

REGULAR SESSION - JANUARY 2, 1996

The regular session of the Ann Arbor City Council was called to order at 5:35 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 (entered at 6:00 p.m.), Jane Lumm, David Kwan, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell (entered at 5:55 p.m.), Patrick A. Putman, Christopher Kolb, Mayor Ingrid B. Sheldon, 10.

ABSENT : Councilmember Elisabeth L. Daley, 1.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

KERMIT SCHLANSKER - CITY HOUSING

Kermit Schlansker, 2960 Marshall St., spoke in opposition to the HUD-financed single-family units being constructed by the City. Mr. Schlansker stated that in order to save costs and conserve energy and resources, subsidized housing must be built as single-building condominiums with shared facilities, public or occupant ownership, and occupant management. He further stated that such housing complexes must include a rigidly structured social design to emphasize the responsibility of the inhabitants.

SAFIYA KHALID - PAYOFF ARRANGEMENTS - PART 5

Safiya Khalid, P.O. Box 130654, urged Council to review the documentation she provided concerning illegal arrangements between City departments and certain apartment management companies. Ms. Khalid expressed concern that the Building Department

ignored complaints of Windemere Park Apartments residents concerning the recent fires at the complex caused by faulty washers and dryers, and requested an investigation of the incident.

ANDY GULVEZAN - CITY ADMINISTRATOR

Andy Gulvezan, 2104 Pauline Blvd., urged City Council to appoint him as City Administrator because he is qualified and would accept a much lower salary than the current appointee.

PUBLIC HEARINGS

ATRIUM I OFFICE BUILDING REVISED SITE PLAN

A public hearing was conducted on the proposed Atrium I Office Building Revised Site Plan, 5.02 acres, 900 Victors Way. Notice of public hearing was published December 24, 1995.

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

MALLET CREEK OFFICE CENTER REVISED SITE PLAN

A public hearing was conducted on the proposed Mallet Creek Office Center Revised Site Plan, 0.05 acre, 2395 Huron Parkway. Notice of public hearing was published December 24, 1995.

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

NEWPORT HILLS (PHASE II AND III) REVISED SITE CONDOMINIUM SITE PLAN

A public hearing was conducted on the proposed Newport Hills (Phases II and III) Revised Site Condominium Site Plan, 38.60 acres, west side of Newport Road between Warrington Drive and Lowell Road. Notice of public hearing was published December 24, 1995.

The following person appeared:

Paul Steinkraus, 2713 White Oak Dr., spoke in opposition to the project and requested a forum in which all parties could meet to resolve the issues.

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

(NOTE: Public hearings continued at end of meeting)

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

ORDINANCES - SECOND READING

Delete: Amendment to Chapter 14, Section 1:312, 1:313 and 1:321 - Purchases and Contracts (Ordinance No. 63-95)

MOTIONS AND RESOLUTIONS

Revise: Resolution to Approve Woodcreek Site Condominium Site Plan and Site Development Agreement, 47.8 acres, east side of Chalmers Drive, north of Arborland Mall (Planning Commission recommendation: Denial - 5 years, 2 nays) (Postponed December 4 and December 18, 1995)

CLERK'S REPORT

Add: Communication from Sheilnin Pisani and Denis White, 290 Rolling Meadows, protesting proposed Cranbrook Commercial Development Rezoning (Ordinance No. 56-95) - Planning.

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF DECEMBER 11 APPROVED

Councilmember Carlberg moved that the working session minutes of December 11, 1995 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-1-1-96 APPROVED

RESOLUTION TO APPROVE HOUSING AFFORDABILITY
AGREEMENT WITH COMMUNITY HOUSING ALTERNATIVES
REGARDING 2176 HEMLOCK DRIVE

Whereas, An application was received in October, 1995 from Community Housing Alternatives (CHA) for financial assistance to be used for the acquisition and rehabilitation of property located at 2176 Hemlock Drive;

Whereas, From the total estimated project cost of \$69,000.00, CHA will be leveraging funds from the Michigan Housing Trust Fund, Local Initiative Support Corporation and private donations;

Whereas, The project is consistent with the high priority needs identified in the City of Ann Arbor's FY 1995-2000 Consolidated Strategy and Plan;

Whereas, The Housing Policy Board at its meeting on December 20, 1995 recommended this project;

Whereas, CHA agrees to resolve conditions relating to securing the City funds in a shared first position and insuring that the occupants have a family income less than 50% of median income; and

Whereas, Human Rights approval was received for the contractor on December 20, 1995;

RESOLVED, That City Council approve the Housing Affordability Agreement, subject to CHA meeting the conditions established by staff and approved by the Housing Policy Board, in the amount of \$43,000.00 of City funds (\$23,000.00 General Fund Housing Trust Fund, \$20,000.00 CDBG) as a 3%, 12 year loan with payment of principal and interest deferred for 5 years; and

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

R-2-1-96 APPROVED

RESOLUTION TO APPROVE HOUSING
REHABILITATION AGREEMENT WITH THOMAS KNOX
FOR 118 WEST SUMMIT STREET

Whereas, An application was received from Thomas Knox for rehabilitation assistance for his home located at 118 West Summit Street, Ann Arbor;

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

Whereas, Three bids were received on November 16, 1995 and Mr. Knox will be executing an agreement with the lowest responsible bidder, who has Human Rights approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Thomas Knox in the amount of \$20,999.00 as a 0% interest, deferred payment loan, which requires no payment until a change in ownership, and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

R-3-1-96 APPROVED

RESOLUTION TO APPROVE HOUSING
REHABILITATION AGREEMENT WITH SILVIO AND
RITA DE COLA FOR 3250 ROSEDALE STREET

Whereas, An application was received from Silvio and Rita DeCola for rehabilitation assistance for their home located at 3250 Rosedale Street, Ann Arbor;

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

Whereas, The total proposed work is estimated to cost \$11,135.00 and Mr. and Mrs. DeCola will be executing an agreement with the lowest responsible bidder, who has Human Rights approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Silvio and Rita DeCola in the amount of \$11,135.00 as a 0% interest, deferred payment loan, which requires no payment until a change in ownership, and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

R-4-1-96 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO
HOUSING REHABILITATION AGREEMENT WITH
JOHNIE MAE BAYLIS FOR 611 SPRING STREET

Whereas, On October 2, 1995, City Council approved the Housing Rehabilitation Agreement with Johnie Mae Baylis in the amount of \$20,005.00 for rehabilitation assistance to her home at 611 Spring Street; and

Whereas, Because of the complexity and scope of the project, \$4,900.00 of additional funds are needed to completed the proposed work;

RESOLVED, That the City Council approve an amendment to the Housing Rehabilitation Agreement with Johnie Mae Baylis in order to increase the loan amount by \$4,900.00; and

RESOLVED, That the Mayor and City Clerk be authorized to execute the documents necessary to implement this amendment substantially in the form on file in the office of the City Clerk.

R-5-1-96 APPROVED

RESOLUTION TO AWARD CONTRACT FOR LONGSHORE
PARK IMPROVEMENTS - BID NO. 2833

Whereas, Longshore Park is designated in the 1989 Park Rehabilitation Millage for renovation;

Whereas, Competitive bids were received by the Purchasing Division on December 18, 1995, with L & W Lawn Maintenance being the lowest responsible bidder at

\$32,207.00;

Whereas, L & W Lawn Maintenance has received human rights approval from the Department of Human Resources as of December 19, 1995; and

Whereas, Funding for the project is available within the approved budget under the 1989 Park Rehabilitation and Development Millage for Longshore Park Improvements and the 1993 Maintenance and Repair Millage;

RESOLVED, That the Mayor and Council approve a contract, per Bid No. 2833, in the amount of \$32,207.00, with L & W Lawn Maintenance for construction of the Longshore Park Improvements, and that the Mayor and City Clerk be authorized to sign the agreement substantially in the form on file with the City Clerk; and

RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$3,227.00 (10%) to cover potential contract change orders, to be approved by the City Administrator, and approve a total project budget of \$35,497.00 for the life of the project.

R-6-1-96 APPROVED

RESOLUTION NO. 1 - PREPARE PLANS AND
SPECIFICATIONS FOR SOUTH MAIN STREET SANITARY
SEWER SPECIAL ASSESSMENT PROJECT

Whereas, Council deems it necessary to acquire and construct the following improvement:

South Main Street Sanitary Sewer; District No. 472; File No. 95084;
described as:

South Main Street - Sanitary sewer between Eisenhower Parkway and Ann Arbor-Saline Road;

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 \$25,000.00 be appropriated for the planning and design of said project, such sum being advanced from the Sanitary Sewer Revenue Bond 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 Sanitary Sewer Revenue Bond 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.

R-7-1-96 APPROVED

RESOLUTION APPROVING AGREEMENT WITH
MICHIGAN MUNICIPAL LEAGUE'S DRUG AND
ALCOHOL TESTING CONSORTIUM

Whereas, The United States Department of Transportation published in February 1994 supplemental rules to the Omnibus Transportation Employee Testing Act of 1991 which mandate the training and testing of safety-sensitive employees for drug use and alcohol misuse;

Whereas, The City of Ann Arbor has determined that it could have 135 employees who would be covered by this federal mandate;

Whereas, City Council voted on December 5, 1994, that the City of Ann Arbor join

the Michigan Municipal League's (MML) Drug and Alcohol Testing Consortium to handle the drug and alcohol testing of Commercial Driver's License (CDL) or safety-sensitive employees;

Whereas, The MML Consortium has a complete program that has met the City's needs for testing and training during the last year;

Whereas, The City must renew its agreement with the MML consortium and the Consortium has lowered its price from \$120.00/employee to \$99.00/employee for MML members during Year Two of the agreement; and

Whereas, The Michigan Municipal League received Human Rights approval on November 6, 1995;

RESOLVED, That the Mayor and Clerk be authorized to execute the terms of the Year Two Participation Agreement on behalf of the City of Ann Arbor for calendar year 1996;

RESOLVED, That the costs of the membership of the City in this Consortium, \$99.00 per affected employee, be funded out of the department budget of each affected employee.

Councilmember Hartwell entered at 5:55 p.m.

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

ORDINANCES - SECOND READING

(NOTE: See Ordinances - Second Reading at end of meeting)

ORDINANCES - FIRST READING

1-96 APPROVED

RESIDENCE INN REZONING

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 0.995 acre, located at 800 Victors Way, from O (Office District) to R5 (Hotel-Motel District).

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

On a voice vote the Mayor declared the motion carried.

Councilmember Vereen-Dixon entered at 6:00 p.m.

MOTIONS AND RESOLUTIONS

R-8-1-96 APPROVED

**RESOLUTION TO APPROVE WOODCREEK SITE CONDOMINIUM
SITE PLAN AND SITE DEVELOPMENT AGREEMENT**

A communication was received from the City Planning Commission transmitting its recommendation of denial (5 years, 2 nays) of the proposed Woodcreek Site Condominium Site Plan and Site Development Agreement, 47.8 acres, east side of Chalmers Drive, north of Arborland Mall (Postponed December 4 and December 18, 1995; Site Plan revised January 2, 1996).

Whereas, Riverhill Associates has requested site plan approval in order to construct 87 single-family homes in a site condominium development; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of November 14, 1995, reviewed said request;

RESOLVED, That City Council approve the Woodcreek Site Condominium Site Development Agreement substantially in the form of that on file in the City Clerk's Office, dated January 2, 1996; and

RESOLVED, That the Woodcreek Site Condominium Site Plan be approved upon the conditions that: 1) The site development agreement be signed by all necessary parties; 2) The site plan be revised to relocate the water main in Brian Court to be on the west side, consistent with the City's adopted engineering specifications, to show the storm water detention calculations, and to delete the words "Future Clark Road by Others" from the open space along the southern property line; and 3) Construction drawings show the storm sewer lead at Lot 22 to be connected to the cross lot storm sewer.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-9-1-96 APPROVED

RESOLUTION TO APPROVE TRAVERWOOD OFFICE ONE SITE PLAN AND WETLAND USE PERMIT

A communication was received from the City Planning Commission transmitting its recommendation of denial (5 years, 3 nays) of the proposed Traverwood Office One Site Plan and Wetland Use Permit, 3.72 acres, northwest corner of Plymouth Road and Traverwood Drive. (Postponed December 18, 1995)

Whereas, First Martin Corporation has requested site plan approval in order to construct a 3,680-square foot bank and a 16,940-square foot office building;

Whereas, A wetland use permit also has been requested to fill a 0.17-acre wetland in the middle of the site and to partially fill and use a second 0.12-acre wetland off-site for temporary storm water detention; and

Whereas, The Ann Arbor City Planning Commission, on December 5, 1995, reviewed said site plan and wetland use permit;

RESOLVED, By the Mayor and City Council that the Traverwood Office One Site Plan and Wetland Use Permit be hereby approved, subject to approval of an administrative lot division prior to issuance of building permits.

