

REGULAR SESSION - JUNE 5, 1995

The regular session of the Ann Arbor City Council was called to order at 7:39 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for one 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, Peter Fink, Jane Lumm, Jean Carlberg, Haldon L. Smith, Peter Nicolas, Christopher Kolb, Mayor Ingrid B. Sheldon, 9.

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

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

MARY BORKOWSKI - ARBOR HILLS

Mary Borkowski of Atwell-Hicks, Inc., representing Arbor Hills petitioner, stated that the developer made many changes to the proposed Arbor Hills project in the spirit of cooperation and compromise. She reported that the changes include reduction in the number of lots, increased open space and increased woodland area. Ms. Borkowski stated that the plan meets all regulations of the PUD, and requested that the ordinance be approved at first reading and that differences in interpretation of the regulations be worked out before second reading.

EZRA ROWRY - GOVERNMENT

Ezra Rowry, 818 Pomona Rd., expressed concern with the move toward privatizing city government services. Mr. Rowry stated that privatizing is not cost effective and gives preferential treatment to people who live outside the City; most often taking jobs away from African-American employees.

WENDY CARMAN - ARBOR HILLS

Wendy Carman, 2340 Georgetown Blvd., representing Orchard Hills/Maplewood Homeowners Association, spoke in opposition to the proposed Arbor Hills Phase II and III Final Phase PUD. Ms. Carman stated that the plan does not comply with the requirements of the Preliminary PUD and urged Council to postpone first reading action for adequate review of the complex issues. She expressed concern that the plan threatens the ecology of the areas which were protected by the Preliminary PUD.

ANDY GULVEZAN - VARIOUS ISSUES

Andy Gulvezan, 2104 Pauline Blvd., objected to the Governor's policy of releasing mentally ill people from institutional care since many of these former patients end up homeless or in prison. Mr. Gulvezan also expressed concern with the violation he received for blocking a driveway on S. University Ave. and with the Senate investigation of AARP finances.

BRIAN STULL - POVERTY

Brian Stull, 335 Catherine St., spoke in opposition to the Republican "Contract with America," which he believes deprives resources from the most vulnerable citizens in society, particularly young children from poor families. Mr. Stull urged City Council and Ann Arbor citizens to take a stand against this "welfare reform" and to advocate alternatives that address the real problems of poverty.

SUSAN HORNFIELD - WASHTENAW INTERVENTIONS

Susan Hornfeld, 2355 W. Stadium Blvd., Executive Director of Washtenaw Interventions, stated that the Shelter Association and Washtenaw Interventions submitted a collaborative request for City human services funding. She explained that the project addresses long-term homelessness for the highest-risk people by providing needed transitional support. Ms. Hornfeld objected to the reduced funding recommended for the project and requested that the original funding level be reconsidered.

LARRY FOX - HOUSING

Larry Fox, 530 S. State St., objected to the City's bailout of the YMCA and the loan to the Housing Commission for funds that HUD declared were not spent appropriately. Mr. Fox expressed concern that investigations of these matters were never conducted and stated that the misspent City money would have been better spent on housing for low-income people.

PUBLIC HEARINGS

ARBOR LAKE VILLAGE ZONING (ORDINANCE NO. 30-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 19.9 acres from PUD (Planned Unit Development District) to R4B (Multiple-Family Dwelling District), Arbor Lake Village, east side of South Main Street Between Ann Arbor-Saline Road and Eisenhower Parkway. Notice of public hearing was published May 13, 1995.

The following person appeared:

Robert Leighton, project architect, stated that he would be available during the discussion to answer questions from Council.

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

ARBOR LAKE VILLAGE PLANNED PROJECT SITE PLAN

A public hearing was conducted on the proposed Arbor Lake Village Planned Project Site Plan, 19.91 acres, east side of south Main Street between Ann Arbor-Saline Road and Eisenhower Parkway. Notice of public hearing was published May 27, 1995.

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

WILDT STREET PROPERTY ZONING (ORDINANCE NO. 31-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.6 acre from PUD (Planned Unit Development District) to R2A (Two-Family Dwelling District), Wildt Street property, 903-917 Wildt Street. Notice of public hearing was published May 13, 1995.

The following person appeared:

Louis Rome, owner, requested that the proposal be postponed until the next Council session to determine the property's assessment for water main construction. Mr. Rome stated that high assessment costs may make the two-family zoning unfeasible.

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

ANN ARBOR HOUSING COMMISSION LAND DIVISION

A public hearing was conducted on the proposed Ann Arbor Housing Commission Land Division, 1.35 acres, 3432 Platt Road. Notice of public hearing was published May 27, 1995.

Joe Schuster, 2987 Verle Ave., spoke in opposition to the proposal and

expressed concern with the following issues: 1) Building in a FEMA floodplain; 2) Impact of flooding on adjacent property which already has flooding problems; 3) Destruction of a significant oak tree; and 4) Contaminated groundwater. Mr. Schuster stated that HUD regulations prohibit funding for housing built in a FEMA 100-year floodplain.

Kermit Schlansker, 2960 Marshall St., spoke in opposition to the proposal and stated that single-family housing is wasteful of resources. He urged Council to design the ideal public housing complex that would not be wasteful of resources and that would deal with the entire culture of the residents by setting up provisions for tenant responsibility.

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

ATRIUM III OFFICE PARK SITE PLAN

A public hearing was conducted on the proposed Atrium III Office Park Site Plan, 13.26 acres, Victors Way west of Boardwalk Drive. Notice of public hearing was published May 27, 1995.

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

CHARITABLE SOLICITATION (ORDINANCE NO. 34-95)

A public hearing was conducted on the proposed amendment to Chapter 81, Sections 7:81, 7:82, 7:83, 7:87 and 7:88 - Charitable Solicitation. Notice of public hearing was published May 13, 1995.

The following persons appeared:

Stephen Rogers, 2916 Exmoor Rd., representing Ann Arbor Hills Homes Association, spoke in favor of the proposal to help control the overzealous solicitations in his neighborhood. Mr. Rogers suggested that the permit application require an organization to provide evidence of its charitable status and the amount of money going toward charitable purposes. He also suggested that hours be further restricted by prohibiting solicitations after 6:30 p.m. or sunset whichever ever comes first.

Chuck Barbieri, Director of Greenpeace, spoke in opposition to the proposal which he believes would greatly restrict the organization's canvassing within the City. Mr. Barbieri stated that canvassing is the only method Greenpeace currently uses to fundraise on a local level. He further stated that the ordinance is a direct violation of Freedom of Speech. (Statement on file in the City Clerk's Office)

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

MOTIONS AND RESOLUTIONS

Revise: Resolution to Approve FY 1995-96 City General Fund Human Services and Economic Development Allocations and Amend the FY 1995-96 Community Development Department Budget (\$738,740.00)

Delete Resolution Approving Supplemental Funding for Expanded Residential
8 Vote Recycling Collection <~~(8 Votes Required)~~>
Require-
ment:

Correct Resolution to Enter into a Performance contracting Agreement with Viron
Title: Corporation for Energy Saving Improvements to City Hall <(~~\$335,000.00~~)>
(\$116,086.00)

Delete: Resolution to Approve Long Term Disability (LTD) Program for Non-Union Employees (**See Communications from the City Administrator**)

Add: Resolution to Approve Contract for Architectural Design for Furstenberg Park - RFP 363 (\$14,970.00)

Add: Resolution to Approve Airport Construction Contract for Rehabilitation of Pavements with Waterland Trucking Services of Wixom, MI (\$761,869)

Add: Resolution to Approve Airport Construction Contract for Drainage Improvements with Angelo lafrate Construction Co., of Warren, MI (\$142,347)

Add: Resolution to Approve Airport Construction Contract for Perimeter Fence with Future Fence Co., of Sterling Heights, MI (\$268,252)

Add: Resolution to Authorize Amendment to Professional Services Agreement for Engineering Inspection and Testing Services, with Whitworth-Borta, Inc. (\$143,164)

Add: Resolution to Revise the Tie Down Fee at the Ann Arbor Municipal Airport
(Councilmember Carlberg)

Add: Resolution Regarding Compensation for the Acting City Attorney (Mayor
Sheldon)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Business Donations

CLERK'S REPORT

Add: Communication from Bruce E. Bershtein, Associate General Counsel of Capital
Apartment Properties, Inc., protesting Arbor Lake Village Zoning (Ordinance
No. 30-95) - Planning Dept.

It was further moved that the order of the agenda be altered to consider all the airport-related resolutions as a group, following consideration of the resolution regarding the DDA parking study, and that all the park-related resolutions be considered as another group following the airport resolutions.

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF MAY 8 AND 10 APPROVED

Councilmember Kolb moved that the budget working session minutes of May 8 and May 10, 1995 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-237-6-95 APPROVED

**RESOLUTION TO APPROVE ATRIUM III
OFFICE PARK SITE PLAN**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Atrium III Office Park Site Plan, 13.26 acres, Victors Way west of Boardwalk Drive.

Whereas, The Thomas B. McMullen Company has requested site plan approval in order to construct four one-story office buildings; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of May 16, 1995, recommended approval of said request;

RESOLVED, That the Atrium III Office Park Site Plan be hereby approved.

R-238-6-95 APPROVED

RESOLUTION TO APPROVE FERRARIO ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Ferrario Annexation, 0.55 acre, Heatherway south of Chestnut Road.

Whereas, The territory hereinafter described is located in the Township of

Ann Arbor and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Joseph D. and Nancy M. Ferrario are the owners of said property; and

Whereas, It is the desire of Joseph D. and Nancy M. Ferrario 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 Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Commencing at the SW corner of Lot 20 of Riverside Hills Subdivision No. 1 as recorded in Liber 13 of Plats, page 20, Washtenaw County Records, thence S 00° 15' 43" W (meas.) (S 00° 19' 30" W recorded) 142.61 feet along the easterly line of said Riverside Hills Subdivision No. 1, to the Point of Beginning; thence S 89° 00' 38" E 46.20 feet; thence S 41° 33' 29" E 189.57 feet; thence S 50° 35' 25" W (meas.) (S 50° 47' 31" W recorded) 15.00 feet; thence S 60° 01' 06" W 160.47 feet (meas.) (S 60° 00' 00" W 160.00 feet recorded); thence N 33° 49' 47" W 40.00 feet (meas.) (N 33° 46' 00" W 40.00 feet recorded); thence N 00° 15' 43" E (meas.) (N 00° 19' 30" E recorded) 199.14 feet along the easterly line of said Riverside Hills Subdivision No. 1, to the Point of Beginning, being a part of the NE 1/4 of Section 34, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, and containing 0.55 acres of land, more or less.

R-239-6-95 APPROVED

RESOLUTION TO APPROVE NEWPORT CREEK ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Newport Creek Annexation, 41.71 acres, west side of Newport Road between Bird Road and Downup Circle.

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

Whereas, Newport Woods Limited Partnership is the owner of said property; and

Whereas, It is the desire of Newport Woods 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 Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Commencing at the E 1/4 corner of Section 18, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, thence N 89° 55' 00" W 1328.57 feet along the E-W 1/4 line of said Section 18; thence S 00° 36' 47" W 985.00 feet along the east line of the W 1/2 of the SE 1/4 of said Section 18 and the centerline of Newport Road (66 feet wide), to the Point of Beginning, thence S 00° 36' 47" W 350.34 feet along the east line of the W 1/2 of the SE 1/4 of said Section 18 and the centerline of Newport Road; thence N 89° 26' 00" W 992.35 feet along the south line of the NW 1/4 of the SE 1/4 of said Section 18; thence N 00° 27' 00" E 556.16 feet; thence N 89° 55' 00" W 290.44 feet; thence S 00° 27' 00" W 553.71 feet; thence N 89° 26' 00" W 707.25 feet along the south line of the NW 1/4 of the SE 1/4 and the south line of the NE 1/4 of the SW 1/4 of said Section 18; thence N 00° 27' 00" E 998.54 feet; thence S 89° 55' 00" E 1.85 feet; thence N 00° 28' 00" E 320.00 feet; thence S 89° 55' 00" E 660.17 feet along the E-W 1/4 line of said Section 18 to the center of said Section 18; thence S 89° 55' 00" E 257.83 feet along the E-W 1/4 line of said Section 18; thence S 00° 28' 00" W 320.00 feet; thence S 89° 55' 00" E 610.08 feet; thence S 00° 27' 00" W 383.69 feet; thence N 89° 45' 13" W 50.08 feet; thence S 00° 36' 47" W 280.00 feet; thence S 89° 45' 13" E 512.00 feet to the Point of Beginning, being a part of the S 1/2 of said Section 18, T2S, R6E, and containing 41.71 acres of land, more or less.

R-240-6-95 APPROVED

RESOLUTION TO APPROVE TRANSFER OWNERSHIP OF RESORT CLASS C LIQUOR LICENSED BUSINESS AT 3125 BOARDWALK

RESOLVED, That the request from the Old Kent Bank to transfer ownership of a 1994 12-Month Resort Class C licensed business, located in escrow at 3125 Boardwalk, Ann Arbor, from Cornett & Taylor, Ltd. be approved.

R-241-6-95 APPROVED

RESOLUTION TO APPROVE HUMAN RESOURCES MANAGEMENT SYSTEM SOFTWARE MAINTENANCE CONTRACT

Whereas, The Information Services Division of the Administrative Services

Department wishes to renew the Human Resources Management System (HRMS) software maintenance contract with Integral Systems;

Whereas, Integral Systems is the sole vendor for the HRMS software maintenance; and

Whereas, Integral Systems has been approved by the Human Resources Department on May 19, 1995;

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

RESOLVED, That the City Administrator be authorized to issue a purchase order to Integral Systems for the sum of \$27,679.11 for software maintenance.

R-242-6-95 APPROVED

RESOLUTION TO APPROVE MAGEC SOFTWARE LEASE WITH AL LEE AND ASSOCIATES, INC.

Whereas, The Information Services Division of The Administrative Services Department wishes to renew the MAGEC software lease contract with Al Lee and Associates, Incorporated for the development and operation of the parking ticket/citation system, voter registration system, and other systems;

Whereas, Al Lee and Associates is the sole vendor for this software lease; and

Whereas, Al Lee and Associates has been approved by the Human Resources Department on May 16, 1995;

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

RESOLVED, That the City Administrator be authorized to issue a purchase order to Al Lee and Associates for the sum of \$18,000.00 for software maintenance in accordance with this resolution.

R-243-6-95 APPROVED

RESOLUTION TO INCREASE PURCHASE ORDER TO MILLCRAFT PAPER COMPANY FOR COPY PAPER - BID NO. 2684

Whereas, The Purchasing Division purchases copy paper for all City departments;

Whereas, Millcraft Paper Company was the lowest responsible bidder for all of the City of Ann Arbor's copy paper requirements on Bid No. 2684; and

Whereas, Millcraft Paper Company has received Human Resources approval on February 3, 1995;

RESOLVED, That City Council approve increasing Purchase Order #S5-0378-13 to Millcraft Paper Company from \$14,900.00 to \$18,000.00 for the purchase of copy paper.

R-244-6-95 APPROVED

RESOLUTION TO APPROVE OVERHAUL OF GROUNDWATER SUPPLY PUMP ENGINE

Whereas, A reliable supply of groundwater is needed by the Water Treatment Plant in its systems operations;

Whereas, This groundwater is supplied by four wells located at two well fields and pumped by Caterpillar engines installed on each well;

Whereas, The cost for Michigan Cat to remove, rebuild, and reinstall the pump engine is \$21,000.00;

Whereas, Michigan Cat is a sole source supplier of parts and expert repair of Caterpillar engines;

Whereas, A backup up engine is necessary in the event of an engine failure at a producing well; and

Whereas, On February 3, 1995, the Human Resources Department approved Michigan Cat to perform these services;

RESOLVED, That Council direct the City Administrator to issue a purchase order to Michigan Cat for \$21,000.00.

R-245-6-95 APPROVED

RESOLUTION TO PLACE DELINQUENT WATER/SEWER CHARGES ON THE JULY 1995 TAX ROLL

Whereas, There are delinquent charges owed to the Finance Department-Assessor Division for water/sewer services; and

Whereas, Notice has been given by first class mail to the owners of each premises of the total amount due as required by City Code;

RESOLVED, That such charges, if unpaid as of June 5, 1995, be levied as special assessments against the property according to Schedule A, together with an additional penalty charge of 10% of the total unpaid, as provided in Section 1:292 of the City Code; and that the City Assessor shall place the same on the next tax roll of the City and that such charges be collected in the same manner as general City taxes; and

RESOLVED, That the funds collected be reimbursed to the Finance Department-Assessor Division operating budget.

SCHEDULE A

<u>Assessor Code</u>	<u>Property Address</u>	<u>Invoice Amount</u>	<u>Invoice #</u>	<u>Date</u>	<u>Property Owner</u>
08-24-405-016	366 Pinewood	562.45	42125	9/38/93	Sell, Lisa & Greene
Wilma					

R-246-6-95 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE OUTSIDE CITY LIMITS TO 347 PINEWOOD AVENUE

Whereas, Timothy R. Corrigan, owner of the property at 347 Pinewood Avenue, on May 22, 1995, requested that the City extend public water and sewer service to his property in Scio Township prior to the completion of the annexation process;

Whereas, Mr. Corrigan desires to enter into the standard agreements with the City which provide an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On February 15, 1995, Timothy R. Corrigan petitioned the City for annexation under Planning Department File No. 8243D23.1 and .2.;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the corporate limits; that the City Clerk be directed to send a copy of this resolution and the agreements by first class mail to the above property owner; and that the Utilities Department promptly have this resolution and the agreements recorded in the office of the Register of Deeds of Washtenaw County, Michigan.

R-247-6-95 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE
OUTSIDE CITY LIMITS TO 359 PINWOOD AVENUE

Whereas, Michael A. Rucinski and Marianne C. Wilczak, owners of the property at 359 Pinewood Avenue, on May 26, 1995, requested that the City extend public water and sewer services to their property in Scio Township prior to the completion of the annexation process;

Whereas, The property owners desire to enter into the standard agreements with the City which provide an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On May 16, 1995, Michael A. Rucinski and Marianne C. Wilczak petitioned the City for annexation under Planning Department File No. 8243E23.1 & .2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the corporate limits; that the City Clerk be directed to send a copy of this resolution and the agreements by first class mail to the above property owners; and that the Utilities Department shall promptly have this resolution and the agreements recorded in the office of the Register of Deeds of Washtenaw County, Michigan.

R-248-6-95 APPROVED

RESOLUTION TO TRANSFER DELINQUENT ALARM
RESPONSE FEES TO THE 1995 CITY TAX ROLL

Whereas, There are unpaid charges for alarm related fees to properties within the City which are unpaid on December 31, 1994;

Whereas, This Council did, on December 9, 1974, resolve that notice be given by first class mail to the owner of such properties of the amount due, and that this Council did intend that such amount would be assessed against such properties as a special assessment unless paid on or before April 1, 1995;

Whereas, The City Clerk has on file a list of such presently unpaid charges, which is incorporated as "Schedule A"; and

Whereas, Notice has been sent to all owners of property affected by such delinquent alarm related fees, in accordance with the Council resolution of December 9, 1974, to advise said property owners of the impending assessment;

RESOLVED, That the City Clerk shall forthwith certify to the City Assessor such unpaid charges and the names of owners of the premise so served; and

RESOLVED, That such charges be levied as special assessments against such owners and premises according to "Schedule A" together with an additional penalty charge of 10% of the total unpaid, as provided in Section 1.292 of the Ann Arbor City Code, and that the City Assessor shall place the same on the next tax roll of the City and that such charges will be collected in the same manner as general City taxes.

R-249-6-95 APPROVED

RESOLUTION NO. 1 - PREPARE PLANS AND SPECIFICATIONS
FOR NEWPORT ROAD SANITARY SEWER PROJECT

Whereas, Council deems it necessary to acquire and construct sanitary sewer, District No. 471, File No. 95046, described as:

Newport Road Sanitary Sewer - To serve unit 20 of Newport Hills;

RESOLVED, That

1. The City Administrator be directed to have prepared plans and specifications for said improvement project, and an estimate of the cost thereof;
2. The City Administrator be directed to file a report of same with the City Clerk, including a recommendation as to what proportion of the cost should be paid

by special assessment and what part, if any, should be a general obligation of the City, the number of installments in which the assessments may be paid, and the land which should be included in the special assessment district;

3. The City Clerk present said report to the Council and make it available for public examination;
4. The sum of \$22,000.00 be appropriated for the planning and design of said project, such sum being advanced from the Sewage System Fund pending the sale of appropriate bonds;
5. Any unspent portion of said sum be re-appropriated and re-advanced as above for said project for succeeding fiscal years until bonds are sold and the Sewage System fund reimbursed, or until said project is officially closed; and
6. Council declare its intent to issue bonds to pay all or part of the cost of such improvement project, funding reserves, paying for credit enhancement, and the cost of issuance of such bonds (either initially or ultimately), provided that such bonds are issued in conformity with applicable State statutes and all documents, provisions, and details pertaining to such bonds are acceptable to and approved by this Council and provided, further, that such bonds can be sold.

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

ORDINANCES - SECOND READING

30-95 APPROVED

ARBOR LAKE VILLAGE 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 19.9 acres, located on the east side of South Main Street between Ann Arbor-Saline Road and Eisenhower Parkway, from PUD (Planned Unit Development District) to R4B (Multiple-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

31-95 POSTPONED

WILDT STREET 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 0.6 acre, located at 903-917 Wildt Street, from PUD (Planned Unit Development District) to R2A (Two-Family Dwelling District).

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

Councilmember Hanna-Davies moved that the ordinance be postponed to the June 19, 1995 regular session of Council to address the concerns of the owner regarding assessment for water main construction.

On a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

38-95 DEFERRED

ARBOR HILLS PHASES II AND III

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 44.48 acres, located on the north side of Green Road north of Burbank Drive, from Preliminary Phase PUD (Planned Unit Development District) to Final Phase PUD.

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

Council unanimously agreed to defer consideration of the ordinance until the Planning Director is available to answer questions. (See: 38-95 APPROVED)

35-95 APPROVED

BRIARWOOD RESIDUAL LOT 3 FINAL PHASE 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 4.20 acres, located at the southwest corner of South State Street and Eisenhower Parkway, from Preliminary Phase PUD (Planned Unit Development District) to Final Phase PUD.

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

On a voice vote the Mayor declared the motion carried.

36-95 APPROVED

CUSHING-MALLOY, INC. 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 2.3 acres, located at 1350 North Main Street, from TWP (Township District) to M1 (Limited Industrial District).

Councilmember Vereen-Dixon moved that the ordinance be approved at first reading.

On a voice vote the Mayor declared the motion carried.

37-95 APPROVED

HURON PARKWAY WOODS 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 18.68 acres, located on the east side of Huron Parkway north of Kendrick Street, from TWP (Township District) to PL (Public Land District).

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

On a voice vote the Mayor declared the motion carried.

38-95 APPROVED

ARBOR HILLS PHASES II AND III

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 44.48 acres, located on the north side of Green Road north of Burbank Drive, from Preliminary Phase PUD (Planned Unit Development District) to Final Phase PUD.

Council unanimously agreed to again consider the ordinance previously placed on the

table.

Councilmember Smith moved that the ordinance be postponed to the July 3, 1995 regular session of Council; that a task force be created to identify the issues of interpretation concerning the preliminary PUD plan and report back to City Council; and that the task force membership consist of 2 neighborhood representatives and one representative each from the petitioner, Planning Department, Building Department, City Council, and Planning Commission.

After further discussion, the motion to postpone was withdrawn.

Councilmember Smith moved that a task force be created to identify the problem issues and report back to City Council by July 3, 1995, and that the task force membership consist of 2 petitioner representatives, 3 neighborhood representatives (including one from Chapel Hill neighborhood), 2 Councilmembers, and 1 representative each from the Engineering, Building and Planning Departments.

On a voice vote the Mayor declared the motion carried.

The question being the proposed ordinance, on roll call the vote was as follows:

Yeas Councilmembers Lumm, Carlberg, Nicolas, Kolb, Vereen-Dixon, Fink, Mayor Sheldon, 7;

Nays Councilmembers Smith, Hanna-Davies, 2.

The Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

TABLED

RESOLUTION TO APPROVE ANN ARBOR HOUSING COMMISSION LAND DIVISION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Ann Arbor Housing Commission Land Division, 1.35 acres, 3432 Platt Road.

Whereas, The Ann Arbor Housing Commission has requested approval to divide the existing 1.35-acre parcel at 3432 Platt Road (Assessor Code No. 12-10-109-015) into four separate parcels for the construction of single-family dwellings; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of May 16, 1995, recommended approval of said request;

RESOLVED, That the Ann Arbor Housing Commission Land Division be approved, as described below, subject to the recording of necessary easements and a shared maintenance agreement.

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 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.

Councilmember Carlberg moved that the resolution be adopted.

Councilmember Carlberg moved that the resolution be tabled until answers are received from the Department of Housing and Urban Development addressing the issue of building in a floodplain.

On roll call the vote was follows:

Yeas, Councilmembers Lumm, Carlberg, Smith, Nicolas, Kolb, Hanna-Davies, Vereen-Dixon, Mayor Sheldon, 8;

Nays, Councilmember Fink, 1.

The Mayor declared the motion carried.

R-250-6-95 APPROVED

RESOLUTION TO APPROVE ARBOR LAKE VILLAGE PLANNED PROJECT SITE PLAN AND SITE DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Arbor Lake Village Planned Project Site Plan and Site Development Agreement, 19.91 acres, east side of South Main Street between Ann Arbor-Saline Road and Eisenhower Parkway.

Whereas, Arbor Lake Village Limited Partnership has requested planned project site plan approval in order to construct a 240-unit apartment complex; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of April 18, 1995, recommended approval of said request;

RESOLVED, That the Arbor Lake Village Planned Project Site Plan and Site Development Agreement, which includes the planned project modification of the maximum height requirement, be hereby approved, subject to maintaining a minimum of 59 percent of the site as usable open space.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

WITHDRAWN

RESOLUTION REGARDING RETENTION OF
OUTSIDE LEGAL COUNSEL

Whereas, The City Council, upon the recommendation of the City Attorney or upon its own initiative, may retain special legal counsel to handle any matter in which the City has an interest;

Whereas, It is a good practice for managing and conducting public purchasing to examine a statement of qualifications, define the scope of services, review the fees and clarify the product to be delivered in a contract before hiring a professional consultant;

Whereas, Chapter 14 of the City Code allows an exception to the practice of competitive bidding for contracts involving professional services under \$10,000.00 and allows the City Council, in cases where competitive bidding is not required by law or is clearly not practical, to approve contracts for professional services upon written recommendation of the City Administrator or City Attorney; and

Whereas, Documentation of actions taken by professional staff in choosing professional services via request for proposals or sole source procurement is an important means of curbing the potential for improprieties and establishing public confidence in the process by which these professional services are procured;

RESOLVED, That whenever the City Council retains the services of outside legal counsel for a specific project or for an ongoing but "time to time" basis, the City Attorney shall negotiate and present to City Council for approval a contract for professional services outlining the qualifications to render the required services, the hourly fees and the total compensation anticipated to accomplish the necessary services. The contract should be accompanied by an identification of the funding source.

Councilmember Lumm moved that the resolution be adopted.

Following comments from the sponsor, the resolution was withdrawn.

R-251-6-95 APPROVED

RESOLUTION ADOPTING A DEBT MANAGEMENT POLICY

Whereas, City Council desires to establish financial policy that will strengthen and support sound financial management in the City of Ann Arbor;

Whereas, Establishing sound financial policies reinforces confidence in the City with the financial marketplace, and with our citizens; and

Whereas, The City's Finance Advisory Committee has established and recommends adopting this Debt Management Policy to strengthen long-term financing decision-making;

RESOLVED, That the Mayor and City Council hereby adopt and establish the City of Ann Arbor Debt Management Policy outlined in Exhibit A below which replaces all previous Debt Management Policies or resolutions concerning debt financing of City projects.

Exhibit A

CITY OF ANN ARBOR
DEBT MANAGEMENT POLICY STATEMENT

The following debt management policy should be used to provide the general framework for planning and reviewing debt proposals. City Council recognizes there are no absolute rules or easy formulas that can substitute for a thorough review of all information affecting the City's debt position. Debt decisions should be the result of deliberative consideration of all factors involved.

1. **General Debt Policy**

- 1.1 The City shall seek to maintain and, if possible, to improve its current Aa/AA bond rating so borrowing costs are minimized and access to credit is preserved. It is imperative that the City demonstrate to rating agencies, investment bankers, creditors, and taxpayers that City officials are following a prescribed financial plan. The City will follow a policy of full disclosure by communicating with bond rating agencies to inform them of the City's financial condition.
- 1.2 Every future bond issue proposal will be accompanied by an analysis provided by the proposing department, demonstrating conformity to the debt policies adopted by City Council. The Finance Director will review and comment on each bond issue proposal regarding conformance with existing debt and financial policies, and specific aspects of the proposed financing package and its impact on the City's creditworthiness.
- 1.3 The City recognizes that it is of the utmost importance that elected and appointed City officials, and all others associated with the issuance of City debt, not only avoid

the reality of a conflict of interest, but the appearance thereof as well. City officials must conduct themselves in a fashion consistent with the best interests of the City and taxpayers. Elected and appointed City officials should avoid even the appearance of linkages between politics and public finance that can erode the confidence of taxpayers, ratepayers, and voters. This includes avoiding gratuities, and political contributions of more than nominal value from service providers and the disclosure of all possible conflicts of interest shall be provided in writing and filed with the City Clerk.

- 1.4 Bonds will be sold on a competitive basis unless it is in the best interest of the City to conduct a negotiated sale. Competitive sales will be the preferred method. Negotiated sales may occur when selling bonds for a defeasance of existing debt, for current or advanced refunding of debt, or for other appropriate reasons.

2. **Taxpayer Equity**

- 2.1 Ann Arbor's property taxpayers and citizens who benefit from projects financed by bonds should be the source of the related debt service funding. This principle of taxpayer equity should be a primary consideration in determining the type of projects selected for financing through bonds.

3. **Uses**

- 3.1 Bond proceeds should be limited to financing the costs of planning, design, land acquisition, buildings, permanent structures, attached fixtures or equipment, and movable pieces of equipment, such as fire engines, or other costs as permitted by law. Utility revenue bond proceeds may be used to establish a debt service reserve as allowed by State law. Acceptable uses of bond proceeds can be viewed as items which can be capitalized. Non-capital furnishings and supplies will not be financed from bond proceeds. Refunding bond issues designed to restructure currently outstanding debt are an acceptable use of bonds proceeds.
- 3.2 The City will not use short-term borrowing to finance operating needs except in the case of an extreme financial emergency which is beyond its control or reasonable ability to forecast. Recognizing that bond issuance costs add to the total interest costs of financing, bond financing should not be used if the aggregate cost of projects to be financed by the bond issue does not exceed \$1,000,000.

4. **Decision Analysis**

- 4.1 Whenever the City is contemplating a possible bond issue, information will be developed concerning the following four categories commonly used by rating agencies assessing the City's creditworthiness. The subcategories are representative of the types of items to be considered. This information will be

presented by the Finance Director to the Finance Advisory Committee for its review and recommendation to the City Administrator.

4.1.a Debt Analysis

- Debt capacity analysis
- Purpose for which debt is issued
- Debt structure
- Debt burden
- Debt history and trends
- Adequacy of debt and capital planning
- Obsolescence of capital plant

4.1.b Financial Analysis

- Stability, diversity, and growth rates of tax or other revenue sources
- Trend in assessed valuation and collections
- Current budget trends
- Appraisal of past revenue and expenditure trends
- History and long-term trends of revenues and expenditures
- Evidences of financial planning
- Adherence to generally accepted accounting principles
- Audit results
- Fund balance status and trends in operating and debt funds
- Financial monitoring systems and capabilities
- Cash flow projections

4.1.c Governmental and Administrative Analysis

- Government organization structure
- Location of financial responsibilities and degree of control
- Adequacy of basic service provision
- Intergovernmental cooperation/conflict and extent of duplication
- Overall city planning efforts

4.1.d Economic Analysis

- Geographic and location advantages
- Population and demographic characteristics
- Wealth indicators
- Housing characteristics
- Level of new construction
- Types of employment, industry, and occupation
- Evidences of industrial decline
- Trend of the economy

4.2 The City may use the services of qualified internal staff and outside advisors to assist in the analysis, evaluation, and decision process, including bond counsel and

financial advisors. Recognizing the importance and value to the City's creditworthiness and marketability of the City's bonds, this policy is intended to insure that potential debt complies with all laws and regulations, as well as sound financial principles.

5. **Debt Planning**

- 5.1 Unlimited-tax general obligation bond borrowing should be planned and the details of the plan must be incorporated in the Ann Arbor Capital Improvement Plan.
- 5.2 Unlimited-tax general obligation bond issues should be included in at least two Capital Improvement Plans preceding the year of the bond sale. The first inclusion should include a general description of the project, its timing, and financial limits; subsequent inclusions should become increasingly specific.

6. **Communication and Disclosure**

- 6.1 Significant financial reports affecting or commenting on the City will be forwarded to the rating agencies. Each bond prospectus will follow the disclosure guidelines of the Government Finance Officers Association of the U.S. & Canada.
- 6.2 The City should attempt to develop coordinated communication processes with all other jurisdictions with which it shares a common property tax base concerning collective plans for future debt issues. Reciprocally, shared information on debt plans including amounts, purposes, timing, and types of debt would aid each jurisdiction in its debt planning decisions.

7. **General Obligation Bonds**

- 7.1 Every project proposed for financing through general obligation debt should be accompanied by a full analysis of the future operating and maintenance costs associated with the project.
- 7.2 Generally, bonds cannot be issued for a longer maturity schedule than a conservative estimate of the useful life of the asset to be financed. The City will attempt to keep the average maturity of general obligation bonds at or below 20 years. The City will limit the total of its general obligation debt to 8% of the City's assessed value.
- 7.3 Whenever possible, the City will finance capital projects by using self-supporting revenue bonds. Revenue bonds assure the greatest degree of equity because those who benefit from a project and those who pay for a project are most closely matched.

8. Limited Tax General Obligation Debt

- 8.1 Limited tax general obligation bonds should be considered only when constraints preclude the preferred practice of voter approved general obligation bonds. As a precondition to the issuance of limited tax general obligation bonds, all alternative methods of financing should have been investigated. Consideration should always be given to provide a pledge of facility revenue to accompany the basic pledge of limited tax revenues.

- 8.2 Limited tax general obligation bonds should only be issued under certain conditions:
 - 8.2.a A project to be financed will generate positive net revenues, i.e., additional revenues generated by the project will be greater than the debt service requirements. The net revenues should be positive over the life of the bonds, and be positive each year if possible. The City recognizes that net revenues may not be positive in the early years of certain projects, but should be positive within a reasonable time period of five to seven years. These calculations will be made on a conservative basis so that the potential for a long-term net decrease in general fund revenues is minimized.

 - 8.2.b Matching fund monies are available which may be lost if not applied for in a timely manner.

 - 8.2.c Catastrophic conditions.

9. Revenue Bonded Debt

- 9.1 It will be a long-term goal that each utility or enterprise will ensure future capital financing needs are met by using a combination of current operating revenues and revenue bond financing. Therefore a goal is established that 15% of total project costs should come from operating funds of the utility or enterprise.

- 9.2 It will be policy that each utility or enterprise should provide adequate debt service coverage. A specific factor is established by City Council that projected revenues in excess of operating expenses less capital expenditures should be at least 1.25 times the annual debt service principal costs. Debt interest costs are included in operating expenses. (An example of the debt coverage calculation follows.)

Debt Coverage Example:

Total Revenues	\$14,227,000	(A)
Operating Expenditures	11,711,100	
Capital Expenditures	<u>1,458,500</u>	

Total Expenditures	13,169,600	
Less: Capital Expenditures	<u>1,458,500</u>	
Net Expenditures	\$11,711,100	(B)
Excess Revenue for Debt Service (A-B)	\$ 2,515,900	(C)
Debt Principal	\$ 2,009,378	(D)
Debt Coverage (C/D)	1.252	

10. **Short Term Financing/Capital Lease Debt**

- 10.1 Short-term financing or capital lease debt will be considered to finance certain equipment and rolling stock purchases when the aggregate cost of equipment to be purchased exceeds \$25,000. Adequate funds for the repayment of principal and interest must be included in the requesting department's approved budget.
- 10.2 The term of short-term financing will be limited to the usual useful life period of the vehicle or equipment, but in no case will exceed ten years.
- 10.3 Departments requesting capital financing must have an approved budget appropriation. Departments shall submit documentation for approved purchases to the Finance Department each year within sixty days after the annual budget is adopted. The Finance Department will consolidate all requests and may solicit competitive or negotiated proposals for capital financing to insure the lowest possible interest costs.

Councilmember Nicolas moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed to the June 19, 1995 regular session of Council to work on amendments to clarify flexibility in the policy.

On roll call the vote was as follows:

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

Nays, Councilmembers Lumm, Nicolas, Fink, Mayor Sheldon, 4.

The Mayor declared the motion defeated.

Councilmember Nicolas moved that paragraph 1.3 of the Debt Management Policy

Statement be amended as follows:

- 1.3 ...Elected and appointed City officials should avoid even the appearance of linkages between politics and public finance that can erode the confidence of taxpayers, ratepayers and voters. This includes avoiding gratuities, and political contributions ~~<of more than nominal value>~~ from service providers and the disclosure of all possible conflicts of interest shall be provided in writing and filed with the City Clerk.

On roll call the vote was as follow:

Yeas, Councilmember Nicolas, 1;

Nays, Councilmembers Lumm, Carlberg, Smith, Hanna-Davies, Vereen-Dixon, Fink, Mayor Sheldon, 7;

Absent during vote, Councilmember Kolb, 1.

The Mayor declared the motion defeated.

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

Yeas, Councilmembers Lumm, Carlberg, Smith, Nicolas, Kolb, Fink, Mayor Sheldon, 7;

Nays, Councilmembers Hanna-Davies, Vereen-Dixon, 2.

The Mayor declared the motion carried.

R-252-6-95 APPROVED

RESOLUTION REGARDING IMPLEMENTATION
OF RECOMMENDATIONS FROM THE COMMISSION
ON INCREASING SAFETY FOR WOMEN

Whereas, The Commission on Increasing Safety for Women has accomplished its charge and brought forward a comprehensive list of recommendations for action by the Mayor and Council;

Whereas, The Commission on Increasing Safety for Women has asked the Mayor and Council to take the following steps to implement the Commission's recommendations:

1. hire or reassign a staff member to organize and oversee implementation,
2. ask City employees to implement recommendations that are consistent with their responsibilities,
3. endorse a public campaign using the slogan "There's No excuse for Violence Against Women", and
4. appoint a volunteer oversight body that includes some members of the Commission on Increasing Safety for Women and representatives of other constituencies; and

Whereas, Some of the specific recommendations by the Commission can be implemented immediately and others are longer term goals;

RESOLVED, That the Ann Arbor City Council hereby endorse a public campaign using the slogan "There's No Excuse for Violence Against Women";

RESOLVED, That the City Administrators be directed to review the recommendations of the Commission on Increasing Safety for Women with the department heads to assign responsibility for implementing specific recommendations to appropriate departments and individual employees wherever possible, both for short-term and long-term goals;

RESOLVED, That the City Administrators consider how best to reassign one or more staff members to organize and oversee implementation of the Commission's recommendations:

RESOLVED, That the Mayor and Council appoint the following members of the Commission on Increasing Safety for Women to serve for one year as the volunteer oversight body for the campaign, along with other constituencies' representatives to be appointed:

Susan Kaufman (Chair), U-M Center for the Education of Women
Emily Berry, Michigan Student Assembly Women's Issues
Debi Cain, Sexual Assault Prevention and Awareness Center
Susan McGee, Domestic Violence Project/Safe House
Christine White, Ann Arbor Center for the Family
Capt. Dan Branson, Ann Arbor Police Department
Leo Heatley, U-M Department of Public Safety
Liz Lindsey, Assault Crisis Center
Donn Wolf, Detroit Edison

RESOLVED, That All those working on the campaign be charged with finding ways to generate additional resources for the campaign to complement the \$19,000.00 worth of porch light photocells contributed by Detroit Edison, the \$300.00 for photocells pledged by the Old Westside Neighborhood Association, and the \$5,000.00 allocated by the Mayor and Council in the City's 1995-96 budget;

RESOLVED, That initial information about the campaign be distributed to citizens of Ann Arbor at the community oriented police station open houses on June 15 and that the kick-off for the campaign be planned for the National Night Out on Main Street, Friday, August 4, 6:00-9:00 p.m.;

RESOLVED, That this resolution and a copy of the Commission's recommendations be forwarded to the University of Michigan President's Task Force on Violence Against Women; and

RESOLVED, That the City Administrator report back to Council by the first meeting in August.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-253-6-95 APPROVED AS AMENDED

RESOLUTION TO APPROVE FY 1995-96 CITY
GENERAL FUND HUMAN SERVICES AND ECONOMIC
DEVELOPMENT ALLOCATIONS AND AMEND FY 1995-96
COMMUNITY DEVELOPMENT DEPARTMENT BUDGET

A resolution to approve the FY 1995-96 City General Fund Human Services and Economic Development Allocations and amend the FY 1995-96 Community Development Department Budget was considered.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the following paragraph be added to the resolutions:

RESOLVED, That \$2,500.00 from the Contingency Fund for
Emergency Shelter Needs be allocated to the Corner Health Center.

On roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Smith, Kolb, Hanna-Davies, Vereen-Dixon, Mayor Sheldon, 6;

Nays, Councilmembers Lumm, Nicolas, Fink, 3.

The Mayor declared the motion carried.

Councilmember Nicolas moved that the following sixth paragraph of the resolution be deleted and that the \$13,500.00 in additional Human Services funds be distributed in a pro-rated amount among all the listed agencies.

RESOLVED, That \$13,500.00 in additional Human Services funds, intended for the following agencies: Peace Neighborhood Center, \$8,500.00; Ann Arbor Community Development Corporation, \$2,000.00; Fair Housing Center, \$1,000.00; and Legal Services of Southeastern Michigan, \$2,000.00, be included in the allocations below:

On roll call the vote was as follows:

Yeas, Councilmembers Nicolas, Fink, Lumm, 3;

Nays, Councilmembers Carlberg, Smith, Kolb, Hanna-Davies, Vereen-Dixon, Mayor Sheldon, 6.

The Mayor declared the motion defeated.

Council unanimously agreed to divide the question and take separate votes on the first and second Resolved clauses and one vote on the third and fourth Resolved clauses. Council further agreed with Councilmember Vereen-Dixon's request to abstain from the vote on funding for Arrowwood Hills Cooperative and to divide the question to vote separately on the funding for Arrowwood Hills Cooperative.

The question being the first Resolved clause as follow:

RESOLVED, That \$6,240.00 from FY 1994-95 Services to Youth be carried forward in FY 1995-96 amending the FY 1995-96 Community Development Department Budget and included in the allocations below:

On roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Smith, Kolb, Vereen-Dixon, Mayor Sheldon, 5;

Nays, Councilmembers Lumm, Nicolas, Hanna-Davies, Fink, 4.

The Mayor declared the motion defeated.

The question being the second Resolved clause as follows:

RESOLVED, That \$13,500.00 in additional Human Services funds, intended for the following agencies: Peace Neighborhood Center, \$8,500.00; Ann Arbor Community Development Corporation, \$2,000.00; Fair Housing Center, \$1,000.00; and Legal Services of Southeastern Michigan, \$2,000.00, be included in the allocations below;

On roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Smith, Kolb, Hanna-Davies, Vereen-Dixon, Mayor Sheldon, 6;

Nays, Councilmembers Lumm, Nicolas, Fink, 3.

The Mayor declared the motion carried.

The question being the third and fourth Resolved clauses (without the funding for Arrowwood Hills Cooperative) as follows:

RESOLVED, That the Mayor and City Council approve the allocations to the agencies as listed and authorize the Community Development Department, in accordance with the City's purchasing procedures, to negotiate contractual agreements either directly with the agencies or, as in the case of the Ann Arbor YMCA, Corner Health Center, Second Baptist Human Services, Bryant Community Center, Motor Meals of Ann Arbor and others, with outside organizations acting as fiduciaries for subsequent Council review and approval:...;

RESOLVED, That all human service projects funded by the City General Fund give priority to very low income households and that performance be monitored by the Community Development Department;

On roll call the vote was as follows:

Yeas, Councilmembers Lumm, Carlberg, Smith, Nicolas, Kolb, Hanna-Davies, Vereen-Dixon, Fink, Mayor Sheldon, 9;

Nays, 0.

The Mayor declared the motion carried.

The question being the funding for Arrowwood Hills Cooperative, on a voice vote the Mayor declared the motion carried with Councilmember Vereen-Dixon abstaining.

The resolution as adopted reads as follows:

R-253-6-95

RESOLUTION TO APPROVE FY 1995-96 CITY
GENERAL FUND HUMAN SERVICES AND ECONOMIC
DEVELOPMENT ALLOCATIONS AND AMEND FY 1995-96
COMMUNITY DEVELOPMENT DEPARTMENT BUDGET

Whereas, The Human Services Task Force has recommended the allocation of specific General Fund amounts for the following organizations for FY 1995-96;

Whereas, The Human Resources Department has reviewed and approved these contractors as of April, 1995;

Whereas, \$6,240.00 in Services to Youth remains unallocated from FY 94/95; and

Whereas, City Council amended the Community Development General Fund budget to increase the Human Services line item by \$13,500.00;

RESOLVED, That \$13,500.00 in additional Human Services funds, intended for the following agencies: Peace Neighborhood Center, \$8,500.00; Ann Arbor Community Development Corporation, \$2,000.00; Fair Housing Center, \$1,000.00; Legal Services of Southeastern Michigan, \$2,000.00, be included in the allocations below; and

RESOLVED, That the Mayor and City Council approve the allocations to the agencies as listed and authorize the Community Development Department, in accordance with the City's purchasing procedures, to negotiate contractual agreements either directly with the agencies or, as in the case of the Ann Arbor YMCA, Corner Health Center, Second Baptist Human Services, Bryant Community Center, Motor Meals of Ann Arbor and others, with outside organizations acting as fiduciaries for subsequent Council review and approval:

<u>AGENCY</u>	<u>AMOUNT</u>
Ann Arbor Center for Independent Living	\$ 31,500
Ann Arbor Community Center	20,000
Ann Arbor Community Development Corporation	2,000
Ann Arbor Hunger Coalition	5,000
Ann Arbor Tenants Union	4,000
Ann Arbor YMCA	10,000
Arrowwood Hills Cooperative	25,000
Assault Crisis Center	5,000
Catholic Social Services for CSS; HIV/AIDS Resource Center; Father Pat Jackson House	60,000
Center for Occupational & Personalized Education (COPE)	20,000
Child & Family Service of Washtenaw for Huron Harvest Food Bank; Second Baptist Human Services; Bryant Community Center	24,500
Community Action Network	51,000
Community Leaning Post	10,000
Domestic Violence Project	38,500
Fair Housing Center	6,000
Food Gatherers, Inc.	18,000
Green Glacier Community Center	18,240
Housing Bureau for Seniors for HBS; Motor Meals, Inc.	39,000
Huron Services for Youth	18,000
Interfaith Hospitality Network	4,500
Legal Services of Southeastern Michigan	2,000
Options Center, Inc.	31,000
Ozone House	21,000
Packard Community Clinic for PCC; Corner Health Center	22,000
Peace Neighborhood Center	23,500
Pinelake Village Cooperative	24,000
Project Transition	8,000
St. Andrews Breakfast Program	8,000
Salvation Army	21,000
Shelter Association of Washtenaw County	103,500
Trailblazers	17,000
Washtenaw Development Council	<u>47,500</u>
	\$738,740

RESOLVED, That all human service projects funded by the City General Fund give

priority to very low income households and that performance be monitored by the Community Development Department; and

RESOLVED, That \$2,500.00 from the Contingency Fund for Emergency Shelter Needs be allocated to the Corner Health Center.

R-254-6-95 APPROVED

RESOLUTION TO AWARD CONTRACT TO FIRST
CONTRACTING, INC. FOR CONSTRUCTION OF
SIX UNITS OF PUBLIC HOUSING

Whereas, The Ann Arbor Housing Commission has a grant award of \$2,279,550 for the development of 23 units of new construction of scattered site, family housing;

Whereas, The Department of Housing and Urban Development and City of Ann Arbor Council approved the Commission's purchase of buildable sites located at Evelyn Court and Seybolt for this purpose;

Whereas, Construction of duplexes at these locations were bid by the Commission's architect with a bid opening of May 4, 1995;

Whereas, There were two responsive bidders, with First Contracting, Inc. being the low bidder with a price of \$437,623.00. Evaluation of the proposal for soundness of pricing, budget affordability and positive references resulted in a recommendation of award to First contracting, Inc.; and

Whereas, Human Rights approval was received on May 30, 1995;

RESOLVED, That the City Council approve the award of a construction contract for six units of public housing to First Contracting, Inc. for \$437,623.00. and authorize its Mayor to execute a contract for same.

Councilmember Kolb moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Lumm, Carlberg, Smith, Nicolas, Kolb, Hanna-Davies, Vereen-Dixon, Mayor Sheldon, 8;

Nays, Councilmember Fink, 1.

The Mayor declared the motion carried.

R-255-6-95 APPROVED

RESOLUTION TO APPROVE AMENDMENTS TO
CONSTRUCTION AND OPERATING CONTRACTS BETWEEN
THE CITY AND RESOURCE RECOVERY SYSTEMS

Whereas, Construction and operating contracts between the City of Ann Arbor and Resource Recovery Systems (RRS) were approved by City Council on February 22, 1993 and were signed between the parties on November 1, 1993;

Whereas, Resource Recovery has made every effort to complete the facility within budget and in a timely fashion;

Whereas, Additional materials will become available for recycling, with the City receiving a larger share of material sales revenues through amendments to these agreements; and

Whereas, The Solid Waste Commission unanimously endorsed the proposed amendments at a May 24, 1995 special session;

RESOLVED, That amendments to the construction contract between the City and RRS, as substantially in the form of the contract on file in the City Clerk's Office, be approved;

RESOLVED, That amendments to the operating contract between the City and RRS, as substantially in the form of the contract on file in the City Clerk's Office, be approved; and

RESOLVED, That up to \$172,181.00 in additional capital expenditures be authorized for improvements to the MRF, thereby allowing additional materials to be recovered, such funds to be made available through the unobligated fund balance of the environmental bond, including:

Bunker Conveyors with Push Walls (5)	\$ 128,700
Plastics Blower and Platform Extension (1)	20,150

Light Material Bin (1)	19,831
Expanded Household Scrap Metal Handling Equipment	<u>3,500</u>
TOTAL	\$ 172,181

RESOLVED, That the Mayor and City Clerk be authorized to sign the approved construction and operating contract amendments substantially in the form on file in the City Clerk's office;

RESOLVED, That provisions of the construction contract be in effect until the facility is fully constructed, tested, and permitted, regardless of fiscal year; and

RESOLVED, That provisions of the operating contract be in effect for twenty years from the approved start-up date of the facility, provided that RRS remains in full compliance with performance guarantees including acceptance testing.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-256-6-95 APPROVED

RESOLUTION APPROVING SUPPLEMENTAL FUNDING FOR
EXPANDED RESIDENTIAL RECYCLING COLLECTION

Whereas, The City has added a number of new recyclable materials to be processed at the MRF as part of the original contract and the May, 1995 contract addendum;

Whereas, The current recycling collection contract, signed in 1990, did not anticipate and does not include these additional new materials;

Whereas, It is anticipated that the additional new materials processed at the MRF, plus the easing of preparation requirements on magazines and office paper, will generate an estimated additional 1,350 tons per year of material to be collected for residential households; and

Whereas, Recycle Ann Arbor believes that it is close to capacity on its current routing system, and is requesting an additional \$.14 per household per month and \$.80 per cart per month for FY 95/96 for collecting the additional materials to be processed at the MRF;

