

**ANN ARBOR CITY COUNCIL MINUTES  
REGULAR SESSION - APRIL 18, 2005**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:06 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

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

**ROLL CALL OF COUNCIL**

PRESENT : Councilmembers Kim Groome, Robert M. Johnson, Joan Lowenstein, Michael R. Reid, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins (late), Wendy A. Woods, Mayor John Hieftje, 10.

ABSENT : Councilmember Easthope, 1.

**INTRODUCTIONS**

**PRESENTATION OF THE 2005/2006 CITY BUDGET**

Roger W. Fraser, City Administrator, presented a slide presentation of the proposed 2005/2006 City Budget to Council. The proposed budget allows for the adoption of the 2005/2006 Budget and the 2006/07 Fiscal Plan. Minor adjustments will be made to the fiscal plan at the end of the 2005/2006 fiscal year to create the 2006/2007 budget. This budget focuses on strategic planning and streamlining during 2005/2006 and creates a longer-term financial outlook than the traditional single-year budget process. A copy of the presentation is on file in the City Clerk's Office.

**CITY PLANNING COMMISSION REPORT ON COUNCIL RESOLUTION R-508-12-04**

Evan Pratt, a member of the Planning Commission, presented a slide presentation to Council regarding Council Resolution No. R-508-12-04, Resolution to Solicit Policy Recommendations for Action Items Set Forward by the Downtown Residential Task Force to Address Barriers to Downtown Residential Development. A copy of the presentation is on file in the City Clerk's Office.

## **PUBLIC COMMENTARY - RESERVED TIME**

### **PROPOSED 2-MONTH LAYOFF FOR PARK FACILITIES**

The following people addressed Council regarding the 2-month layoff:

Stefan Szumko, 1342 Ardmoo, said that he was glad that the Leslie Science Center would not be closing for two months out of the year. He added that the quality of staff would be reduced if the proposed budget allowed for a 2-month layoff for park facilities.

Erin Gallay, 2275 Foss, stated she is a former employee of the Leslie Science Center and is opposed to the proposed 2-month layoff. Gallay stated the Leslie Science Center is important for educating children in Ann Arbor.

### **AFRICAN AMERICAN DOWNTOWN FESTIVAL**

Sharon and Robert Brown, 3016 Turnberry, thanked Council for their support of the African American Downtown Festival and invited Council and the rest of the community to come out and enjoy the festivities.

### **FRANCIE KRAWCKE – 10-MONTH TEMPORARY EMPLOYMENT**

Francie Krawcke, expressed concern with the 10-month temporary employment policy proposed in the 2005/2006 City Budget as it relates to the Leslie Science Center. She said that if the 10-month temporary employment policy goes into effect, the one remaining permanent staff member at the Leslie Science Center will spend her time hiring and training at least 10 new staff members every year.

## **PUBLIC HEARINGS**

### **ADOPT REFINANCING GUIDELINES TO INCLUDE IN THE CONSOLIDATED STRATEGY AND PLAN FY04-05 ONE-YEAR ACTION PLAN**

A public hearing was conducted on the proposed resolution to adopt refinancing guidelines to include in the consolidated Strategy and Plan FY04-05 One-Year Action Plan. Notice of the public hearing was published April 3, 2005.

There being no one present for comment, the Mayor declared the hearing closed.

## APPROVAL OF AGENDA

### AGENDA APPROVED WITH CHANGES

Councilmember Greden moved, seconded by Councilmember Higgins, that the agenda be approved with the following changes:

#### CONSENT AGENDA

Revise: Resolution to Transfer Delinquent Board Up, Clean Up, Vacant Property Inspection and Housing Inspection Fees to the July 2005 City Tax Roll (Community Services – Jayne Miller, Community Services Administrator) **(Schedule A Revised 4/18/05)**

#### MOTIONS AND RESOLUTIONS

##### **Added After Newspaper Deadline:**

Add: Resolution to Extend Deadline for Submission Recommendation on Community Development Advisory Boards (Council Members Groome and Greden) **(Added 4/15/05)**

Add: Resolution to Accept, Approve and Appropriate the 2004 Assistance to Firefighter Grant from the United States Department of Homeland Security to the Ann Arbor Fire Department **(8 Votes required)** (Safety Services - Police Chief Daniel J. Oates, Area Administrator) **(Added 4/18/05)**

On a voice vote, the Mayor declared the motion carried.

## APPROVAL OF COUNCIL MINUTES

### MINUTES OF APRIL 4, 2005 APPROVED

Councilmember Woods moved, seconded by Councilmember Johnson, that the regular session minutes of April 4, 2005 be approved with minor changes.

On a voice vote, the Mayor declared the motion carried.

The Mayor declared a recess at 8:01 p.m. and reconvened the meeting at 8:06 p.m.

## **CONSENT AGENDA**

### CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the end of same:

Resolution to Transfer Delinquent Board Up, Clean Up, Vacant Property Inspection and Housing Inspection Fees to the July 2005 City Tax Roll (Community Services – Jayne Miller, Community Services Administrator)

Resolution To Approve A Request To Fund The Ann Arbor Housing Commission \$25,000.00 From The Housing And Human Services Contingency Fund (Housing and Human Services Contingency Fund - \$25,000.00) (Community Services - Jayne Miller, Community Services Administrator)

### CONSENT AGENDA ITEMS APPROVED

Councilmember Woods moved, seconded by Councilmember Teall, that the following Consent Agenda items be approved as presented:

R-132-4-05 APPROVED

#### **RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF VIDEO PRODUCTION EQUIPMENT FOR THE COMMUNITY TELEVISION NETWORK STUDIO FROM PROVIDEO SYSTEMS, INC. – BID NO. 3702**

Whereas, A core element of Community Television Network's (CTN) mission is to produce programming and provide facilities for the community to produce programming;

Whereas, The current CTN studio system is more than fifteen years old and no longer technically sufficient for this purpose;

Whereas, Competitive bids for studio production equipment and installation were received by the Procurement Office on January 28, 2005;

Whereas, CTN has determined that a video equipment package from ProVideo Systems, Inc. provides the best performance characteristics to meet their current and future television production needs in the CTN studio;

Whereas, ProVideo Systems, Inc. submitted the requisite Human Rights forms and received Human Rights approval on January 28, 2005; and

Whereas, Funding for this project is available within the approved Community Television Network Service Unit FY 04-05 capital budget;

RESOLVED, That City Council authorize the purchase and installation of video production equipment for the CTN studio, per Bid No. 3702, from ProVideo Systems, Inc. in the amount of \$81,542.00; and

RESOLVED, That the City Council approve a contingency in the amount of \$8,154.00 (10%) to cover potential contract change orders, to be approved by the City Administrator, and approve a total project budget of \$89,696.00 for the life of the project, to be available without regard to fiscal year.

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R-133-4-05 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH  
CONSTRUCTION SOLUTIONS, INC., PER BID #3713 IN THE AMOUNT OF  
\$60,800.00 TO MAKE IMPROVEMENTS TO THE LESLIE SCIENCE CENTER AND TO  
ESTABLISH A CONSTRUCTION BUDGET OF \$66,880.00

Whereas, Improvements to portions of the Leslie Science Center site are needed to increase safety, accessibility and appearance and include installation of a new railing, painting of the light fixtures and railings, and rebuilding retaining walls to accommodate programs;

Whereas, Funding for the project is included in the FY 2004/2005 of the Park Rehabilitation and Development Millage;

Whereas, Bid documents were obtained by fourteen firms and the project was advertised in the construction dailies, and Construction Solutions, Inc. was chosen as the most qualified firm out of the seven firms who submitted proposals; and

Whereas, Human Rights approval and compliance with the living wage ordinances was received on October 25, 2004 for Construction Solutions;

RESOLVED, That City Council approve a contract with Construction Solutions, Inc. in the amount of \$60,800.00 for improvements to the Leslie Science Center;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract between the City and Construction Solutions, Inc. subject to approval as for substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That City Council approve a construction contingency of \$6,080.00 (10%) to cover potential contract change orders to be approved by the City Administrator, and approve a total project budget of \$66,880.00 for the life of the project without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to take all necessary administrative actions to implement this resolution including the authority to approve change orders within approved contingency.

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R-134-4-05 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH MARGOLIS NURSERY, INC. PER BID #3712 IN THE AMOUNT OF \$44,390.50 TO RENOVATE MEADOWBROOK PARK AND TO ESTABLISH A CONSTRUCTION BUDGET OF \$48,830.00

Whereas, Meadowbrook Park is identified in the Parks and Recreation Open Space Plan 2000-2005 to receive upgrades;

Whereas, A neighborhood questionnaire and a public meeting were held to obtain input into the plan for improvements at the park;

Whereas, Competitive bids were sought by the Procurement Office with bids received from eight firms and Margolis Nursery, Inc. was identified as the lowest responsible bidder;

Whereas, Funding for the project is included in the FY 2004/2005 Park Rehabilitation and Development Millage; and

Whereas, Margolis Nursery, Inc. received Human Rights Approval on March 17, 2005 and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council approve a contract with Margolis Nursery, Inc. in the amount of \$44,390.50 for renovations to Meadowbrook Park;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract between the City and Margolis Nursery, Inc. after approval as for substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That City Council approve a construction contingency of \$4,439.50 (10%) to cover potential contract change orders to be approved by the City Administrator, and

approve a total project budget of \$48,830.00 for the life of the project without regard to fiscal year; and

RESOLVED, That the City Administrator be uthorized to take all necessary administrative actions to implement this resolution including the authority to approve change orders within approved contingency.

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R-135-4-05 APPROVED

RESOLUTION TO CLOSE N. FOURTH AVENUE AND ANN STREET FOR THE 10TH ANNUAL AFRICAN-AMERICAN DOWNTOWN FESTIVAL ON SATURDAY, JUNE 4, 2005

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

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

Whereas, This will require the closing of Ann Street from North Main Street to North Fifth Avenue (local traffic access maintained) and North Fourth Avenue from Huron Street to Catherine Street from 6:00 P.M. on Friday, June 3, 2005 to 10:00 P.M. on Saturday, June 4, 2005;

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

Whereas, The Community Leaning Post will provide written notice to all persons and/or properties within a two-block radius of the event not less than 15 days prior to the event;

Whereas, The Community Leaning Post has requested that the City waive street occupancy fees for approximately 3000 square feet of vendor area (approximately \$150.00), and

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

RESOLVED, The Mayor and City Council hereby approve the closing of Ann Street from North Main Street to North Fourth Avenue and North Fourth Avenue from Catherine Street to Huron from 6:00 P.M. on Friday, June 3, 2005 to 10:00 P.M. on Saturday, June 4, 2005 Street for the 10th Annual African-American Downtown Festival as requested by the sponsor, and

RESOLVED, The City shall waive the street occupancy fees.

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R-136-4-05 APPROVED

RESOLUTION TO APPROVE THE CLOSING OF SOUTH MAIN STREET, LIBERTY STREET AND WASHINGTON STREET FOR THE 2005 "TASTE OF ANN ARBOR" SPECIAL EVENT ON SUNDAY, JUNE 5, 2005

Whereas, The Main Street Area Association will be sponsoring the annual "Taste of Ann Arbor and the Rest of the World" event on Sunday, June 5, 2005;

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

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

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

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

Whereas, The sponsor will provide written notice to all affected religious institutions not less than 15 days prior to the event;

RESOLVED, City Council shall authorize the closing of South Main Street from William Street to the South side of Washington Street, Washington Street from the East side of South Main Street to the entrance to the Washington Street Parking Structure and Liberty Street from Ashley Street to Fourth Avenue between the hours of 8:00 a.m. and 6:00 p.m. on Sunday, June 5, 2005 for the "Taste of Ann Arbor" event.

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R-137-4-05 APPROVED

RESOLUTION TO APPROVE STREET CLOSINGS FOR THE 2005 ROLLING SCULPTURE CAR SHOW ON FRIDAY, JULY 8, 2005

Whereas, The City has received a request from the Main Street Area Association to sponsor a special event on Friday, July 8, 2005;

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

Whereas, The staging of this event will require the closing of South Main Street between Huron Street and William Street, South Fourth Avenue between William Street and Washington Street, South Fifth Avenue between Liberty Street and Washington Street, Washington Street between South Ashley Street and South Fifth Avenue (except for the entrance to Washington Street Parking Structure), and Liberty Street between South Ashley Street and South Fifth Avenue from 12:00 noon to 11:00 p.m. on Friday, July 8, 2005;

Whereas, The street closures will be signed and barricaded and properly supervised;

Whereas, The sponsor will obtain all required permits and comply with all procedures, rules and regulations for holding this event and pay all fees associated with their sponsorship of this event; and

Whereas, The sponsor will provide evidence of proper liability insurance and agrees to defend and indemnify and save the city harmless against any claim arising from their sponsorship of this event;

RESOLVED, That City Council approve the closing of South Main Street between Huron Street and William Street, South Fourth Avenue between William Street and Washington Street, South Fifth Avenue between Liberty Street and Washington Street, Washington Street between South Ashley Street and South Fifth Avenue (except for the entrance to Washington Street Parking Structure), and Liberty Street between South Ashley Street and South Fifth Avenue from 12:00 noon to 11:00 p.m. on Friday, July 8, 2005 for the 2005 Rolling Sculpture Car Show.

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## R-138-4-05 APPROVED

RESOLUTION TO APPROVE STREET CLOSINGS FOR THE  
26TH ANNUAL BURNS PARK RUN ON SUNDAY, MAY 1, 2005

Whereas, The City has received a request from the Burns Park PTO to hold the 26<sup>th</sup> Annual Burns Park Run on Sunday, May 1, 2005;

Whereas, The Sponsor requests the City provide the following services:

- 1) Closing the following streets between 8:30 a.m. and 10:00 a.m.

Baldwin Avenue from Wells Street to Cambridge Road; Cambridge Road from Baldwin Avenue to Martin Place; Martin Place from Cambridge Road to Wells Street; Wells Street from Martin Place to Lincoln Avenue; Lincoln Avenue from Wells Street to Cambridge Road; Cambridge Road from Lincoln Avenue to S. Forest Avenue; S. Forest Avenue from Cambridge Road to Granger Avenue; Granger Avenue from S. Forest Avenue to Baldwin Avenue; Baldwin Avenue from Granger Avenue to Brooklyn Avenue; Brooklyn Avenue from Baldwin Avenue to Lincoln Avenue; Lincoln Avenue from Brooklyn Avenue to Shadford Road; Shadford Road from Lincoln Avenue to Woodside Road; Woodside Road from Shadford Road to Scottwood Avenue; Norway Road from Scottwood Avenue to Ferdon Road; Ferdon Road from Norway Road to Wells Street; Wells Street from Ferdon Road to Baldwin Avenue.

- 2) Provide directional cones and barricades;

Whereas, The Sponsor has agreed to pay the costs associated with the event for Police and Project Management support;

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

Whereas, The Sponsor will obtain the necessary permits and provide evidence of proper liability insurance;

Whereas, Burns Park PTO, Pizza House, and Pfizer supports the event; and

Whereas, The Sponsor will provide written notification to all religious institutions affected by this event not less than 15 days prior to the race;

RESOLVED, That City Council approve the street closings for the 26<sup>th</sup> Annual Burns Park Run; with the closing of Baldwin Avenue from Wells Street to Cambridge Road; Cambridge Road from Baldwin Avenue to Martin Place; Martin Place from Cambridge Road to Wells Street; Wells Street from Martin Place to Lincoln Avenue; Lincoln Avenue from Wells Street to Cambridge Road; Cambridge Road from Lincoln Avenue to S. Forest Avenue; S. Forest Avenue from Cambridge Road to Granger Avenue; Granger Avenue from S. Forest Avenue to Baldwin Avenue; Baldwin Avenue from Granger Avenue to Brooklyn Avenue; Brooklyn Avenue from Baldwin Avenue to Lincoln Avenue; Lincoln Avenue from Brooklyn Avenue to Shadford Road; Shadford Road from Lincoln Avenue to Woodside Road; Woodside Road from Shadford Road to Scottwood Avenue; Norway Road from Scottwood Avenue to Ferdon Road; Ferdon Road from Norway Road to Wells Street; Wells Street from Ferdon Road to Baldwin Avenue from 8:30 a.m. to 10:00 a.m. on Sunday May 1, 2005.

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R-139-4-05 APPROVED

RESOLUTION TO APPROVE STREET CLOSINGS FOR THE DEXTER-ANN ARBOR RUNS (5K, 10K AND HALF MARATHON) ON SUNDAY, JUNE 5, 2005

Whereas, The Ann Arbor Track Club has requested that the annual Dexter-Ann Arbor Runs be held on Sunday, June 5, 2005 and use closed streets to facilitate the race finish area and post-race events;

Whereas, It has been requested that the following services be provided by the City:

- 1) Obtain a State permit for closing N. Main Street from 5:00 a.m. to 12:00 p.m. (noon) on June 5, 2005
- 2) Closing these streets from 5:00 a.m. to 12:00 p.m. (noon) on June 5, 2005:
  - \* N. Main Street from Kingsley Street to Huron Street and partial closure of N. Main Street from Huron River Drive to Kingsley Street
  - \* The Surface Parking Lot at Ann Street and N. Main Street
  - \* Ann Street from N. Ashley Street to N. Fourth Avenue
  - \* Catherine Street from N. Main Street to N. Fourth Avenue
  - \* Miller Avenue from N. Ashley Street to N. Main Street
  - \* Beakes Street from N. Main Street to N. Fourth Avenue
  - \* Felch Street from N. Ashley Street to N. Main Street
  - \* Summit Street from Wildt Street to N. Fourth Avenue

- 3) Provide directional cones to be picked up by Friday June 3, 2005, placed by the Ann Arbor Track Club along N. Main Street on the morning of the event and picked up from the road by the City along N. Main Street following the races at 12:00 p.m. Noon.
- 4) Provide hoods for parking meters from the DDA to the Ann Arbor Track Club for the Track Club to place them on the meters on Saturday night, June 4, 2005 and remove them on Sunday, June 5, 2005 by 1:00 p.m.

\*North Main Street from Huron Street to northernmost meter on N. Main Street

\*Surface Parking Lot at Ann Street and N. Main Street

\*Other Closed Streets as listed above

- 5) Clean N. Main Street on Friday, June 3, 2005 from Huron River Drive to Huron Street and patch potholes as needed
- 6) Place two Solid Waste dumpsters in the lot at N. Main Street and Ann Street by Saturday evening after 6:00 p.m., June 4, 2005.
- 7) Provide and place 100 refuse containers (cardboard type) with a plastic liner bag including a spare bag in each container, on both sides of N. Main Street from Catherine Street to Huron Street on Saturday evening June 4, 2005 after 6:00 p.m.
- 8) Remove the dumpsters and street containers by 1:00 p.m. Sunday June 5, 2005, after the race activities conclude;

Whereas, The Ann Arbor Track Club has agreed to pay the actual event costs for Police supervision, Solid Waste, Project Management, and DDA services; and

Whereas, The Ann Arbor Track Club will file all necessary street closure and banner permits and will comply with all liability insurance and other requirements (including maintaining fire lanes); and

Whereas, The Main Street Area Association, Comerica Bank, IHA, Whole Foods, Zingerman's Bakehouse and Money Source support the event;

RESOLVED, That the Mayor and Council authorize the following for the Dexter Ann-Arbor Run:

- 1) All of the street closures and other provisions outlined in this resolution, with the closing of N. Main Street from Kingsley Street to Huron Street and partial closure of N. Main Street from Huron River Drive to Kingsley Street; Ann Street from N. Ashley Street to N. Fourth Avenue; Catherine Street from N.

Main Street to N. Fourth Avenue; Miller Avenue from N. Ashley Street to N. Main Street; Beakes Street from N. Main Street to N. Fourth Avenue; Felch Street from N. Ashley Street to N. Main Street; Summit Street from Wildt Street to N. Fourth Avenue; and the Surface Parking Lot at Ann Street and N. Main Street from 5:00 a.m. to 12:00 p.m. (noon) on June 5, 2005;

- 2) Banner permit;
- 3) Police, Solid Waste and Project Management service requests with costs reimbursed by the Ann Arbor Track Club; and

RESOLVED, That the Ann Arbor Track Club must:

- 1) Reimburse the City expenses incurred for the following requested City services;

<u>ESTIMATE</u>	
Police Services	\$3,200.00
Solid Waste Department	\$ 165.00
Transportation Division & DDA	<u>\$ 625.00</u>
TOTAL ESTIMATED EXPENSES	\$3,990.00

- 2) Comply with all City permit requirements and State permits, including provision of liability insurance; and
- 3) Provide written notification to all affected properties on North Main Street between Huron River Drive and Huron Street.

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R-140-4-05 APPROVED

RESOLUTION TO APPROVE LICENSE AGREEMENT WITH NEXTEL WEST CORP., D/B/A NEXTEL COMMUNICATIONS, TO ERECT AND USE TELECOMMUNICATIONS EQUIPMENT ON THE PLYMOUTH ROAD WATER TOWER SITE

Whereas, Nextel West Corp., d/b/a/ Nextel Communications (“Nextel”) has asked to install antennae and related facilities on the Plymouth Road water tower site;

Whereas, Nextel has agreed to the terms of a license agreement that would require them to pay \$9,200.00 as a pro-rated share of the first year’s annual fee of \$27,600.00;

Whereas, The license agreement requires Nextel to pay an annual fee by July 1 of each year, escalating at the rate of 4% per year, for a term of five years with options to renew for four additional five-year terms;

Whereas, The terms of the license agreement between the City of Ann Arbor and Nextel are similar to license agreements between the City and other telecommunications providers that have installed antennae and related facilities on other City sites; and

RESOLVED That the City Council approve the license agreement with Nextel West Corp., d/b/a/ Nextel Communications, and that the Mayor and City Clerk be authorized to sign the license agreement approved as to substance by the City Administrator and approved as to form by the City Attorney.

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#### R-141-4-05 APPROVED

#### RESOLUTION TO AUTHORIZE PAYMENT TO THE NORFOLK SOUTHERN RAILROAD AND PENNSYLVANIA LINES, L.L.C. FOR ADDITIONAL FLAGGING AND INSPECTION SERVICES FOR THE BROADWAY BRIDGES RECONSTRUCTION PROJECT

Whereas, The Broadway Bridges Reconstruction Project included the demolition and construction of a new, four span bridge over the Norfolk Southern and Pennsylvania Lines, L.L.C. right-of-way;

Whereas, In order to complete the planned construction it was necessary to enter into an agreement with Norfolk Southern Railroad and Pennsylvania Lines, L.L.C. for the purposes of defining both parties rights, responsibilities, and the costs therefore; and

Whereas, It is now necessary to reimburse the Norfolk Southern Railroad and Pennsylvania Lines, L.L.C. for up to \$141,000.00 additional costs associated with their flagging and inspection;

Whereas, As part of the City-State agreement, these costs are considered participating expenses and the Michigan Department of Transportation will reimburse the City for \$103,500.00 of the above referenced \$141,000.00; and

Whereas, \$37,500.00 of the \$141,000.00 cost for the additional services by Norfolk Southern Railroad and Pennsylvania Lines will be the City share;

RESOLVED, That City Council authorize payment to the Norfolk Southern Railroad and Pennsylvania Lines, L.L.C. in an amount not-to-exceed \$141,000.00 from the approved project budget, for additional flagging and inspection services associated with the Broadway Bridges Reconstruction Project; and

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

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R-142-4-05 APPROVED

RESOLUTION TO APPROVE A SERVICE AGREEMENT WITH  
KENNEDY INDUSTRIES, INC. TO REFURBISH PUMPS FOR  
THE WASTEWATER TREATMENT PLANT

Whereas, Wastewater Treatment Plant (WWTP) staff developed a five-year plan to refurbish six secondary effluent and two wash water pumps to ensure continued effective operation of the plant;

Whereas, One secondary effluent pump and one wash water pump remain to be refurbished under this five-year plan;

Whereas, Kennedy Industries, Inc. is the qualified responsible respondent with the lowest cost for refurbishment of the secondary effluent pump and is the qualified sole source for refurbishment of the wash water pump remaining to be repaired; and,

Where as, On March 11, 2005 Kennedy Industries, Inc. received Human Rights and Living Wage approval;

RESOLVED, That Council approve the contract with Kennedy Industries, Inc. in the amount of \$27,226.00 to perform the work specified;

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

RESOLVED, That Council approve the contingency in the amount of \$2,744.00 to finance change orders to be approved by the City Administrator;

RESOLVED, That funds to finance this work are included in the approved FY 05 WWTP Operations and Maintenance budget for the Sewage Disposal System; and

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

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R-143-4-05 APPROVED

RESOLUTION AWARDING A BANKING SERVICES AND THIRD PARTY SAFEKEEPING SERVICE CONTRACT TO JPMORGANCHASE BANK NA FOR FIVE YEARS WITH TWO (2) ONE-YEAR OPTIONAL CONTRACT RENEWALS

Whereas, On December 16, 2004, the City issued a Request for Proposal (RFP No. 591) for Banking Services and Third Party Safekeeping Services:

Whereas, A Bank Selection Team was formed, composed of four (4) representatives from each service units involved in the banking services relationship to select a main depository bank and safekeeping agent and make a recommendation to Council:

Whereas, An extensive evaluation and selection process was conducted by the Bank Selection Team from January 28, 2005 through March 31, 2005;

Whereas, JPMorganChase Bank NA was selected as the bank of choice to provide banking services, merchant services, web based payment services and third party safekeeping services to the City; and

Whereas, JPMorganChase Bank NA received Human Rights approval on April 1, 2005 and complies with all other City contract requirements;

RESOLVED, That City Council approve a contract agreement with JPMorganChase Bank NA to provide banking service, merchant services, web based payment services and third party safekeeping services for a period of five years with two optional one-year renewals; and

RESOLVED, That City Council authorize and direct the Mayor, City Clerk and, where required, City Treasurer to execute the necessary banking service agreements to implement this Resolution after approval as to substance by the City Administrator and approval as to form by the City Attorney.

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R-144-4-05 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MEETING  
MINUTES OF MARCH 18, 2005 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of March 18, 2005 be accepted and that the recommended course of action therein, including payments, be approved and authorized.

MINUTES

CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

March 18, 2005

Present: Joan Lowenstein - City Council Member  
Mary Siefert –Treasurer  
Tom Crawford, Chief Financial Officer  
Constance Hayes – Risk Management Administrator  
Nancy Niemela, Assistant City Attorney  
David Swan, Assistant City Attorney  
Bob West, Assistant City Attorney  
Torri Saal, Sales Executive, Arthur J. Gallagher & Co.

New Business:

BI000-98 Gretchen Virlee  
Bodily Injury  
Discussed by Nancy Niemela, Assistant City Attorney  
Requested and received recommendation for settlement  
approval.

Discussion:

Proposed change to the Insurance Board Ordinance.  
Discussed by Chief Financial Officer, Tom Crawford.

Claims Recommended for Denial:

- CC003-05 Linda Teaman  
Vehicle Damage  
Discussed by Constance Hayes, Risk Management  
Administrator
  
- CC004-05 Barbara J. Turner  
Property Damage  
Discussed by Constance Hayes, Risk Management  
Administrator
  
- CC006-05 Pam Oldenburg  
Vehicle Damage  
Discussed by Constance Hayes, Risk Management  
Administrator
  
- CC008-05 Daycroft, Inc.  
Property Damage  
Discussed by Constance Hayes, Risk Management  
Administrator
  
- CC013-05 Jennifer Kaba  
Vehicle Damage  
Discussed by Constance Hayes, Risk Management  
Administrator
  
- CC016-05 John Kalogris  
Vehicle Damage  
Discussed by Constance Hayes, Risk Management  
Administrator

Prepared by: Constance Hayes, Risk Management Administrator  
Date: March 18, 2005

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R-145-4-05 APPROVED

RESOLUTION TO TRANSFER DELINQUENT ALARM FEES  
TO THE 2005 CITY TAX ROLL

Whereas, As of November 1, 2004 there were unpaid charges for alarm related fees to properties within the City;

Whereas, Section 1:292 of the Ann Arbor City Code provides for assessment upon the tax roll for the respective lot or tax parcel for charges which have not been paid in full;

Whereas, Each of the Owners of the respective lots or tax parcels, having been previously invoiced and the charges remaining unpaid, were mailed notice that the City Treasurer would request City Council to adopt a resolution placing a special assessment upon the lot or tax parcel for the delinquent alarm fee unless the delinquent charge was paid by March 18, 2005; and

Whereas, The notice period specified by City Code has lapsed and a list of the remaining unpaid charges has been filed with the City Clerk, a copy of which is attached to and incorporated in this Resolution as "Schedule A" (on file in the City Clerk's Office);

RESOLVED, That City Council approve levy as a special assessment against each lot or tax parcel listed on Schedule A the unpaid charge for alarm related fees together with a penalty of ten percent (10%) of the amounts, against the lots or tax parcels chargeable on the tax roll, subject to the following in accordance with Section 1:292 of the Ann Arbor City Code:

1. The City Treasurer shall confirm that the unpaid charges on Schedule A remain outstanding as of the date of adoption of this Resolution, and if necessary make revisions to Schedule A to reflect any payments made between the notice deadline and the date of adoption of this Resolution.
2. The City Clerk shall publish in a newspaper of general circulation or send notice by first class mail stating the basis of the assessment, the amount to be assessed against each lot or tax parcel on Schedule A, and a time, not less than 30 days within which payment shall be made to the City Treasurer;
3. The City Treasurer shall, after the lapse of the time specified in 2 above charge each lot or tax parcel the delinquent amount and penalty on the 2004 City tax roll to be collected in the same manner as general City taxes; and

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

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

R-146-4-05 APPROVED

RESOLUTION TO TRANSFER DELINQUENT BOARD UP, CLEAN UP,  
VACANT PROPERTY INSPECTION AND HOUSING INSPECTION FEES  
TO THE JULY 2005 CITY TAX ROLL

Whereas, There were unpaid charges for board up, clean up, vacant property inspection and housing inspections of private properties within the City as of December 31, 2004;

Whereas, In accordance with Chapter 13, Section 1:292 of the Ann Arbor City Code, notice has been sent to all property owners with delinquent charges advising them of the impending special assessment against their property unless the fees are paid on or before April 4, 2005; and

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

RESOLVED, That the unpaid charges be levied as special assessments against such owners and premises according to "Schedule A" (on file in the City Clerk's Office) together with an additional penalty charge of 10% of the total unpaid, as provided in Chapter 13, Section 1:292 of the Ann Arbor City Code; and

RESOLVED, That the City Assessor place the charges and penalties on the next tax roll of the City, and that such charges and penalties be collected in the same manner as general City taxes.

Councilmember Groome moved, seconded by Councilmember Carlberg, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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TABLED

RESOLUTION TO APPROVE A REQUEST TO FUND THE ANN ARBOR  
HOUSING COMMISSION \$25,000.00 FROM THE HOUSING AND  
HUMAN SERVICES CONTINGENCY FUND

Whereas, The 10 year plan to end homelessness reports that there are 2,756 people who are homeless within Washtenaw County each year and calls for a variety of strategies to end and prevent homelessness within the next 10 years;

Whereas, The Ann Arbor Housing Commission (AAHC) plays a vital role in placing low-income residents in housing with Section 8 vouchers and through their public housing program;

Whereas, AAHC Section 8 vouchers can be used in the City and throughout Washtenaw County;

Whereas, There is a reported 11% rental vacancy rate currently in the Ann Arbor rental market;

Whereas, The AAHC has expressed the need for \$25,000 to offset federal cuts and operating changes have been made to their organization through the clerical reorganization;

Whereas, The Housing and Human Services Contingency fund has a balance of \$38,355.00; and

Whereas, The AAHC will work with the City of Ann Arbor to review and evaluate the operations and services of the Ann Arbor Housing Commission and the Office of Community Development to see if there are opportunities for efficiencies;

RESOLVED, That City Council approve the transfer of \$25,000.00 to the Ann Arbor Housing Commission from the Housing and Human Services Contingency Fund;

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

RESOLVED, That City Council direct the Community Development staff and the Housing Commission staff to explore further operational and service delivery efficiencies that could be gained, up to and including the recommendation from the design team recommending the creation of the Washtenaw Regional Housing and Public Services Commission.

Councilmember Carlberg moved, seconded by Councilmember Higgins, that the resolution be adopted.

Councilmember Carlberg moved, seconded by Councilmember Higgins, that the resolution be tabled.

On a voice vote, the Mayor declared the motion carried.

**ORDINANCES - FIRST READING**

15-05 APPROVED

DICECCO 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 0.74 acre, located at 336 Rock Creek Court, from TWP (Township District) to R1B (Single-Family Dwelling District). (The complete text of Ordinance 15-05 is on file in the City Clerk's Office.)

Councilmember Groome moved, seconded by Councilmember Teall, that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

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16-05 APPROVED

LIN 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 0.14 acre, located at 2974 Shady Lane, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 16-05 is on file in the City Clerk's Office.)

Councilmember Greden moved, seconded by Councilmember Carlberg, that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

## **MOTIONS AND RESOLUTIONS**

R-147-4-05 APPROVED

### **RESOLUTION TO ADOPT REFINANCING GUIDELINES TO INCLUDE IN THE CONSOLIDATED STRATEGY AND PLAN FY04-05 ONE YEAR ACTION PLAN**

Whereas, It is the intent of the City Council to promote a full range of housing choices;

Whereas, The City must include Refinancing Guidelines in its Consolidated Strategy and Plan FY04-05 One Year Action Plan if HOME funds are used to refinance affordable housing projects; and

Whereas, The Office of Community Development and Housing Policy Board support the adoption of Refinancing Guidelines to ensure the preservation of existing affordable housing units;

RESOLVED, That City Council approve the following Refinancing Guidelines to be included in the City's Consolidated Strategy and Plan FY04-05 One Year Action Plan:

Multi-family projects developed by housing organizations that receive HOME (or AHTF) funds for rehabilitation may utilize HOME (or AHTF funds) to refinance existing debt, consistent with 24 CFR 92.206(b)(2), if they meet the following guidelines:

1. Refinancing is necessary to permit or to continue affordability under 24 CFR 92.252 for HOME funds and if HOME funds are not eligible, then AHTF funds may be used;
2. Rehabilitation is the primary eligible activity. A minimum of \$5,000 of rehabilitation per unit is required;
3. The grantee must demonstrate management capacity and practices that ensure that the long term needs of the project can be met and the targeted population can be served over an extended affordability period;
4. The grantee must demonstrate that the new investment is being made to maintain current affordable units, to create greater affordability in current affordable units; or to create additional affordable units;
5. Refinancing will be limited to projects that have previously received an investment of public funds;
6. The minimum HOME (or AHTF) affordability period shall be 15 years;

- 7. HOME and AHTF funds may be used for refinancing anywhere in the City of Ann Arbor;
- 8. HOME funds cannot be used to refinance multifamily loans of 5 units or more, made or insured by any Federal program, including CDBG;

RESOLVED, That City Council held a public hearing on April 4, 2005 to solicit public comments on the refinancing guidelines;

RESOLVED, That the refinancing guidelines will take effect May 5, 2005 after considering comments from the public; and

RESOLVED, That the City Administrator, or his designee, is authorized to take necessary administrative actions and to execute any documents necessary to implement this resolution.

Councilmember Teall moved, seconded by Councilmember Woods, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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R-148-4-05 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH  
CAMERON CONTRACTING COMPANY, APPROPRIATE \$120,000.00  
IN FUNDS FROM THE PARK REHABILITATION AND DEVELOPMENT  
MILLAGE FUND BALANCE, AND TO ESTABLISH A CONSTRUCTION  
BUDGET OF \$174,300.00 FOR BUHR PARK PLAY AREA AND  
TENNIS COURT UPGRADES BID #3715

Whereas, Buhr Park is identified in the Park and Recreation Open Space Plan, 2000-2005 to receive upgrades and improvements;

Whereas, A neighborhood questionnaire and a public meeting was held to obtain input into the plan for improvements at the park;

Whereas, Competitive bids were sought by the Procurement Office with bids received on March 22, 2005 and Cameron Contracting Co. was identified as the lowest responsible bidder;

Whereas, Funds for the project are included in the approved FY 2004-2005 Park Rehabilitation and Development Millage budget and the additional money exists in Park Rehabilitation and Development Millage Fund balance; and

Whereas, Cameron Contracting Co. received Human Rights approval on March 24, 2005 and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council approve a construction contract, per Bid #3715, with Cameron Contracting Co in the amount of \$158,452.86 for Buhr Park Play Area and Tennis Court Upgrades;

RESOLVED, That City Council approve a construction contingency in the amount of \$15,847.14 (10%) to cover potential contract change orders and a total project budget of \$174, 300.00 for the life of the project without regard to fiscal year;

RESOLVED, That City Council appropriate \$120,000.00 for this project from the Park Rehabilitation and Development Millage Fund balance;

RESOLVED, That the City Administrator be authorized to take all necessary administrative actions to implement this resolution including the authority to approve change orders within the approved contingency; and

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

Councilmember Woods moved, seconded by Councilmember Johnson, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

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R-149-4-05 APPROVED

RESOLUTION TO SUPPORT MICHIGAN HOUSE BILL #4235, ENCOURAGING BIODIESEL USE AND PRODUCTION DEVELOPMENT IN MICHIGAN

Whereas, House Bill #4235 has been introduced in the Michigan Legislature to encourage the development of biodiesel production and use in Michigan;

Whereas, Biodiesel reduces our reliance on foreign oil, reduces tailpipe emissions including particulates and greenhouse gasses and supports our local farmers;

Whereas, The City of Ann Arbor has used a biodiesel for the past three years in all our diesel vehicles;

Whereas, The Clean Cities Program, operated by the City’s Energy Office, has provided biodiesel education to the public and incentives for the City fleet, the Ann Arbor Public Schools, the Washtenaw Road Commission and others to try biodiesel in their vehicles;

Whereas, The City has partnered with Meijer Thrifty Acres to build two public biodiesel (B-20) stations using \$24,500.00 in federal grant funds; and

Whereas, The Ann Arbor Energy Office is currently working on a grant to create a feasibility study of building a biodiesel production facility in the Ann Arbor area;

RESOLVED, That City Council support passage of House Bill 4235 as introduced to encourage the production and use of biodiesel fuel in Michigan;

RESOLVED, That the City Clerk be directed to forward a copy of this Resolution to Senator Liz Brater, Representatives Chris Kolb and Pam Byrnes, the Michigan Municipal League and SEMCOG.

Councilmember Greden moved, seconded by Councilmember Carlberg, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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R-150-4-05 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PUBLIC ROAD RIGHT-OF-WAY  
FROM CLOVERLY VILLAGE, LLC – NE CORNER OF ELLSWORTH  
AND STONE SCHOOL ROADS

Whereas, Cloverly Village, LLC, a Michigan limited liability company, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 4310, Page 128, recorded September 09, 2003;

Whereas, The Operating Agreement of Cloverly Village, LLC, a Michigan limited liability company, dated May 19, 2003, authorizes the delivery of a perpetual easement to the City for public road right-of-way along the north side of Ellsworth Road and east side of Stone School Road; and

Whereas, Cloverly Village, LLC, a Michigan limited liability company, has delivered an easement to the City for public road right-of-way to run with the land and burden the respective property perpetually, being more particularly described as follows:

Ellsworth Road

Additional 27 ft. to be dedicated for the widening of Ellsworth Road located in the S.W. ¼ of Section 10, T3S, R6E, Pittsfield Township, now City of Ann Arbor, Washtenaw County, Michigan; described as Beginning a Point on the E line of Stone School Road, and being N87°54'55"E 60.01 feet and N00°53'05"W 33.01 feet from the SW Corner of said Section 10 and proceeding thence N00°53'05"W 27.01 feet; thence N87°54'55"E 289.99 feet; thence S00°53'05"E 27.01 feet; thence S87°54'55"W 289.99 feet to the POINT OF BEGINNING.

Stone School Road

Additional 27 feet to be dedicated for the widening of Stone School Road located in the S.W. ¼ of Section 10, T3S, R6E, Pittsfield Township, now City of Ann Arbor, Washtenaw County, Michigan, described as Beginning at a Point on the E line of Stone School Road and being N87°54'55"E 60.01 feet and N00°53'05"W 33.01 feet from the SW Corner of said Section 10 and proceeding thence N00°53'05"W 771.21 feet; thence S87°54'55"W 27.01 feet; thence S00°53'05"E 771.21 feet; thence N87°54'55"E 27.01 feet to the POINT OF BEGINNING.

RESOLVED, That the City hereby accept said grant of easement.

Councilmember Carlberg moved, seconded by Councilmember Teall, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

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## R-151-4-05 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM CLOVERLY VILLAGE, LLC -  
NE CORNER OF ELLSWORTH AND STONE SCHOOL ROADS

Whereas, Cloverly Village, LLC, a Michigan limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 4310, Page 128, recorded September 29, 2003;

Whereas, The Operating Agreement of Cloverly Village, LLC, a Michigan limited liability company, dated May 19, 2003, authorizes the delivery of a perpetual easement to the City for public utilities; and

Whereas, Cloverly Village, LLC, a Michigan limited liability company, has delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system, to run with the land and burden the respective property perpetually, being more particularly described as follows:

SANITARY EASEMENT

A variable width sanitary sewer easement located in Section 10, T. 3 S., R. 6 E., City of Ann Arbor, Washtenaw County, Michigan, described as beginning at a point on the South line of Arbor Oaks Subdivision as recorded in Liber 19, Pages 67-71 and being N00°53'05"W 804.22 feet and N87°54'55"E 516.33 feet from the SW corner of said Section 10, also being the intersection of the centerline of Ellsworth Rd. (93 ft. wide as now established) and the centerline of Stone School Rd. (93 ft. wide as now established) and proceeding thence S05°11'02"E 78.75 feet; thence S02°58'49"E 73.49 feet; thence S89°33'21"W 219.80 feet; thence S00°51'11"E 367.11 feet; thence S89°06'56"W 182.84 feet; thence S00°01'28"E 47.00 feet; thence N89°06'56"E 228.64 feet; thence N00°53'05"W 51.49 feet; thence S89°08'25"W 3.26 feet; thence N00°51'11"W 315.20 feet; thence N89°28'44"E 226.00 feet; thence N00°52'48"W 111.23 feet; thence N06°23'23"W 89.31 feet; thence S87°54'55"W 48.06 feet to the Point of Beginning.

WATERMAIN EASEMENT

A 40 ft. watermain easement located in Section 10, T. 3 S., R. 6 E., City of Ann Arbor, Washtenaw County, Michigan, centerline described as beginning at a point on the centerline of Stone School Rd (93 ft. wide as now established), also being the West line of said Section 10 and being N00°53'05"W 371.37 feet and N89°06'55"E 60.00 feet from the SW corner of said Section 10, also being the intersection of the centerline of Ellsworth Rd. (93 ft. wide as now established) and the centerline of said Stone School Rd. and

proceeding thence N89°06'55"E 26.54 feet to Point "A"; thence N89°06'55"E 225.45 feet to Point "B"; thence continuing N89°06'55"E 228.46 feet; thence N44°06'55"E 14.14 feet; thence N00°53'05"W 121.77 feet to Point "C"; thence continuing N00°53'05"W 123.61 feet; thence N42°57'04"W 25.85 feet; thence S88°52'14"W 211.81 feet; thence S45°00'00"W 16.18 feet; thence N89°31'52"W 188.09 feet; thence S89°02'48"W 61.65 feet to the Point of Ending, and also beginning at said Point "A" and proceeding thence S00°21'24"W 91.80 feet; thence S49°56'22"E 15.53 feet; thence N89°06'55"E 205.70 feet; thence N44°06'55"E 14.14 feet; thence N00°53'05"W 24.12 feet to Point "D"; thence continuing N00°53'05"W 67.84 feet also being the Point of Ending, Point "B", also beginning at Point "C" and proceeding thence N90°00'00"E 22.40 feet to the Point of Ending, also beginning at Point "D" and proceeding thence N90°00'00"E 37.64 feet to the Point of Ending.

RESOLVED, That the City hereby accept said grant of easement.

Councilmember Carlberg moved, seconded by Councilmember Teall, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

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R-152-4-05 APPROVED

RESOLUTION TO APPROVE THE 2004 – 2007 POLICE DEPUTY CHIEFS UNIT, TEAMSTERS LOCAL 214 COLLECTIVE BARGAINING AGREEMENT

Whereas, The current collective bargaining agreement between the Ann Arbor Police Deputy Chiefs Unit, Teamsters Local 214 expired June 30, 2004;

Whereas, The parties have reached a settlement on a new agreement effective July 1, 2004 through June 30, 2007, which provides for a wage increase of three percent (3%) for the first year of the agreement, and a two percent (2%) increase with eligibility for up to two percent (2%) pay-for-performance for second and third years of the agreement;

Whereas, The agreement includes an employee monthly contribution in healthcare of \$20.00 single, \$40.00 double, \$80.00 family effective upon ratification until July 1, 2006. Contributions increase July 1, 2006 to \$30.00/50.00/90.00;

Whereas, The agreement also creates an HRA account; changes sick time future banking of annual accruals to a maximum of 6 days per year compared to the current allowable amount of 12 days; an annual use-or-lose approach to personal days; and an increase to \$2,500.00 per year for tuition reimbursement; and

Whereas, The City Administrator recommends approval of the negotiated agreement;

RESOLVED, That the City Council approve the three-year settlement agreement providing for wage increases of three percent (3%) the first year of the agreement, and a two percent (2%) increase with eligibility for up to two percent (2%) pay-for-performance in the second and third years; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the bargaining agreement on behalf of the City, after approval as to substance by the City Administrator and approval as to form by the City Attorney.

Councilmember Greden moved, seconded by Councilmember Higgins, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried unanimously.

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R-153-4-05 APPROVED

RESOLUTION TO EXTEND DEADLINE FOR SUBMISSION RECOMMENDATION ON COMMUNITY DEVELOPMENT ADVISORY BOARDS

Whereas, The City Council approved a resolution on January 18, 2005, entitled “Resolution to Direct Staff to Work with the Community Development Executive Committee and Housing Policy Board to make recommendations on the Community Development Advisory Boards” (the “Resolution”);

Whereas, The Resolution directed City staff and the members of the Housing Policy Board (“HPB”) and Community Development Executive Committee (“CDEC”) to meet and bring recommendation(s) to City Council no later than the first City Council meeting in May 2005 regarding the community development advisory boards;

Whereas, City staff and the members of the HPB and CDEC are actively engaged in this process and have been working with a facilitator since March 1st; and

Whereas, The members of HPB and CDEC, Community Development staff, and the facilitator believe that more time is necessary to complete their work;

RESOLVED, That the deadline for the HPB and CDEC to submit their recommendation(s) to City Council is extended to July 1, 2005.

Councilmember Groome moved, seconded by Councilmember Greden, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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R-154-4-05 APPROVED

RESOLUTION TO ACCEPT, APPROVE AND APPROPRIATE  
THE 2004 ASSISTANCE TO FIREFIGHTER GRANT FROM  
THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
TO THE ANN ARBOR FIRE DEPARTMENT

Whereas, On March 16, 2005 the City of Ann Arbor Fire Department's Regional Response Team was awarded a 2004 Assistance to Firefighters grant from the US Department of Homeland Security in the amount of \$84,286.00 to fund a comprehensive firefighter training program and upgrade the Department's self-contained breathing apparatus (SCBA) personal protective equipment;

Whereas, The \$36,122.00 in matching funds required by the grant are included in the Fire Department's budget for City fiscal year 2004-2005;

Whereas, Reduced staffing levels and increasing calls for service, including mutual aid requests from other jurisdictions, require a universally trained, certified and equipped department;

Whereas, This grant will help to improve regional training levels by allowing the Ann Arbor Fire Department to train 100 percent of its own firefighters in Fire Officer requirements, Rapid Intervention Team (RIT) rescue and Cardio-Pulmonary Resuscitation (CPR), as well as invite a limited number of members from other departments in the region to receive Fire Officer Instructor and CPR training;

Whereas; This grant will provide for the training of four Ann Arbor Fire Department personnel as certified RIT instructors, allowing the Department to explore the feasibility of developing and offering future RIT training programs to other jurisdictions; and

Whereas, This grant will help improve regional interoperability by allowing the Department to upgrade its SCBA to allow buddy-breathing capability and facilitate identification and location of downed firefighters in smoke-filled situations;

RESOLVED, That the City Council accept the 2004 Assistance to Firefighters grant from the US Department of Homeland Security in the amount of \$84,286.00 and approve the grant agreement with the US Department of Homeland Security indicating its acceptance of the grant and its terms;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the grant agreement between the City of Ann Arbor and the State of Michigan after approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That the grant and matching funds be appropriated to the Fire Department as a major grant for the life of the grant without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this Resolution.

Councilmember Woods moved, seconded by Councilmember Teall, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

The Mayor declared a recess at 8:26 p.m. and reconvened the meeting at 8:30 p.m.

## **REPORTS FROM COUNCIL COMMITTEES**

### **COMMUNITY EVENTS FUND COMMITTEE**

Councilmember Higgins announced that a Community Events Fund disbursement resolution would be on the agenda at the next meeting.

## **COUNCIL PROPOSED BUSINESS**

None.

## **COMMUNICATIONS FROM THE MAYOR**

### APPOINTMENTS APPROVED

Mayor Hieftje asked that the appointment of Roger Hewitt to the Downtown Zoning Steering Committee be recommended for approval at the April 18, 2005 regular session of Council. With unanimous consent, the following appointment was considered:

#### Downtown Zoning Steering Committee

Roger Hewitt (Replace Fred Beal)  
1411 Harbrooke  
Ann Arbor, MI 48103

Councilmember Carlberg moved, seconded by Councilmember Lowenstein that Council concur with the recommendations of the Mayor.

On a voice vote, the Mayor declared the motion carried.

### NOMINATION PLACED ON TABLE

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

#### Employee's Retirement System Board of Trustees

G. Phil Zepeda (Re-appointment)  
3335 Tacoma Circle  
Ann Arbor, MI 48108  
Term: May 2, 2005 – February 3, 2008

## **COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

### REPORTS SUBMITTED

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

1. City Planning Commission Report on Council Resolution R-508-12-04 – Planning Commission
2. A2 Carts Allocations for Multi-Family Locations Rationale – Public Services

3. Update on DDA Follow Up to Downtown Residential Taskforce Recommendations – Downtown Development Authority

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

### **COMMUNICATIONS FROM THE CITY ATTORNEY**

#### **CONTRACT CASE ON LIBERTY STREET**

Stephen K. Postema, City Attorney, said that the contract case on Liberty Street was thrown out of court after two years of work. He thanked Attorney Abigail Elias for her work on this case.

### **COMMUNICATIONS FROM COUNCIL**

#### **COUNCILMEMBER WOODS**

Councilmember Woods informed Council that Councilmember Easthope is recovering well and will be back soon.

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

The following communications were referred as indicated:

1. Communication from Department of Environmental Quality (DEQ) regarding an Application for Permit Under Consideration for Alteration or Occupation of a Floodplain in Accordance with the Floodplain Regulatory Authority found – DEQ File Number 05-81-0011-P. – File
2. Communication from Solden Development Company, LLC regarding Notice of Intent to Establish a Condominium Project for Hoover Mansion Suites – Planning & Development Services
3. Communication from Department of Environmental Quality (DEQ) regarding a request for renewal of the Clean Corporate Citizen - File

(Communications on file in the City Clerk's Office.)

The following minutes were received for the file:

1. Ann Arbor Housing Commission – February 16, 2005

Councilmember Lowenstein moved, seconded by Councilmember Carlberg, that the Clerk's Report be accepted.

On a voice vote, the Mayor declared the motion carried.

**PUBLIC COMMENTARY - GENERAL**

None.

**RECESS FOR CLOSED SESSION**

Councilmember Greden moved, seconded by Councilmember Johnson, that the regular session of Council be recessed for a closed session to discuss pending litigation and attorney client privileged communication.

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Higgins, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 10.

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:35 p.m.

Councilmember Higgins moved, seconded by Councilmember Teall, that the regular session of Council be reconvened.

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:11 p.m.

Councilmember Reid moved, seconded by Councilmember Teall, that in the matter of the New Life Church vs. the City of Ann Arbor, Federal Case No. 04-CV-75014, that the City agrees to resolve the matter, but only under the terms provided and discussed in closed session. The City Attorney, the Mayor, the City Clerk and the City Administrator are authorized to sign any necessary documents to resolve the matter.

Councilmember Greden abstained from voting on this motion.

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Teall, Higgins, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 9.

Nays, 0.

Abstention, Councilmember Greden, 1.

The Mayor declared the motion carried.

### **ADJOURNMENT**

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:13 p.m.

Jacqueline Beaudry  
Clerk of the Council

Anissa R. King  
Recording Secretary