



Action Minutes

City Council

August 15, 2005

..Title

Ann Arbor City Council Regular Session - August 15, 2005

..Body

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:08 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 Robert M. Johnson, Joan Lowenstein, Michael R. Reid, Jean Carlberg, Margie Teall, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 8.

ABSENT : Councilmembers Leigh Greden, Marcia Higgins, Kim Groome, 3.

INTRODUCTIONS

HURON RIVER AWARDS

Mayor Hieftje announced that on Huron River Day, July 10, 2005, Shirley Axon and Eunice Burns were honored for having the for-thought and energy 25 years ago to initiate a celebration of the Huron River and its importance to our community. They were honored for their continued efforts as Huron River Day Committee Members. A native planting area that will help to stabilize the riverbank was dedicated in their honor. STATE OF OUR ENVIRONMENT REPORT Matthew Naud, Environmental Coordinator, presented a slide presentation to Council regarding the State of Our Environment. The report is designed to provide a useful reference tool to the citizens of Ann Arbor on environmental issues and environmental management strategies to conserve and protect the environment within the City of Ann Arbor. A copy of the report is on file in the City Clerk's Office.

PUBLIC COMMENTARY - RESERVED TIME

RESOLUTION TO CREATE A TASK FORCE TO PLAN A NEW GREENWAY The following people spoke in opposition of the proposed resolution to create a task force to plan a new greenway: Sonia Schmerl, 539 S. First Street Kathy Clark, 549 S. First Street Bill Hanson, 1321 Orkney

PUBLIC HEARINGS

SOLID WASTE MANAGEMENT, OFF-STREET PARKING, LITTERING AND DISTRIBUTION OF HANDBILLS AND NUISANCES (ORDINANCE NO. 30-05)

A public hearing was conducted on the proposed Ordinance to Amend Section 2:14 of Chapter 26, Solid Waste Management, of Title II, Section 5:172 of Chapter 59, Off-Street Parking of Title V,

Section 7:106 of Chapter 82, Littering and Distribution of Handbills of Title VII and Section 9:34 of Chapter 106, Nuisances of Title IX of the Code of the City of Ann Arbor. Notice of public hearing was published on August 14, 2005.

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

STADIUM OFFICES SITE PLAN

A public hearing was conducted on the proposed Stadium Office Site Plan, 1.95 acres, located at 1811 West Stadium Boulevard. Notice of the public hearing was published on August 8, 2005.

Mike Van Goor, petitioner, was available to answer questions of Council.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Carlberg moved, seconded by Councilmember Teall, that the agenda be approved with the following changes:

MOTIONS AND RESOLUTIONS

Revise : Resolution to Approve and Place on the November 8, 2005 Ballot a Charter Amendment for a New 0.5 Mil, 2-Year Millage to Address the Impacts of the Emerald Ash Borer **(7 votes Required) (Revised 8/15/05)**

New Business - Council:

Add : Resolution to Create a Task Force to Plan a New Greenway (Mayor Hieftje and Council Members Johnson, Easthope, Woods, Greden, Teall, Lowenstein and Carlberg) **(Added 8/8/05)**

Added After Agenda Session Deadline:

Add : Resolution to Approve a Contract with Local Initiative Support Corporation (LISC) for the Community Development Unit (\$50,000.00 CDBG) (Community Development Services Unit - Jayne Miller, Community Services Area Administrator) **(Added 8/9/05)**

Add : Resolution to Authorize Contract with B&V Construction for Construction of the City's Expanded Compost Pad-Bid No. 3728 (\$743,450.00) (Public Services - Sue F. McCormick, Area Administrator) **(Added 8/10/05)**

Add : Resolution to Accept the Resignation of Councilmember Kim Groome (Administration - Roger Fraser, City Administrator) **(Added 8/10/05)**

Added After Newspaper Deadline:

Add : Resolution Approving Cooperative Agreement between the United States of America Commodity Credit Corporation and the City of Ann Arbor for the Farm and Ranch Lands Protection Program (Community Services - Jayne Miller, Area Administrator) **(Added 8/12/05)**

Add : Resolution to Approve an Option to Purchase Agreement with HDC, LLC for 350 S. Fifth Avenue **(8 Votes Required)** (Community Services - Jayne Miller, Area Administrator) **(Added 8/15/05)**

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF AUGUST 1, 2005 APPROVED

Councilmember Woods moved, seconded by Councilmember Easthope, that the regular session minutes of August 1, 2005 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEM REMOVED

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

Resolution to Approve a Contract with H & M Demolition Companies in the Amount of \$35,750.00 for the Demolition of 3930 Platt Road and the West Park Picnic Shelter Per Bid #3740 and to Establish a Construction Budget of \$39,325.00 (Parks and Recreation Services - Jayne Miller, Community Services Administrator)

CONSENT AGENDA ITEMS APPROVED

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

R-347-8-05 APPROVED

RESOLUTION TO AUTHORIZE A SOLE SOURCE PURCHASE ORDER TO CARRIER & GABLE, INC. FOR THE PURCHASE OF TRAFFIC SIGNAL MATERIALS

Whereas, Carrier and Gable, Inc. of Farmington Hills, Michigan, is the supplier of Eagle traffic components used in maintaining City of Ann Arbor traffic signals;

Whereas, Carrier and Gable, Inc., of Farmington Hills, Michigan has received Human Rights approval on April 18, 2005, and complies with the living wage ordinance; and

Whereas, Sufficient funds have been budgeted in the Public Services Area FY 05/06 Major and Local Street funds;

RESOLVED, City Council approve a sole source purchase order to Carrier and Gable, Inc. in the amount of \$200,000.00 for materials and supplies; and

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

R-348-8-05 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SERVICES WITH AYRES, LEWIS, NORRIS & MAY, INC. FOR THE EASY STREET ALTERNATIVE DESIGNS PROJECT

Whereas, It is necessary to employ a qualified consulting firm to perform the transition from the concepts resulting from the East Street Alternative Designs Study to the detailed design of the improvements to be constructed on Easy Street;

Whereas, Proposals for this work were received and evaluated by Systems Planning and Project Management on the basis of professional qualifications, project organization and proposed work plans;

Whereas, Ayres, Lewis, Norris & May, Inc. has demonstrated the required experience, personnel, and work plan to perform the work;

Whereas, Ayres, Lewis, Norris & May, Inc. received Living Wage and Human Rights approval on May 31, 2005; and

Whereas, Easy Street is included in the Council adopted FY06 and FY07 Capital Projects Budget, which includes sufficient funds available in the Street Resurfacing Millage (Fund 0062) for this agreement;

RESOLVED, That Council approve a Professional Services Agreement with Ayres, Lewis, Norris & May, Inc. in the amount of \$123,858.00 for design services for the Easy Street Alternative Designs Project;

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

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

R-349-8-05 APPROVED

RESOLUTION AUTHORIZING A PURCHASE ORDER TO COMMUNICATIONS SUPPLY CORPORATION, FIBER OPTIC SPLICING CABINETS

Whereas, It is necessary to purchase fiber optic splicing cabinets for the relocation of the fiber optic traffic control system to the new maintenance facility;

Whereas, Competitive bids were received by Unit Public Services Area staff and Communications Supply Corporation was the lowest responsible bidder at \$39,870.00;

Whereas, Communications Supply Corporation received Human Rights approval on July 25, 2005; and

Whereas, Sufficient funds have been budgeted in the Public Services Area Maintenance Facility Construction capital project budget;

RESOLVED, That a purchase order to Communications Supply Corporation is authorized in the amount of \$39,870.00; and

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

R-350-8-05 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES OUTSIDE CITY LIMITS TO 1851 UPLAND DRIVE

Whereas, On March 16, 2005, the owner of the property at 1851 Upland Drive requested that the City extend public water and sewer service to their property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On April 28, 2005 the owner petitioned the City for annexation under Planning Department file number 9222S1.1 and 9222S.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-351-8-05 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 2760 NIXON ROAD

Whereas, On March 9, 2005, the owner of the property at 2760 Nixon Road requested that the City extend public water and sewer service to their property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On March 15, 2005 the owner petitioned the City for annexation under Planning Department file number 9151K13.1 and 9151K13.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-352-8-05 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 2195 ELLSWORTH ROAD

Whereas, On May 12, 2005, the owner of the property at 2195 Ellsworth Road requested that the City extend public water service to their property in Pittsfield Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreement with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On May 12, 2005 the owner petitioned the City for annexation under Planning Department file number 12103A.9 and 12103A.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreement to allow City water service to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreement in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-353-8-05 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 3261 DEXTER ROAD

Whereas, On March 31, 2005, the owner of the property at 3261 Dexter Road requested that the City extend public water and sewer service to their property in Scio Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On March 31, 2005 the owner petitioned the City for annexation under Planning Department file number 8243P16.1 and 8242P16.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-354-8-05 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 460 ROSE DRIVE

Whereas, On March 25, 2005, the owner of the property at 460 Rose Drive requested that the City extend public water and sewer service to their property in Scio Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining city services outside of its corporate boundaries; and

Whereas, On March 15, 2005 the owner petitioned the City for annexation under Planning Department file number 8243N15.1 and 8243N15 .2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-355-8-05 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 5 RIDGEMOR DRIVE

Whereas, On May 17, 2005, the owner of the property at 5 Ridgemor Drive have requested that the City extend public water and sewer service to their property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On April 18, 2005 the owner petitioned the City for annexation under Planning Department file number 9304P7.1 and 934P7.2;

RESOLVED, That the Mayor and Clerk are authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-356-8-05 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 3555 STONE SCHOOL ROAD

Whereas, On March 31, 2005, the owner of the property at 3555 Stone School Road requested that the City extend public water and sewer service to their property in Pittsfield Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On April 18, 2005 the owner petitioned the City for annexation under Planning Department file number 12103W2.1 and 12103W2.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-357-8-05 APPROVED
RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 1205 GREEN ROAD

Whereas, On March 31, 2005, the owner of the property at 1205 Green Road have requested that the City extend public water and sewer service to their property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On April 18, 2005 the owner petitioned the City for annexation under Planning Department file number 12032F1.1 and 12032F1.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-358-8-05 APPROVED
RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 2630 WEST LIBERTY ROAD

Whereas, On March 30, 2005, the owner of the property at 2630 West Liberty Road requested that the City extend public water and sewer service to their property in Scio Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On March 18, 2005 the owner petitioned the City for annexation under Planning Department file number 8254H16.1 and 8254H16.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the

resolution and the agreements to the owners.

R-359-8-05 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 475 BARBER AVENUE

Whereas, On March 31, 2005, the owner of the property at 475 Barber Avenue requested that the City extend public water and sewer service to their property in Scio Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On March 18, 2005 the owner petitioned the City for annexation under Planning Department file number 8243M18.1 and 8243M18.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-360-8-05 APPROVED

RESOLUTION TO GRANT SEWER SERVICE
OUTSIDE CITY LIMITS TO 3328 DEXTER ROAD

Whereas, On March 4, 2005, the owner of the property at 3328 Dexter Road requested that the City extend public water service to their property in Scio Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreement with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On March 15, 2005 the owner petitioned the City for annexation under Planning Department file number 8243S13.1 and 8242S13.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water service to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreement in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the

resolution and the agreements to the owners.

R-361-8-05 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 3300 DEXTER ROAD

Whereas, On February 28, 2005, the owner of the property at 3300 Dexter Road requested that the City extend public water and sewer service to their property in Scio Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On March 15 2005 the owner petitioned the City for annexation under Planning Department file number 8243S15.1 and 8243S15.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-362-8-05 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 354 PINWOOD STREET

Whereas, On March 21, 2005, the owner of the property at 354 Pinewood Street requested that the City extend public water and sewer service to their property in Scio Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On April 18, 2005 the owner petitioned the City for annexation under Planning Department file number 8244E2F1.1 and 8244E2.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the

resolution and the agreements to the owners.

R-363-8-05 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 2530 EMERALD AVENUE

Whereas, On March 21, 2005, the owner of the property at 2530 Emerald Ave requested that the City extend public water and sewer service to their property in Pittsfield Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On April 18, 2005 the owner petitioned the City for annexation under Planning Department file number 12032F1.1 and 12032F1.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-364-8-05 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MEETING MINUTES OF
JULY 22, 2005 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of July 22, 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
July 22, 2005

Present: Joan Lowenstein - City Council Member
Brenda Smith - Interim Treasurer
Tom Crawford, Chief Financial Officer
Abigail Elias, Chief Assistant City Attorney

Bob West, Assistant City Attorney
David Swam, Assistant City Attorney
Sarah Singleton, Management Assistant

3BUSINESS

Appeal from Claimant:

CC037-05 Cathy Webb
Vehicle Damage
Board discussed claim and recommend denial

BUSINESS

Brenda Smith moved to approve a resolution to delegate authorization of \$500 per claim to the Chief Financial Officer. Joan Lowenstein seconded. The motion passed.

The Board discussed and approved a revised claimant denial letter to be used by the City's third party administrator, ASU.

Claims Recommended for Approval:

CC042-05 Sophia L. English
Sewer Backup
Discussed by Sarah Singleton, Management Assistant

CC046-05 Jae Yong Lee
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CC056-05 Low, John & Barbara
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

Claims Recommended for Denial:

CC043-05 James C. Parsons
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CC044-05 LaTasha Thompson
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CC050-05 Donna Jones
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

Prepared by: Sarah Singleton, Management Assistant
Date: August 15, 2005

R-365-8-05 APPROVED
RESOLUTION TO APPROVE THE TRANSFER OF OWNERSHIP OF A
CLASS C LICENSED BUSINESS LOCATED AT 106 S. FIRST -

D/B/A MIKI JAPANESE RESTAURANT

RESOLVED, That the request of New Miki, Inc. to transfer the ownership of a Class C licensed business, located at 106 S. First, from Associated Restaurant Management, Inc., be approved.

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

R-366-8-05 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH H & M DEMOLITION COMPANIES IN THE AMOUNT OF
\$35,750.00 FOR THE DEMOLITION OF
3930 PLATT ROAD AND THE WEST PARK PICNIC SHELTER
PER BID #3740 AND TO ESTABLISH A CONSTRUCTION BUDGET
OF \$39,325.00

Whereas, The structure at 3930 Platt Road and the West Park Picnic Shelter are not viable for park use due to age, structural and barrier free issues and under-utilization;

Whereas, Competitive bids were sought by the Purchasing Division with bids received on July 12, 2005 and H & M Demolition Companies was identified as the lowest responsible bidder;

Whereas, Funds for the project are included in the FY 05-06 approved Parks Repair and Restoration Millage budget; and

Whereas, Human Rights approval and compliance with the living wage ordinance was received on July 21, 2005 for H & M Demolition Companies;

RESOLVED, That City Council approve a contract with H & M Demolition Companies for the demolition of 3930 Platt Road and the West Park Picnic Shelter in the amount of \$35,750.00;

RESOLVED, That City Council approve a construction contingency of \$3,575.00 (10%) to cover potential contract change orders to be approved by the City Administrator, and approve a total project budget of \$39,325.00 for the life of the project without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract between the City and H & M Demolition Companies subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; 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 the approved contingency.

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

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

ORDINANCES - SECOND READING

30-05 APPROVED

SOLID WASTE MANAGEMENT, OFF-STREET PARKING, LITTERING AND DISTRIBUTION OF HANDBILLS AND
NUISANCES

An Ordinance to Amend Section 2:14 Of Chapter 26 of Title II,
Section 5:172 of Chapter 59 of Title V, Section 7:106 of Chapter 82 of Title VII,
and Section 9:34 of Chapter 106 of Title IX of The Code of the City of Ann Arbor

(The complete text of Ordinance 30-05 is on file in the City Clerk's Office.)

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

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

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-367-8-05 APPROVED

RESOLUTION TO APPROVE STADIUM OFFICES SITE PLAN

Whereas, The Concannon Company has requested site plan approval in order to construct a two-story, 20,060-square foot medical office building at 1811 West Stadium Boulevard;

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 Stadium Offices Site Plan, subject to sanitary sewer system mitigation equivalent to the disconnection of one footing drain before certificate of occupancy issuance.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Stadium Offices Site Plan, 1.95 Acres, located at 1811 West Stadium Boulevard.

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

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

R-368-8-05 APPROVED

RESOLUTION TO AWARD AN AGREEMENT TO GREENLEY & HANSEN, LLC FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE RESIDUALS HANDLING IMPROVEMENTS PROJECT FOR THE WASTEWATER TREATMENT PLANT, RFP NO. 601

Whereas, The City's Wastewater Treatment Plant (WWTP) needs professional engineering services to design the Residuals Handling Improvements Project;

Whereas, The WWTP renovations are identified in the City of Ann Arbor WWTP Sewage Residuals Management Plan and included in the approved FY 05/10 and 06/11 Capital Improvements Plans;

Whereas, \$1,243,809.00 for this project was appropriated by Council during the budget processes in FY2005 and FY2006;

Whereas, The Residuals Handling Improvements Project is necessary for the WWTP to improve process reliability and meet current and future solids capacity requirements, and avoid discharge permit violations and associated fines, as well as the discharge of sewage solids at concentrations that are harmful to the environment;

Whereas, Through RFP No. 601, the WWTP solicited proposals for professional engineering design and subsequent construction support services from six engineering firms and received proposals from four firms;

Whereas, Based on the selection criteria listed in RFP No. 601, Greeley & Hansen, LLC was determined to be the most qualified engineering firm to provide the requested professional services; and

Whereas, Greeley & Hansen, LLC received Human Rights approval on July 14, 2005, and complies with the City's living wage requirements;

RESOLVED, That Council approve an agreement with Greeley & Hansen, LLC for \$2,531,133.00 to provide the professional engineering services described in RFP No. 601 and, that Council appropriate \$1,287,324.00 from the fund balance of Sewer Revenue Bond XIX to complete the financing of the design engineering phase of the Residuals Handling Improvements project;

RESOLVED, That Council approve the agreement for the life of the project with funds to be available until expended without regard to fiscal year and authorize the City Administrator to approve amendments to the Agreement;

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

RESOLVED, That the Professional Services Agreement be funded from the proceeds of the Sewer Revenue Bonds Series XIX, sold in the spring of 2004.

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

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

R-369-8-05 APPROVED

RESOLUTION TO APPROPRIATE 100% OF THE FUNDS RECEIVED FROM THE STATE OF MICHIGAN FOR PUBLIC ACT 48 OF 2002 FOR MAINTENANCE ON RIGHT-OF-WAYS OCCUPIED BY TELECOMMUNICATION FACILITIES

Whereas, In 2002 Public Act 48 was established to provide for common public rights-of-way maintenance fees applicable to telecommunication providers;

Whereas, The City of Ann Arbor will receive annual payments based on the number of lineal feet of rights-of-way occupied by telecommunication facilities; and

Whereas, The money received and spent has to be reported separately to the State of Michigan Department of Labor & Economic Growth METRO Authority;

RESOLVED, That City Council annually appropriate 100% of the funds received for Public Act 48, 2002; and

RESOLVED, The funds be annually appropriated in Public Services Area operating budget and a new fund number be established.

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.

R-370-8-05 APPROVED

RESOLUTION APPROVING THE 2005 OPEN SPACE PRESERVATION BONDS - LIMITED TAX GENERAL OBLIGATION

Whereas, the City of Ann Arbor, County of Washtenaw, State of Michigan (the "City") intends to issue and sell general obligation bonds, pursuant to the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), the City and Village Zoning Act, Act 207, Public Acts of Michigan, 1921, as amended ("Act 207"), and City Ordinance No. 17-04, as amended, to finance a substantial portion of the cost of the City's program to preserve and protect parkland, open space, natural habitats and City sourcewaters by the acquisition and management of land and land rights both within and outside the City (the "Program");

Whereas, it is proposed that the Bonds be primarily payable from and secured by collections of a one-half mill tax approved by the electors of the City on November 4, 2003 to fund the Program, to be levied annually for 30 years (the "Parks/Greenbelt Millage"); and,

Whereas, it is further proposed that the Bonds be general obligation bonds secured by a pledge of the City's full faith and credit, subject to constitutional, statutory and charter limitations.

RESOLVED That:

1. The Program . The Program, the period of usefulness of the Program of 30 years or more, and the City's prior proceedings with respect to the Program are hereby approved and confirmed.

2. Bond Details . The City shall borrow not to exceed \$20,250,000 and issue its bonds therefor (the "Bonds"), pursuant to Act 34, Act 207 and Ordinance No. 17-04, as amended, for the purpose of paying a substantial portion of the cost of the Program and the costs of issuing the Bonds. The Bonds shall be designated as "City of Ann Arbor 2005 Open Space Preservation Bonds (Limited Tax General Obligation)." The Bonds shall be fully registered Bonds, both as to principal and interest, registrable upon the books of the Bond Registrar (as hereinafter defined), and may be issued in any denomination which is \$5,000, or any integral multiple thereof up to a single maturity, numbered from 1 upwards. Bonds initially issued shall be dated September 1, 2005, and bear interest payable semi-annually from that date or from the April 1 or October 1 through which interest has been paid. The Bonds shall mature serially on October 1 of each year in the period from 2006 through 2033, inclusive, in the following principal amounts:

<u>Year</u>	<u>Amount</u>
2006	\$ 300,000.00
2007	\$ 320,000.00
2008	\$ 350,000.00
2009	\$ 380,000.00
2010	\$ 410,000.00
2011	\$ 440,000.00
2012	\$ 460,000.00
2013	\$ 485,000.00
2014	\$ 510,000.00
2015	\$ 535,000.00
2016	\$ 565,000.00
2017	\$ 595,000.00
2018	\$ 625,000.00
2019	\$ 655,000.00
2020	\$ 690,000.00

2021	\$ 725,000.00
2022	\$ 760,000.00
2023	\$ 800,000.00
2024	\$ 840,000.00
2025	\$ 885,000.00
2026	\$ 930,000.00
2027	\$ 975,000.00
2028	\$1,030,000.00
2029	\$1,080,000.00
2030	\$1,135,000.00
2031	\$1,195,000.00
2032	\$1,255,000.00
2033	\$1,320,000.00

The Chief Financial Officer of the City may adjust such maturity schedule prior to sale of the Bonds as required by changes in costs of the Program or bond market conditions, within the maximum principal amount of \$20,250,000.00. The initial purchaser of the Bonds may designate any one or more maturities from October 1, 2016 through the final maturity as term bonds and the consecutive maturities, which shall be aggregated in any such term bonds. Any such designation must be made within 24 hours of the bond sale. The amounts of the maturities which are aggregated in any such designated term bond shall be subject to mandatory redemption on October 1 of the years and in the amounts as set forth in the foregoing maturity schedule at a redemption price of par, plus accrued interest, to the date of mandatory redemption.

The Bonds shall be in substantially the form attached as Exhibit A, with such changes, additions or deletions as are not inconsistent with this resolution.

3. Interest Payment and Date of Record . The Bonds shall bear interest payable April 1, 2006 and each April 1 and October 1 thereafter until maturity, with the rate of interest on Bonds maturing in any one year being not in excess of 7.0%. The rate of interest borne by any one maturity of Bonds shall not be less than the interest rate borne by the preceding maturity, and shall not exceed the interest rate borne by any preceding maturity by more than 3%. Interest shall be paid by check or draft mailed by first class mail to the registered owner of each Bond as of the applicable date of record. The date of record shall be March 15 with respect to interest payments made on April 1 and September 15 with respect to interest payments made on October 1.

4. Prior Redemption . The Bonds maturing in the years 2006 through 2015, inclusive, shall not be subject to redemption prior to maturity. Bonds maturing on and after October 1, 2016 shall be subject to redemption prior to maturity, at the option of the City, in any order, in whole or in part, on any date on and after October 1, 2015, at par plus accrued interest to the date fixed for redemption, without premium.

With respect to partial redemptions, any portion of a Bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not being redeemed each constitutes an authorized denomination. In the event that less than the entire principal amount of a Bond is called for redemption, upon surrender of the Bond to the Bond Registrar, the Bond Registrar shall authenticate and deliver to the registered owner of the Bond a new Bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each Bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption if different than otherwise provided herein. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the Bond Registrar to redeem the same.

5. Bond Registrar . A financial institution to serve as the paying agent and bond registrar for the Bonds (the "Bond Registrar") shall be appointed in the Sale Order (as defined below), and shall perform all payment, registration,

transfer, exchange and other functions otherwise required by this resolution to be performed by the Bond Registrar.

6. Transfer or Exchange of Bonds . Any Bond shall be transferable on the bond register maintained by the Bond Registrar with respect to the Bonds at any time prior to the applicable date of record preceding an interest payment date upon the surrender of the Bond together with an assignment executed by the registered owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned Bond, the Bond Registrar shall authenticate and deliver a new Bond or Bonds in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

Bonds may likewise be exchanged at any time prior to the applicable date of record preceding an interest payment date for one or more other Bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the Bond or Bonds being exchanged. Such exchange shall be effected by surrender of the Bond to be exchanged to the Bond Registrar with written instructions signed by the registered owner of the Bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a Bond with proper written instructions, the Bond Registrar shall authenticate and deliver a new Bond or Bonds to the registered owner of the Bond or his or her properly designated transferee or transferees or attorney.

The Bond Registrar shall not be required to honor any transfer or exchange of Bonds during the period from the applicable date of record preceding an interest payment date to such interest payment date. Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid by the City. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

7. Global Form; Securities Depository . (a) Except as otherwise provided in this Section, the Bonds shall initially be issued in the form of global Bonds, shall be registered in the name of the Securities Depository (as defined below) or its nominee and ownership thereof shall be maintained in book entry form by the Securities Depository for the account of the Agent Members (as defined below) thereof. Except as provided in subsection (c) of this Section, Bonds may be transferred, in whole but not in part, only to the Securities Depository or a nominee of the Securities Depository, or to a successor Securities Depository selected by the City, or to a nominee of such successor Securities Depository.

(b) The City and the Bond Registrar shall have no responsibility or obligation with respect to:

- (i) the accuracy of the records of the Securities Depository or any Agent Member with respect to any beneficial ownership interest in the Bonds;
- (ii) the delivery to any Agent Member, beneficial owner of the Bonds or other person, other than the Securities Depository, of any notice with respect to the Bonds;
- (iii) the payment to any Agent Member, beneficial owner of the Bonds or other person, other than the Securities Depository, of any amount with respect to the principal of, premium, if any, or interest on, the Bonds;
- (iv) any consent given by Cede & Co., as Bondholder of the Bonds or any successor nominee of a Securities Depository as Bondholder of such Bonds; or
- (v) the selection by the Securities Depository or any Agent Member of any beneficial owners to receive payment if any Bonds are redeemed in part.

So long as the certificates for the Bonds are not issued pursuant to subsection (c) of this Section, the City and the Bond Registrar may treat the Securities Depository as, and deem the Securities Depository to be, the absolute owner of such Bonds for all purposes whatsoever, including without limitation:

- (A) the payment of principal, premium, if any, and interest on such Bonds;
- (B) giving notices of redemption and other matters with respect to such Bonds; and

(C) registering transfers with respect to such Bonds.

(c) If at any time the Securities Depository notifies the City or the Bond Registrar that it is unwilling or unable to continue as Securities Depository with respect to the Bonds or if at any time the Securities Depository shall no longer be registered or in good standing under the Securities Exchange Act of 1934, as amended, or other applicable statute or regulation and a successor Securities Depository is not appointed by the City within 90 days after the City or the Bond Registrar receives notice or becomes aware of such condition, as the case may be, subsections (a) and (b) of this Section shall no longer be applicable and the City shall execute and the Bond Registrar shall authenticate and deliver certificates representing the Bonds as provided in subsection (d) below. In addition, the City may determine at any time that the Bonds shall no longer be represented by global certificates and that the provisions of subsections (a) and (b) above shall no longer apply to the Bonds. In any such event the City shall execute and the Bond Registrar shall authenticate and deliver certificates representing the Bonds as provided in subsection (d) below.

(d) Certificates for the Bonds issued in exchange for global certificates shall be registered in such names and authorized denominations as the Securities Depository, pursuant to instructions from the Agent Members or otherwise, shall instruct the City and the Bond Registrar. The Bond Registrar shall deliver such certificates representing the Bonds to the persons in whose names such Bonds are so registered as soon as possible.

As used in this Resolution, "Securities Depository" shall mean the Depository Trust Company, New York, New York ("DTC") and its successors and assigns if any or if (i) the then-Securities Depository resigns from its functions as depository of the Bonds or (ii) the City discontinues use of the then-Securities Depository pursuant to this Section 6, any other securities depository which agrees to follow the procedures required to be followed by a securities depository in connection with the Bonds and which is selected by the City.

As used in this Resolution, "Agent Member" shall mean a member of, or participant in, the Securities Depository.

The Authorized Officers (as defined herein) are hereby authorized and directed to execute the standard form of DTC Letter of Representations relating to the Bonds (or a DTC Blanket Issuer Letter of Representations).

Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, premium, if any, and interest on such Bonds, and all notices with respect to such Bonds shall be made and given, respectively, to DTC as provided in the Letter of Representations.

8. Execution and Delivery . The Mayor and the City Clerk are authorized and directed to execute the Bonds for and on behalf of the City by manually executing the Bonds, or by causing their facsimile signatures to be affixed to the Bonds, provided in the latter instance the Bonds are thereafter authenticated by the Bond Registrar. The Bonds shall be sealed with the seal of the City or a facsimile thereof. When so executed, the Bonds shall be delivered by the City Treasurer to the Bond Registrar for authentication, and thereafter to the purchaser upon receipt in full of the purchase price for the Bonds.

9. Bond Payment Fund . The City shall establish a separate depository account, to be designated "City of Ann Arbor 2005 Open Space Bonds, Bond Payment Fund" (the "Bond Payment Fund"), into which shall be deposited the Parks/Greenbelt Millage collections to the extent provided in paragraph 11 below. All accrued interest and premium, if any, received from the purchaser of the Bonds shall be deposited in the Bond Payment Fund.

Moneys in the Bond Payment Fund shall be used solely to pay principal of and premium, if any, and interest on the Bonds.

Moneys in the Bond Payment Fund may be continuously invested and reinvested in any legal investment for City funds, which shall mature, or which shall be subject to redemption by the holder thereof, not later than the dates when moneys in the Bond Payment Fund will be required to pay the principal of and interest on the Bonds. Obligations purchased as an investment of moneys of the Bond Payment Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

10. Acquisition Fund . The City shall establish a separate depository account, to be designated "City of Ann Arbor 2005 Open Space Bonds, Acquisition Fund" (the "Acquisition Fund"). Except for amounts required by this resolution to be deposited in the Bond Payment Fund, the proceeds from the sale of the Bonds shall be deposited in the

Acquisition Fund.

Moneys at any time in the Acquisition Fund shall be used solely to pay costs of the Program, as set forth in Ordinance No. 17-04, as amended, including the acquisition of land and land rights and related eligible administrative expenses, except that upon payment (or provision for payment) in full of the costs of Program any remaining moneys in the Acquisition Fund shall be transferred to the Bond Payment Fund (if any Bonds are outstanding) or applied as required by law or the ordinances of the City.

Moneys in the Acquisition Fund may be continuously invested and reinvested in any legal investment for City funds, which shall mature, or which shall be subject to redemption by the holder thereof, not later than the estimated dates when moneys in the Acquisition Fund will be required to pay the costs of the Program. Obligations purchased as an investment of moneys of the Acquisition Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

11. Pledge of Millage Collections as Primary Security for Payment of Bonds . The Bonds are being issued in anticipation of, and the principal of and interest thereon shall be payable primarily from, collections of the Parks/Greenbelt Millage (as defined in the recitals herein).

Commencing with the fiscal year beginning July 1, 2005, through the fiscal year ending June 30, 2034, the annual collections of the Parks/Greenbelt Millage shall be deposited in the Bond Payment Fund until the amount so deposited is equal to all payments of principal of and interest on the Bonds coming due prior to the next collection of taxes. The City hereby irrevocably pledges the Parks/Greenbelt Millage to the payment of principal of and interest on the Bonds, which pledge shall create a statutory lien on the Parks/Greenbelt Millage revenues in favor of the registered holders of the Bonds pursuant to Act 207. The City reserves the right to issue additional bonds for the Program secured by the Parks/Greenbelt Millage on a parity with the lien granted hereunder.

12. Limited Tax Pledge as Further Security for Payment of Bonds . The City hereby further irrevocably pledges its full faith and credit for the payment of principal of and interest on the Bonds, subject to existing constitutional, statutory and charter limitations. If at any time the Parks/Greenbelt Millage collections are not sufficient to pay such principal and interest when due, the City shall as a first budget obligation advance sufficient moneys from its general funds to make up such deficiency, including the collection of any ad valorem taxes which the City is authorized to levy, but any such levy shall be subject to applicable constitutional, charter and statutory tax rate limitations.

13. Mutilated, Lost, Stolen or Destroyed Bonds . In the event any Bond is mutilated, lost, stolen or destroyed, the Mayor and the City Clerk may, on behalf of the City, execute and deliver, or order the Bond Registrar to authenticate and deliver, a new Bond having a number not then outstanding, of like date, maturity, interest rate and denomination as that mutilated, lost, stolen or destroyed Bond.

In the case of a mutilated Bond, a replacement Bond shall not be delivered unless and until such mutilated Bond is surrendered to the Bond Registrar. In the case of a lost, stolen or destroyed Bond a replacement Bond shall not be delivered unless and until the City and the Bond Registrar shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument bond for principal and interest remaining unpaid on the lost, stolen or destroyed Bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Bond (or his or her attorney) to fully indemnify the City and the Bond Registrar against loss due to the lost, stolen or destroyed Bond and the issuance of any replacement Bond in connection therewith; and (iv) the agreement of the owner of the Bond (or his or her attorney) to pay all expenses of the City and the Bond Registrar in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

14. Arbitrage and Tax Covenants . Notwithstanding any other provision of this Resolution, the City covenants that it will not at any time or times:

(a) Permit any proceeds of the Bonds or any other funds of the City or under its control to be used directly or indirectly (i) to acquire any securities or obligations, the acquisition of which would cause any Bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) in a manner which would result in the exclusion of any Bond from the treatment afforded by Section 103(a) of the Code by reason of the classification of any Bond as a "private activity bond" within the meaning of Section 141(a) of the Code, as a "private loan bond" within the meaning of Section 141(a) of the Code or as an obligation guaranteed by the United States

of America within the meaning of Section 149(b) of the Code; or

(b) Take any action, or fail to take any action (including failure to file any required information or other returns with the United States Internal Revenue Service or to rebate amounts to the United States, if required, at or before the time or times required), within its control which action or failure to act would (i) cause the interest on the Bonds to be includible in gross income for federal income tax purposes, cause the interest on the Bonds to be includible in computing any alternative minimum tax (other than the alternative minimum tax applicable to interest on all tax-exempt obligations generally) or cause the proceeds of the Bonds to be used directly or indirectly by an organization described in Section 501(c)(3) of the Code or (ii) adversely affect the exemption of the Bonds and the interest thereon from State of Michigan income taxation.

15. Not Qualified Tax-Exempt Obligations . The Bonds shall not be designated as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions under the provisions of Section 265(b)(3)(B) of the Code.

16. Defeasance or Redemption of Bonds. If at any time,

(a) the whole amount of the principal of and interest on all outstanding Bonds shall be paid, or

(b) (i) sufficient moneys, or Government Obligations (as defined in this Section) not callable prior to maturity, the principal of and interest on which when due and payable will provide sufficient moneys, to pay the whole amount of the principal of and premium, if any, and interest on all outstanding Bonds as and when due at maturity or upon redemption prior to maturity shall be deposited with and held by a trustee or an escrow agent for the purpose of paying the principal of and premium, if any, and interest on such Bonds as and when due, and (ii) in the case of redemption prior to maturity, all outstanding Bonds shall have been duly called for redemption (or irrevocable instructions to call such Bonds for redemption shall have been given), then , at the time of the payment referred to in clause (a) of this Section or of the deposit referred to in clause (b) of this Section, the City shall be released from all further obligations under this resolution, and any moneys or other assets then held or pledged pursuant to this resolution for the purpose of paying the principal of and interest on the Bonds (other than the moneys deposited with and held by a trustee or an escrow agent as provided in clause (b) of this Section) shall be released from the conditions of this resolution, paid over to the City and considered excess proceeds of the Bonds. In the event moneys or Government Obligations shall be so deposited and held, the trustee or escrow agent holding such moneys or Government Obligations shall, within thirty (30) days after such moneys or Government Obligations shall have been so deposited, cause a notice signed by it to be published once in a newspaper of general circulation in the City of Detroit, Michigan, setting forth (x) the date or dates, if any, designated for the redemption of the Bonds, (y) a description of the moneys or Government Obligations so held by it and (z) that the City has been released from its obligations under this resolution. All moneys and Government Obligations so deposited and held shall be held in trust and applied only to the payment of the principal of and premium, if any, and interest on the Bonds at maturity or upon redemption prior to maturity, as the case may be, as provided in this Section.

The trustee or escrow agent referred to in this Section shall (a) be a bank or trust company permitted by law to offer and offering the required services, (b) be appointed by an Authorized Officer (as defined herein) and (c) at the time of its appointment and so long as it is serving as such, have at least \$25,000,000.00 of capital and unimpaired surplus. The same bank or trust company may serve as trustee or escrow agent under this Section and as Bond Registrar so long as it is otherwise eligible to serve in each such capacity.

As used in this Section, the term “Government Obligations” means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

17. Discount and Premium . The Bonds may be purchased at a discount of no greater than 1.00% or with a premium of no greater than 2.00%.

18. Official Notice of Sale . The Bonds shall be advertised and sold, and sealed proposals for their purchase shall be received, at a time to be later determined by the Chief Financial Officer. Notice of the sale of the Bonds shall be published in accordance with the law in The Bond Buyer or such other publication approved for such purpose by the Local Audit & Finance Division of the Michigan Department of Treasury, which Notice shall be in substantially the form of

Exhibit B attached hereto.

19. Sale Order . The Chief Financial Officer (or in his absence one of the other Authorized Officers, as defined below) is authorized to execute and deliver an order on behalf of the City awarding the Bonds to the bidder whose bid produces the lowest true interest cost as determined in the manner provided in the Notice of Sale (the "Sale Order").

20. Execution and Delivery of Required Documents . The Mayor, City Clerk, Treasurer and Chief Financial Officer (each an "Authorized Officer"), or any one of them, are authorized on behalf of the City to apply for such rulings, orders and approvals and file or submit appropriate elections or other documents to any federal, state or local governmental agency in order that the Bonds may be validly issued and, if applicable, cause the interest thereon to be exempt from federal income taxation. Such Authorized Officers, or any one of them, are further authorized to execute and deliver such other certificates, documents, instruments and other papers as may be required or may be necessary or convenient to effectuate the valid sale and delivery of the Bonds as tax-exempt bonds in accordance with the terms thereof. The Authorized Officers, or any one of them, are authorized and directed to approve the circulation of a preliminary and a final official statement describing the Bonds and providing information relative to the City, and to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule"), subject to the applicability of an exemption from the Rule.

21. Filings with Local Audit & Finance Division. The Authorized Officers are, and each is, hereby authorized and directed to make all necessary filings with the Local Audit and Finance Division of the Michigan Department of Treasury with respect to the issuance and sale of the Bonds, including a post-issuance Security Report, and to pay all fees required in connection therewith.

22. Continuing Financial Disclosure . The City shall provide continuing financial disclosure in compliance with the Rule during the term of the Bonds, subject to applicable exemptions from the requirements of the Rule. The Chief Financial Officer is authorized and directed on behalf of the City to take all necessary action and to execute and deliver such documents as may be required to satisfy the City's obligations under the Rule.

23. Conflicting Resolutions . All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

Councilmember Johnson moved, seconded by Councilmember Carlberg, that the resolution be adopted. On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Teall, Easthope, Woods, Johnson, Lowenstein, Reid, Mayor Hieftje, 8;

Nays, 0.

The Mayor declared the motion carried.

R-371-8-05 APPROVED

RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF MICHIGAN FOR THE COMMUNITY DENTAL CENTER IN THE AMOUNT OF \$1.00/YEAR

Whereas, The University of Michigan has leased the City-owned building at 406 N. Ashley Street since 1981 for use by the Community Dental Center; and

Whereas, The City of Ann Arbor has contracted with The University of Michigan to provide dental services to low-income Ann Arbor residents at the Community Dental Center since 1981;

RESOLVED, That the Mayor and City Council approve the recommendation of the City Administrator that no appraisal be done regarding the lease rate for this property due to the purpose for which the building will be used by the University of Michigan;

RESOLVED, That the Mayor and City Council approve the Lease Agreement with the Board of Regents of The University of Michigan for a portion of the building and parking lot located at 406 N. Ashley Street in the amount of \$1.00 per year to begin July 1, 2004 and terminate on June 30, 2006 with an option to renew for three (3) additional one-year terms and authorize the Mayor and City Clerk to execute the Lease Agreement subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to approve the renewals if agreeable to both the City Administrator and the Board of Regents of the University of Michigan.

Councilmember Teall 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.

R-372-8-05 APPROVED

RESOLUTION TO REAFFIRM IN PART AND RESCIND IN PART RESOLUTION R-28-2-05 AND APPROVE CONTRACTS AND SERVICE AGREEMENTS WITH OAKLAND COUNTY AND CORE TECHNOLOGY INCORPORATED FOR THE PURCHASE OF SERVICES AND EQUIPMENT FOR DEVELOPMENT OF AND PARTICIPATION IN AN INFORMATION SHARING GROUP

Whereas, City Council Resolution R-394-9-04 accepted the 2004 Homeland Security Grant and approved the Homeland Security Local Planning Team recommendations for the expenditure of funds for the grant-reimbursable purchase of equipment to enhance the management and administration of local emergency response activities;

Whereas, The acquisition of specialized equipment and necessary licenses for the development of, and participation in, an information-sharing group with other local law enforcement agencies is in accordance with the City Council approved recommendations;

Whereas, Specialized services and equipment will allow local law enforcement agencies in Washtenaw County to share information and intelligence, which would help solve crimes and improve the overall safety in Washtenaw County;

Whereas, Funding reimbursement is available from the 2004 Homeland Security Program (SHSP) grant award;

Whereas, On February 7, 2005, City Council authorized Emergency Management to proceed with the purchase of equipment and services for the development of and participation in an information sharing group based on the availability of funding and efficiencies in law enforcement services;

Whereas, After authorization to proceed a new and more comprehensive opportunity was identified that Emergency Management wishes to participate in;

Whereas, No action beyond authorizing Resolution R-28-2-05 has been taken which would conflict with pursuing participation in Oakland County's Corrections and Law Enforcement Consortium (CLEMIS) and it is appropriate to rescind the earlier authorization and reauthorize allowing participation in CLEMIS;

Whereas, Oakland County and Core Technologies Incorporated have been identified as qualified sole-source vendors of the specialized services and equipment necessary to the development, and participation in, an information-sharing group;

Whereas, Oakland County received Human Rights approval on August 5, 2005; and

Whereas, Core Technologies Incorporated received Human Rights approval on August 2, 2005;

RESOLVED, That City Council reaffirm the acceptance and appropriation of the 2004 Homeland Security Grants totaling \$673,969.00, for the life of the grants without regard to fiscal year and otherwise rescind Resolution R-28-2-05 adopted February 7, 2005, for the reasons stated above;

RESOLVED, That City Council approve contracts with Oakland County and Core Technologies Incorporated for the purchase of services and hardware for a total not to exceed amount of \$157,448.00;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract documents with Oakland County and Core Technologies Incorporated after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

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

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

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

R-373-8-05 APPROVED

RESOLUTION TO APPROVE AND PLACE ON THE NOVEMBER 8, 2005 BALLOT A CHARTER AMENDMENT FOR A NEW 0.5 MIL, 2-YEAR MILLAGE TO ADDRESS THE IMPACTS OF THE EMERALD ASH BORER

RESOLVED, That the Ann Arbor City Council proposes that the Ann Arbor City Charter be amended by the addition of a new Section 8.24 that would read as follows:

Funds to Address the Impact of the Emerald Ash Borer

SECTION 8.24. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in 2006 through 2008, annually levy a tax of 0.50 mil on all taxable real and personal property situated within the City for the purpose of financing removal and disposal by the City of dead and dying trees on City property and in City rights-of-way, including municipal service charges and inter-fund interest costs.

RESOLVED, That November 8, 2005, is designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by the law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form, together with the following statement of purpose:

ANN ARBOR CITY CHARTER AMENDMENT
AUTHORIZING A NEW TAX TO ADDRESS THE IMPACT OF
THE EMERALD ASH BORER

Shall the Charter be amended to authorize a 0.50 mil tax for 2 years, starting in 2006, which will raise in the first year of the levy the estimated revenue of \$2,141,000.00, for the purpose of financing removal and disposal by the City of dead and dying trees on City property and in City rights-of-way, municipal service charges, and interest costs?

YES NO

; and

RESOLVED, That the proposed Charter amendment and proposed ballot question, along with the statement of purpose, shall be published in full not fewer than two times in the Ann Arbor News.

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

Councilmember Reid moved, seconded by Councilmember Johnson, to amend the resolution as follows:

...SECTION 8.24. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in 2006 through 2008, annually levy a tax of 0. 50 ~~40~~ mil on all taxable real and personal property situated within the City for the purpose of financing removal and disposal by the City of dead and dying trees on City property and in City rights-of-way, ~~municipal service charges, and interest costs.~~ ...

ANN ARBOR CITY CHARTER AMENDMENT
AUTHORIZING A NEW TAX TO ADDRESS THE IMPACT OF
THE EMERALD ASH BORER

Shall the Charter be amended to authorize a 0. 50 ~~40~~ mil tax for 2 years, starting in 2006, which will raise in the first year of the levy the estimated revenue of \$2,141,000.00, for the purpose of financing removal and disposal by the City of dead and dying trees on City property and in City rights-of-way, ~~municipal service charges, and interest costs?~~

YES

NO

The Mayor declared a recess at 8:24 p.m. and reconvened the meeting at 8:40 p.m.

On roll call, the vote was as follows:

Yeas, Councilmember Reid, 1;

Nays, Councilmembers Carlberg, Teall, Easthope, Woods, Johnson, Lowenstein, Mayor Hieftje, 7.

The Mayor declared the motion failed.

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

Yeas, Councilmembers Carlberg, Teall, Easthope, Woods, Johnson, Lowenstein, Mayor Hieftje, 7;

Nays, Councilmember Reid, 1.

The Mayor declared the motion carried.

R-374-8-05 APPROVED

(RESOLUTION TO CREATE A TASK FORCE TO PLAN A NEW GREENWAY)

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

Councilmember Johnson moved, seconded by Councilmember Easthope, to amend the resolution as follows:

4th RESOLVED Clause:

...RESOLVED , The New Greenway Task Force will develop a preliminary recommendation to be delivered to the Downtown Planning Steering Committee no later than November 1, 2005, and a final recommendation to be delivered to the Planning Commission, The Parks Advisory Commission and City Council no later than October 1, 2006. **TO ASSIST THE TASK FORCE IN MAKING ITS RECOMMENDATIONS, IT SHALL CONDUCT A SERIES OF PUBLIC WORKSHOPS, AND CONSULT WITH INDEPENDENT DESIGN, PARKS, AND WATERSHED PROFESSIONALS, IN ADDITION TO ITS WORK WITH CITY PARKS AND PLANNING STAFF AND COMMISSIONS;** ...

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

Councilmember Lowenstein moved, seconded by Councilmember Teall, to amend the resolution as follows:

.....

Add Whereas Clause:

...**WHEREAS, ANY GREENWAY PATH SHALL INCLUDE THE POSSIBILITY FOR FUTURE RAIL TRANSIT USE;** ...

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

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

Yeas, Councilmembers Carlberg, Teall, Easthope, Woods, Johnson, Lowenstein, Reid, Mayor Hieftje, 8;

Nays, 0.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

RESOLUTION TO CREATE A TASK FORCE TO PLAN A NEW GREENWAY

Whereas, The City of Ann Arbor has expended considerable resources over a period of years in the creation of a beautiful and scenic Greenway along the Huron River that is used yearly by thousands of walkers and cyclists;

Whereas, The Huron River Greenway will extend "border to border" across the City along the river and link up to riverfront parks and other greenways that will stretch out beyond the City limits connecting to still more greenways;

Whereas, This great Huron River Greenway is nearing completion and will require further staff work and investment and must remain a priority even as plans are developed for the new Greenway addition;

Whereas, The opportunity and desire exists to create yet another Greenway along the Ann Arbor Railroad tracks that will connect to and complement the Huron River Greenway and allow still more City residents to enjoy the benefits of walking and cycling on green pathways;

Whereas, This new Greenway could place a pathway along the western edge of Downtown and beyond to the South and to the North to the Huron River Greenway;

Whereas, If this new addition to the Greenway system of Ann Arbor is to become a reality, work needs to begin soon, the Ann Arbor Railroad needs to be further engaged in conversation with the goal of obtaining an easement or easements, and grant funds need to be pursued;

Whereas, The path of this new Greenway could intersect with three City owned parcels: the current City Garages at 415 W. Washington and 721 N. Main, and the City owned surface parking lot at First and William;

Whereas, Any Greenway path shall include the possibility for future rail transit use;

Whereas, The City is building a new maintenance facility and plans to vacate all or some of the City owned land at 415 W. Washington and 721 N. Main when garage operations are moved to the new site;

Whereas, The First and William site will be needed for parking for at least three years as new parking is developed;

Whereas, A task force made up of City residents, residents who serve on City boards, and City Council, will be needed to work with City Staff to develop a recommendation to City Council for the development of the new Greenway that will complement and connect to the existing Huron River Greenway;

Whereas, A planning effort for the downtown area is underway and the City has engaged Calthorpe Associates to work with residents, City Staff, the Downtown Planning Steering Committee, the Planning Commission, the Downtown Development Association and City Council; and

R ESOLVED , The City Administrator shall begin substantive discussions with the Ann Arbor Railway to gain their cooperation in the creation of a Greenway along the Railroad Right of Way;

RESOLVED , That City Council will, no later than September 6, 2005, appoint a nine member task force that will serve until September 30, 2006, to work with City Staff and others involved in the Downtown planning process to develop a recommendation for a new Greenway that will follow roughly along the Ann Arbor Railroad Right of Way to the west of Downtown and connect with the existing Huron River Greenway;

RESOLVED , The New Greenway Task Force will include one member of the Parks Advisory Commission, one member of the Planning Commission, one member of the Downtown Development Association, one member of City Council and other City Residents.

RESOLVED , The New Greenway Task Force will develop a preliminary recommendation to be delivered to the Downtown Planning Steering Committee no later than November 1, 2005, and a final recommendation to be delivered to the Planning Commission, The Parks Advisory Commission and City Council no later than October 1, 2006. To assist the Task Force in making its recommendations, it shall conduct a series of public workshops, and consult with independent design, parks, and watershed professionals, in addition to its work with City Parks and Planning Staff and Commissions;

RESOLVED , That the area of the City properties at 415 W. Washington and 721 N. Main within the floodway will be included in the new Greenway. The remaining portion of these sites will be reserved for mixed use, which could include additional park or Greenway area, space for non profit organizations, art, housing, and/or commercial entities; and

RESOLVED , The New Greenway Task Force will include in its final report a recommendation for the eventual use of the City owned property at First and William that is currently used as a surface parking lot.

R-375-8-05 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH LOCAL INITIATIVE SUPPORT CORPORATION (LISC) FOR THE COMMUNITY DEVELOPMENT UNIT

Whereas, The Office of Community Development currently administers CDBG, AHTF and HOME funds to develop and maintain affordable housing;

Whereas, Local nonprofit housing providers require technical assistance to build organizational capacity and development capacity to ensure that City-funded projects are viable; and

Whereas, LISC is a national expert on affordable housing development that provides technical assistance and training to nonprofit housing development organizations in the areas of organizational development and real estate development;

RESOLVED, That the Mayor and City Council approve the allocation of \$50,000.00 in Community Development Block Grant funds to contract with LISC to provide technical assistance to the Office of Community Development and local nonprofit housing providers;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to execute this contract with LISC consistent with this resolution subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available until expended without regard to fiscal year; and

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

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

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

R-376-8-05 APPROVED

RESOLUTION TO AUTHORIZE CONTRACT WITH B&V CONSTRUCTION FOR CONSTRUCTION OF THE CITY'S EXPANDED COMPOST PAD-BID NO. 3728

Whereas, Implementation of expanded compost pad construction provides a number of benefits to the City including greater operating efficiencies, lower yard waste processing costs and overall increases in composting tonnage throughput;

Whereas, City Council authorized the capital project budget and related expenditures for upgrades to the composting facility on September 7, 2004;

Whereas, Competitive bids were received by the Procurement Office of Financial Services on May 26, 2005 for compost pad construction;

Whereas, B & V Construction (B &V) is the lowest responsible bidder and is qualified to provide site construction services to the City in expanding its composting facility;

Whereas, Funds for these upgrades were provided through the City's environmental bond and are now available through the Solid Waste Enterprise Fund; and

Whereas, B & V received Human Rights approval on June 15, 2005 and complies with the Living Wage Ordinance;

RESOLVED, That City Council approve a contract, per bid number 3728 with B & V Construction in the amount of \$743,450.00 for construction of an expanded compost pad;

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

RESOLVED, That B&V not be authorized to start work until the City has finalized a license agreement with the Ann Arbor Railroad to allow the City to construct and use two crossings across its right-of-way that are necessary to access the expanded compost pad; and

RESOLVED, That City Council approve a construction contingency in the amount of \$59,476.00 (8%) to cover potential contract change orders, to be approved by the City Administrator.

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

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

R-377-8-05 APPROVED

RESOLUTION TO ACCEPT THE RESIGNATION OF COUNCILMEMBER KIM GROOME

Whereas, Council Member Kim Groome is moving with her family to New Jersey; and

Whereas, The City Clerk received the attached letter of resignation from Council Member Kim Groome;

RESOLVED, That the Mayor and Council accept Council Member Kim Groome's resignation from the Ann Arbor City Council.

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

The Mayor declared a recess at 9:04 p.m. and reconvened the meeting at 9:12 p.m.

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

R-378-8-05 APPROVED

RESOLUTION TO APPROVE APPROVING COOPERATIVE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA COMMODITY CREDIT CORPORATION AND THE CITY OF ANN ARBOR FOR THE FARM AND RANCH LANDS PROTECTION PROGRAM

Whereas, The City of Ann Arbor and the United States have mutual interests in preventing the conversion of agricultural lands to non-agricultural uses;

Whereas, On April 4, 2005, City Council approved applications to the Federal Farm and Ranch Land Protection Program (FRPP) for the purchase of development rights for properties owned by Tom and Roseanne Bloomer (R-109-4-05) and Robbin Alexander (R-108-4-05) having identified the respective properties as eligible based on prime, unique or other productive soil or historical or archeological resources;

Whereas, The City, on May 16, 2005, approved the Cooperative Agreement between the United State of America Commodity Credit Corporation and the City of Ann Arbor for the FY 2005 Farm and Ranch Lands Protection Program match funds for the acquisition of development rights by conservation easement (R-204-5-05); and

Whereas, The City was notified by a letter dated August 5, 2005, that the United States Department of Agriculture Natural Resources Conservation Service, Farm and Ranch Lands Protection Program acting by and through the Commodity Credit Corporation, is awarding the City of Ann Arbor an additional \$474,610.00 in match dollars to fund the purchase of development rights for the following FRPP parcels:

Owner	Cost Share	Location	Acres
Bloomer	\$ 8,310.00	Webster Twp	152.30
Alexander, R.	\$466,300.00	Webster Twp.	95.00

Whereas, Under the terms of the Cooperative Agreement, the NRCS will provide technical services in the development of an appropriate conservation plan and funding and the City will acquire and monitor the conservation easement; and

Whereas, In evidence of the City of Ann Arbor's willingness to agree to combine its resources with the United States to purchase agricultural conservation easements from the landowners for the protection of the identified acreage from conversion to nonagricultural uses, the City is required to approve and execute a Cooperative Agreement for the FY 2005 FRPP by August 15, 2005 to obligate the funding;

RESOLVED, That City Council approve a Cooperative Agreement between the United States of America Commodity Credit Corporation and the City of Ann Arbor for the FY 2005 Farm and Ranch Lands Protection Program match funds for the acquisition of development rights by conservation easement of the properties identified in this Resolution; and

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

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

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

POSTPONED

(RESOLUTION TO APPROVE AN OPTION TO PURCHASE AGREEMENT WITH HDC, LLC FOR 350 S. FIFTH AVENUE)

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

Councilmember Teall moved, seconded by Councilmember Carlberg, to postpone the resolution until the end of the meeting after the Closed Session.

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

(See Page 46 for final approval of this resolution.)

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

COUNCILMEMBER REID

Councilmember Reid asked that the City Administrator respond to a communication he received regarding the infestation of weeds around Gallup Park, particularly some of the ponds in that area.

COMMUNICATIONS FROM THE MAYOR

NOMINATIONS PLACED ON TABLE

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

Historic District Commission

Mr. Robert White (Fill Vacancy)
1849 Saxon
Ann Arbor, MI
Term: September 6, 2005 - June 16, 2008

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORT SUBMITTED

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

1. Sidewalk Repair and Notifications - Public Services Area

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

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATIONS

City Attorney Stephen Postema submitted reports on the following completed annexations:

- Duda annexation, 1.0 acre, located at 1720 Green Road
- Angelino/Schlossberg annexation, 1.12 acres, located at 1205 Green Road
- Barrett annexation, 0.28 acre, located at 404 S. Glendale Drive
- Johnson annexation, 0.76 acre, located at 1522 Arborview Boulevard
- Tai/Keiser annexation, 1.26 acres, located at 1175 Arlington Boulevard
- Frederick annexation, 0.33 acre, located at 2101 Arborview Boulevard
- Mitroi annexation, 0.47 acre, located at 1851 Upland Drive
- Chaimberlain annexation, 0.28 acre, located at 402 S. Glendale Drive
- Wilbanks annexation, 0.46 acre, located 1863 Upland Drive

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

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER WOODS

Councilmember Woods informed Council that student move-in is soon approaching at the University of Michigan.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Comcast Cable regarding a copy of their 2004 Annual Report (report on file in the City Clerk's Office)
 - 1a. Communication from Comcast Cable regarding Comcast High Speed Internet upgrade
 - 1b. Communication from Comcast Cable regarding an upcoming price reduction for customers in the City of Ann Arbor
2. Communication from the U.S. Senator Carl Levin regarding City Council's Resolution on the USA Patriot Act
3. City Board of Canvassers Report for the August 2, 2005 Primary Election
4. Communication from the Michigan State University Extension regarding the August 30, 2005 Land Use Legislator Update Workshop - c: Planning and Development Services
5. Communication from the County Clerk regarding a resolution accepting comments from the Planning Advisory Board on the Scio Township Land Use Plan Amendments
6. Communication from James R. Stokes, Deputy Director, of the Governor's Office for Southeast Michigan regarding City Council's Resolution Opposing HB 4082 Transfer of the \$10 Million from the Michigan Transportation Fund to the Secretary of State

The following minutes were received for file:

1. Board of Review - July 19, 2005

Councilmember Woods 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 - AATA PROPOSAL TO ELIMINATE THE NIGHT RIDE AND HOLIDAY RIDE

Jim Mogensen, 3780 Greenbrier Blvd., #354C, informed Council of the proposed changes with the Ann Arbor Transportation Authority (AATA).

NEW GREENWAY TASK FORCE

The following people addressed Council regarding the new Greenway Task Force:

Margaret Wong, 418 S. First
Doug Cowherd, 1117 Brooks St.

RECESS FOR CLOSED SESSION

Councilmember Lowenstein moved, seconded by Councilmember Teall 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, Teall, Easthope, Woods, Johnson, Lowenstein, Reid, Mayor Hieftje, 8;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 9:32 p.m.

Councilmember Johnson 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 9:46 p.m.

R-379-8-05 APPROVED

**RESOLUTION TO APPROVE AN OPTION TO PURCHASE AGREEMENT
WITH HDC, LLC FOR 350 S. FIFTH AVENUE**

Whereas, On June 20, 2005, City Council selected HDC, LLC/Hope Network's proposal for the purchase and redevelopment of 350 S. Fifth Avenue (old YMCA bldg) ("Property");

Whereas, HDC's proposal for the purchase of the Property included financial proposals for funding the purchase, which were based in part on its application for Low Income Housing Tax Credit;

Whereas, To secure Michigan State Housing Development Authority ("MSHDA") approved Low Income Housing Tax Credit and other financing for development of the affordable housing component on the Property, MSHDA requires applicants to provide evidence of land control;

Whereas, Application deadline for MSHDA funding is September 15, 2005;

Whereas, HDC and the City have negotiated in good faith an Option to Purchase the Property that will satisfy MSHDA's requirements for evidence of land control; and

Whereas, It is understood that negotiation is continuing and further agreements for the purchase of the Property and the development of the site will be required and presented to City Council for action at a later date;

RESOLVED, That City Council approve an Option to Purchase Agreement for 350 S. Fifth Avenue with HDC, LLC subject to the terms and conditions stated in the attached Option;

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

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

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

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 Carlberg that the meeting be adjourned.

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:48 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. King
Recording Secretary