Councilmember Hartwell moved that the resolution be adopted.

With unanimous consent of Council, Paul Raeder of Beckett and Raeder, Inc., representing the petitioner, answered questions concerning the proposed project.

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

Yeas, Councilmembers Hartwell, Putman, Kolb, Vereen-Dixon, Lumm, Kwan, Carlberg, Herrell, Mayor Sheldon, 9;

Nays, Councilmember Hanna-Davies, 1.

The Mayor declared the motion carried.

R-10-1-96 APPROVED

RESOLUTION TO APPROVE ATRIUM I
OFFICE BUILDING REVISED SITE PLAN

A communication was received from the City Planning Commission transmitting is recommendation of technical denial (5 yeas, 0 nays) of the proposed Atrium I Office Building Revised Site Plan, 5.02 acres, 900 Victors Way.

Whereas, The Thomas B. McMullen Company has requested revised site plan approval in order to remove a 0.995-acre portion of this property and landscape the property and reconfigure the parking area; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of December 19, 1995, reviewed said request;

RESOLVED, By the Mayor and City Council that the Atrium I Office Building Revised Site Plan be hereby approved, subject to approval of an administrative lot division and obtaining necessary easements.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-11-1-96 APPROVED

RESOLUTION TO APPROVE MALLET CREEK OFFICE CENTER REVISED SITE PLAN

A communication was received from the City Planning Commission transmitting is recommendation of technical denial (5 yeas, 0 nays) of the proposed Mallet Creek Office Center Revised Site Plan, 0.50 acre, 2395 Huron Parkway.

Whereas, PPJ Facilities Partnership has requested revised site plan approval in order to remove additions at the rear of the existing office building and replace them with a two-story, 2,616-square foot addition; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of December 19, 1995, reviewed said request;

RESOLVED, By the Mayor and City Council that the Mallet Creek Office Center Revised Site Plan be hereby approved, subject to 1) approval of a revised County drain easement, 2) granting of necessary permits by the Washtenaw County Drain Commissioner's Office, and 3) approval by the Parks and Recreation Department of a tree planting plan for Scheffler Park; and

RESOLVED, By the Mayor and City Council that modification from the conflicting land use buffer requirement of Chapter 62 (Landscape and Screening Ordinance), Section 5:603, as shown on the site plan, be hereby approved.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

POSTPONED

RESOLUTION TO APPROVE NEWPORT HILLS PHASES II AND III REVISED SITE CONDOMINIUM SITE PLAN

A communication was received from the City Planning Commission transmitting is recommendation of technical denial (5 yeas, 0 nays) of the proposed Newport Hills (Phases II and III) Revised Site Condominium Site Plan, 38.60 acres, west side of Newport Road between Warrington Drive and Lowell Road.

Whereas, REM Vero, Inc. has requested revised site condominium site plan approval in order to revise building envelopes, reduce a portion of the conservation buffer, and provide a tree replacement plan;

Whereas, A site development agreement has been prepared to address proposed revisions; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of December 19, 1995, reviewed said request;

RESOLVED, That the Mayor and City Council hereby approve the Newport Hills (Phases II and III) Revised Site Condominium Site Plan and Site Development Agreement, substantially in the form of the site development agreement on file in the City Clerk's Office.

Councilmember Lumm moved that the resolution be adopted.

Councilmember Vereen-Dixon moved that the resolution be postponed to the January 16, 1995 regular session of Council to address problems with the proposed site development agreement, and to obtain information on the rationale for a pedestrian bridge suggested by the Building Department.

On a voice vote the Mayor declared the motion carried.

R-12-1-96 APPROVED

RESOLUTION TO ADOPT THE AMENDED AND RESTATED EMPLOYEES' DEFERRED COMPENSATION PLAN

Whereas, The Employees' Deferred Compensation Plan document, as it now reads, does not reflect all pertinent aspects of the current tax law;

Whereas, The Employees' Deferred Compensation Plan document has been revised at the request of the Deferred Compensation Administrative Board to address these deficiencies;

Whereas, The existing Employees' Deferred Compensation Plan document limits participants to only two changes per year in the amount of deferrals;

Whereas, The existing Employees' Deferred Compensation Plan document does not adequately explain the requirements and flexibility in regard to withdrawals from the plan;

Whereas, The Deferred Compensation Administrative Board notified participants of the amended and restated Employees' Deferred Compensation Plan; and

Whereas, The existing Employees' Deferred Compensation Plan document does not reflect the duties and responsibilities of those involved in the administration of the plan;

RESOLVED, That the amended and restated Employees' Deferred Compensation Plan (on file in the City Clerk's Office) be hereby adopted; and

RESOLVED, That the amended and restated Employees' Deferred Compensation Plan become effective January 1, 1996.

Councilmember Hartwell moved that the resolution be adopted. (The resolution was postponed December 18, 1995)

Councilmember Kolb moved that the proposed amended and restated Employees' Deferred Compensation Plan be amended as follows:

Add the following sentence at end of Section 4.03:

4.03 Investment of Accounts. ...THE PLAN ADMINISTRATOR WILL NOTIFY THE PARTICIPANT OF ANY DEFICIENCY WITHIN A REASONABLE PERIOD OF TIME.

Amend Section 6.05 as follows:

6.05. Board. The Board shall be responsible for approving applications for participation in the Plan and any amendments to such applications, and also shall be responsible for quarterly reviews of investment options that are available under the Plan, for providing information on distribution elections and receiving completed election forms, and for ruling on all hardship distribution requests. The Board shall consist of ~~<at least three and not more than five>~~ SIX members, including the City Administrator, the Director of Finance, and ~~<such other person or persons who are appointed by the City Administrator.>~~ ONE EMPLOYEE REPRESENTATIVE, WHO AT THE ADMINISTRATOR'S OPTION, WILL EITHER BE APPOINTED BY THE ADMINISTRATOR, OR ELECTED AT LARGE, TWO EMPLOYEE REPRESENTATIVES ELECTED AT LARGE.

AND ONE RETIRED EMPLOYEE APPOINTED BY THE CITY ADMINISTRATOR A NON-VOTING MEMBER. ALL APPOINTED OR ELECTED REPRESENTATIVES MUST BE PLAN PARTICIPANTS.

The City Administrator and Director of Finance shall be permanent members of the Board, while the others shall serve two-year terms each, which may be extended by the City Administrator. The Board shall meet at least quarterly and shall keep written minutes of all regular and special meetings. A majority of members shall constitute a quorum. A member participating in a meeting by conference telephone shall be deemed present at such meeting. Action shall be taken by majority vote of those present. The Board may take action without a meeting by resolution signed by a majority of members.

On a voice vote the Mayor declared the motion carried.

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

R-13-1-96 APPROVED

RESOLUTION TO ACCEPT A PORTION OF EAST MEDICAL CENTER DRIVE INTO THE CITY STREET NETWORK

Whereas, It is necessary to furnish certain information to the State of Michigan to place this street within the City/Village Major Street system for the purpose of obtaining funds under Act 51, P.A. 1951 as amended;

Whereas, This portion of East Medical Center Drive is a four-lane entry corridor to the University of Michigan Hospital complex;

Whereas, This portion of East Medical Center Drive meets all the criteria for a major street;

Whereas, This is an existing City street in an existing City right-of-way;

Whereas, This portion of East Medical Center Drive was formerly known as Nichols Drive;

Whereas, On December 2, 1985, Council authorized the name change from Nichols Drive to East Medical Center Drive per Council Resolution R-550-1-85;

Whereas, The City desires to correct its previous omission which was discovered during a staff review of our street network; and

Whereas, The City desires to provide the State with as much informational assistance as possible;

RESOLVED, That the center line of this portion of East Medical Center Drive (formerly Nichols) be described as:

Beginning at the center line of Fuller Road and extending Southeasterly 380' to the center line of West Medical Center Drive.

RESOLVED, That said street be located within a City right-of-way and be under the control of the City of Ann Arbor;

RESOLVED, That said street be a public street and be for public street purposes;

RESOLVED, That said street be accepted into the City Major Street System; and

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

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-14-1-96 APPROVED

RESOLUTION TO AWARD SERVICES CONTRACT TO ADMINISTRATIVE CONTROLS MANAGEMENT, INC. FOR CONSTRUCTION MANAGEMENT AUDIT - RFP NO. 382

Whereas, The City entered into a consent agreement with the Michigan Department of Public Health (MDPH) to award a construction contract for improvements at the Water Treatment Plant to achieve full compliance with the Surface Water Treatment Rules requirements for disinfection by no later than June 30, 1996;

Whereas, On April 18, 1994, Design & Build, Inc., the general contractor, was awarded the \$13,350,000 construction contract to construct the ozonation facilities and related Water Plant Improvements;

Whereas, Serious concerns have been raised about the construction management of the Water Treatment Plant Improvements Project;

Whereas, Three proposals were solicited from construction management consultants to perform an independent assessment of the construction management, financial controls, project status and the ability to complete the project on-time;

Whereas, Administrative Controls Management, Inc. of Ann Arbor was selected as the most qualified and cost-effective provider of these services;

Whereas, ACMI submitted a proposal to provide these services for \$48,900.00;

Whereas, ACMI received Human Rights approval on December 21, 1995 to provide these services; and

Whereas, Funds are available in the budgeted contingency for this construction project to finance the cost of these services;

RESOLVED, That Council accept the proposal of and award a services contract to ACMI to perform these services; and

RESOLVED, That the Mayor and City Clerk be directed to sign the services contract for ACMI to perform these services for a cost not-to-exceed \$48,900.00, and that said contract be substantially in a form on file with the City Clerk.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-15-1-96 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER
AND PROFESSIONAL SERVICES AGREEMENT FOR
ARCHITECTURAL DESIGN SERVICES FOR COMMUNITY
TELEVISION NETWORK RELOCATION - RFP NO. 380

Whereas, The City of Ann Arbor City Council previously approved a lease

agreement with the Detroit Edison Company for the relocation of Community Television Network (CTN);

Whereas, The projected relocation financing has been arranged from within the existing Cable Fund (016);

Whereas, City staff issued a Request for Proposals (RFP No. 380) for "Architectural Design Services" and received 5 complete and qualified responses;

Whereas, A review committee evaluated the various proposals under the supervision of the City's Purchasing Agent and is recommending the firm of Hobbs + Black Associates Inc. for the CTN Architectural Design Project; and

Whereas, The firm of Hobbs + Black Associates Inc. completed the required Human Rights forms and has received approval for contracted work from the Human Rights Division of the City's Human Resources Department;

RESOLVED, That the City of Ann Arbor enter into a professional services agreement with the firm of Hobbs + Black Inc. to provide architectural design services as referenced within the professional services agreement, and execute a purchase order for these services in the amount of \$24,000.00, representing a "Not To Exceed" basic fee of \$23,595.58, plus reimbursable expenses.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

DEFEATED

RESOLUTION REGARDING PROCESS FOR BIDDING
RECYCLING AND SOLID WASTE COLLECTION SERVICES

Whereas, The existing contracts for collection of recyclables and solid waste expire (TBD);

Whereas, City Council has endorsed a policy of competitive bidding by both the public and private sector for solid waste related services, and these contracts represent the initial applications of that policy;

Whereas, The objectives of that policy, and Council's continuing commitment is to ensure that bidding processes are fair are not restrictive, and result in the highest quality and most cost-effective service delivery;

Whereas, To achieve those objectives, other cities have successfully adopted innovative approaches to solid waste and recycling such as managed competition, districting and/or co-collection, and Council believes it is appropriate to evaluate the merits of alternative approaches in Ann Arbor;

Whereas, To best facilitate the review of alternatives and to ensure a level playing field, it is necessary to utilize a consultant and a citizen advisory committee to oversee both the development and implementation of the process (including process and RFP design, bid evaluation, and selection);

Whereas, Council further believes that the City should not encourage or discourage any approach, but should maintain flexibility, and that flexibility is maximized if the recycling and solid waste collection contracts are bid separately but simultaneously (allowing a bidder to understand the parameters of both contracts and bid on either or both);

RESOLVED, That City Council endorse the roles of a consultant and a citizen advisory committee as outlined in the Assistant City Administrator's memo of December 6, 1995 to the Solid Waste Commission, including their joint participation in development of the process, preparation of the RFP, evaluation of proposals, and submission of a preliminary recommendation;

RESOLVED, That City Council encourage staff, the consultant, and the citizen committee to consider innovative approaches to these collection services, including several contained in the five-year strategic plan (rerouting, co-collection, length of contract, etc.) as well as managed competition and districting;

RESOLVED, That Council encourage City staff to include on the committee both Solid Waste Commission members (that do not have a direct or indirect interest) and other citizens with relevant business or technical expertise; and

RESOLVED, That Council direct the City staff to time the RFP's such that a bidder would understand the parameters of both contracts prior to submitting a bid on either.

Councilmember Lumm moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Putman, Lumm, Kwan, Mayor Sheldon, 4;

Nays, Councilmembers Hartwell, Kolb, Hanna-Davies, Vereen-Dixon, Carlberg, Herrell, 6.

The Mayor declared the motion defeated.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Sheldon recommended the following appointments at the December 18, 1995 regular session of Council:

BICYCLE COORDINATING COMMITTEE

Kenneth Clark (to complete the unexpired term of Teague Whalen who moved)

497 Larkspur St.

Term: 1/2/96 to 6/4/98

Thaddeus A. Weakley (to complete the unexpired term of Steve Bulthuis who moved)

1439 Glastonbury Rd.

Term: 1/2/96 to 4/2/98

BOARD OF EXAMINERS OF ELECTRICIANS AND ELECTRICAL CONTRACTORS

Tom Kittel (reappointment - to fulfill membership requirements)

365 Hazelwood Ave.

Term: 1/2/96 to 1/1/2000

HISTORIC DISTRICT COMMISSION

Lawrence Kestenbaum (reappointment)
108 Kenwood Ave.
Term: 1/2/96 to 1/1/99

BUILDING BOARD OF APPEALS

Richard Fry, the present Architect on the Board, has requested reassignment to an "alternate" status due to frequent schedule conflicts. John Barrie, the alternate Architect, has agreed to become the "active" member for the remainder of his term.

FINANCE ADVISORY COMMITTEE

Peter Fink (to complete the unexpired term of George Schwartz who resigned)
1629 Sheridan Dr.
Term: 1/2/96 to 5/31/96

INDIVIDUAL HISTORIC PROPERTIES HISTORIC DISTRICT STUDY COMMITTEE

Jan S. Enns (to fulfill membership requirements as an HDC representative and complete the unexpired term of John Barrie who resigned)
1815 Ferdon Rd.
Term: 1/2/96 to 5/1/96

BOARD OF REVIEW

Doris S. Preston (reappointment)
593 Landings Blvd.
Term: 2/1/96 to 1/31/99

SECOND BOARD OF REVIEW

Raul Perdomo (reappointment)
720 Brooks St.
Term: 2/1/96 to 1/31/99

Robert White (reappointment)
1849 Saxon St.
Term: 2/1/96 to 1/31/99

DOWNTOWN DEVELOPMENT AUTHORITY

Maria Harshe (to complete unexpired term of Ruth Schekter who resigned)
1110 White St.
Term: 1/2/96 to 7/31/96

BOARD OF CANVASSERS

Kathryn Renken (Republican, replacing Carolyn Farmer on term expiration)
2154 S. Seventh St.
Term: 1/2/96 to 12/31/99

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

On a voice vote the Mayor declared the motion carried.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

City Administrator Neal G. Berlin submitted the following reports for information of Council:

1. Environmental Bond Statement of Revenues, Expenditures and Changes in Fund Balance through November 30, 1995
2. Monthly Status Report: Courthouse Square Apartments (formerly Ann Arbor Inn)
3. Distinguished Budget Presentation Award

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER VEREEN-DIXON

Councilmember Vereen-Dixon congratulated Councilmember Putman for receiving an award from the Michigan Association of Children's Alliances for his volunteer work.

Ms. Vereen-Dixon expressed concern with a letter she received from a firefighter regarding the City's sexual harassment policy.

City Administrator Berlin responded that the Fire Chief and Human Resources Director are in the process of preparing a response which will be distributed to Council.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from State Representative Mary Schroer in response to Council resolution regarding federal transportation funding (Resolution No. R-527-11-95, adopted 11/9/95) - File
2. Communication from State Representative Lynn N. Rivers in response to Council resolution regarding the Community Reinvestment Act (Resolution No. R-561-11-95, adopted 11/20/95) - File.
3. Communication from State Representative Lynn N. Rivers in response to Council resolution regarding the Low Income Housing Tax Credit (Resolution No. R-564-11-95, adopted 11/20/95) - File.
4. Communication from Leonard McCoy, 1860 Northbrook Dr., protesting proposed Cranbrook Commercial Development Rezoning (Ordinance No. 56-95) - Planning.
5. Communication from Sheilnin Pisani and Denis White, 290 Rolling Meadows, protesting proposed Cranbrook Development Rezoning (Ordinance No. 56-95) - Planning.

The following minutes were received for file:

1. Planning Commission - November 14 and 21, 1995
2. Historic District Commission - October 29 and November 9, 1995
3. Housing Policy Board - December 20, 1995

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

STEVEN DARTY - ANN ARBOR INN

Steven Darty stated that he owns the deed to the parcel of land occupied by the former Ann Arbor Inn, now the Courthouse Square Apartments, and expressed concern that he was not informed of the current construction project. Mr. Darty further stated that he has totally different plans for this parcel of land.

PUBLIC HEARINGS (CONT.)

ELIMINATE SIZE LIMITATIONS ON FUNCTIONAL FAMILIES (ORDINANCE NO. 55-95)

A public hearing was conducted on the proposed amendment to Chapter 55, Section 5:7 (Residential Occupancy) - Eliminate Size Limitations on Functional Families. Notice of public hearing was published December 17, 1995.

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

CRANBROOK COMMERCIAL DEVELOPMENT REZONING (ORDINANCE NO. 56-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.69 acre, located north of Eisenhower Parkway, east of Ann Arbor-Saline Road, from O (Office District) to P (Parking District). Notice of public hearing was published December 17, 1995.

The following persons appeared:

Paul Raeder of Beckett and Raeder, Inc., representing the petitioner, stated that the proposed rezoning for additional parking would create one shared parking area between the Mervyn's Department Store and the proposed office building. Mr. Raeder further stated that the parking, which has always been part of the area plan, cannot be built within the office zone until there is a plan for a building.

John Jarema, Oakbrook Condominiums resident, spoke in support of the proposal. Mr. Jarema stated that he would prefer a parking lot to any other

project on the site, as long as the parking does not instigate a change from the proposed office zoning.

John Hahn, Oakbrook Condominium Association Board President, spoke in support of the rezoning for additional parking, as long as the proposed building remains zoned for office.

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

SHIPMAN CIRCLE PROPERTIES REZONING (ORDINANCE NO. 57-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 2.98 acres, located at 1-8 Shipman Circle and 2626 Geddes Road, from R1A (Single-Family Dwelling District) to R1B (Single-Family Dwelling District). Notice of public hearing was published December 17, 1995.

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

ORDINANCES - SECOND READING (CONT.)

55-95 APPROVED

DELETE SIZE LIMITATIONS
ON FUNCTIONAL FAMILIES

An Ordinance to Amend Section 5:7 of Chapter 55
of Title V of the Code of the City of Ann Arbor

This ordinance would eliminate the size limitations on functional families to bring the City Code into compliance with a recent court decision.

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

On a voice vote the Mayor declared the motion carried.

56-95 APPROVED

CRANBROOK COMMERCIAL DEVELOPMENT REZONING

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 0.69 acre, located north of Eisenhower Parkway, east of Ann Arbor-Saline Road, from O (Office District) to P (Parking District).

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

On a voice vote the Mayor declared the motion carried.

57-95 APPROVED

SHIPMAN CIRCLE PROPERTIES REZONING

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 2.98 acres, located at 1-8 Shipman Circle and 2626 Geddes Road, from R1A (Single-Family Dwelling District) to R1B (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 7:45 p.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary