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EXECUTIVE SESSION - APRIL 4, 1994

The executive session of the Ann Arbor City Council was called to order at 6:49 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Larry Hunter, Jane Lumm, Robert C. Grady, Peter Nicolas, Julie Creal, Thais Anne Peterson, David F. Stead, Mayor Ingrid B. Sheldon, 8.

ABSENT : Councilmembers Tobi Hanna-Davies, Peter Fink, Ulrich Stoll, 3.

MOTION TO CONVENE

Councilmember Stead moved and Councilmember Lumm supported that an executive session of Council be convened for the purpose of discussing the City Attorney's evaluation.

On a voice vote the Mayor declared the motion carried.

ADJOURNMENT

Councilmember Stead moved and Councilmember Stoll supported that the executive session of Council be adjourned and that the regular session of Council be convened.

On a voice vote, the Mayor declared the motion carried and the executive session adjourned at 7:41 p.m.

Janet L. Chapin
Acting Clerk of the Council
Recording Secretary

REGULAR SESSION - APRIL 4, 1994

The regular session of the Ann Arbor City Council was called to order at 7:41 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for one moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Larry Hunter, Tobi Hanna-Davies, Jane Lumm, Robert C. Grady, Ulrich Stoll, Peter Nicolas, Julie Creal, Thais Anne Peterson, David F. Stead, Mayor Ingrid B. Sheldon, 10.

ABSENT : Councilmember Peter Fink, 1.

INTRODUCTIONS

RECOGNITION TO OUTGOING COUNCILMEMBERS

Mayor Sheldon presented Certificates of Appreciation to outgoing Councilmembers Larry Hunter, Robert C. Grady and Thais Peterson in recognition of their years of dedicated service to the City of Ann Arbor as representatives of the First, Third and Fifth Wards respectively.

The outgoing Councilmembers presented their farewells and were recognized by their colleagues on Council.

ANN ARBOR ARMORY PRESENTATION

Cable Administrator Harry Haasch reviewed the report of the Cable Communications Site Search Committee which concluded that the costs of renovating the Ann Arbor Armory for relocation of the Community Access Television studios are feasible and recommended acquisition of the facility from the State of Michigan.

PUBLIC COMMENTARY - RESERVED TIME

LE FIEST GALIMORE - HIRING PRACTICES IN PARKS AND RECREATION

LeFiest Galimore, 3139 Plymouth Rd., expressed concern with the hiring practices of the City Parks and Recreation Department. He stated that a Parks employee, who was a qualified applicant for a job opening in the department, was not considered for the higher position because of ongoing discrimination in the Parks Department's hiring practices. Mr. Galimore requested an investigation of the matter.

MARTHA BLOOM - AFFORDABLE HOUSING

Martha Bloom, 3466 River Bend Dr., urged Council's approval of the housing affordability agreement for the acquisition and rehabilitation of 1111 Brooklyn

Avenue to house her son and two other low-income, mentally disabled individuals. Ms. Bloom stated that permanent affordable housing opportunities for the disabled are very limited in the City and that the Comprehensive Housing Affordability Strategy (CHAS) has identified this critical need.

BLONDEEN MUNSON - APPRECIATION TO LARRY HUNTER

Blondeen Munson, 2385 Arrowwood Tr., representing the Amistad Community Church, Bethel AME Church and New Hope Baptist Church, presented a resolution of appreciation to Councilmember Larry Hunter for his twelve years of service to the Ann Arbor community. Ms. Munson praised Mr. Hunter for his advocacy and many accomplishments. (Resolution of Appreciation on file in the City Clerk's Office)

DAVID NOEL - COMMUNITY REINVESTMENT

David Noel, 410 W. Washington St., expressed concern that the local banking community is not fulfilling the spirit of the Community Reinvestment Act and, in some cases, may be violating the act and discriminating against low-income people and people of color. Mr. Noel reported that an investigation of the matter is underway.

PETER ALLEN - CABLECASTING RELOCATION

Peter Allen, 2224 Applewood Ct., stated that he has been involved in the process of finding a site for the Cable Communications studios, and requested that Council carefully examine the following issues concerning the Ann Arbor Armory building as a possible site for relocation: 1) Taking possession of the building from the State could be a lengthy process and it may not be donated; 2) All possible uses for this historic structure should be explored to find the best use; and 3) The unique needs of Cable Communications should be further analyzed.

PUBLIC HEARINGS

FOXFIRE PHASE III SITE CONDOMINIUM SITE PLAN

A public hearing was conducted on the proposed Foxfire Phase III Site Condominium Site Plan, 5.48 acres, northwest corner of Dhu Varren Road and Omlesaad Drive. Notice of public hearing was published March 28, 1994.

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

FOXFIRE PHASE IV SITE CONDOMINIUM SITE PLAN

A public hearing was conducted on the proposed Foxfire Phase IV Site Condominium Site Plan, 7.65 acres, southwest corner of Dhu Varren Road and Omlesaad Drive. Notice of public hearing was published March 28, 1994.

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

STUCCHI'S SITE PLAN

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A public hearing was conducted on the proposed Stucchi's Site Plan, 1.18 acres, 3060 Washtenaw Avenue. Notice of public hearing was published March 28, 1994.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

CONSENT AGENDA

Delete: Resolution to Award Contract and Establish a Budget for the Wastewater Treatment Plant Tertiary Filter Renovation Project - RFP No. 328 (\$47,000.00)

ORDINANCES - SECOND READING

Revise: Amendment to Chapter 126, Sections 10:102 and 10:120 - Truck Weights (Ordinance No. 31-94) (See Paragraph (2)(b))

ORDINANCES - FIRST READING

Delete: Ordinance Regarding the Community Reinvestment Act (Councilmember Hunter) (See Resolution No. R-128-4-94)

MOTIONS AND RESOLUTIONS

Substitute: Resolution Regarding ~~<the Conduct of Council Meetings>~~ **MANAGEMENT OF COUNCIL MEETINGS AND MEETING LENGTH** (Councilmember Stead)

Delete: Resolution Regarding Detroit Street Street Closing (Mayor Sheldon)

Delete: Resolution to Award Construction Contract and to Establish Project Budget for Ozonation and Related Water Plant Improvements Project - Bid No. 2525 (\$17,994,670)

Delete: Resolution to Authorize Amendment No. 1 to Professional Services Agreement for Ozonation Facilities and Related Improvements at Water Treatment Plant - RFP No. 299 (\$1,163,349)

Add: Resolution Authorizing Fiscal Year 1993-1994 Salary Adjustment for City Administrator (Mayor Sheldon, Councilmembers Fink, Grady, Lumm, Stead)

Add: Resolution Regarding the Community Reinvestment Act (Councilmember Hunter) (Was Ordinance at First Reading)

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF MARCH 7, 14 AND 21 APPROVED

Councilmember Lumm moved that the regular session minutes of March 7, 1994 (recessed), the continued regular session minutes of March 14, 1994, and the regular session minutes of March 21, 1994 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-107-4-94 APPROVED

RESOLUTION TO APPROVE STUCCHI'S SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Stucchi's Site Plan, 1.18 acres, 3060 Washtenaw Avenue.

Whereas, Stucchi's has requested site plan approval in order to construct a one-story, 3,000-square foot retail building; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of March 15, 1994, recommended approval of said request;

RESOLVED, By the Mayor and City Council that Stucchi's Site Plan be hereby approved.

R-108-4-94 APPROVED

RESOLUTION NO. 4 - CONFIRM ASSESSMENT ROLL
FOR BURTON ROAD WATER MAIN

Whereas, The City Council, after due and legal notice, has met for the purpose of reviewing a special assessment roll prepared for the purpose of assessing the private property's share of the cost of acquiring and constructing water main described as follows:

Burton Road - Approximately 1,600 LF of 8" water main along Burton Road from Packard Road northerly to an existing 8" water main about 350" south of Eli Drive;

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Whereas, The City Council has heard all persons interested in the necessity of the improvement or aggrieved by the special assessment roll and has considered any and all objections thereto; and

Whereas, The City Council is satisfied with said special assessment roll;

RESOLVED,

1. That said special assessment roll as prepared by the City Assessor be hereby confirmed in the amount of \$75,876.84 and designated as Water Main Special Assessment District No. 93028, File No. 93028;

2. That said special assessment roll be divided into 15 equal annual installments, the first of which shall be due on December 1, 1994, and the 14 subsequent installments to be due on June 1 of each and every year thereafter;

3. That the deferred installments of said special assessment roll bear interest at the rate of 8% to be adjusted to 1% per annum above the average interest rate of any bonds issued to finance the improvements, commencing December 1, 1994, said interest to be collected annually on the due date of the second and subsequent installments of said special assessment roll; and

4. That the amount of the improvement costs designated as future recoverable shall, when imposed on the property, include interest at an amount determined by Council, but not less than 7%.

BURTON ROAD WATER MAIN
DISTRICT NO. 93028, FILE NO. 93028

<u>ASSESSOR'S CODE</u>	<u>PROPERTY OWNER</u>	<u>PROPERTY SHARE</u>
12-02-409-003	Child & Family Service 704 Spring Street Ann Arbor, MI 48103	\$ 8,409.84
12-02-409-004	Child & Family Service 2301 Platt Road Ann Arbor, MI 48108	\$ 6,746.70
12-02-409-005	Child & Family Service 2301 Platt Rd. Ann Arbor, MI 48108	\$ 6,746.70
12-02-409-006	Leveille & Pauris 4788 Washtenaw Ave. Ann Arbor, MI 48104	\$ 6,746.70
12-02-409-007	Burton Co-Partnership 3612 Huron River Dr. Ann Arbor, MI 48104	\$ 6,746.70
12-02-409-016	Thomson Mehran 3612 Huron River Dr.	\$ 6,746.70

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	Ann Arbor, MI 48104	
12-02-409-017	Thomson Mehran 3612 Huron River Dr. Ann Arbor, MI 48104	\$ 6,746.70
12-02-409-020	Emma Vandenbosch 881 Harwood Madison Heights, MI 48071	\$ 6,746.70
12-02-409-021	Marie Norman 2825 Burton Rd. Ann Arbor, MI 48104	\$ 6,746.70
12-02-409-022	Rodney Lotz 2725 Burton Rd. Ann Arbor, MI 48104	\$13,493.40
	TOTAL PROPERTY SHARE	\$75,876.84

R-109-4-94 APPROVED

RESOLUTION NO. 4 - CONFIRM ASSESSMENT ROLL
FOR MURRAY COURT WATER MAIN

Whereas, The City Council, after due and legal notice, has met for the purpose of reviewing a special assessment roll prepared for the purpose of assessing the private property's share of the cost of acquiring and constructing water main described as follows:

Murray Court water main to serve 811, 815 and 819 Murray Court;

Whereas, The City Council has heard all persons interested in the necessity of the improvement or aggrieved by the special assessment roll and has considered any and all objections thereto; and

Whereas, The City Council is satisfied with said special assessment roll;

RESOLVED,

1. That said special assessment roll as prepared by the City Assessor be hereby confirmed in the amount of \$12,000.00 and designated as Water Main Special Assessment District No. 93103, File No. 93103;

2. That said special assessment roll be divided into 15 equal annual installments, the first of which shall be due on December 1, 1994, and the 14 subsequent installments to be due on June 1 of each and every year thereafter; and

3. That the deferred installments of said special assessment roll bear interest at the rate of 8% to be adjusted to 1% per annum above the average

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interest rate of any bonds issued to finance the improvements, commencing December 1, 1994, said interest to be collected annually on the due date of the second and subsequent installments of said special assessment roll.

MURRAY COURT WATER MAIN
DISTRICT NO. 93103, FILE NO. 93103

<u>ASSESSOR'S CODE</u>	<u>PROPERTY OWNER</u>	<u>PROPERTY SHARE</u>
09-29-209-018	Anderson, Brenda J. 811 Murray Ct. Ann Arbor, MI 48103	\$ 4,000
09-29-209-019	Wilton, James V. 513 Oswego Ann Arbor, MI 48104	\$ 4,000
09-29-209-020	Gage, John P. 819 Murray Ct. Ann Arbor, MI 48103	\$ 4,000
	TOTAL PROPERTY SHARE	\$12,000

R-110-4-94 APPROVED

RESOLUTION TO APPROVE CONTRACT WITH
THOMPSON-MC CULLY COMPANY AND ESTABLISH A
PROJECT BUDGET FOR THE 1994 ANNUAL STREET
RESURFACING PROJECT - BID NO. 2519

Whereas, The 1993-1999 Capital Improvements Plan includes Project No. E404, 1994-1995 Annual Resurfacing Project;

Whereas, Thompson-McCully Company has submitted to the City on March 9, 1994, a bid for said work in the total amount of \$1,792,975.25, which amount is the lowest responsible bid;

Whereas, The contractual proposals set forth the services to be performed by said company, and the payments to be made by the City therefor, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a contract with said company for said construction project; and

Whereas, The Human Resources Department has on April 4, 1994 approved said company for said project;

RESOLVED, That a contract in the amount of \$1,792,975.25 be awarded to Thompson-McCully Company for the construction of the 1994 Annual Street Resurfacing Project;

RESOLVED, That the Mayor and the City Clerk be hereby 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 the following budget be adopted for the life of the project, to be available until expended without regard to fiscal year:

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Section I, Revenue

\$2,090,000	Fund 062, The 1991 Street Millage Fund
11,500	Fund 042, Water Revenue Bond Series T
53,000	Fund 043, Sewer Revenue Bond Series XVI
23,500	Fund 069, Storm Water Revenue Bond
135,000	Fund 042, Water Revenue Bond Series T
	(Previously approved R-144-4-93)
\$2,313,000	TOTAL; and

Section II, Expense

\$1,792,975	Construction
50,000	Design Engineering
120,000	Construction Engineering
60,000	Consulting and Testing
120,000	Contingencies approved by the City Administrator
20,000	Miscellaneous Costs
<u>150,025</u>	Overhead Charges
\$2,313,000	TOTAL;

and

RESOLVED, That the City Administrator be authorized to take necessary administrative actions to implement this resolution, including deleting streets from the attached 1994 Annual Street Resurfacing Project List to keep the total cost of the project within the available funds.

R-111-4-94 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICES
AGREEMENT WITH CTI AND ASSOCIATES, INC. FOR
TESTING SERVICES FOR THE 1994 ANNUAL STREET
RESURFACING PROJECT

Whereas, It is necessary to employ a qualified testing firm to perform essential testing for the 1994 Annual Street Resurfacing Project;

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

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

Whereas, On April 4, 1994 the Human Resources Department gave approval of said company for said work; and

Whereas, On April 4, 1994, Council adopted the project's budget which includes sufficient funds for this agreement;

RESOLVED, That Council authorize a professional services agreement in the

standard City form in the amount of \$60,000.00 with CTI and Associates, Inc. for construction testing and inspection services for the 1994 Annual Street Resurfacing Project;

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

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.

R-112-4-94 APPROVED

RESOLUTION TO AWARD CONSTRUCTION CONTRACT
TO J & R UNDERGROUND CONTRACTORS AND ESTABLISH
A PROJECT BUDGET FOR THE CONSTRUCTION OF
BURTON ROAD WATERMAIN - BID NO. 2468

Whereas, It is required to construct a new watermain on Burton Road;

Whereas, J&R Underground Contractors of Milan, Michigan, has submitted to the City on February 24, 1994 a bid for said work in the total amount of \$90,754.00 which amount is the lowest responsible bid;

Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefor, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a Contract with said company for said construction project; and

Whereas, On March 7, 1994 the Human Resources Department approved said company for said construction project;

RESOLVED, That a contract in the amount of \$90,754.00 be awarded to J&R Underground Contractors for the construction of the Burton Road Watermain;

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

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

RESOLVED, That the following project budget be adopted and funds appropriated for the life of the project, to be available until expended without regard to fiscal year:

Section I - Revenue

\$148,200 Advanced from Water System Supply Fund, Fund 042

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	_____	pending the sale of appropriate bonds
\$148,200	TOTAL	

Section II - Expense

\$ 91,000	Construction Contract
29,700	Engineering
5,500	Testing
7,700	Bond Costs
5,500	Miscellaneous
<u>8,800</u>	Contingencies Approved by the City Administrator
\$148,200	TOTAL

R-113-4-94 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT
WITH LINDA WILHELM FOR 2114 WINEWOOD AVENUE

Whereas, An application was received in October, 1992 from Linda Wilhelm for rehabilitation assistance for her home located at 2114 Winewood, Ann Arbor;

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

Whereas, The Waiver Review Board, at its meeting of March 23, 1994, approved a waiver of the \$22,000 maximum amount in order to complete the needed improvements; and

Whereas, Four bids were received on March 24, 1994 and Ms. Wilhelm will be executing an agreement with the lowest acceptable bidder to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Linda Wilhelm in the amount of \$25,686.00 as a deferred payment loan with funds to be available until expended without regard to fiscal year, and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

R-114-4-94 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT
WITH ANNIE D. TAYLOR FOR 5 BLAIN COURT

Whereas, An application was received from Annie D. Taylor for rehabilitation assistance for her home located at 5 Blain Court, Ann Arbor;

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

Whereas, Four bids were received on March 3, 1994, and Ms. Taylor will be executing an agreement with the lowest acceptable bidder to complete the rehabilitation work; and

Whereas, The Waiver and Review Board, at its meeting of March 23, 1994, approved a waiver for the maximum amount of \$22,000.00 up to \$24,958.00 for rehabilitation assistance;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Annie D. Taylor in the amount of \$24,958 as a deferred payment loan with funds to be available until expended without regard to fiscal year, and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

R-115-4-94 APPROVED

RESOLUTION TO APPROVE CHANGE ORDER
FOR ELECTRICAL ENGINEERING SERVICES FOR
THE WASTEWATER TREATMENT PLANT

Whereas, The Wastewater Treatment Plant has undertaken electrical preventive maintenance projects during Fiscal Year 1993/94; and operations and maintenance personnel training on plant specific electrical systems;

Whereas, The continued availability of professional electrical engineering services within this fiscal year is required for technical assistance with electrical improvements and other more complex electrical problems;

Whereas, James L. McCoy has become very familiar with the Wastewater Treatment Plant electrical systems through his experience at the plant over the past five years; and

Whereas, Human Rights Approval for Mr. James L. McCoy, P.E., was granted on January 28, 1994;

RESOLVED, That City Council approve a change order in the amount of \$6,100.00 to increase the purchase order issued to James L. McCoy for professional electrical engineering services to \$16,000.00.

R-116-4-94 APPROVED

RESOLUTION TO APPROVE A CONTRACT TO
AWARD BID NO. 2543 FOR IMPROVEMENTS
TO VIRGINIA AND BECKLEY PARKS

Whereas, Funds in the amount of \$20,000.00 are appropriated in the Fiscal Year 1993/94 budget for improvements to Virginia Park and \$15,000.00 for Beckley Park from the 1989-94 Parks Rehabilitation and Development Millage;

Whereas, Margolis Nursery submitted the lowest responsible bid for improvements to the Parks in the amount of \$19,085.00;

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Whereas, The Human Resources Department approved the company in March 1994;

RESOLVED, That the Mayor and Council approve a contract awarding Bid #2543 to Margolis Nursery in the amount of \$19,085.00, and authorize the Mayor and City Clerk to sign the agreement between the City and Margolis Nursery substantially in the form on file with the City Clerk; and

RESOLVED, That Mayor and City Council approve a contingency in the amount of \$1,908.50 to cover potential contract change orders to be approved by the City Administrator, and approve a total project budget of \$20,993.50 for the life of the project.

R-117-4-94 APPROVED

RESOLUTION TO APPROVE THE CLOSING OF STREETS
FOR THE ANN ARBOR FESTIVAL OF CYCLING

Whereas, The 1988-92 Ann Arbor Festivals of Cycling were cosponsored by the Department of Parks and Recreation and supported by the Ann Arbor City Council and the Main Street Merchants Association;

Whereas, The 1988-92 Ann Arbor Festivals of Cycling were successful in drawing over 500 bicycle racers and thousands of spectators to downtown Ann Arbor;

Whereas, The 1994 Ann Arbor Festival of Cycling will attract 500 children, 150 United States Cycling Federation Racers, and over 1500 spectators to downtown Ann Arbor;

Whereas, The 1994 Ann Arbor Festival of Cycling is sponsored by the Velo Club, with assistance by the Department of Parks and Recreation, and is supported by the Main Street Merchants Association; and

Whereas, The Ann Arbor Festival of Cycling will provide all required liability insurance coverage and pay the City of Ann Arbor for the following City services needed to facilitate the downtown bicycle races:

- 1) Two Police Officers at control points - estimated cost \$500.00;
- 2) Deposit fee on parking meter bags to be placed on meters within race course the night before the race - estimated cost \$920.00; and
- 3) Parking violation staff to ticket violating cars within race course for towing on morning of race - estimated cost \$80.00;

RESOLVED, That the Mayor and Council approve the closure to all traffic from 8:30 a.m. to 1:00 p.m. on Sunday, June 12, 1994, on Washington from First to Fourth, Liberty from First to Fourth, William from First to Fourth, Main from Packard to Huron, Ashley from William to Huron (see map on file in the

City Clerk's Office); and that the Ann Arbor Festival of Cycling pay the expenses incurred by the City (estimated cost \$1,500.00).

R-118-4-94 APPROVED

RESOLUTION AUTHORIZING A SPECIAL TAX
ASSESSMENT FOR DELINQUENT WEED AND BRUSH
CLEARANCE CODE VIOLATION FEES

Whereas, The properties on Attachment A (on file in the City Clerk's Office) were in violation of the City Vegetation and Weed Control, Chapter 40;

Whereas, These properties were brought into compliance by the City following notification as required by the Code; and

Whereas, An invoice for services were issued to the applicable property owners and to date have not been paid;

RESOLVED, That the unpaid fees be levied as a special assessment against owners and premises according to Schedule A together with an additional penalty charge of 10%, as provided for in Section 1.292 of the City Code; and

RESOLVED, That the City Assessor place the same on the next City taxroll and that the charges be collected in the same manner as general City taxes.

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

ORDINANCES - SECOND READING

30-94 POSTPONED

BOARDS AND COMMISSIONS

An Ordinance to Amend Section 1:171 of Chapter 8
of Title I of the Code of the City of Ann Arbor

This ordinance would: 1) Require the Mayor to notify Council at least 30 days prior to the expiration of office of any person serving on a board or commission, and to place on the table the name of all reappointments no later than 60 days after the expiration date; and 2) Prohibit any member of a board or commission from serving more than 60 days beyond the term of office, except that Council may extend the term for periods of 90 days.

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

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Councilmember Hunter moved that the ordinance be postponed to the April 18, 1994 regular session of Council in the interest of time.

On a voice vote the Mayor declared the motion carried and the ordinance postponed at second reading.

31-94 APPROVED

TRUCK WEIGHTS

An Ordinance to Amend Sections 10:102 and 10:120 of Chapter 126 of Title X of the Code of the City of Ann Arbor

This ordinance would clarify references to truck weights and would adopt the axle weight restrictions and graduated fine schedule of the Michigan Vehicle Code.

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

Council unanimously agreed that paragraph (2)(b) of Section 10:102 be amended as follows:

(2) Provided, however, that no provision of this section shall prohibit:...

(b) The operations of, ~~<trucks owned or operated by the City Public Utilities>~~ VEHICLES OWNED OR OPERATED BY THE CITY,...

The question being the ordinance as amended, on a voice vote the Mayor declared the motion carried and the ordinance adopted at second reading.

32-94 APPROVED

REMOVE RESTRICTIONS ON POLITICAL SIGNS

An Ordinance to Add a New Section 5:506, to Renumber Sections 5:506 through 5:517, and to Amend Sections 5:501, 5:507, 5:508, 5:510, 5:511, 5:515 and 5:516 of Chapter 61 of Title V of the Code of the City of Ann Arbor

This ordinance would revise the sign ordinance of the City Code by adding "political sign" to the definition section, adding a new section for political signs, adding political signs to the permitted sign section, and prohibiting erection of signs on the public right-of-way.

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

On a voice vote the Mayor declared the motion carried and the ordinance adopted at second reading.

ORDINANCES - FIRST READING

33-94 APPROVED

WATER SERVICE CHARGES

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

This ordinance would increase water service rates.

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

On a voice vote the Mayor declared the motion carried and the ordinance approved at first reading.

34-94 APPROVED

STORMWATER SERVICE CHARGES

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

This ordinance would increase stormwater service rates.

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

On a voice vote the Mayor declared the motion carried and the ordinance approved at first reading.

MOTIONS AND RESOLUTIONS

POSTPONED

**RESOLUTION TO APPROVE FOXFIRE
PHASE III SITE CONDOMINIUM SITE PLAN
AND SITE DEVELOPMENT AGREEMENT**

A communication was received from the City Planning Commission transmitting its recommendation of denial of the proposed Foxfire Phase III Site Condominium Site Plan and Site Development Agreement, 5.48 acres, northwest corner of Dhu Varren Road and Omlesaad Drive.

Whereas, Guenther Building Company has requested site plan approval in

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order to develop six single-family site condominium lots;

Whereas, A site development agreement has been prepared for this proposal; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of March 15, 1994, reviewed said request;

RESOLVED, By the Mayor and City Council that Foxfire Phase III Site Condominium Site Plan and Site Development Agreement be hereby approved.

Councilmember Lumm moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be tabled to the April 18, 1994 regular session of Council to address concerns with the design of Dhu Varren Road.

On a voice vote the Mayor declared the motion carried and the resolution postponed.

POSTPONED

RESOLUTION TO APPROVE FOXFIRE
PHASE IV SITE CONDOMINIUM SITE PLAN
AND SITE DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of denial of the proposed Foxfire Phase IV Site Condominium Site Plan and Site Development Agreement, 7.65 acres, southwest corner of Dhu Varren Road and Omlesaad Drive.

Whereas, Guenther Building Company has requested site plan approval in order to develop five single-family site condominium lots;

Whereas, A site development agreement has been prepared for this proposal; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of March 15, 1994, reviewed said request.

RESOLVED, By the Mayor and City Council that Foxfire Phase IV Site Condominium Site Plan and Site Development Agreement be hereby approved.

Councilmember Lumm moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be tabled to the April 18, 1994 regular session of Council to address concerns with the design of Dhu Varren Road.

On a voice vote the Mayor declared the motion carried and the resolution

postponed.

R-119-4-94 APPROVED

RESOLUTION REGARDING MANAGEMENT OF
COUNCIL MEETINGS AND MEETING LENGTH

Whereas, There are often several issues on each City Council Agenda for regular meetings that require extensive deliberation and consideration of amendments;

Whereas, These deliberations consume several hours of time at the regular session of City Council;

Whereas, These deliberations cause Council meetings to extend till 1-2:00 a.m. in the morning;

Whereas, Section 4.4(b) of the City Charter and Rule 4.4(b) states that Special Meetings of the Council shall be held at the regular meeting place and shall be called by the Clerk on the written request of the Mayor or any three members of the Council; and

Whereas, City Council Rule 21: Time of Council Meetings, establishes that the second and fourth Mondays may be set aside for the Council Working Committee, and that public hearings can be held on the first, third, and fourth Monday;

RESOLVED, That no more than 3 ordinances or resolutions per regular Council Meeting be referred, as needed, to a public meeting of the Council Committee of the Whole for discussion on possible amendments or to a Special Meeting for deliberation and action, to be held the following Monday at 7:30 p.m.;

RESOLVED, That if no action is taken on a referred ordinance or resolution at the Committee of the Whole or Special Meeting, the item will be placed on the agenda of the next regular meeting;

RESOLVED, That the Committee of the Whole and Special Meetings be subject to Council rules of debate and that citizens have a reasonable opportunity to be heard; and

RESOLVED, That public hearings on ordinances that have been referred to the Committee of the Whole or Special Meetings be scheduled on the fourth Monday, as needed, to allow interested members of the public to participate in discussions or deliberations.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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TABLED

RESOLUTION CONCERNING THE ANN ARBOR
EMPLOYEES' RETIREMENT SYSTEM AND THE CITY
EMPLOYEE PENSION AND BENEFIT TAX

Whereas, The City Council shall cause to be levied each year the City Employee Pension and Benefit Tax millage (hereafter, Pension and Benefit millage) to be used for making payments into pension or benefit funds maintained for the retirement or disability of City Employees, pursuant to and subject to limits established in Chapter 17, Section 17.3, of the City Charter;

Whereas, The Retirement System Board has expressed concern that there needs to be adequate funding for the Retirement System, and whereas the City Council does support, and intends to continue support for, adequate funding for the System;

Whereas, On May 26, 1993, Councilmember Fink moved and the City Council unanimously approved a resolution that supports a five-year increase in the Pension and Benefit millage, and whereas on that date the Council incorporated said resolution as the penultimate paragraph of the "Resolution to Adopt Ann Arbor City Budget... for fiscal Year 1993-1994," which the Council unanimously approved; and

Whereas, Pursuant to its May 26, 1993 resolution, the City Council will evaluate the need each year to adjust the Pension and Benefit millage in approximately equal annual installments over five fiscal years, beginning with fiscal year (FY) 1993-94, at the lower of either (a) the millage rate limitation permitted under the so-called Headlee Amendment or (b) the amount necessary to fund the Retirement System, including the cost of administration, health and life insurance, and Social Security, in order to maintain its actuarial integrity;

RESOLVED, That the Mayor and City Council hereby reaffirm the resolution of May 26, 1993, which states:

RESOLVED, That the City Council shall support a 5-year plan to increase the Pension [and Benefit] Millage from that adopted for the 1992-93 fiscal year by .1 mill per year until the millage reaches the Headlee maximum or the amount necessary to fund the Pension Fund at the Actuarial Recommended level including the cost of Administration, Health and Life insurance, and Social Security which ever is lower;

RESOLVED, That this policy of the Council be represented to the Retirement System Board by the City Administrator; and

RESOLVED, That the Mayor and Council recognize that the performance of

the Retirement System investment funds must be evaluated in future years to determine the need to increase or to change the Pension and Benefit millage rate.

Councilmember Grady moved that the resolution be adopted.

Councilmember Grady moved that the resolution be tabled indefinitely, in light of progress being made by the City Administrator.

On a voice vote the Mayor declared the motion carried and the resolution tabled.

R-120-4-94 APPROVED

RESOLUTION TO AUTHORIZE SUMMARY PUBLICATION OF
ORDINANCE 32-94 - REVISION TO CITY SIGN ORDINANCE

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

RESOLVED, That the publication of Ordinance 32-94 be by the following summary:

Ordinance 32-94 revises the regulations in Chapter 61 - Sign Ordinance of the City Code. The revisions add "political sign" to the definition section, add a new section for political signs, add political signs to the permitted sign section, and prohibit erection of signs on the public right-of-way.

The complete text of this ordinance is available at the Office of the City Clerk.

Councilmember Creal moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-121-4-94 APPROVED AS AMENDED

RESOLUTION REGARDING THE ANN ARBOR ARMORY

A resolution regarding the acquisition of the Ann Arbor Armory was considered.

Councilmember Hunter moved that the resolution be adopted.

Councilmember Lumm moved that the resolution be tabled indefinitely to consider

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other alternatives.

Council unanimously agreed to amend the fifth paragraph of the resolution as follows:

RESOLVED, That the Mayor and the Ann Arbor City Council hereby ~~<communicates this formal request to>~~ **NOTIFY** the State of Michigan that the City of Ann Arbor is interested in the acquisition, at a cost of \$1.00, of the currently unoccupied building known as the Ann Arbor National Guard Armory, located at 223 Ann Street, Ann Arbor, MI;

The question being the tabling motion, on a voice vote the Chair declared the motion defeated.

Council unanimously agreed to amend the sixth paragraph of the resolution and to add an eighth paragraph as follows:

RESOLVED, That the City Administrator be directed to develop at least two financing scenarios for Council approval **THAT DO NOT INVOLVE GENERAL FUND MONIES** regarding the renovation project as submitted with the feasibility study submitted by A.M.D.G. Architects;

RESOLVED, That a copy of this resolution along with a request for a letter of support regarding the project be forwarded to the appropriate state and federal representatives; and

RESOLVED, THAT THE COUNCIL LIAISON ON THE CABLE COMMUNICATIONS SITE SEARCH COMMITTEE REPORT BACK TO CITY COUNCIL ON THE ACTIVITIES OF COMMITTEE.

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

The resolution as adopted reads as follows:

R-121-4-94

RESOLUTION REGARDING THE ANN ARBOR ARMORY

Whereas, The Cable Communications Commission is in support of exploring the acquisition, for \$1.00 from the State of Michigan, of the site known as the Ann Arbor Armory;

Whereas, The City Council Resolution R-382-8-93 authorized funds in order to conduct a construction and asbestos removal feasibility study regarding the possible acquisition of the Armory;

Whereas, City staff, in conjunction with qualified professional

consultants, have completed a detailed review of the facility; and

Whereas, The Cable Communications Site Search Committee has concluded that costs associated with renovation and removal of asbestos at the facility are such that it is feasible to proceed with the necessary steps for acquisition of the building from the State of Michigan;

RESOLVED, That the Mayor and the Ann Arbor City Council hereby notify the State of Michigan that the City of Ann Arbor is interested in the acquisition, at a cost of \$1.00, of the currently unoccupied building known as the Ann Arbor National Guard Armory, located at 223 Ann Street, Ann Arbor, MI;

RESOLVED, That the City Administrator be directed to develop at least two financing scenarios for Council approval that do not involve general fund monies regarding the renovation project as submitted with the feasibility study submitted by A.M.D.G. Architects;

RESOLVED, That a copy of this resolution along with a request for a letter of support regarding the project be forwarded to the appropriate state and federal representatives; and

RESOLVED, That the Council liaison on the Cable Communications Site Search Committee report back to City Council on the activities of Committee.

Councilmember Nicolas moved that the Resolution to Approve a Housing Affordability Agreement for 1111 Brooklyn Avenue be considered at this time.

On a voice vote the Mayor declared the motion carried.

R-122-4-94 APPROVED AS AMENDED

RESOLUTION TO APPROVE HOUSING AFFORDABILITY
AGREEMENT WITH MARTHA AND DAVID BLOOM
FOR 111 BROOKLYN AVENUE

A resolution to approve a Housing Affordability Agreement with Martha and David Bloom and Robert Alexander Cornella for 111 Brooklyn Avenue was considered.

Councilmember Nicolas moved that the resolution be adopted.

Councilmember Hunter moved that the resolution be postponed to the April 18, 1994 regular session of Council to address concerns of equal access to housing opportunities.

The Mayor declared a recess at 11:10 p.m.

The Mayor again called the meeting to order at 11:15 p.m.

After further discussion, the motion to postpone was withdrawn.

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Councilmember Grady moved that paragraph 18 C. of the Housing Affordability Agreement be amended as follows:

18. Special Conditions - Affordability: The OWNER shall insure that:...
- C. ~~<Efforts are underway to convert or convey property>~~
THE PROPERTY SHALL BE CONVERTED OR CONVEYED to mutually acceptable nonprofit ownership and management within three years of the date of this agreement....

On roll call the vote was as follows:

Yeas, Councilmembers Creal, Peterson, Stead, Hunter, Hanna-Davies, Grady, Stoll, Mayor Sheldon, 8;

Nays, Councilmembers Nicolas, Lumm, 2.

The Mayor declared the motion carried.

Council unanimously agreed to amend paragraph 18 A. of the Housing Affordability Agreement as follows and to remove the name of Robert Alexander Cornella, owner, from the agreement and resolution:

18. Special Conditions - Affordability: The OWNER shall insure that:
 - A. The unit is rented to THREE persons with annual household incomes equal to or less than 50% of area median as defined by HUD;

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

Yeas, Councilmembers Nicolas, Creal, Peterson, Stead, Hunter, Hanna-Davies, Lumm, Grady, Stoll, Mayor Sheldon, 10;

Nays, 0.

The Mayor declared the motion carried.

The resolution as adopted reads as follows:

R-122-4-94

RESOLUTION TO APPROVE HOUSING AFFORDABILITY
AGREEMENT WITH MARTHA AND DAVID BLOOM
FOR 1111 BROOKLYN AVENUE

Whereas, An application was received in March, 1994 from Martha and David

Bloom for financial assistance to be used for the acquisition/rehabilitation of 1111 Brooklyn Avenue to be used as affordable housing for very low income and mentally impaired individuals; and

Whereas, From the total estimated project cost of \$125,000.00, the Bloom's are leveraging funds from a private lender and owner's equity;

RESOLVED, That City Council approve the Housing Affordability Agreement in the amount of \$44,000.00 as defined below:

\$34,000.00 of Community Development Funds for acquisition as a deferred payment loan to be deferred without interest until the time the property is sold or upon any change of use of the property from residential housing for very low income and mentally impaired individuals;

\$10,000.00 of Community Development Funds for rehabilitation as a 20-year, 3% loan;

and

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the Housing Affordability Agreement and all other documents necessary to implement this agreement substantially in the form on file in the office of the City Clerk, with funds to be available until expended without regard to fiscal year.

R-123-4-94 APPROVED

RESOLUTION AUTHORIZING NOTICE OF INTENT TO ISSUE
WATER SUPPLY SYSTEM REVENUE BONDS - \$19,100,000

Whereas, The City of Ann Arbor, County of Washtenaw, State of Michigan (the "City") intends to issue and sell revenue bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Nineteen Million One Hundred Thousand Dollars (\$19,100,000) for the purpose of paying part of the cost of acquiring and constructing improvements to the water supply system; and

Whereas, A notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1993, as amended;

RESOLVED, That:

1. The City Clerk be hereby authorized and directed to publish a notice of intent to issue bonds in the Ann Arbor News of Ann Arbor, Michigan, a newspaper of general circulation in the City;

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2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY
OF ANN ARBOR AND TO USERS OF SAID CITY'S
WATER SUPPLY SYSTEM OF INTENT TO ISSUE BONDS AND
THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City Council of the City of Ann Arbor, Washtenaw County, Michigan, intends to issue and sell Revenue Bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Nineteen Million One Hundred Thousand Dollars (\$19,100,000), for the purpose of paying part of the cost of acquiring and constructing water supply system improvements to serve the City.

SOURCE OF PAYMENT OF
REVENUE BONDS

THE PRINCIPAL OF AN INTEREST ON SAID REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the City from the operations of said water supply system. Said revenues will consist of rates and charges billed to the users of the system, a schedule of which is presently on file in the Office of the City Clerk. Said rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the system, to pay the principal of and interest on said bonds and to pay other obligations of the system.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed twenty-five (25) in number and will bear interest at the rate or rates to be determined at public sale but in no event to exceed nine percent (9%) per annum on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

Winifred Northcross
Clerk, City of Ann Arbor

3. The City Clerk does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the

method best calculated to give notice to the water supply system's users and the City's taxpayers and electors of this City's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed;

4. The City Clerk or Finance Director be and is hereby authorized, if applicable, to file a notice of intent to issue an obligation with the Michigan Department of Treasury and to pay the fee relating thereto; and

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Councilmember Stead moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-124-4-94 APPROVED

RESOLUTION AUTHORIZING NOTICE OF INTENT TO ISSUE
STORM SEWER SYSTEM REVENUE BONDS - \$1,525,000

Whereas, The City of Ann Arbor, County of Washtenaw, State of Michigan (the "City") intends to issue and sell revenue bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed One Million Five Hundred Twenty-Five Thousand Dollars (\$1,525,000) for the purpose of paying part of the cost of acquiring and constructing storm sewers and related improvements; and

Whereas, A notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1993, as amended;

RESOLVED, That:

1. The City Clerk be hereby authorized and directed to publish a notice of intent to issue bonds in the Ann Arbor News of Ann Arbor, Michigan, a newspaper of general circulation in the City;

2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY
OF ANN ARBOR AND TO USERS OF SAID CITY'S
STORM SEWER SYSTEM OF INTENT TO ISSUE BONDS AND
THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City Council of the City of Ann Arbor, Washtenaw County, Michigan, intends to issue and sell Revenue Bonds, pursuant

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to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed One Million Five Hundred Twenty-Five Thousand Dollars (\$1,525,000), for the purpose of paying part of the cost of acquiring and constructing storm sewers and related improvements to serve the City.

SOURCE OF PAYMENT OF
REVENUE BONDS

THE PRINCIPAL OF AN INTEREST ON SAID REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the City from the operations of said Storm sewer system. Said revenues will consist of rates and charges billed to the users of the system, a schedule of which is presently on file in the Office of the City Clerk. Said rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the system, to pay the principal of and interest on said bonds and to pay other obligations of the system.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed twenty-five (25) in number and will bear interest at the rate or rates to be determined at public sale but in no event to exceed nine percent (9%) per annum on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

Winifred Northcross
Clerk, City of Ann Arbor

3. The City Clerk does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the storm sewer system's users and the City's taxpayers and electors of this City's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed;

4. The City Clerk or Finance Director be and is hereby authorized, if applicable, to file a notice of intent to issue an obligation with the Michigan Department of Treasury and to pay the fee relating thereto; and

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

POSTPONED

RESOLUTION TO APPROVE HOUSING AFFORDABILITY
AGREEMENT WITH WASHTENAW AFFORDABLE HOUSING
CORPORATION FOR 701 MILLER AVENUE

Whereas, An application was received in February, 1994 from Washtenaw Affordable Housing Corporation (WAHC) for financial assistance for the acquisition/rehabilitation of 701 Miller Avenue to be used as affordable housing units for very low income persons;

Whereas, WAHC is intending to purchase the building in phase I and complete rehabilitation in phase II in order to provide 22 to 24 affordable housing units;

Whereas, From the total estimated phase I project cost of \$860,790.00, WAHC is leveraging funds from First of America Bank (FOA), Local Initiative Support Corporation (LISC), Michigan Housing Trust Fund (MHTF), and the Federal Home Loan Bank (FHLB) through Great Lakes Bancorp;

Whereas, The Housing Policy Board, at its meeting on October 20, 1993, recommended the CHDO administrative funding allocation of \$10,000.00 of 1993 HOME Funds;

Whereas, The Housing Policy Board, at its meeting on March 16, 1994, recommended approval of \$400,000.00 of HOME funds for the acquisition phase of the project;

Whereas, WAHC agrees to resolve any relocation issues in a manner acceptable to the City; and

Whereas, The Human Resources Department has reviewed and approved the contractor on the March 25, 1994;

RESOLVED, That City Council approve the Housing Affordability Agreement in the amount of \$410,000.00 as defined below:

\$400,000.00 of FY 1992 HOME Program Funds for the acquisition of property at 701 Miller Avenue in the form of a 30-year, 1% loan with payments deferred for 5 years;

\$10,000.00 of FY 1993 HOME Program Funds as Community Housing

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Development Organization (CHDO) Administrative funding in the form of a grant;

and

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the Housing Affordability Agreement and all other documents necessary to implement this agreement substantially in the form on file in the office of the City Clerk, with funds to be available until expended without regard to fiscal year.

Councilmember Stead moved that the resolution be adopted.

Councilmember Hunter moved that the resolution be postponed to the April 18, 1994 regular session of Council to address concerns with the funding.

On a voice vote the Mayor declared the motion carried and the resolution postponed.

R-125-4-94 APPROVED

RESOLUTION TO APPROVE CONTRACT CHANGE ORDER
FOR REPLACEMENT OF SANITARY SEWER AT ARBANA
DRIVE AND HURON STREET - BID NO. 2511

Whereas, Council has resolved to award a contract to SOS Service Group, Inc. for replacement of a 331 foot section of sanitary sewer line on Arbana Drive near the Salvation Army needing immediate replacement due to pipe failure;

Whereas, During the course of construction, a differing site condition was encountered which necessitates a change order to the original contract to perform the additional work and provide compensation to the contractor;

Whereas, Proceeding with the trenchless replacement was and still is the most cost efficient means of replacing the pipe, based upon the site conditions;

Whereas, The original contract cost plus the additional cost of work (\$27,321.00 + \$46,204.00 = \$73,525.00) is still less than the original price quoted by the next lowest bidder (\$76,461.00), which would also have been subject to an increase due to a differing site condition. A change order for the differing site condition is recommended to be issued to the existing contract with SOS Service Group, Inc. by the Utilities Department; and

Whereas, SOS Service Group, Inc. has received Human Rights approval on March 29, 1994;

RESOLVED, That Council approve a \$79,204.00 revised not-to-exceed project

budget comprised of the original project cost of \$27,321.00, a change order for differing site conditions of \$46,204.00 and the original contingency of \$5,679.00 to finance potential change orders to be approved by the City Administrator; and that the project budget be adopted for the life of the project, to be expended without regard to fiscal year; and

RESOLVED, That Council authorize and request the Mayor and City Clerk to sign a change order to the contract with SOS Service Group, Inc. to perform the additional services needed to drill through the concrete encasement for sanitary sewer replacement at a revised contract cost of \$73,525.00 (\$46,204.00 increase).

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-126-4-94 APPROVED AS AMENDED

RESOLUTION TO APPROVE AN AMENDMENT TO THE GENERAL FUND AGREEMENT WITH THE ANN ARBOR YMCA

A resolution to approve an amendment to the General Fund agreement with the Ann Arbor YMCA for \$12,471.00 was considered.

Councilmember Stead moved that the resolution be adopted.

Councilmember Grady moved that the following two paragraphs be added between the fifth and sixth paragraphs of the resolution:

RESOLVED, That the City Council recognize this use of monies from the General Fund Public Housing Account to be a temporary reduction of the account and that it is the intent of the Council that the account will be restored to its original amount (\$150,000.00) upon HUD approval of the 23 units of new public housing construction or to a pro rata share of the original amount (\$6,522.00 per unit minimum) should HUD approve any number less than 23 units;

RESOLVED, That the preceding resolve clause be included in any future recommendation or resolution by the City Administrator to use monies from the General Fund Public Housing Account;

On a voice vote the Mayor declared the motion carried.

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

The resolution as adopted reads as follows:

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R-126-4-94

RESOLUTION TO APPROVE AN AMENDMENT
TO THE GENERAL FUND AGREEMENT
WITH THE ANN ARBOR YMCA

Whereas, The Ann Arbor YMCA provides 100 single room occupancy (SRO) units available to very low income residents;

Whereas, The City assisted the Ann Arbor YMCA with the residence addition project in order to meet a community need relating to the provision of affordable housing;

Whereas, Representatives of the City of Ann Arbor and the YMCA have been meeting to discuss financial and budgetary issues; and

Whereas, The YMCA has requested additional assistance in order to meet its operating expenditures;

RESOLVED, That City Council approve the amendment to the General Fund Agreement with the Ann Arbor YMCA in the amount of \$12,471.00 using General Fund Public Housing Account funds and authorize the Mayor and City Clerk to execute the documents necessary to implement this amendment substantially in the form on file in the office of the City Clerk;

RESOLVED, That the City Council recognize this use of monies from the General Fund Public Housing Account to be a temporary reduction of the account and that it is the intent of the Council that the account will be restored to its original amount (\$150,000.00) upon HUD approval of the 23 units of new public housing construction or to a pro rata share of the original amount (\$6,522.00 per unit minimum) should HUD approve any number less than 23 units;

RESOLVED, That the preceding resolve clause be included in any future recommendation or resolution by the City Administrator to use monies from the General Fund Public Housing Account; and

RESOLVED, That the YMCA shall continue to work on the special conditions outlined and provide the information required to the City Administrator on a monthly basis.

R-127-4-94 APPROVED

RESOLUTION AUTHORIZING FISCAL YEAR 1993-1994
SALARY ADJUSTMENT FOR THE CITY ADMINISTRATOR

Whereas, The annual evaluation of the City Administrator, commenced in summer 1993, is now complete;

Whereas, Salary adjustments in other areas of City employment are

dependent upon the economic health of the City; and

Whereas, The City Council on March 21, 1994, and consistent with the aforementioned constraint, authorized a 3% pay increase for non-union personnel, which category includes professional staff;

RESOLVED, That the Mayor and City Council authorize a 3% increase in the salary of the City Administrator for fiscal year 1993-1994; and

RESOLVED, That this increase be retroactive to July 1, 1993.

Councilmember Nicolas moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-128-4-94 APPROVED

RESOLUTION REGARDING THE COMMUNITY REINVESTMENT ACT

Whereas, The Community Reinvestment Act (CRA) was established in 1977 in order to encourage equitable investment within the local community;

Whereas, The CRA prohibits discrimination and establishes full disclosure regarding mortgage lending and credit practices within local financial institutions;

Whereas, CRA strategies can assist the City of Ann Arbor in creating opportunities within the community for the development of public/private partnerships in the areas of housing and economic development; and

Whereas, The City of Ann Arbor can promote healthy reinvestment in residential and commercial areas in all neighborhoods as a condition of the awarding of contracts involving banking and financial services;

RESOLVED, That the Ann Arbor City Council establish a CRA Task Force Committee for the purpose of developing a City ordinance which shall link all City investments and banking services with financial institutions to the policies and procedures as established under the CRA;

RESOLVED, That the CRA Task Force Committee hold at least one public hearing and submit an ordinance for consideration to the Ann Arbor City Council by the first regular meeting in July;

RESOLVED, That the CRA Task Force Committee be appointed by the Ann Arbor City Council and have the following membership:

- 3 Representatives from Council
- 3 Representatives from the Community
- 1 Representative from the City Administrator's Office
- 1 Representative from the City Attorney's Office

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1 Representative of a Banking or Financial Institution;

and

RESOLVED, That the CRA Task Force Committee be dissolved unless otherwise reestablished by the City Council following the submission of the ordinance.

Councilmember Stead moved that the resolution be adopted.

Councilmember Lumm moved that the fifth, seventh and eighth paragraphs of the resolution be amended as follows:

RESOLVED, That the Ann Arbor City Council establish a CRA Task Force Committee for the purpose of ~~developing~~ **INVESTIGATING THE DEVELOPMENT OF** a City ordinance which ~~shall~~ **WOULD** link all City investments and banking services with financial institutions to the policies and procedures as established under the CRA;

RESOLVED, That the CRA Task Force Committee hold at least one public hearing and submit an ordinance for consideration to the Ann Arbor City Council by the first regular meeting in July;

RESOLVED, That the CRA Task Force Committee be appointed by **THE MAYOR WITH APPROVAL OF** the Ann Arbor City Council and have the following membership:

- 3 Representatives from Council
- 3 Representatives from the Community
- 1 Representative from the City Administrator's Office
- 1 Representative from the City Attorney's Office
- <1> **2** Representatives of a Banking or Financial Institution
- 1** **REPRESENTATIVE OF THE CITY FINANCE DEPARTMENT;**

and

RESOLVED, That the CRA Task Force Committee be dissolved unless otherwise reestablished by the City Council following the submission of ~~the ordinance~~ **ITS REPORT.**

On a voice vote the Mayor declared the motion defeated.

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

Yeas, Councilmembers Nicolas, Peterson, Stead, Hunter, Hanna-Davies, Grady, Stoll, 7;

Nays, Councilmembers Creal, Lumm, Mayor Sheldon, 3.

The Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

APRIL 18 REGULAR SESSION:

Resolution Concerning an Alternative Analysis for Dhu Varren Road
(Councilmembers Hanna-Davies and Stoll)

COMMUNICATIONS FROM THE MAYOR

NOMINATIONS PLACED ON TABLE

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

ANN ARBOR COMMISSION ON DISABILITY ISSUES

Clark Shuler (reappointment)
3000 Glazier Way, #140
Term: 4/18/94 to 4/17/97

Anne Carpenter (reappointment)
2200 Fuller Rd., #705B
Term: 4/18/94 to 4/17/97

TAXICAB BOARD

Thomas H. Green (reappointment)
2318 Buckingham Rd.
Term: 4/18/94 to 4/1997

Ronald Naylor (reappointment)
1600 E. Stadium Blvd.
Term: 4/18/94 to 4/1997

ELIZABETH DEAN FUND COMMITTEE

Warren J. Attarian (to complete unexpired term)
3490 Gettysburg Rd.
Term: 4/18/94 to 7/31/94

ANN ARBOR BUILDING AUTHORITY

Council - April 4, 1994

Elizabeth Brown (reappointment)
2661 Hawthorn Rd.
Term: 4/18/94 to 4/17/2000

Alfred A. Gatta, City Administrator (reappointment)
Term: 4/18/94 to 4/17/2000

CABLE COMMUNICATIONS COMMISSION

Raymond A. Klatt, Jr. (to complete unexpired term)
2538 Easy St.
Term: 4/18/94 to 1/31/95

COMMUNITY DEVELOPMENT WAIVER AND REVIEW BOARD

Marc M. Rueter (to fill vacancy)
515 Fifth St.
Term: 4/18/94 to 4/17/96

Dawne Adam (to fill vacancy)
833 Miller Ave., #1
Term: 4/18/94 to 4/17/96

PROCLAMATIONS

Mayor Sheldon announced that she recently signed proclamations honoring: Mark K. Rosenfeld, Tree of Life Award Recipient; North District Conference of the African Methodist Episcopal Church; Prince Hall Shriners Day, April 16; National Youth Service Day, April 19; Motorcycle Awareness Month, May 1994; High/Scope "Great Start" Celebration - Building Futures for Children's Day, May 4; National Nurses Week; Downtown Cleanup Day, May 14; and Days of Remembrance, May 15.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

City Administrator Gatta submitted the following reports for information of Council:

1. Awards of Professional Services Agreements
2. City Depository Account Balances as of March 25, 1994
3. Annual Report of Potential Lien Assessments for Delinquent Utility Bills

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

COMMUNICATIONS FROM THE CITY ATTORNEYREPORT ON COMPLETED ANNEXATION

City Attorney Elizabeth Schwartz submitted a report on the completion of the Marathon Oil Company annexation, 2115 South State Street, from Pittsfield Township. (Report on file in the City Clerk's Office)

COMMUNICATIONS FROM COUNCILCOUNCILMEMBER HUNTER

Councilmember Hunter gave special thanks to the Mayor's assistants Kathi Seglund and Sheree Moore and expressed appreciation for their work.

COUNCILMEMBER GRADY

Councilmember Grady applauded the three new Councilmembers, who will begin their terms on April 11, for enduring the extended wait to take office.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Martha L. Bloom, 3466 Riverbend Dr., regarding acquisition and rehabilitation loan for 111 Brooklyn Street - Community Development.

The following minutes were received for file:

1. Planning Commission - February 1 and 15, 1994
2. Ann Arbor Transportation Authority - February 16, 1994
3. Human Rights Commission - February 16, 1994
4. Housing Policy Board - March 16, 1994
5. Historic District Commission - February 10, 1994
6. Housing Board of Appeals - February 1, 1994
7. Zoning Board of Appeals - February 16, 1994
8. Taxicab Board - February 17, 1994

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

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On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

ANDREW WRIGHT - STREET LIGHTING

Andrew Wright, Michigan Student Assembly City Liaison, commended City Administrator Gatta and Mayor Sheldon for meeting with university officials concerning the street lighting safety issue. Mr. Wright stated that he is encouraged that City Council is moving on this matter.

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 1:12 a.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary