

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - OCTOBER 4, 2005**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:07 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 John Roberts, Robert M. Johnson, Joan Lowenstein, Michael R. Reid, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Wendy A. Woods, Mayor John Hieftje, 10.

ABSENT : Councilmember Christopher Easthope, 1.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

LAUREL FEDERBUSH – PALESTINE/ISRAEL

Laurel Federbush, 2000 Anderson Court, asked that Council pass the Human Rights resolution to stop military aid to Israel.

MARCIA FEDERBUSH – PALESTINE/ISRAEL

Marcia Federbush, 2000 Anderson Court, addressed Council regarding the issues in Palestine/Israel.

Mayor Hieftje welcomed the students in attendance from Washtenaw Community College, the University of Michigan, and Huron High School.

PUBLIC HEARINGS

EISENHOWER CENTER ZONING (ORDINANCE NO. 31-05)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.89 acre from O (Office District) to P (Parking District), Eisenhower Center property, located at 2888 Colony Road. Notice of public hearing was published September 18, 2005.

Michael Van Goor was present to answer questions of Council.

There being no further comment, the Mayor declared the hearing closed.

EISENHOWER CENTER SITE PLAN

A public hearing was conducted on the proposed Eisenhower Center Site Plan, 4.35 acres, located at 3200 Eisenhower parkway and 2888 Colony Road. Notice of public hearing was published September 25, 2005.

Michael Van Goor was present to answer questions of Council.

There being no further comment, the Mayor declared the hearing closed.

SOLID WASTE MANAGEMENT (ORDINANCE NO. 32-05)

A public hearing was conducted on the proposed amendment to Chapter 26 - Solid Waste Management, Sections 2:1, 2:2, 2:5, 2:6 and 2:8, 2:9, 2:10, 2:11, 2:12, 2:13 and 2:14 of Title I of the Code of the City of Ann Arbor and the Related Solid Waste Regulations. Notice of public hearing was published October 2, 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 Woods, that the agenda be approved with the following changes:

ORDINANCES – FIRST READING

Add: An Ordinance to Amend Sections 3:62(2) of Chapter 42, Open Space and Parkland Preservation, Title III of the Code of the City of Ann Arbor (Community Services - Jayne Miller, Area Administrator) **(Added 10/4/05)**

MOTIONS AND RESOLUTIONS

Move: Resolution to Approve Eisenhower Center Site Plan, 4.35 Acres, 3200 Eisenhower Parkway and 2888 Colony Road (Planning Commission Recommendation: Approval – 7 Yeas and 1 Nay) (Planning and Development Services – Jayne Miller, Community Services Area Administrator) **(Consider with B-1)**

Move: Resolution Authorizing the Hiring of Police Officers in Excess of the FY 2005/06 Budget Allocation (Council Members Higgins, Greden, Teall & Lowenstein) **(Consider as last item under Motions and Resolutions)**

Add: Resolution Authorizing Summary Publication of Ordinance No. 32-05 Amending Sections 2:1, 2:2, 2:5 and 2:6 of Chapter 26 (Solid Waste) of Title I of the Code of the City of Ann Arbor and Related Regulations to Clarify Standards for the Use of Refuse Carts, Remove Option of For-Fee Bulky Waste Pickups by the City, Clarify Commercial For-Fee Collections, Clarify Compostable Program Services and Update Solid Waste Facilities Policies (Solid Waste – Sue F. McCormick, Public Services Area Administrator) **(Added 9/29/05; Attached)**

Add: Resolution to Repeal CTN Fees Established for FY 05-06 (Community Television Network (CTN) – Jayne Miller, Community Services Area Administrator) **(Added 9/30/05; Attached)**

Add: Resolution to Endorse the Commuter Rail Option in the Ann Arbor to Detroit Rapid Transit Study (Mayor Hieftje) **(Added 10/4/05; Attached)**

Add: Resolution Opposing Senate Concurrent Resolution 33 and Senate Resolution 68 (Councilmembers Greden and Easthope) **(Added 10/4/05; Attached)**

Add: Resolution to Repeal Rule 50(c) of 1988 Personnel Rules and Regulations **(Added 10/4/05)**

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: Communication from Janis A. Bobrin, Washtenaw County Drain Commission regarding notice of receipt of petition regarding Mallets Creek Drain – Planning and Development Services - Jayne Miller, Community Services Administrator **(Added 10/3/05)**

Add: Communication from Comcast regarding Comcast Cares Day on October 1, 2005 – CTN **(Added 10/3/05)**

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

APPROVAL OF COUNCIL MINUTES**MINUTES OF SEPTEMBER 19, 2005 APPROVED**

Councilmember Woods moved, seconded by Councilmember Teall, that the regular session minutes of September 19, 2005 be approved as presented.

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

CONSENT AGENDA**CONSENT AGENDA ITEMS APPROVED**

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

R-522-10-05 APPROVED

**RESOLUTION TO APPROVE THE PURCHASE OF
ELGIN STREET SWEEPER FROM BELL EQUIPMENT COMPANY**

Whereas, The Fleet & Facilities Unit needs to purchase a replacement Elgin street sweeper for the City's fleet;

Whereas, It is in the City's best interest to continue to standardize street cleaning equipment;

Whereas, Bell Equipment Company is the sole regional Elgin dealer and its quote of \$114,900.00 is less than a 3% per year price increase over a similar unit purchased in August of 2002; and

Whereas, Bell Equipment Company received Human Rights approval on June 24, 2005;

RESOLVED, That City Council approve the issuance of a purchase order to Bell Equipment Company for the purchase of one 2005 Elgin Pelican street sweeper in the amount of \$114,900.00 from the approved 2005-06 Fleet and Facilities Unit budget; and

RESOLVED, That the City Administrator BE authorized to take the necessary 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.

ORDINANCES - SECOND READING

31-05 APPROVED

EISENHOWER CENTER 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 0.89 acre, located at 2888 Colony Road, from O (Office District) to P (Parking District). (The complete text of Ordinance 31-05 is on file in the City Clerk's Office.)

R-523-10-05 APPROVED

RESOLUTION TO APPROVE EISENHOWER CENTER SITE PLAN

Whereas, Eisenhower Center/Moriah Properties, LLC, has requested site plan approval in order to construct a fourth building to the existing three-structure complex at 3200 Eisenhower Parkway, which will contain 16 rooms for adult convalescent care, as well as a 71-space parking lot on the parcel north of this site at 2888 Colony Road;

Whereas, The Ann Arbor City Planning Commission, on July 19, 2005, recommended approval of said request;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare;

RESOLVED, That City Council approve the Eisenhower Center Site Plan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Eisenhower Center Site Plan, 4.35 Acres, located at 3200 Eisenhower Parkway and 2800 Colony Road.

Councilmember Carlberg moved, seconded by Councilmember Roberts, that the resolution and ordinance be adopted.

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

32-05 APPROVED

SOLID WASTE MANAGEMENT AND
RELATED SOLID WASTE REGULATIONS

An Ordinance to Amend Sections 2:1, 2:2, 2:5, 2:6, 2:8, 2:9, 2:10, 2:11, 2:12, 2:13
and 2:14 of Chapter 26 (Solid Waste Management) of Title I of the Code
of the City of Ann Arbor and the related Solid Waste Regulations

(The complete text of Ordinance 32-05 is on file in the City Clerk's Office.)

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

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

ORDINANCES - FIRST READING

Councilmember Carlberg moved, seconded by Councilmember Teall, that the following ordinances be heard together:

33-05 APPROVED

ANGELINO/SCHLOSSBERG 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 1.12 acres, located at 1205 Green Road, from TWP (Township District) to R1B (Single-Family Dwelling District). (The complete text of Ordinance 33-05 is on file in the City Clerk's Office.)

34-05 APPROVED

BARRETT 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 0.28 acre, located at 404 South Glendale Drive, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 34-05 is on file in the City Clerk's Office.)

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

35-05 APPROVED

CHAMBERLAIN 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 0.28 acre, located at 402 South Glendale Drive, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 35-05 is on file in the City Clerk's Office.)

36-05 APPROVED

FREDERICK 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 0.33 acre, located at 2101 Arborview Boulevard, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 36-05 is on file in the City Clerk's Office.)

37-05 APPROVED

JOHNSON 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 0.76 acre, located at 1522 Arborview Boulevard, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 37-05 is on file in the City Clerk's Office.)

38-05 APPROVED

MITROI 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 0.47 acre, located at 1851 Upland Drive, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 38-05 is on file in the City Clerk's Office.)

39-05 APPROVED

TAI/KEISER 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 0.46 acre, located at 1175 Arlington, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 39-05 is on file in the City Clerk's Office.)

40-05 APPROVED

WILBANKS 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 0.46 acre, located at 1863 Upland Drive, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 40-05 is on file in the City Clerk's Office.)

Councilmember Carlberg moved, seconded by Councilmember Teall, that the ordinances be approved at first reading.

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

41-05 APPROVED

DANGEROUS BUILDINGS

An Ordinance to add Section 8:380 to and Amend Sections 8:381 and 8:382 of Chapter 101 of Title VIII of the Code of the City of Ann Arbor

(The complete text of Ordinance 41-05 is on file in the City Clerk's Office.)

Councilmember Woods moved, seconded by Councilmember Johnson, that the ordinance be approved at first reading.

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

42-05 POSTPONED

OPEN SPACE AND PARKLAND PRESERVATION

An Ordinance To Amend Sections 3:62(2) Of Chapter 42, Open Space and Parkland Preservation, Title III of the Code of the City of Ann Arbor

(The complete text of Ordinance 42-05 is on file in the City Clerk's Office.)

Councilmember Lowenstein moved, seconded by Councilmember Woods, that the ordinance be approved at first reading.

Councilmember Reid moved, seconded by Councilmember Teall, to postpone the ordinance to the end of the agenda after closed session.

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

MOTIONS AND RESOLUTIONS

R-524-10-05 APPROVED

RESOLUTION AUTHORIZING THE DEMOLITION OF THE FIRST & WASHINGTON PARKING STRUCTURE

Whereas, Reports have detailed the deterioration in the First and Washington parking structure;

Whereas, Despite regular inspections and repairs the parking structure has continued to deteriorate;

Whereas On August 1, 2005 City Council approved resolution R-345-8-05 “Resolution Requesting Preparation of Requests for Proposals for the Redevelopment of City-Owned Properties”, which included planning for the redevelopment of the First and Washington site with private and public uses;

Whereas, Members of the DDA met with the City Planning and Development Services Unit Director and representatives of CWI to discuss the structure and the group jointly resolved to recommend closure and demolition of structure prior to winter 2005;

Whereas, On September 7, 2005 the DDA voted to support this recommendation;

Whereas, First and Washington is a City-owned structure and demolition is outside the scope of the City/DDA parking agreement; and

Whereas, Upon City authorization, the DDA will close the structure on October 1st with demolition to take place by December, after which the lowest floor and the retaining walls will be left intact so that at least 50 parking spaces will be available until such time as First and Washington is redeveloped;

RESOLVED, City Council authorizes the demolition of the First and Washington parking structure no later than winter 2005.

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

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

R-525-10-05 APPROVED

RESOLUTION TO ACCEPT, APPROVE AND APPROPRIATE A GRANT FROM THE MICHIGAN DEPARTMENT OF STATE FOR VOTING ACCESS FOR INDIVIDUALS WITH DISABILITIES THROUGH FUNDING FROM THE HELP AMERICA VOTE ACT

Whereas, The City of Ann Arbor seeks to improve access to voting through the removal of physical barriers to polling places;

Whereas, The Americans with Disabilities Act requires accessible polling places as identified in the provisions of the Act; and

Whereas, The City of Ann Arbor has been awarded federal funding by the Michigan Department of State under the Help America Vote Act to make accessibility improvements to three polling places, including the Ann Arbor Community Center (Ward 1, Precinct 4), University Townhomes Center (Ward 3, Precinct 5), and Second Baptist Church (Ward 5, Precinct 3);

RESOLVED, That City Council accept the grant award from the Michigan Department of State for Voting Access for Individuals with Disabilities Program in the amount of \$16,750.00 in accordance with the terms and conditions of the authorized work plan and grant agreement;

RESOLVED, That City Council appropriate the grant funds, when received, to the City Clerk Services Unit for the life of the grant without regard to City Fiscal Year and authorize the Community Services Area to establish a separate grant account to account for funds awarded pursuant to this grant; and

RESOLVED, That the City Clerk be authorized to sign the grant agreement on behalf of the City of Ann Arbor with the Michigan Department of State and any necessary supporting documents with the respective property owners necessary to assure compliance with the authorized work plan after approval by the City Attorney and City Administrator.

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

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

R-526-10-05 APPROVED

RESOLUTION TO APPROVE TO ACCEPT AND APPROPRIATE \$3,500.00 IN DONATED FUNDS FROM THE FRIENDS OF THE LESLIE SCIENCE CENTER TO THE LESLIE SCIENCE CENTER’S GENERAL FUND BUDGET FOR FY 05-06 FOR THE CENTER’S LONG-RANGE STRATEGIC PLANNING PROCESS

Whereas, The Leslie Science Center (LSC) and its Advisory Committee are working toward becoming self-sustaining;

Whereas, The LSC is in a unique position in that the LSC and its Advisory Committee along with staff have just begun a long-range strategic planning process intended to address a number of issues including staffing and fundraising;

Whereas, Funds have been appropriated by the City and donated by the Friends of the Leslie Science Center to begin the strategic planning effort in the FY 05-06 budget year; and

Whereas, The strategic planning process will include development of a long-term strategy for implementation of a sustainable organizational human resource and funding/finance solutions for the LSC, possibly serving as a model for strategies that may be used in other Parks and Recreation operations;

RESOLVED, That City Council accept and appropriate the sum of \$3,500.00 donated by the Friends of the Leslie Science Center to the FY 05-06 Leslie Science Center General Fund budget to use for the Center’s long-range strategic planning project for the life of the project without regard to fiscal year.

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

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

R-527-10-05 APPROVED

RESOLUTION TO APPROVE TO AUTHORIZE A PROFESSIONAL SERVICES AGREEMENT WITH CAMP, DRESSER AND MCKEE (CDM) TO DEVELOP AND IMPLEMENT A STORMWATER RATE STRUCTURE (\$392,800.00 – RFP NO. 603) AND AUTHORIZE A STORMWATER RATE STRUCTURE BUDGET

Whereas, A stormwater rate structure that better aligns the cost of service with the rate charged will assist in more effectively managing the stormwater system;

Whereas, A stormwater rate structure that provides incentives and recognition for best environmental practices beyond regulations will improve the city’s environmental infrastructure;

Whereas, Recent technological improvements have made the development of a multi-tier stormwater rate structure more cost-effective, particularly with the technological foundation that the City has laid;

Whereas, CDM was determined to be the most qualified vendor in response to RFP 603 for the development of an imperviousness stormwater rate structure;

Whereas, CDM received Human Rights approval on August 5, 2005, and complies with the Living Wage Ordinance;

Whereas, \$255,000.00 was budgeted in the approved FY 06 Stormwater System Operation & Maintenance Budget, and

Whereas, The balance (\$231,800.00) is available in the unobligated fund balance of the Stormwater System fund;

RESOLVED, That City Council approve a professional services agreement with Camp Dresser and McKee in the amount of \$392,800.00 to develop a Stormwater Rate Structure;

RESOLVED, That funds (\$231,800.00) be appropriated from the unobligated fund balance of the Stormwater System fund;

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

Section I--Revenue

\$ 255,000.00	FY 06 Stormwater System Operation and Maintenance Budget
<u>\$ 231,800.00</u>	Unobligated fund balance of the Stormwater System fund
\$ 486,800.00	TOTAL

Section II-Expense

\$ 392,800.00	CDM Contract
\$ 39,000.00	Contingency
\$ 15,000.00	Temporary staff time
<u>\$ 40,000.00</u>	Permanent staff time
\$ 486,800.00	TOTAL;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign said agreement with Camp Dresser and McKee upon approval as to form by the City Attorney, and upon approval as to substance by the City Administrator; and

RESOLVED, That City Council authorize the City Administrator to take necessary administrative actions to implement this resolution and approve change orders with contingency funds.

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

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

R-528-10-05 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MALCOLM PIRNIE, INC., FOR ENGINEERING SERVICES FOR THE PHYSICAL SECURITY UPGRADES AT THE WATER SUPPLY FACILITIES (\$195,000.00) AND TO ESTABLISH A PROJECT BUDGET

Whereas, There is a need to upgrade security systems at the water supply facilities;

Whereas, The said security system upgrades have to be designed to be constructed;

Whereas, The City solicited proposals from engineering firms for said security system upgrades through RFP No. 607, Design and Construction Services for Physical Security Enhancement;

Whereas, Malcolm Pirnie, Inc submitted a proposal in the amount of \$195,600.00 and was selected to provide the services requested in RFP No. 607; and

Whereas, Malcolm Pirnie, Inc has received Human Rights approval on December 8, 2004, and complies with the Living Wage Ordinance;

RESOLVED, That Council accept the proposal and approve the professional services agreement with Malcolm Pirnie, Inc in the amount of \$195,600.00 to provide professional engineering services for the Design and Construction Services for Physical Security Enhancement;

RESOLVED, That Council approve a project budget of \$240,600.00 consisting of \$195,600.00 for professional engineering services, \$25,000 for labor provided by City staff, and \$20,000.00 for a contingency for change orders to be approved by the City Administrator;

RESOLVED, That \$150,000.00 be funded from the approved FY06 Operation and Maintenance Budget of the Water Supply System and \$90,600.00 was approved as part of the Distribution System Monitoring Project in the FY06 Capital Budget;

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

RESOLVED, That the City makes the following declaration for the purpose of complying with the reimbursement rules of Treas. Reg. 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, that the City reasonably expects to reimburse itself for expenditures for the costs of the Project with proceeds of Bonds; and

RESOLVED, That \$240,600.00 is available for the life of the project until expended without regard to fiscal year.

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

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

R-529-10-05 APPROVED

RESOLUTION TO PLACE DELINQUENT
WATER UTILITIES CHARGES ON 2005 TAX ROLL

Whereas, On September 6, 2005 the City Administrator reported to this Council that there were \$65,814.33 of unpaid charges for water, sanitary sewer and stormwater services furnished to certain premises in the City which on March 31, 2005 had remained unpaid for a period of six months or more;

Whereas, In accordance with Michigan Public Act 94 of the Public Acts of 1933 and Ann Arbor City Ordinance Code; Chapter 13, Section 2:92; Chapter 29, Section 2:72 and Chapter 33, Section 2:206; collection notices have been sent by first class mail to the owners of such premises giving notice of the total amount due for such services and that such amounts would be assessed with a 10% penalty by this Council on October 4, 2005, unless sooner paid, as a tax against said premises;

Whereas, On September 7, 2005 such notices were sent by first class mail to the owners of the premises so served notifying them of the said Council meeting and of the assessment with the 10% penalty to be then placed against such property if the amount due is not paid by October 3, 2005; and

Whereas, Payments and reductions of delinquent utility charges have been processed, and as of October 4th delinquent utility charges of \$64,658.61 remain, which may further be reduced by additional amounts received prior to placement on the tax roll;

RESOLVED, That such outstanding (over 6 months) delinquent utilities charges be levied against such owners and premises and that the City Assessor shall place the same with a 10% penalty on 2005 winter tax statements and that the said charges so assessed shall be collected in the same manner as general City taxes.

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

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

R-530-10-05 APPROVED

RESOLUTION TO AUTHORIZE AND APPROVE A PURCHASE ORDER
TO ETNA SUPPLY COMPANY (\$48,000.00) TO PURCHASE VALVES
FOR REPAIRS TO THE HURONVIEW BOULEVARD WATER MAIN
AND THE NORTH CAMPUS PUMP STATION

Whereas, Staff inspected the water mains and ordered testing of the pipes and soil in the Huronview area, and North Campus Pump Station;

Whereas, The results showed that the valves were failing and that the soil was contributing to the deterioration of the pipes;

Whereas, Delaying the repairs could create major risks for the city;

Whereas, There has been five water main breaks in the Huronview area in the last two years, and two major breaks since June 2005;

Whereas, City Council approved the purchase of line stops for the Huronview Boulevard and the North Campus Pump Station at the September 19, 2005 City Council meeting;

Whereas, Replacement of valves is required to isolate sections of the mains for repair;

Whereas, Five companies submitted bids and ETNA Supply Company was the lowest responsible bidder;

Whereas, The total cost to purchase the valves is \$48,000.00, and funds are available in the approved FY06 Water Supply System operations and maintenance budget; and

Whereas, ETNA Supply Company received Human Rights approval on August 17, 2005;

RESOLVED, That City Council authorizes the purchase order to ETNA Supply Company in the amount of \$48,000.00 to purchase valves for repairs to the Huronview water main and the North Campus Pump Station; and

RESOLVED, That City Council authorize and direct the City Administrator to execute all necessary purchase orders and the administrative actions to complete the repair work.

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

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

R-531-10-05 APPROVED

RESOLUTION TO APPROPRIATE FUNDS AND APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH URS CORPORATION GREAT LAKES, FOR DESIGN OF NEW CORPORATE HANGARS AT THE ANN ARBOR AIRPORT

Whereas, The City has firm requests for additional corporate type hangars to be located at the Ann Arbor Airport;

Whereas, All existing t-hangars owned by the City are not adequate in size to house the corporate type aircraft that are owned by area residents wishing to base their aircraft at the airport;

Whereas, The City building and leasing the proposed hangars will positively impact the airport's budget and provide the necessary revenues to meet the payback of borrowed funds as well as help cover the increasing costs of maintaining the airport facility in the future;

Whereas, URS Corporation Great Lakes was interviewed and selected as the airport's engineering and planning consultant for this and several other projects, in accordance with City consultant selection guidelines;

Whereas, URS Corporation Great Lakes has submitted a proposal to design this project for the fee of \$42,000.00; and

Whereas, URS Corporation Great Lakes received Human Rights and Living Wage approval on November 22, 2004;

RESOLVED, That the City Council approve a professional services agreement with URS Corporation Great Lakes in the amount of \$42,000.00 for the design of new corporate type hangars at the Ann Arbor Airport;

RESOLVED, That \$42,000.00 be appropriated from the Airport fund balance for said agreement;

RESOLVED, That the \$42,000.00 may be expended without regard to fiscal year until the project is completed;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign said agreement upon approval as to form by the City Attorney, and upon approval as to substance by the City Administrator; and

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

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

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

R-532-10-05 APPROVED

RESOLUTION TO ACCEPT, APPROVE AND APPROPRIATE THE 2005 ASSISTANCE TO FIREFIGHTER GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO THE ANN ARBOR FIRE DEPARTMENT AND ESTABLISH A MAJOR GRANT FUND ACCOUNT FOR THE PROJECT

Whereas, The Ann Arbor Fire Department responds to all fire, medical first response, technical rescue, water rescue, hazardous materials, and chemical, biological, radiological, nuclear and environmental calls, has a mutual aid response agreement with 23 other surrounding jurisdictions, and is one of 13 Hazmat Regional Response Teams ready for deployment in Michigan;

Whereas, The Department has been experiencing steady increases in both its own need for mutual aid and in the number of requests for mutual aid it receives from other jurisdictions;

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

Whereas, On August 19, 2005 the City of Ann Arbor Fire Department was awarded a 2005 Assistance to Firefighters grant from the US Department of Homeland Security in the amount of \$253,933.00 to fund the Department's purchase of new self-contained breathing apparatus (SCBA) personal protective equipment (SCBA packs and masks) to outfit 100% of its fire fighters serving on the Department's firefighting, rescue and HAZMAT vehicles;

Whereas, The new SCBA, which is rapidly emerging as this area's new universal regional standard in breathing equipment for fire fighters due to its efficacy during regular fire suppression and hazardous materials incidents, will be deployed for everyday use by fire department personnel, eliminating the need to switch from regular into specialized equipment, allowing firefighters to quickly and confidently enter any situation to protect the

lives and property of the public they serve;

Whereas, The \$63,483.00 in matching funds required by the grant were included in the Fire Department’s general fund budget for City fiscal year 2005-2006; and

Whereas, It is necessary to establish a Major Grant fund for this award and appropriate both the grant award and the matching funds into the Major Grant Fund for the life of the project without regard to fiscal year;

RESOLVED, That City Council accept the 2005 Assistance to Firefighters grant from the US Department of Homeland Security in the amount of \$253,933.00 and approve the expenditure of the grant funds in accordance with the terms and conditions of the grant agreement with the US Department of Homeland Security;

RESOLVED, That a Major Grant Fund be established for this Project and the grant funds be appropriated, when received, and the budgeted matching funds be appropriated from the general fund into the major grant fund when established for the life of the project 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 Greden, that the resolution be adopted.

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

R-533-10-05 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE NO. 32-05 AMENDING SECTIONS 2:1, 2:2, 2:5 AND 2:6
OF CHAPTER 26 (SOLID WASTE) OF TITLE I OF THE CODE OF
THE CITY OF ANN ARBOR AND RELATED REGULATIONS TO CLARIFY
STANDARDS FOR THE USE OF REFUSE CARTS, REMOVE OPTION
OF FOR-FEE BULKY WASTE PICKUPS BY THE CITY,
CLARIFY COMMERCIAL FOR-FEE COLLECTIONS,
CLARIFY COMPOSTABLE PROGRAM SERVICES AND
UPDATE SOLID WASTE FACILITIES POLICIES

WHEREAS, Section 7.4 of the City Charter authorizes the publication by summary of ordinances over 500 words in length;

RESOLVED, That Ordinance No 32-05 be published by the following summary:

Ordinance No. 32-05 amends Sections 2:1, 2:2, 2:5, and 2:6 of Chapter 26 of the City Code and the related regulations as follows:

1) Standards for the Use of Refuse Carts

Specifies that rates may be assessed for refuse trash carts larger than 64 gallons in Section 2:2. The City's distribution of curbside refuse carts is complete and use of non-automated trash cans, loose bags or bundles outside of the automated carts are no longer accepted in Section 2:5. Whenever possible, the automated refuse carts must be properly placed at the curb on collection day to maximize automated collection efficiencies, with the serial number facing the street, and allowing three feet between carts and any other obstacles, such as utility poles, trees, vehicles, other collection containers, etc. Carts should not be placed for collection beneath tree branches, wires or overhangs lower than 15 feet. Acceptable variations are to park the cart in the driveway near the street or on the extension, next to the curb. In certain situations the City Administrator or his/her designee may specify exact collection location for carts, in Section R2:3(2). Removal of the defunct refuse cart for-fee criteria in Section R2:5(G, I)

2) Remove References for For-Fee Bulky Waste Pickups

Building materials and bulk items are not eligible for City-provided special bulk pickups in Section 2:1(14) and regulations R2:1(2). Residents must make their own bulky waste disposal arrangements in Section 2:5(1) for items that do not fit inside trash carts or exceed the cart weight limits in Section 2:6. The sections on special bulky waste pickups are removed and subsequent sections re-numbered in Sections

2:8, R2:2(7), R2:5(1)(F), R2:6(C), R2:6(2)(E), and R2:8.

3) Commercial Refuse For-Fee Collection Clarifications

Businesses located outside DDA may contract with the City’s for-fee refuse collection in Section R2:2(5). Businesses within DDA are eligible for refuse collection at no charge in Section R2:2(6).

4) Compostable Program Clarifications

Allowing guidelines for home composting to appear in the solid waste regulations and City-provided fact sheets in Section 2:1(4). Updated Curbside-collected compostables definitions to reflect current practice of prohibiting grass clippings, sod, dirt in Section R2:5(4)(E). Annual curbside Christmas tree pickup is provided for one week in January, or residents may deliver trees to the Drop-Off Station, or prepare for seasonal Compostable collection in Section 2:5(G).

5) Solid Waste Facilities Additions

The Drop-Off Station may charge fees, as determined by the site operator in Section R2:7(2). The Materials Recovery Facility no longer accepts co-mingled “dry loads” of commercial waste and recyclables in Section R2:7(3).

The complete text of this ordinance is available for inspection at the City Clerk’s Office on the 2nd floor of the Guy C. Larcom Municipal Building, 100 N. Fifth Ave., Ann Arbor.

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

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

R-534-10-05 APPROVED

RESOLUTION TO APPROVE TO REPEAL CTN FEES
ESTABLISHED FOR FY 05-06

Whereas, The City Council adopted fees for selected CTN services as part of the FY 05-06 budget (R-184-5-05) and subsequently temporarily rescinded these fees in order for the Cable Communications Commission to review the policy implications of these fees;

Whereas, The franchise fees Comcast pays to local jurisdictions are based on revenues from residents of those local jurisdictions;

Whereas, The franchise fees the City of Ann Arbor receives are used to support the City's communication services, including CTN services;

Whereas, A policy decision was made in the late 1980's that only residents of Ann Arbor and representatives of non-profit organizations based within the City limits would have access to presenting programming, taking production classes, and producing programs for telecast on the City of Ann Arbor's community access channels;

Whereas, Non-resident fees that were approved for FY 05-06, therefore, would be inappropriate since CTN serves only Ann Arbor residents;

Whereas, The Cable Communications Commission met and discussed the possible implications of the adopted fees for CTN and determined the following:

- It is highly unlikely that the amount of revenue realized from such fees would offset the legal and administrative costs of their implementation;
- The creation of a non-resident fee may result in City meetings from Ypsilanti, Dexter and Saline taking over large portions of the time on channel 17, the Public Access Channel, thereby, eliminating any incentive for those local cable operations to fund such access;
- The creation of a non-resident fee may result in a large influx of individuals signing up and presenting their tapes for cablecast, whatever they may be, with any subsequent legal challenges and resulting expenses for complaints about non-resident cablecasts to be borne by the City of Ann Arbor;
- The creation of a studio rental fee puts the City in competition with the private businesses in town, which we believe is bad policy, raising questions about availability, priorities, drain on staff time to supervise rentals, cost of that staff time, CTN-trained vs. non-trained crews, etc. making this a clear no-win scenario;
- The creation of a fee charging for training strongly contradicts core values of CTN which is to provide access to CTN services that can only be done if users have adequate training on CTN equipment and resources; and

Whereas, The Cable Communications Commission recommended at their September 27, 2005 meeting that the City Council repeal the FY 05-06 fees that City Council adopted for CTN that were to go into effect July, 2005 for FY 05-06;

RESOLVED, That City Council repeal the FY 05-06 fees that City Council adopted for CTN that were to go into effect July 2005 for FY 05-06.

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

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

R-535-10-05 APPROVED

RESOLUTION TO ENDORSE THE COMMUTER RAIL OPTION
IN THE ANN ARBOR TO DETROIT RAPID TRANSIT STUDY

Whereas, The City of Ann Arbor is a vibrant community with large employment and student bases that would benefit from rapid transit service in the Ann Arbor to Detroit corridor;

Whereas, The City of Ann Arbor is committed to sustainable development and increasing density in the City while maximizing the economic viability of the City and region;

Whereas, The City of Ann Arbor has excellent transit service and park and ride facilities that will provide feeder service for the proposed Ann Arbor to Detroit rapid transit service currently under study;

Whereas, Economic development has been shown to be greater around commuter and light rail stations than bus routes that can be more easily moved;

Whereas, The City of Ann Arbor is committed to supporting the future operating funding much like they have supported the AATA public transit service with a millage in the City Charter since 1973;

Whereas, The implementation of a rapid transit option in the Ann Arbor-Detroit corridor will provide options for residents of Ann Arbor and Washtenaw County and the employees who work in Ann Arbor and Washtenaw County; and

Whereas The implementation of this system will greatly reduce fuel consumption, air pollution and traffic congestion;

RESOLVED, That the City of Ann Arbor support the selection of a single mode for the entire trip and that commuter rail in this corridor should be the spine that supports future transit improvements in Washtenaw County and the rest of the region;

RESOLVED, That the City of Ann Arbor requests that the Southeast Michigan Council of Governments (SEMCOG) and its consulting team work with the City of Ann Arbor and other Washtenaw County elected officials, planners, transportation and economic development professionals to expeditiously complete the Ann Arbor to Detroit Rapid Transit Study; and

RESOLVED, That the City of Ann Arbor requests that SEMCOG, lead the region in moving forward the implementation and construction of the recommendations of this study and the new transportation option prior to the federal deadline for spending the \$100 million for the construction of a rapid transit service that can be utilized to carry the maximum number of people in the most efficient manner while having the least amount of impact on water and air quality.

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

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

R-536-10-05 APPROVED

RESOLUTION OPPOSING SENATE CONCURRENT
RESOLUTION 33 AND SENATE RESOLUTION 68

Whereas, The City of Ann Arbor, the University of Michigan, and other public and private employers currently provide health insurance and other employment-related benefits to their employees' spouses, dependents, and same-sex partners;

Whereas, These and similar benefit programs provided to employees and their same-sex partners help promote healthy families by expanding access to quality health insurance;

Whereas, These and similar benefit programs provided to employees and their same-sex partners allow employers, including the City of Ann Arbor, to remain competitive with public and private employers in other States by attracting the best and brightest employees;

Whereas, These and similar benefit programs provided to employees and their same-sex partners save taxpayer dollars by reducing the number of uninsured people;

Whereas, The Ingham County Circuit Court recently ruled that Article I, Section 25 of the Michigan Constitution does not prohibit public employers in Michigan from offering health insurance and other benefits to employees' same-sex partners;

Whereas, State Senator Alan Cropsey introduced Senate Concurrent Resolution 33 and Senate Resolution 68 asking the Michigan Supreme Court to issue a temporary restraining order preventing governmental units in the State of Michigan from providing health insurance and other benefits to their employees' same-sex partners;

Whereas, Senator Cropsey's proposals could deprive families of important health care services, increase costs to Michigan taxpayers by increasing the number of uninsured people, and place public employers, including the City of Ann Arbor, at a competitive disadvantage; and

Whereas, Senator Cropsey's proposals could further divide the people of Michigan and encourage senseless discrimination against same-sex couples;

RESOLVED, That the City of Ann Arbor opposes Senate Concurrent Resolution 33 and Senate Resolution 68, as well as all other attempts to ban public and/or private employers from providing benefits to their employees' same-sex partners;

RESOLVED, That the City Administrator be directed to send a copy of this Resolution to Senator Liz Brater, Representative Pam Byrnes, Representative Chris Kolb, and Governor Jennifer Granholm.

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

On a voice vote, the Mayor declared the motion carried, with one no-vote made by Councilmember Reid.

R-537-10-05 APPROVED

RESOLUTION TO REPEAL RULE 50(C) OF 1998
PERSONNEL RULES AND REGULATIONS

Whereas, The 1988 Personnel Rules and Regulations ("Rules") of the City are in the process of revision by the City Administrator and the HR Director,

Whereas, Rule 50(c) of these Rules requires that "permanent modification or amendment of any section of the rules and regulations or the addition of new rules, shall be made upon approval of the City Council,"

Whereas, The establishment and modification of such Rules is a general function of the City Administrator under the Charter, and

Whereas, Council believes that Rule 50(c) should be deleted from the Rules, and City Council approval of the establishment, modification, or amendment of personnel rules should not be required;

RESOLVED, That Rule 50(c) is hereby deleted from the 1988 Personnel Rules and Regulations.

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

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

R-538-10-05 APPROVED

RESOLUTION AUTHORIZING THE HIRING OF POLICE OFFICERS
IN EXCESS OF THE FY 2005/06 BUDGET ALLOCATION

Whereas, The number of police officers, as well as other City employees, has been significantly reduced during the past few years to meet financial constraints;

Whereas, The Ann Arbor Police have demonstrated professionalism, commitment, and imagination in their efforts to continue to provide excellent police services, despite their reduced staffing;

Whereas, Those creative efforts have resulted in routine strategic evaluations of daily crime patterns, strengthened efforts at crime prevention, and the recent deployment of the Crime Response Unit (CRU), among many other innovative efforts;

Whereas, The Ann Arbor City Council wishes to optimize the number of police officers currently available to serve the community of Ann Arbor;

Whereas, It is expected that several vacancies will occur among the ranks of police officers during the coming months;

Whereas, Staff is presently recruiting to create a pool of available and qualified applicants from which new police officers may be hired;

Whereas, That applicant pool is expected to be available in early 2006;

Whereas, It takes several months of training and evaluation before a new police officer is available to work alone, and

Whereas, The dropout rate among new recruits may be and has been significant;

RESOLVED, That when hiring replacement police officers in the early part of 2006, the City Administrator be directed and authorized to hire up to two additional police officers above the number of FTE approved in the FY 2005-2006 budget so as to assure the maximum number of budgeted police personnel to serve the community.

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

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

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the September 6, 2005 regular session of Council:

Cable Communications Commission

Jianhua Zhou (Re-appointment)
2645 Shefman Terrace
Ann Arbor, MI 48105
Term: September 19, 2005 – August 15, 2009

Local Officers' Compensation Commission

Rachel Tiedke (Re-appointment)
1124 Granger Avenue
Ann Arbor, MI 48104
Term: October 1, 2005 – September 30, 2012

Recreation Advisory Commission

Timothy Berla (Re-appointment)
129 N. Seventh Street
Ann Arbor, MI 48103
Term: September 19, 2005 – August 31, 2008

Councilmember Woods moved, seconded by Councilmember Higgins, that Council concur with the recommendations of the Mayor.

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

NOMINATIONS PLACED ON TABLE

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

Airport Advisory Committee

Mark Perry (Fill Vacant Position)
760 Eltham Court
Ann Arbor, MI 48103
Term: October 4, 2005 – October 4, 2008

Taxicab Board

Faith Meadows (Fill Vacant Position)
3523 Burbank
Ann Arbor, MI 48105
Term: October 4, 2005 – October 4, 2008

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

None.

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER TEALL – TAXI ADVISORY BOARD JERRY LUTZ PASSING**

Councilmember Teall informed Council of the passing of Jerry Lutz. Mr. Lutz was a member of the Taxicab Advisory Board for many years.

COUNCILMEMBER HIGGINS – FISCAL YEAR 04/05 SURPLUS

Councilmember Higgins asked the City Administrator to prepare a detailed account of the \$1.6 million surplus from the last fiscal year's budget.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from State Representative Chris Kolb, Acknowledging receipt of City Council Resolution R-235-6-05 opposing House Bill 4082, a Bill Amended to Transfer \$10 Million from the Michigan Transportation Fund to the Secretary of State
2. Communication from SEMCOG – September 19, 2005
3. Communication from Janis A. Bobrin, Washtenaw County Drain Commissioner regarding notice of hearing of Mallets Creek Brown Park Pond Project - Planning and Development Services
4. Communication from Janis A. Bobrin, Washtenaw County Drain Commission regarding notice of receipt of petition regarding Mallets Creek Drain – Planning and Development Services
5. Communication from Comcast regarding Comcast Cares Day on October 1, 2005 - CTN

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

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

PUBLIC COMMENTARY - GENERAL

JIM MOGENSEN – COMMUNICATION FROM COMCAST

Jim Mogensen, 3780 Green Brier, spoke about the notice from Comcast Cable in the Clerk's Report. He spoke positively about the service he received from Comcast regarding the University channel.

RECESS FOR CLOSED SESSION

Councilmember Teall moved, seconded by Councilmember Roberts, 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, Roberts, Johnson, Lowenstein, Reid, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:52 p.m.

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

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:18 p.m.

42-05 APPROVED

OPEN SPACE AND PARKLAND PRESERVATION

An Ordinance To Amend Sections 3:62(2) Of Chapter 42, Open Space and Parkland Preservation, Title III of the Code of the City of Ann Arbor

(The complete text of Ordinance 42-05 is on file in the City Clerk's Office.)

Councilmember Reid moved, seconded by Councilmember Teall, that the ordinance be

approved at first reading.

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

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:25 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. King
Recording Secretary