RESOLVED, That the City begin residential collection of all additional recyclable materials as outlined in the MRF contract addendum effective upon the startup date of the MRF, anticipated to be July 25, 1995;

RESOLVED, That the Mayor and City Clerk be authorized to execute the amendment to the RAA collection contract (on file in the City Clerk's Office) providing an additional \$.14 per household per month and \$.80 per cart per month, not to exceed \$50,000.00 for FY 95/96, for collection of additional materials; and

RESOLVED, That these additional funds be paid from a reduction in processing expenses anticipated in the MRF contract addendum.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

DEFEATED

RESOLUTION OPPOSING THE MANDATORY REGIONAL APPROACH FOR STATE SOLID WASTE MANAGEMENT PLANNING

Whereas, Over the last several years, the Michigan Department of Natural Resources (MDNR), the Natural Resources Commission and the Governor's office have been contemplating changing the way Michigan manages its solid waste;

Whereas, A work group composed of diverse interests, including the City of Ann Arbor's assistant city administrator, convened in good faith to reach consensus and develop a written set of recommendations for suggested amendments to P.A. 641;

Whereas, The MDNR has disregarded that consensus document and developed a proposal to modify the existing structure of Act 641, through a Mandatory Regional Planning/Host Agreement approach;

Whereas, Said approach would allow for the free flow of wastes within regions as determined by the State;

Whereas, Said approach would remove the county's current role in facility siting and flow control issues;

Whereas, Free market siting of landfills and free flow of solid wastes, either within regions or throughout the state, without any controls on the number or size of such facilities, could lead to the proliferation of large landfills designed to serve national disposal needs;

Whereas, The City's Solid Waste Commission has gone on record as being in support of this resolution;

Whereas, Through their plans, counties should have the ability to control the number, size and capacity utilization of solid waste disposal facilities within their borders;

Whereas, The county, host community and neighboring communities should all be participants in the siting and host community agreement process; and

Whereas, Sufficient time is needed for counties, local governments and other stakeholders to review and respond to this legislative proposal;

RESOLVED, That the City of Ann Arbor hereby opposes the concepts set forth in the MDNR's Mandatory Regional Planning/Host Agreement approach currently under consideration.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On roll call the vote was as follows:

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

Nays, Councilmembers Lumm, Mayor Sheldon, 2;

Absent during vote, Councilmembers Nicolas, Fink 2.

The Mayor declared the motion defeated.

R-257-6-95 APPROVED

RESOLUTION APPROVING RECOMMENDATION OF

THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD TO HIRE
CONSULTANT TO CONDUCT THE DOWNTOWN PARKING STUDY

Whereas, The DDA Board has determined that it is in the public interest that a Downtown Parking Study be conducted to investigate parking supply and demand and to explore various alternatives for providing additional parking in the downtown;

Whereas, The DDA has solicited proposals (RFP #361) from qualified and experienced consulting firms to conduct such study;

Whereas, Written proposals from three firms were received and reviewed by the DDA;

Whereas, The DDA Board has reviewed the proposal of BRW Inc., its qualifications and its familiarity with Ann Arbor's transportation and parking issues, and approved the hiring of BRW Inc. to conduct the Downtown Parking Study at the quoted fee of \$29,340.00 plus \$2,640.00 for incidental expenses; and

Whereas, The City's Human Resources Department has, on May 17, 1995, approved the firm of BRW Inc. for human rights compliance;

RESOLVED, That the City Council approve the recommendation of the DDA Board to accept the BRW Inc. proposal, dated April 5, 1995, to conduct the Downtown Parking Study at the quoted fee of \$29,340.00, plus \$2,640.00 for incidental expenses.

Funding Source: 003-003-0110-5190-1995/1996

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

DEFERRED

RESOLUTION TO APPROVE CONSTRUCTION GRANT WITH
THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR
IMPROVEMENTS AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, On December 20, 1993, City Council approved a Grant Contract, No. 93-2172 DAB, for the design of certain improvements at the Ann Arbor Municipal Airport, with the Michigan Department of Transportation;

Whereas, On November 16, 1994, the Airport Advisory Committee approved the scope of work for the project;

Whereas, On November 21, 1994, the City Council approved the scope of work for the project;

Whereas, On February 6, 1995, City Council approved a Letter of Agreement with Michigan Department of Transportation regarding said improvements;

Whereas, On May 17, 1995, the Airport Advisory Committee approved the MDOT Contract;

Whereas, Pursuant to issuance of a Federally funded construction grant, the City is required to sign a "Construction Grant Contract" with MDOT; and

Whereas, The City Attorney's Office and Public Services Department staff have reviewed and approved the language of the Grant Contract;

RESOLVED, That Contract No. 95-0916 with the Michigan Department of Transportation be approved;

RESOLVED, That \$130,248.00 be appropriated from the Public Services Department Airport Fund (\$122,400.00 FY 94/95; \$7,848.00 FY 95/96) for the life of the project, to be available until expended without regard for fiscal year;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign said Contract 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 directed to take the necessary administrative actions to implement this resolution.

Councilmember Smith moved that the resolution be adopted.

Councilmember Kolb moved that the resolution be deferred to end of the agenda.

On a voice vote the Mayor declared the motion carried.

DEFERRED

RESOLUTION TO APPROVE CONSTRUCTION CONTRACT WITH WATERLAND TRUCKING SERVICES FOR REHABILITATION OF PAVEMENT AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, On November 21, 1994, the Council approved the scope of work needed at the Ann Arbor Municipal Airport, which included pavement rehabilitation;

Whereas, On May 12, 1995, bids for the pavement rehabilitation were taken by the Michigan Department of Transportation in accordance with the terms of the Grant Contract and the Letter of Agreement approved by the Council on December 20, 1993, and February 6, 1995, respectively, between the City and MDOT; and

Whereas, The bid of Waterland Trucking Services of Wixom, Michigan, in the amount of \$761,868.52 was the lowest responsible bid as determined by MDOT;

RESOLVED, That the construction contract with Waterland Trucking Services in the amount of \$761,868.52 for the pavement rehabilitation at the Ann Arbor Municipal Airport be approved;

RESOLVED, That the Mayor and City Clerk be hereby 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; and

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

Councilmember Smith moved that the resolution be adopted.

Councilmember Kolb moved that the resolution be deferred to end of the agenda.

On a voice vote the Mayor declared the motion carried.

DEFERRED

RESOLUTION TO APPROVE CONSTRUCTION CONTRACT WITH ANGELO IAFRATE CONSTRUCTION COMPANY FOR DRAINAGE

IMPROVEMENTS AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, On November 21, 1994, the Council approved the scope of work needed at the Ann Arbor Municipal Airport, which included drainage improvements;

Whereas, On May 12, 1995, bids for the drainage improvements were taken by the Michigan Department of Transportation in accordance with the terms of the Grant Contract and the Letter of Agreement approved by the Council on December 20, 1993, and February 6, 1995, respectively, between the City and MDOT; and

Whereas, The bid of Angelo lafrate Construction Co. of Warren, Michigan, in the amount of \$142,347.00 was the lowest responsible bid as determined by MDOT;

RESOLVED, That the construction contract with Angelo lafrate Construction Co. in the amount of \$142,347.00 for the drainage improvements at the Ann Arbor Municipal Airport be approved; and

RESOLVED, That the Mayor and City Clerk be hereby 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; and

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

Councilmember Smith moved that the resolution be adopted.

Councilmember Kolb moved that the resolution be deferred to end of the agenda.

On a voice vote the Mayor declared the motion carried.

DEFERRED

RESOLUTION TO APPROVE CONSTRUCTION CONTRACT WITH
FUTURE FENCE COMPANY FOR PERIMETER FENCE INSTALLATION
AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, On November 21, 1994, the Council approved the scope of work needed at the Ann Arbor Municipal Airport, which included perimeter fence installation;

Whereas, On May 12, 1995, bids for the perimeter fence installation were taken by the Michigan Department of Transportation in accordance with the terms of the Grant Contract and the Letter of Agreement approved by the Council on December 20, 1993, and February 6, 1995, respectively, between the City and MDOT; and

Whereas, The bid of Future Fence Company of Sterling Heights, Michigan, in the amount of \$286,252.10 was the lowest responsible bid as determined by MDOT;

RESOLVED, That the construction contract with Future Fence Company in the amount of \$286,252.10 for the perimeter fence installation at the Ann Arbor Municipal Airport be approved;

RESOLVED, That the Mayor and City Clerk be hereby 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; and

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

Councilmember Smith moved that the resolution be adopted.

Councilmember Kolb moved that the resolution be deferred to end of the agenda.

On a voice vote the Mayor declared the motion carried.

DEFERRED

RESOLUTION TO AUTHORIZE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH WHITWORTH-BORTA, INC. FOR CONSTRUCTION ENGINEERING SERVICES AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, On December 20, 1993, City Council approved a Grant Contract with the Michigan Department of Transportation regarding improvements at the Ann Arbor Municipal Airport;

Whereas, In accordance with the terms of said Contract, the Council on May 2, 1994, approved a Professional Services Agreement with Whitworth-Borta, Inc. in the amount of \$97,381.71 for the design of said improvements;

Whereas, It is now necessary to have a consulting firm perform the construction engineering for said improvements;

Whereas, Whitworth-Borta, Inc., has submitted to the City a proposal which sets forth the services to be performed by the firm, and the payments to be made by the City and MDOT, all of which are agreeable to the City and MDOT; and

Whereas, MDOT has approved said proposal;

RESOLVED, That an amendment to the existing Professional Services Agreement for construction engineering services, in the amount of \$143,163.62 be approved with Whitworth-Borta, Inc.;

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 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.

Councilmember Smith moved that the resolution be adopted.

Councilmember Kolb moved that the resolution be deferred to end of the agenda.

On a voice vote the Mayor declared the motion carried.

DEFERRED

RESOLUTION TO REVISE THE TIE-DOWN FEE AT
THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, The Ann Arbor Municipal Airport aircraft tie-down fee is currently \$58.00 per month;

Whereas, The current aircraft tie-down fee was reviewed by the Airport Advisory Committee;

Whereas, The Airport Advisory Committee concluded that the current fee was not competitive;

Whereas, The Airport Advisory Committee has determined that the current fee has caused many customers to vacate the airport and deterred others from leasing with Ann Arbor;

Whereas, The Airport Advisory Committee after review recommends that a rate of \$38.00 per month would be more competitive and realistic;

Whereas, The Airport Advisory Committee recommends that the new fee not be considered for change for one year; and

Whereas, The Public Services Department believes that the lower rate will increase the number of tie-down aircraft, thereby increasing the revenues to the airport;

RESOLVED, That City Council approve the aircraft tie-down fee of \$38.00 per month, effective June 6, 1995, and that the revised fee not be changed for a minimum of one year.

Councilmember Smith moved that the resolution be adopted.

Councilmember Kolb moved that the resolution be deferred to end of the agenda.

On a voice vote the Mayor declared the motion carried.

R-258-6-95 APPROVED

RESOLUTION TO APPROVE A CONTRACT FOR BRIDGE
DEMOLITION AND INSTALLATION AT BANDEMER PARK -
BID NO. 2731

Whereas, Funds in the amount of \$487,000.00 are appropriated from the Rehabilitation and Development Millage for Bandemer and the North Main Park Development to complete the bridge construction;

Whereas, O'Laughlin Construction Co. submitted the lowest responsible bid for bridge demolition and installation in the amount of \$284,164.00;

Whereas, The Human Resources Department approved the company on May 19,1995;

RESOLVED, that the Mayor and Council approve a contract awarding Bid #2731 to O'Laughlin Construction Co. in the amount of \$284,164.00, and authorize the Mayor and City Clerk to sign the agreement between the City and O'Laughlin Construction Co. substantially in the form on file with the City Clerk; and

RESOLVED, That Mayor and City Council approve a construction contingency in the amount of \$28,416.00 to cover potential contract change orders, to be approved by the City Administrator, and approve a total project budget of \$312,580.00 for the life of the project.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-259-6-95 APPROVED

RESOLUTION TO APPROVE A CONTRACT FOR BRIDGE
FABRICATION AT BANDEMER PARK - BID NO. 2630

Whereas, Funds in the amount of \$487,000.00 are appropriated from the Rehabilitation and Development Millage for Bandemer and the North Main Park Development to complete the bridge construction;

Whereas, Continental Bridge Co. submitted the lowest responsible bid for bridge fabrication in the amount of \$114,057.00; and

Whereas, The Human Resources Department approved the company on May 3, 1995;

RESOLVED, That the Mayor and Council approve a contract awarding Bid #2630 base and alternates to Continental Bridge Co. in the amount of \$114,057.00, and authorize the Mayor and City Clerk to sign the agreement between the City and Continental Bridge Co. substantially in the form on file with the City Clerk; and

RESOLVED, That Mayor and City Council approve a construction contingency in the amount of \$11,406.00 to cover potential contract change orders, to be approved by the City Administrator, and approve a total project budget of \$125,463.00 for the life of the project.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-260-6-95 APPROVED

RESOLUTION TO APPROVE CONTRACTS TO PURCHASE BRIDGES FOR FURSTENBERG AND BROWN PARKS - BID NO. 2718

Whereas, Approved park plans were complete with public input for Furstenberg and Brown Parks that included pedestrian bridges at each site;

Whereas, Funds in the amount of \$595,000.00 are appropriated in the FY 95/96 budget for improvements to Furstenberg Park from the 1989-94 Parks Rehabilitation and Development Millage and a Grant from the Michigan Department of Natural Resources, and \$190,000.00 is available for Brown Park from the 1989-94 Parks Rehabilitation and Development Millage, the Maintenance and Repair Millage and from a development contribution;

Whereas, Timber Systems Holdings submitted the lowest responsible bid for fabrication of the bridges at Furstenberg Park in the amount of \$31,681.00;

Whereas, The Human Resources Department approved the company on May 1, 1995;

Whereas, Continental Bridge Company submitted the lowest responsible bid for

fabrication of the bridge at Brown Park in the amount of \$30,488.00;

Whereas, The Personnel Human Rights Department approved the company on May 2, 1995; and

Whereas, The bid specifications allowed the City to split the award in the best interest of the City;

RESOLVED, That the Mayor and Council approve a contract awarding part one of Bid #2718 to Timber Systems in the amount of \$31,681.00, and authorize the Mayor and City Clerk to sign the agreements between the City and Continental Bridge Co. substantially in the form on file with the City Clerk;

RESOLVED, That the Mayor and Council approve a contract awarding part two of Bid #2718 to Continental Bridge Co. in the amount of \$30,488.00, and authorize the Mayor and City Clerk to sign the agreement between the City and Continental Bridge Co. substantially in form on file with the City Clerk;

RESOLVED, That Mayor and City Council approve a construction contingency in the amount of \$6,200.00 to cover potential contract change orders to be approved by the City Administrator, and approve a total project budget of \$68,369.00 for the life of the project.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-261-6-95 APPROVED

RESOLUTION TO APPROVE CONTRACT FOR INSTALLATION OF BRIDGES AND BOARDWALK IN FURSTENBERG AND BROWN PARKS - BID NO. 2719

Whereas, Funds in the amount of \$595,000.00 are appropriated in the FY 95/96 budget for improvements to Furstenberg Park from the 1989-94 Parks Rehabilitation and Development Millage and a Grant from the Michigan Department of Natural Resources, and \$190,000.00 is available for Brown Park from the 1989-94 Parks Rehabilitation and Development Millage, the Maintenance and Repair Millage, and a development agreement;

Whereas, Warren Contractors submitted the lowest responsible bid for installation of the bridges and boardwalk at Furstenberg Park and Brown Park in the amount of \$332,613.00; and

Whereas, The Human Resources Rights Department approved the company on April 28, 1995;

RESOLVED, That the Mayor and Council approve a contract awarding Bid #2719 to Warren Contractors in the amount of \$332,613.00 to install bridges, and authorize the Mayor and City Clerk to sign the agreements between the City and Warren Contractors substantially in the form on file with the City Clerk; and

RESOLVED, That Mayor and City Council approve a construction contingency in the amount of \$33,261.00 to cover potential contract change orders to be approved by the City Administrator and to approve a total project budget of \$365,874.00 for the life of the project.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-262-6-95 APPROVED

RESOLUTION TO APPROVE CONTRACT FOR ARCHITECTURAL DESIGN FOR FURSTENBERG PARK - RFP NO. 363

Whereas, The approved park plan includes a restroom and a nature interpretive shelter in the park;

Whereas, Funds in the amount of \$595,000.00 are appropriated in the FY 95/96 budget for improvements to Furstenberg Park from the 1989-94 Parks Rehabilitation and Development Millage and a grant from the Michigan Department of Natural Resources;

Whereas, Osler Architects submitted the lowest responsible bid for design of a restroom facility and interpretive shelter at Furstenberg Park in the amount of \$14,970.00;

Whereas, The Human Resources Department approved the company on May 2, 1995;

RESOLVED, That the Mayor and Council approve a professional services contract awarding RFP #363 to Osler Associates in the amount of \$14,970.00, and authorize the Mayor and City Clerk to sign the agreements between the City and Osler Architects substantially in the form on file with the City Clerk; and

RESOLVED, That the Mayor and City Council approve a construction contingency

in the amount of \$1,497.00 to cover potential contract change orders, to be approved by the City Administrator, and approve a total project budget of \$16,467.00 for the life of the project.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-263-6-95 APPROVED

RESOLUTION TO APPROVE PURCHASE OF THE 9.2-ACRE
VERLE SCHOOL SITE FOR PARK LAND

Whereas, The Verle School site is for sale by the Ann Arbor Public Schools and the Department of Parks and Recreation and Park Advisory Commission have determined that the site is important to acquire for a wildlife corridor, as access to Brown Park and as open space to serve the nearby neighborhoods;

Whereas, The 1994 Park, Recreation and Open Space Plan recommends that the parcel be preserved for park linkages and open space preservation, and the Park Advisory Commission and nearby neighbors recommend the purchase;

Whereas, The 10-acre parcel adjoins Brown Park on three sides and contains woodlands that are contiguous with the woods in Brown Park;

Whereas, An environmental assessment of the property was completed with no findings and the Ann Arbor Public Schools have agreed to sell the property to the City for use as park land at a sale price of \$214,000.00, which is consistent with the approved land appraisals; and

Whereas, There are sufficient funds in the Park Acquisition Millage (Fund 024) to cover the total purchase price of \$214,000.00 plus \$2,000.00 for estimated incidental closing costs;

RESOLVED, That the Mayor and City Council approve a sales agreement for the purchase of the 9.2-acre Verle School site from the Ann Arbor Public Schools, described as:

Part of the Northeast 1/4 of Section 10, Township 03 South, Range 06 East. Beginning at the Southwest corner of lot 32 of the Barford Homes Subdivision, thence N89°57'W 528 feet, thence N1°44'E 825.36 feet, thence N89°57'E 528 feet, thence S1°44'W 825.36 feet to the point of beginning.

Commonly known as the Verle Street School Site 9.20 acres

for park use, that the Mayor and Clerk be authorized to sign the agreements substantially in the form on file with the City Clerk, and that \$216,000.00 be authorized from the Park Acquisition Millage (fund 024) for the purchase and associated closing costs and fees.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-264-6-95 APPROVED

RESOLUTION TO ENTER INTO A PERFORMANCE CONTRACTING AGREEMENT WITH VIRON CORPORATION FOR ENERGY SAVING IMPROVEMENTS TO CITY HALL

Whereas, RFQ #277 was issued by the City and Viron was determined to be qualified to perform the work desired;

Whereas, Viron Corporation received Human Rights approval on May 23, 1995;

Whereas, The engineering analysis, approved by Council on November 7, 1994, has been completed by Viron and identifies \$54,000/yr. in savings which could finance a \$335,666.00 project to design, install, and monitor the energy saving measures;

Whereas, The \$54,000/yr. energy savings will be enough to cover the financing costs for the project, so that no additional funds will be required from the budget;

Whereas, Viron guarantees the energy savings will be achieved or they will pay the difference;

Whereas, Detroit Edison will reimburse the City \$10,710.00 if the project is approved by June 30, 1995; and

Whereas, A performance contract offers an excellent means to reduce energy costs and improve comfort and control systems at City Hall without putting additional demands on a tight budget;

RESOLVED, That City Council approve the contract with Viron Corporation in the approximate amount of \$116,086.00 to design, assist in bidding, and serve as contract manager for the installation and monitoring of energy saving equipment, and authorize the Mayor and City Clerk to execute a contract approved as to form by the City Attorney and approved as to substance by the City Administrators;

RESOLVED, That the Finance Director be authorized to seek the necessary financing to cover the project costs and prepare the necessary documents for Council approval of the financing package; and

RESOLVED, That City Council authorize the City Administrators to accept \$10,710.00 from Detroit Edison and to appropriate these funds to defer costs for the performance contracting project at City Hall.

Councilmember Smith moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-265-6-95 APPROVED

RESOLUTION TO APPROVE CONSTRUCTION CONTRACT FOR 1995 MISCELLANEOUS CURE-IN-PLACE SEWER REPAIRS - BID NO. 2733

Whereas, Approximately 2,800 feet of broken, cracked or pitted sanitary sewer and storm sewer pipes at various locations in the city must be repaired to maintain reliable service and prevent property or environmental damage;

Whereas, A lowest qualified bid of \$262,110.00 was received from Insituform North, Inc. in response to Bid No. 2733 to repair these sewers by a cure-in-place method; and is recommended for award of the contract by the Utilities Department; and

Whereas, Insituform North, Inc., has received Human Rights approval on May 22, 1995;

RESOLVED, That City Council accept the bid of and award a contract to Insituform North, Inc. for 1995 Miscellaneous Cure-In-Place-Pipe Sewer Repairs for a cost not to exceed \$262,110.00;

RESOLVED, That City Council approve a \$300,000.00 project budget for the life of project without regard to fiscal year, comprised of the construction cost of \$262,110.00 and a contingency of \$37,890.00 to finance change orders, to be approved by the City Administrator and apportioned with funds of \$257,000.00 from the Sewage Disposal System and \$43,000.00 from the Stormwater Sewer System, Field Services Operations and Maintenance Budge; and

RESOLVED, That City Council authorize and direct the Mayor and Clerk to sign the contract with Insituform North, Inc., to perform said services for a total not-to-exceed cost of \$262,110.00, on a contract form substantially on file with the City Clerk.

Funding Sources: Approved FY 94/95 Sewage Disposal System and Stormwater Sewer System, Field Services Operations and Maintenance Budget.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-266-6-95 APPROVED

RESOLUTION REGARDING COMPENSATION FOR THE ACTING CITY ATTORNEY

Whereas, On November 21, 1994, the Ann Arbor City Council appoint John Van Loon Acting City Attorney; and

Whereas, At this time his compensation was not adjusted to reflect that change in responsibilities;

RESOLVED, That the salary for the Acting City Attorney be increased by 10% over his present annual salary, retroactive to November 21, 1994, and continuing for the duration of the appointment; and

RESOLVED, That the increase be funded from the Payroll Contingency Account.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

COUNCILMEMBER VEREEN-DIXON

Councilmember Vereen-Dixon thanked Councilmember Carlberg for taking over as representative on the City/County Community Corrections Advisory Board.

COUNCILMEMBER KOLB

Councilmember Kolb thanked City Administration and staff for attending the meeting regarding the peddler/vendor issue. Mr. Kolb stated that a presentation on the matter will

soon be brought to Council.

COUNCIL PROPOSED BUSINESS

COUNCILMEMBER HANNA-DAVIES

Councilmember Hanna-Davies requested that a public hearing regarding the return of blood samples in the serial rape investigation be scheduled for the June 19, 1995 regular session of Council.

Following a discussion, Council agreed not to hold the public hearing until the City Attorney has determined whether it would jeopardize the pending case.

COMMUNICATIONS FROM THE MAYOR

POLICE OFFICER HONORED

Mayor Sheldon congratulated Police Detective Tom Presley who was honored as Officer of the Year by the Breakfast Optimist Club.

FINANCIAL REPORTING AWARD

The Mayor announced that the City of Ann Arbor was awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association for its Comprehensive Annual Financial Report. The Mayor extended congratulations to the City Finance Department.

ANNUAL POLICE AWARDS

Mayor Sheldon announced that the annual police awards ceremony will be held at 1:30 p.m. on June 13 in the City Hall Council Chamber. The awards recognize meritorious service demonstrated by police officers and members of the community.

COMMUNITY-ORIENTED POLICE OPEN HOUSES

The Mayor reminded Councilmembers and citizens of the community-oriented police station open houses on June 15.

CHRISTMAS IN APRIL PROJECT

Mayor Sheldon stated that the City received a letter of appreciation from one of the recipients of the volunteer effort during the Christmas in April project.

APPOINTMENTS APPROVED

Mayor Sheldon recommended the following appointments at the May 15, 1995 regular session of Council:

BICYCLE COORDINATING COMMITTEE

Rebecca Kanner (reappointment)
920 Gott St.
Term: 6/5/95 to 6/4/98

Teague Whalen (replacing Edward Klein whose term has expired)
601 Eberwhite Blvd.
Term: 6/5/95 to 6/4/98

RECREATION ADVISORY COMMISSION

Anthony L. Holmes (to fill vacancy)
1933 Brock Ct.
Term: 6/5/95 to 8/31/96

HISTORIC DISTRICT COMMISSION

Jan S. Enns (to complete the unexpired term of Lori Ward who resigned)
1815 Ferdon Rd.
Term 6/5/95 to 12/5/96

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

On a voice vote the Mayor declared the motion carried.

NOMINATIONS PLACED ON TABLE

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

CITY/COUNTY COMMUNITY CORRECTIONS ADVISORY BOARD

Walt Lunsford, Deputy Chief (designee for Ann Arbor Police Chief)

Councilmember Carlberg (replaces Councilmember Vereen-Dixon as Council representative)

SOLID WASTE COMMISSION

Hugo Braun (to fill citizen at large vacancy)
1707 Shadford Rd.
Term: 6/19/95 to 4/30/96

Larry Zahn (to fulfill membership requirements -
Chamber of Commerce representative)
Anderson Associates
2750 S. State St.
Term: 6/19/95 to 4/30/97

HOUSING BOARD OF APPEALS

Lelahni Wessinger (replacing Millie Empedocles at term expiration)
2216 Melrose Ave.
Term: 6/30/95 to 6/30/98

Fiona Rose (replacing Janelle White at term expiration)
2718 Hampshire Rd.
Term: 6/30/95 to 6/30/98

HOUSING POLICY BOARD

John H. Mouat (to complete unexpired term of Bruce Curtis who resigned)
719 W. Washington St.
Term: 6/19/95 to 9/18/97

ANN ARBOR ENERGY COMMISSION

Steven Bean (reappointment)
535 Sixth St., No.2
Term: 6/19/95 to 6/18/98

Robert Black (reappointment)
516 Spring St.
Term: 6/19/95 to 6/18/98

Robert Tinker (reappointment)
1510 Plymouth Rd., #57
Term: 6/19/95 to 6/18/98

Yoshika Hill (reappointment)
4810 Starak Lane
Term: 6/19/95 to 6/18/98

INDOOR CLEAN AIR ORDINANCE TASK FORCE

Roberta Asplund (to fill vacancy)
3033 Newcastle Rd.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

CITY ATTORNEY SEARCH

Interim Co-Administrator Olson reported that the Mercer Group, currently conducting the City Administrator search, submitted a quote of \$9,500 to conduct a search for the City Attorney position.

REPORTS SUBMITTED

Interim Co-Administrators Northcross and Olson submitted the following reports for information of Council:

1. Meetings with Police Chief on Graffiti and Other Gang Related Problems
2. Police Neighborhood Office Open Houses

3. Amendments to Chapter 81 - Charitable Solicitations
4. Ann Arbor-Saline/Eisenhower Intersection
5. Status of Wastewater Discharges by Gelman Sciences, Inc. to the Sanitary Sewer System
6. Non-Union Long Term Disability (LTD) Plan

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

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATIONS

City Attorney John VanLoon submitted reports on the following completed annexations:

1. Cushing-Malloy, Inc. property, 2.3 acres, 1350 N. Main St.;
2. Huron Parkway Woods, 18.68 acres, east side of Huron Parkway north of Kendrick St.; and
3. Grammatico property, 0.19 acre, 409 Evergreen Dr., from Scio Township.

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

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER SMITH

Councilmember Smith announced that the Earth Day Brown Bag Lunch series will be broadcast on CTN Channel 10.

COUNCILMEMBER LUMM

Councilmember Lumm announced that a suggested date for the City/Ann Arbor News annual softball game is July 31.

COUNCILMEMBER KOLB

Councilmember Kolb stated that Council will be participating as a team at the Ann Arbor AIDS Walk-A-Thon on June 17 and will meet at the Detroit Edison parking lot at 9:30 a.m.

COUNCILMEMBER HANNA-DAVIES

Councilmember Hanna-Davies stated that she will be attending a workshop on Alternatives to Violence during the AIDS Walk-A-Thon and announced that she will sponsor all Councilmembers who participate in the walk.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Audrey Jackson, 2557 Sandalwood Circle, regarding City government - File.
2. Communication from Detroit City Council Member Mel Ravitz transmitting Resolution from Detroit City Council regarding Medicare cuts - File.
3. Communication from Patricia S. Fink, 1629 Sheridan, regarding proposed Ordinance 34-95 (Charitable Solicitation) - Building Dept.
4. Communication from Dee Speers, 108 Ponds View Dr., protesting Arbor Lake Village Zoning (Ordinance No. 30-95) - Planning Dept.
5. Communication from Clare Canham-Eaton, 1665 Sheridan Dr., regarding proposed Ordinance No. 34-95 (Charitable Solicitation) - Building Dept.
6. Communication from Bruce E. Bershtein, Associate General Counsel of Capital Apartment Properties, Inc., protesting Arbor Lake Village Zoning (Ordinance No. 30-95) - Planning Dept.

The following minutes were received for file:

1. Mayor's Committee on Art Fairs - April 26, 1995
2. Ann Arbor Transportation Authority - April 18 and April 19, 1995
3. Historic District Commission - March 9 and April 12, 1995
4. Planning Commission - April 4 and April 18, 1995
5. Cable Communications Commission - April 25, 1995
6. Human Rights Commission - April 19, 1995

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

MEETING RECESSED

Councilmember Hanna-Davies moved that the meeting be recessed until 7:30 p.m., Monday, June 12, 1995, to consider the following resolutions regarding the airport that were deferred to the end of the agenda:

Resolution to Approve Construction Grant Contract with the Michigan Department of Transportation for Improvements at the Ann Arbor Municipal Airport

Resolution to Approve Construction Contract with Waterland Trucking Services for Rehabilitation of Pavement at the Ann Arbor Municipal Airport (\$761,869)

Resolution to Approve Construction Contract with Angelo Iafrate Construction Co. for Drainage Improvements at the Ann Arbor Municipal Airport (\$142,347)

Resolution to Approve Construction Contract with Future Fence Co. for Perimeter Fence Installation at the Ann Arbor Municipal Airport (\$268,252)

Resolution to Authorize Amendment to Professional Services Agreement with Whitworth-Borta, Inc. for Engineering Inspection and Testing Services at the Ann Arbor Municipal Airport (\$143,164)

Resolution to Revise the Tie-Down Fee At the Ann Arbor Municipal Airport (Councilmember Carlberg)

On a voice vote the Mayor declared the motion carried and the meeting recessed at 1:07 a.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary