That the City waive the meter deposit fees and street occupancy fees; and

RESOLVED, That up to \$1,000.00 be allocated from the Community Events Fund to subsidize other City charges related to this event.

\*\*\*\*\*

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R-247-5-99 APPROVED

RESOLUTION TO CLOSE MAIN AND LIBERTY STREETS FOR  
FESTIVE FRIDAY FUN NIGHT - ROLLING SCULPTURE CAR SHOW

Whereas, The City has received a request from the Main Street Area Association and the Parks and Recreation Department to sponsor a special event on Friday, July 9, 1999, from 5:30 - 11:00 p.m.;

Whereas, This event is intended to promote and attract people to the Main Street business area;

Whereas, The staging of this event will require the closing of Main Street between Washington and William Streets, and Liberty Street between Ashley Street and Fourth Avenue;

Whereas, The sponsors have requested that Council waive meter bag deposits; and

Whereas, The sponsors will provide evidence of proper liability insurance, comply with all procedures, rules and regulations for holding these events;

RESOLVED, That the closing of streets as requested be approved; and

RESOLVED, That Council waive parking meter bag deposit fees of \$520.00.

\*\*\*\*\*

R-248-5-99 APPROVED

RESOLUTION TO APPROVE TRANSFER OF CLASS C LICENSED  
BUSINESS TO MARDINI RESTAURANT COMPANY (D.B.A. ALL STAR  
CAFE) LOCATED AT 1319-1321 SOUTH UNIVERSITY AVENUE

RESOLVED, That the request from the Mardini Restaurant Company to transfer the ownership of a 1998 Class C licensed business, located in escrow at 1319-1321 South University Avenue, from Breeco, Inc., be approved; and

RESOLVED, That the request from the Mardini Restaurant Company for a Dance Permit in conjunction with the Class C licensed business be approved.

\*\*\*\*\*

R-249-5-99 APPROVED

RESOLUTION TO APPROVE TRANSFER OF CLASS C LICENSED

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BUSINESS TO APPLEBEE=S OF MICHIGAN, INC. LOCATED AT  
PLYMOUTH AND GREEN ROADS

RESOLVED, That the request from Applebee=s of Michigan, Inc. to transfer the ownership of a 1990 Class C licensed business, located in escrow at 1220 S. University Ave., Suite 109, from Little Caesar Enterprises, Inc., and to transfer the location to Green and Plymouth Roads, be approved.

The question being the foregoing Consent Agenda items, with Resolutions R-239-5-99 and R-246-5-99 as amended, on a voice vote the Mayor declared the motion carried.

**REMOVED CONSENT AGENDA ITEM**

R-250-5-99 APPROVED

RESOLUTION TO APPROVE THE PUBLIC ASSISTANCE GRANT  
AGREEMENT THAT ALLOWS FOR EMERGENCY WORK FOR  
SNOW EMERGENCY FEMA-3137-3M, DECLARED 1/27/99

Whereas, The Federal assistance will be made available within the limits of funds available from Congressional appropriations for such purposes in accordance with the Stafford Act, Executive Orders 12148 and 12673, appropriate regulations found in Title 44 of the Code of Federal Regulations, as amended;

Whereas, The Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible cost; and

Whereas, The agreement provides federal funding for public assistance;

RESOLVED, That the Mayor and City Clerk be authorized to execute a grant contract with the State of Michigan and the Federal Emergency Management Agency substantially in the form on file with the City Clerk after approval as to form by the City Attorney; and

RESOLVED, That the Mayor and Council direct the City Administrator to accept these reimbursement grant funds and deposit them into the budget revenue source 010-032-0130-2152 to meet the currently approved appropriated amount.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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### **ORDINANCES - SECOND READING**

16-99 APPROVED

#### **THE PRODUCE STATION 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 0.95 acre, located at 1629 and 1641 South State Street, from TWP (Township District) and M1 (Limited Industrial District) to P (Parking District) and C3 (Fringe Commercial District). (The complete text of Ordinance 16-99 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**

None.

### **MOTIONS AND RESOLUTIONS**

POSTPONED

#### **RESOLUTION TO PLACE THE NEW FOREST AVENUE PARKING STRUCTURE TEN FEET FROM THE WEST PROPERTY LINE**

Whereas, City Council resolved to support design scheme "F" for the new Forest parking structure, which utilizes the site of the existing structure, as well as three properties to the west;

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Whereas, This design was selected over other options because there are few sites for additional public parking in the South University area, and the City seeks to create the greatest number of spaces possible with this new structure;

Whereas, City Council recognized that maximizing the number of parking spaces is necessary to support current residential and commercial activities, as well as to spark future developments;

Whereas, City Council recognizes that there are other important project goals, including creating a parking structure that is compatible with the mixed nature of the neighborhood, including residences, churches, retail, and University of Michigan offices and classrooms;

Whereas, The proposed design of the new Forest structure shows it built to the western property line;

Whereas, This construction would place it approximately five feet from the eastern window of the residential unit to the west, potentially negatively impacting the quality of life for tenants of the residential property to the west; and

Whereas, If the structure were placed ten feet from the western property line it would eliminate only 42 parking spaces from a structure that is anticipated to hold 893 parking spaces, representing a net loss of less than five percent;

RESOLVED, City Council require that the new Forest Avenue parking structure be placed no closer than ten feet from the western property line.

Councilmember Hanna-Davies moved that the resolution be adopted.  
Councilmember Hanna-Davies moved that the resolution be postponed until the May 17, 1999 regular session of Council for consideration with the proposed site plan and public hearing scheduled for May 17, to examine the adjacent property owner=s house, and to determine the costs associated with moving the west wall.  
On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

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R-251-5-99 APPROVED

RESOLUTION TO APPROVE REAPPROPRIATION OF  
GENERAL FUND FUND BALANCE FOR THE COMMISSION ON  
ART IN PUBLIC PLACES INTO THE 1999-2000 BUDGET

Whereas, The Commission on Art in Public Places was created by City Council Resolution R-72-2-98 on February 17, 1998;

Whereas, The purpose of the Commission on Art in Public Places= is to foster a supportive climate for the visual arts; to encourage greater community awareness of, access to, participation in, and appreciation for the visual arts as an essential component of the vitality, health and spirit of the City; and to nurture and enhance the City=s image as a cultural and artistic hub through the promotion of public art that is as diverse as Ann Arbor itself; and

Whereas, In its first year, the Commission=s focus has been on operational issues, such as its strategic plan, the creation of an endowment fund agreement and pass-through fund agreement with the Ann Arbor Area Community Foundation, and its first community art project;

RESOLVED, That the \$5,000.00 budgeted for the Commission On Art in Public Places in the 1998-1999 budget year be reappropriated from the General Fund fund balance into the 1999-2000 budget.

Councilmember Vereen-Dixon moved that the resolution be adopted.  
On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-252-5-99 APPROVED

RESOLUTION TO APPROVE THE PRODUCE STATION AREA PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Produce Station Area Plan, 0.75 acre, 1629 South State Street.

Whereas, Richard Peshkin has requested area plan approval for a warehouse and retail food market at 1629 and 1641 South State Street; and

Whereas, The Ann Arbor City Planning Commission, on September 1, 1998, Council - May 3, 1999 27

recommended approval of said request;

RESOLVED, That City Council approve The Produce Station Area Plan.

Councilmember Kwan moved that the resolution be adopted.  
On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-253-5-99 APPROVED

RESOLUTION TO APPROVE ROEBUCK ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Roebuck Annexation, 0.22 acre, southeast corner of Kingwood Street and Barber Avenue.

Whereas, The territory hereinafter described is located in the Township of Scio and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Alan D. Roebuck is the owner of said property; and  
Whereas, It is the desire of Alan D. Roebuck to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to-wit:

Lot 119, The Evergreens Subdivision, as recorded in Liber 7 of Plats, Page 42, Washtenaw County Records, Scio Township, Washtenaw County, Michigan.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-254-5-99 APPROVED

RESOLUTION TO APPROVE 2223 SOUTH MAIN STREET ANNEXATION

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A communication was received from the City Planning Commission transmitting its recommendation of denial of the proposed 2223 South Main Street Annexation, 3.61 acres.

Whereas, The territory hereinafter described is located in the Township of Pittsfield and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Mirafzali Family Limited Partnership is the owner of said property; and

Whereas, It is the desire of Mirafzali Family Limited Partnership to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the City of Ann Arbor, to-wit:

Commencing at the center of Section 5, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan, thence N 03.19'40" E 14.01 feet along the N-S 1/4 line of Section 5, thence N 03.26'20" W 783.22 feet along the centerline of Main Street (66 feet wide) to the POINT OF BEGINNING; thence S 88.05'20" E 396.46 feet; thence N 03.45'040" E 375.40 feet; thence N 88.05'20" W 439.67 feet (recorded as N 88.05'20" W 440.24 feet); thence S 01.30'00" E 105.36 feet (recorded as S 01.30'00" E 105.40 feet) along the centerline of Main Street (66 feet wide); thence S 03.21'20" E 271.18 feet along said centerline of Main Street (66 feet wide) to the POINT OF BEGINNING. Being a part of the N 1/2 of Section 5, T3S, R6E, containing 3.61 acres of land, more or less, and being subject to easements and restrictions of record, if any.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-255-5-99 SUBSTITUTE RESOLUTION APPROVED

RESOLUTION TO APPROVE THE CONSOLIDATED STRATEGY AND PLAN FISCAL YEAR 1999-2000 ONE-YEAR ACTION PLAN FOR SUBMISSION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

A resolution to approve the Consolidated Strategy and Plan Fiscal Year 1999-2000 One-Council - May 3, 1999 29

Year Action Plan for submission to the Department of Housing and Urban Development was considered.

Councilmember Putman moved that the resolution be adopted.



Council unanimously agreed that the substitute resolution with the revised Attachment A (Summary of City of Ann Arbor 1999-2000 Community Development Block Grant and Home Projects) be placed on the table for consideration.

Councilmember Hanna-Davies moved that the substitute resolution be adopted.

Councilmember Herrell moved that Attachment A to the resolution be amended as follows:

Legal Services of Southeastern Michigan,... <\$48,000> **\$52,000**

Michigan Ability Partners,... <\$19,000> **\$15,000**

On roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Herrell, Kolb, 5;

Nays, Councilmembers Upton, Kwan, Putman, Mayor Sheldon, 4.

The Mayor declared the motion defeated.

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

Yeas, Councilmembers Vereen-Dixon, Upton, Kwan, Carlberg, Putman, Kolb, Mayor Sheldon, 7;

Nays, Councilmembers Hanna-Davies, Herrell, 2.

The Mayor declared the motion carried.

The substitute resolution as adopted reads as follows:

R-255-5-99

RESOLUTION TO APPROVE THE CONSOLIDATED STRATEGY AND PLAN FISCAL YEAR 1999-2000 ONE-YEAR ACTION PLAN FOR SUBMISSION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Whereas, The Community Development Department has prepared the Consolidated 30 Council - May 3, 1999

Strategy and Plan FY 1999-2000 One Year Action Plan of the City=s Consolidated Strategy and Plan for the period July 1, 1999 through June 30, 2000;

Whereas, Public hearings have been held to solicit the views of Ann Arbor residents interested in the city=s programs; and

Whereas, the CDBG Executive Committee has reviewed the document and recommended its approval to City Council;

RESOLVED, That City Council approve the Consolidated Strategy and Plan FY 1999 One Year Action Plan, substantially in the form on file in the Office of the City Clerk, for submission to the Department of Housing and Urban Development (HUD);

RESOLVED, That City Council authorize the Mayor and City Clerk to execute any required program documents and upon approval by the Department of Housing and Urban Development, the City Council accept the \$2,080,000 allocation, to be available until expended without regard to fiscal year; and

RESOLVED, That City Council approve the Community Development Block Grant and HOME funding allocations and authorize the Community Development Department to negotiate contractual agreements with subgrantees to be detailed for subsequent City Council review and approval.

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R-256-5-99 APPROVED

RESOLUTION APPROVING THE 2000 STATE OF MICHIGAN ARTS AND CULTURAL PROJECTS PROGRAM GRANT APPLICATION

Whereas, The State of Michigan Council for Arts and Cultural Affairs (MCACA), a bureau of the Michigan Department of Consumer and Industry Service, serves to encourage, develop and facilitate an enriched environment of artistic, creative cultural activity in Michigan;

Whereas, The Capital Improvement Projects for Cities, Townships and Villages Program provides funding assistance, up to \$100,000, for capital improvement projects for

the expansion, renovation, construction or acquisition of cultural facilities;  
Whereas, The City of Ann Arbor wishes to promote the development of regional cultural programs and activities through mechanisms reflecting cooperative service delivery that promotes economic development;

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Whereas, The proposed projects will provide regional public access and are consistent with the requirements of the Arts and Cultural Projects Program;  
Whereas, Two organizations in Ann Arbor have submitted grant proposals for consideration under the Arts and Cultural Projects Program and grantees must obtain Human Rights approval prior to executing agreements; and  
Whereas, These proposals were reviewed by a public hearing held on the grant prior to approval;

RESOLVED, That the Mayor and Council approve the 2000 State of Michigan Arts and Cultural Projects Program grant application, including two projects (see Table I, below), which was sent to the Michigan Department of Commerce April 30, 1999, and that should the grants be approved, the Mayor and Council also appropriate the grant funds received from the State to be paid to each of the grantees for the life of the projects;

RESOLVED, That Neal G. Berlin, City Administrator, be authorized to sign the application form and execute any grant requirements, and designate Ronald A. Olson, Associate City Administrator/Superintendent of Parks and Recreation, to be the Grant Program Administrator; and

RESOLVED, That the Mayor and City Clerk be authorized to sign the Grant Agreement with the State of Michigan and an agreement between the City and each stateapproved

grant recipient, substantially in the form on file with the City Clerk.

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2000 ARTS AND CULTURAL PROJECTS PROGRAM - TABLE I

Recom-

Grant Amt. mended

Applicant Project Description Requested Grant Amt.

Performance Construction of a small intimate \$100,000.00 \$100,000.00

Network 125-seat theater, lobby, dressing rooms, building area, offices and rehearsal space into the street level of downtown= Courthouse Square, their new location.

Hands-On Overhaul of heating ventilation \$100,000.00 \$100,000.00

Museum and air conditioning system, update and expand the electrical system and replacement of light fixtures for more energy efficiency, replacement of all exterior doors and widows and repair and cleaning the mansard roof of the central historical firehouse site.

TOTAL \$200,000.00

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION APPROVING THE LEASE AGREEMENT BETWEEN

THE CITY OF ANN ARBOR AND AVFUEL CORPORATION FOR  
LAND WEST OF 903 AIRPORT DRIVE

Whereas, The lessee has operated a fuel farm for some time now on certain airport property;

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Whereas, The lessee has invested in many upgrades to the property and equipment in the past year;

Whereas, The lessee wishes to continue renting the property and operating a fuel farm at this location on the airport;

Whereas, The new lease agreement reflects the current land rental rate, based on a rate previously approved by Council; and

Whereas, The land rate contains an escalator clause that is based upon the yearly percentage increase in the Consumer Price Index;

RESOLVED, That the City Council approve the lease agreement with Avfuel Corporation, and authorize the Mayor and City Clerk to sign the lease agreement on behalf of the City of Ann Arbor.

Councilmember Upton moved that the resolution be adopted.

Councilmember Kwan moved that the resolution be postponed until the May 17, 1999 regular session of Council for further discussions with the Risk Management staff.

On a voice vote the Mayor declared the motion carried.

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R-257-5-99 APPROVED  
RESOLUTION APPROVING A GRANT OF EASEMENT TO BOARD  
OF COUNTY ROAD COMMISSIONS - ANN ARBOR AIRPORT

Whereas, The City of Ann Arbor is the owner of the following described airport property:

The NW 1/4 of the NE 1/4 and the NE 1/4 of the NW 1/4, excepting the northerly 33 ft. thereof, Sec. 17, Pittsfield Twp., T3S, R6E, Washtenaw County, Michigan; and

Whereas, The Board of County Road Commissioners of the County of Washtenaw has requested a grant of easement from the City of Ann Arbor for the northerly ten feet of the described parcels for the reconstruction and expansion of Ellsworth Road between Plaza Drive West and South State Street, in order to improve access to the community and airport specifically;

RESOLVED, That a grant of easement for highway purposes be approved by City Council - May 3, 1999

Council;

RESOLVED, That the Mayor and Clerk be authorized to execute the grant of easement in substantially the form on file in the City Clerk's office, following approval as to form by the City Attorney, and approval as to substance by the City Administrator; and  
RESOLVED, That the City Administrator be authorized to take necessary administrative actions to implement this resolution.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-258-5-99 APPROVED  
RESOLUTION TO APPROVE CONTRACT ADDENDUM WITH  
RECYCLE ANN ARBOR FOR DROP-OFF STATION OPERATIONS

Whereas, Recycle Ann Arbor has been successfully operating the City's drop-off station at its new location on Ellsworth Road since December, 1996;

Whereas, The facility has been handling considerably more material than originally

predicated, including 250% more yard waste and 76% more recyclable materials; Whereas, Recycle Ann Arbor is losing approximately \$38,000.00 per year operating the drop-off station, as confirmed by an independent financial review conducted by Plante and Moran; and

Whereas, Funding for the proposed contract addendum will be provided from the approved 1998/99 Solid Waste Department budget and from the proposed 1999/2000 Solid Waste Department budget;

RESOLVED, That City Council approve a contract addendum with Recycle Ann Arbor increasing funding by \$10,500.00 in fiscal year 1998/99 and \$21,000.00 in fiscal year 1999/2000 and implementing administrative changes as outlined in the contract addendum, with total additional costs to the City of approximately \$3,000.00 in fiscal year 1998/99 and \$6,000.00 in fiscal year 1999/2000;

RESOLVED, That These changes be retroactive to January 1, 1999 and run through June 30, 2000, the end of the contract;

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RESOLVED, That the City continue to make efforts to secure additional funding for the drop-off station from the Washtenaw County regional Program Fund; and

RESOLVED, That the Mayor and City Clerk be authorized to sign the contract addendum substantially in the form on file in the City Clerk=s Office.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-259-5-99 APPROVED

RESOLUTION TO AWARD CONTRACT TO DETROIT EDISON COMPANY TO PROVIDE ENERGY SAVING LIGHTING IMPROVEMENTS AT CITY FACILITIES

Whereas, The City of Ann Arbor is a member of the EPA=s Green Lights Program which requires us to examine our facility lighting and improve the energy efficiency where economically feasible;

Whereas, Retro-Tech has performed lighting energy audits on 21 City facilities through Detroit Edison and is therefore familiar with the City facilities and the work requested;

Whereas the Municipal Energy Fund Board has reviewed the 21 audits and recommended 14 facilities for lighting upgrades in FY 1998-99;

Whereas, Retro-Tech has been chosen by Detroit Edison as their primary lighting auditors and retro-fitters out of a field of seven applicants;

Whereas, Detroit Edison will sub-contract with RetroTech to perform the lighting improvements under this contract;

Whereas, The cost of the lighting audits, \$300.00/facility, will be refunded if Detroit Edison is contracted to install the lighting improvements;

Whereas, The \$100,000.00 Municipal Energy Fund was established in FY 1998-99 to finance energy improvements in City facilities;

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Whereas, The facilities which receive improvements will repay the Municipal Energy Fund 80% of the predicted energy savings for the next five years;

Whereas, The facility managers are familiar with the program and have agreed to participate; and

Whereas, Detroit Edison received Human Rights approval on 5/14/98 and Retro-Tech received Human Rights approval on 3/31/99;

RESOLVED, That the Mayor and City Clerk be authorized to sign a City Attorney approved a contract with Detroit Edison for \$80,367.00 plus an \$8,000.00 contingency to be

funded from the Municipal Energy Fund; and  
RESOLVED, That the facilities receiving energy improvements will reimburse the energy fund by paying 80% of the predicted energy savings to the Municipal Energy Fund starting in FY 1999-2000.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

#### **REPORTS FROM COUNCIL COMMITTEES**

None.

#### **COUNCIL PROPOSED BUSINESS**

None.

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#### **COMMUNICATIONS FROM THE MAYOR**

##### **ANNOUNCEMENTS**

× Additional proclamations were recently signed for Bill Day, April 23, 1999, and Chemical Awareness Week, May 2-8, 1999.

× The Michigan Municipal League is sponsoring an open house at its Green Road facility on June 4, from 1:00-4:00 p.m., in celebration of its centennial year.

× The annual dinner with University of Michigan officials will be held on June 5 at the Inglis House. The Mayor requested that Councilmembers come prepared with issues for discussion.

##### **APPOINTMENTS APPROVED**

Mayor Sheldon recommended the following appointments at the April 5 and April 19, 1999 regular sessions of Council:

Cable Communications Commission

Dale Leslie (reappointment)

1921 Mershon Dr. 48103

Term: 5/3/99 to 5/2/2004

Ann Arbor Energy Commission

Marc Ross (reappointment)

1056 Martin Pl. 48104

Term: 3/31/99 to 4/1/2002

Ann Arbor Hospitality Committee

Elke Ferris (reappointment)

3559 Burbank Dr. 48105

Term: 5/3/99 to 1/1/2000

Gregory Fox (reappointment)

554 S. First St. 48103

Term: 5/3/99 to 1/1/2000

Ann Arbor Transportation Authority Board

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Brian Weisman (to fill unexpired term)

1107 Edgewood Ave. 48103

Term: 5/3/99 to 5/1/2003

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

On a voice vote the Mayor declared the motion carried.

#### **COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

##### **EXECUTIVE SESSION**

City Administrator Berlin announced that a recess will be called at the end of the meeting for an executive session to discuss collective bargaining negotiations.

##### **AFFORDABLE HOUSING PROCESS**

Mr. Berlin stated that the Affordable Housing Process report has been submitted in accordance with Council=s request. He asked that Council provide direction so that the process can move forward.

#### REPORTS SUBMITTED

Administrator Berlin submitted the following reports for information of Council:

1. Final Cost for Jackson Road Sidewalk Project and Curb and Gutter Project
2. Affordable Housing Process
3. Forest Avenue Parking Structure
4. Hands on Museum
5. Classification/Role Evaluation Study Update
6. Update of the Evergreen Storm Water Control Project
7. VEBA Trust Statement of Investment Policy

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

#### COMMUNICATIONS FROM THE CITY ATTORNEY

None.

#### COMMUNICATIONS FROM COUNCIL

##### COUNCILMEMBER HANNA-DAVIES

Councilmember Hanna-Davies invited Councilmembers to a send-off celebration at 5:30 p.m., May 6, in front of City Hall, for the delegation traveling to the Netherlands for the ÁHague Appeal for Peace, an international conference calling for governments to have an agenda for peaceful resolution of conflicts among nations. Ms. Hanna-Davies stated that she will be part of the delegation.

##### COUNCILMEMBER KOLB

Councilmember Kolb invited everyone to participate in the May 8 ÁWalk the Boulevard event, beginning at 9:00 a.m. at Veterans Memorial Park. He stated that ÁWalk the Boulevard is sponsored by the West Stadium Business Professional Association and benefits the Peace Neighborhood Center.

##### COUNCILMEMBER VEREEN-DIXON

Councilmember Vereen-Dixon thanked everyone for their calls and cards expressing sympathy for the death of her aunt.

Ms. Vereen-Dixon requested that an approved copy of the Resolution Closing the Streets for the Fourth African-American Downtown Festival be forwarded to Lucille Porter.

##### MAYOR SHELDON

Mayor Sheldon announced that a group of city officials from Bloomington, Indiana will be visiting Ann Arbor May 18-19, 1999. Councilmembers are invited to attend the reception with the delegates on May 18.

#### CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

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The following communications were referred as indicated:

1. Communication from Rebecca A. Head, Director of Washtenaw County Department of Environment & Infrastructure Services, regarding establishment of a countywide Brownfield Redevelopment Authority - File.
2. Resolution from Washtenaw County Board of Commissioners honoring winners of the 1999 Environmental Excellence Awards - File.
3. Communication from U.S. Senator Spencer Abraham regarding Resolution R-182-4-99, ÁResolution Commending Bishop Thomas Gumbleton=s Challenge to the Sanctions on Iraq, adopted April 5, 1999 - File.
4. Resolution from Washtenaw County Board of Commissioners condemning use of racial slurs in dictionaries - File.

The following minutes were received for file:

1. Downtown Development Authority - March 3 and March 11, 1999
  2. Taxicab Board - February 25, 1999
  3. Ann Arbor Transportation Authority Board - March 24, 1999
  4. Housing Commission - January 20 and February 17, 1999
  5. Community Development Executive Committee - June 15, September 21, October 19, November 16, and December 14, 1998; and February 16, March 15, April 5 and April 15, 1999
  6. Planning Commission - March 2 and March 16, 1999
  7. Deferred Compensation Administrative Board - March 17, 1999
  8. Employees= Retirement System Board - March 18, 1999
  9. VEBA Trust Board - March 18, 1999
  10. Building Board of Appeals - March 10, 1999
  11. Housing Policy Board - April 1, 1999
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Councilmember Putman moved that the Clerk's Report be accepted.  
On a voice vote the Mayor declared the motion carried.

#### **PUBLIC COMMENTARY - GENERAL**

None.

#### **RECESS FOR EXECUTIVE SESSION**

Councilmember Putman moved that the regular session of Council be recessed for an executive session to discuss collective bargaining negotiations.

On roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Upton, Kwan, Carlberg, Herrell, Putman, Kolb, Mayor Sheldon, 9;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 10:24 p.m.

#### **MEETING RECONVENED**

Councilmember Upton moved that the executive session be adjourned and the regular session of Council be reconvened.

On a voice vote the Mayor declared the motion carried and the regular session reconvened at 11:33 p.m.

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#### **ADJOURNMENT**

There being no further business to come before Council, the Mayor declared the meeting adjourned at 11:33 p.m.

Janet L. Chapin

Acting Clerk of the Council

Recording Secretary