



Action Minutes

City Council

July 18, 2005

..Title

Ann Arbor City Council Minutes Regular Session - July 18, 2005

..Body

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:10 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

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

ABSENT : Councilmember Marcia Higgins, 1.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

MYRA LARSON - SOUTH POND VILLAGE

The following people addressed Council regarding South Pond Village:

Myra Larson, 3575 E. Huron River Drive, presented pictures of the original South Pond to Council. She said that she considers South Pond as a jewel of the parks system.

Virginia Rezmierski, 1050 Elmwood Dr., addressed Council regarding the South Pond Village Rezoning and asked that the proposal be rejected.

TRAFFIC CONTROL ORDINANCE ORDERS FOR RESIDENTIAL PARKING DISTRICT

The following people spoke in opposition of the proposed resolution regarding traffic control ordinance orders for residential parking district:

Jessie Levine, 1008 Church Street, president of the University of Michigan, Michigan Student Assembly, expressed concern with the timing of the resolution.

Stuart Wagner, 732 S. First, spoke in opposition of the proposed residential parking district and expressed concerns regarding Council's relationship with University students.

PUBLIC HEARINGS**FOREST COVE M-14 OFFICE PARK SITE PLAN AND WETLAND USE PERMIT**

A public hearing was conducted on the proposed Forest Cove M-14 Office Park Site Plan and Wetland Use Permit, 9.15 acres, located at 3001-3061 Miller Avenue. Notice of public hearing was published July 10, 2005.

Don Boxford, owner of property adjacent to the proposed site, had no objections to the proposed site plan and wetland use permit.

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

WEST TOWNE ZONING (ORDINANCE NO. 26-05)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 7.85 acres from TWP (Township District) to R4B (Multiple-Family Dwelling District), West Towne property, located on the northwest corner of West Liberty and Maple Road. Notice of public hearing was published July 10, 2005.

Leo Gonzalez, petitioner, gave an explanation of the proposed rezoning and was available to answer questions of Council.

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

WEST TOWNE CONDOMINIUMS PLANNED PROJECT SITE PLAN

A public hearing was conducted on the proposed West Towne Condominiums Planned Project Site Plan, 7.85 acres, located on the northwest corner of West Liberty and Maple Road. Notice of public hearing was published July 10, 2005.

Leo Gonzalez, petitioner, stated that he was considering utilizing pervious materials for the sidewalk surrounding the wetland area on the site.

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

ORGANIZATION OF BOARDS AND COMMISSIONS, AND INSURANCE FUND (ORDINANCE NO. 28-05)

A public hearing was conducted on the proposed amendment to Section 1:193 of Chapter 8 (Organization of Boards and Commissions) of Title I and to Amend the Title and Sections 1:261 through 1:268 of Chapter 11 (Insurance Fund) of Title I of the Code of the City of Ann Arbor. Notice of public hearing was published July 10, 2005.

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

AMEND GENERAL FUND BUDGET FOR FISCAL YEAR 2005/2006 IN PLANNING AND DEVELOPMENT SERVICES

A public hearing was conducted on the proposed resolution to amend the General Fund Budget for fiscal year 2005/2006 in Planning and Development Services. Notice of public hearing was published July 10, 2005.

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

APPROVAL OF AGENDA**AGENDA APPROVED WITH CHANGES**

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

MOTIONS AND RESOLUTIONS

Revise: Resolution to Approve West Towne Condominiums Planned Project Site
& Plan and Development Agreement, 7.85 Acres, Northwest corner of West
Move: Liberty and Maple Road (Planning Commission Recommendation: Motion to
Approve Failed, 5 Yeas, 3 Nays and 1 Abstention) (Planning and
Development Services- Jayne Miller, Area Administrator) **(Revised 7/13/05)**
(Consider with Ordinance No. 26-05)

Move : Resolution to Approve Grant Application to the Michigan Purchase of Development Rights (PDR) Program for the
Purchase of Development Rights for the John M. Alexander and Beverly L. Brenner Alexander Farm in
Northfield Township (Community Services - Jayne Miller, Area Administrator) **(Consider with other PDR
Program Resolutions)**

Move : Resolution to Approve Grant Application to the Michigan Purchase of Development Rights (PDR) Program for the
Purchase of Development Rights for the Robin R. Alexander Farm in Webster Township (Community
Services - Jayne Miller, Area Administrator) **(Consider with other PDR Program Resolutions)**

Add: Resolution to Approve Grant Application to the Michigan Purchase of
& Development Rights (PDR) Program for the Purchase of Development Rights
Move: for the Olvrado and Irene Raffin Farm in Northfield Township (Community
Services - Jayne Miller, Area Administrator) **(Added 7/12/05) (Consider with
other PDR Program Resolutions)**

Add
&
Add: Resolution to Approve Grant Application to the Michigan Purchase of
& Development Rights (PDR) Program for the Purchase of Development Rights
Move: for the Lee A. and Lori M. Maulbetsch Farm in Northfield Township
(Community Services - Jayne Miller, Area Administrator) **(Added 7/12/05)**
(Consider with other PDR Program Resolutions)

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF JULY 5, 2005 APPROVED

Councilmember Carlberg moved, seconded by Councilmember Johnson, that the regular session minutes of July 5, 2005 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-299-7-05 APPROVED

RESOLUTION TO AUTHORIZE A CONTRACT WITH THE BOSTWICK COMPANY FOR STREET REPAIRS BID NO. 3700

Whereas, Repairs of water mains, sanitary and storm sewers necessitate street cuts and streets need to be restored properly;

Whereas, The Public Services Field Operations does not have the resources to repair streets conforming to the City Standard Specifications and require services of paving contractor for street repairs;

Whereas, Of the five bids received, The Bostwick Company submitted the lowest responsible bid in the amount of \$177,925.00 for street repairs; and

Whereas, The Bostwick Company received Human Rights approval on June 21, 2005 and meets Ann Arbor Living Wage Ordinance;

RESOLVED, That Council accept the bid of The Bostwick Company and approve a contract with The Bostwick Company for street repairs for an estimated cost of \$177,925.00 for fiscal year 05/06;

RESOLVED, That City Council authorize the City Administrator to execute a three-year contract with three one-year renewal options at the per unit price as indicated in the following chart provided both parties agree to an extension; and

Description	Unit	Unit Price
Flexible Pavement 3" - 5"	SF	\$5.50
Flexible Pavement 5" - 8"	SF	\$7.60
Rigid Pavement 8" - 10"	SF	\$13.25
Rigid Pavement 10" - 14"	SF	\$14.00
Rigid Pavement 8"-10" w/overlay	SF	\$14.25
Rigid Pavement 10"-14" w/overlay	SF	\$15.00
Removal/Placement of 8" Base Course	SF	\$1.50
Brick Street Repairs	SF	\$7.50

RESOLVED, That \$177,925.00 be available in the Fiscal Year 05/06 Field Operations Water Supply System, Sewage Disposal System and Stormwater System operating budgets, with following year funding from the same sources if authorized by Council during appropriate budget approvals.

R-300-7-05 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH INSPECTION SERVICES COMPANY, INC. (\$39,775.00) FOR THE 2005 ANNUAL MAJOR STREET RESURFACING PROJECT TESTING SERVICES

Whereas, It is necessary to employ a qualified construction testing firm to perform the required material testing for the 2005 Annual Major Street Resurfacing Project;

Whereas, Proposals for this testing were received and evaluated by Project Management on the basis of qualifications and fees;

Whereas, Inspection Services Company, Incorporated has demonstrated the required experience, personnel, and competitive fee schedule to perform the work;

Whereas, Inspection Services Company Inc., Inc. received Living Wage and Human Rights approval on December 12, 2004; and

Whereas, The City's adopted 2005/2006 capital project budget includes the project in the amount of \$2,700,000.00 for the 2005 Annual Major Street Resurfacing Program, which included sufficient funds for this agreement;

RESOLVED, That Council approves a Professional Services Agreement with Inspection Services, Inc. in the amount of \$39,775.00 for the material testing for the 2005 Annual Major Street Resurfacing 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-301-7-05 APPROVED

RESOLUTION TO APPROVE A YOUTH ENVIRONMENTAL EDUCATION CONTRACT WITH THE ECOLOGY CENTER

Whereas, It is the City's responsibility to manage and reduce the solid waste stream in a cost-effective, service-oriented and environmentally responsible manner and to promote water quality protection;

Whereas, Gallup polls indicate that 75% of American parents say they recycle and adopt conservation behaviors because their children expect it of them;

Whereas, To increase the volume of recyclables diverted from the waste stream and keep the recovered materials relatively free of contaminants, the City engages in cost-effective solid waste education measures to increase community understanding and compliance;

Whereas, The City is required by MDEQ to engage in source water protection educational efforts;

Whereas, To address the educational needs of youth in environmental conservation education, the City conducted a competitively bid request for proposals in May 2005, reviewed by a committee representing Washtenaw County, and the City;

Whereas, The proposal document specified the services to be provided for a four year period with an optional fifth year extension;

Whereas, Funds for youth environmental educational services have been budgeted in the solid waste enterprise fund (covering 80%) and the water utilities enterprise fund (covering 20%), both within the Public Services Area approved 2005/06 budgets, and proportional increases from each of the funding sources in subsequent years; and

Whereas, Human Rights Approval for the Ecology Center was received June 21, 2005;

RESOLVED, That City Council approve a contract for solid waste youth educational services with the Ecology Center as identified in RFP #606 for \$36,000.00/year for four years with a 3% increase/year and an optional fifth year extension to be approved by the City Administrator; and

RESOLVED, That the Mayor and City Clerk be authorized to sign the contract in the form as approved by the City Attorney's Office.

R-302-7-05 APPROVED

RESOLUTION TO APPROVE PURCHASE OF GASOLINE AND BIO-DIESEL

Whereas, The Fleet and Facilities Unit and the Field Operations Unit needs to gasoline and bio-diesel for the City's vehicle and equipment; and

Whereas, It has been determined that it is advantageous to obtain spot verbal bids at the time of fuel purchases;

RESOLVED, That City Council approve the purchase of gasoline and bio-diesel from any fuel distributor that meets the City of Ann Arbor Human Resources requirements and is the lowest responsible bidder;

RESOLVED, That City Council authorize the Fleet and Facilities Unit and the Water Supply, Sewage Disposal and Stormwater Funds of the Field Operations Unit to purchase fuel requirements using spot bidding for five years beginning with fiscal year 2005-06; and

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

R-303-7-05 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL LEGAL SERVICES
AGREEMENT WITH MODEL CITIES LEGAL SERVICES, INC.
TO PROVIDE LEGAL REPRESENTATION AS
COURT-APPOINTED COUNSEL TO
INDIGENT DEFENDANTS

Whereas, Persons charged with misdemeanor violations for which incarceration may be imposed are entitled to legal representation;

Whereas, Persons who are determined by the 15th District Court to be indigent have the right to have counsel appointed by the Court to represent them at public expense;

Whereas, The City of Ann Arbor is obligated by law to fund 15th District Court operations;

Whereas, Funds for Court-appointed counsel for indigent persons have been approved in the 15th District Court's FY 2005 - 2006 Budget in the amount of \$200,000.00;

Whereas, Pursuant to Michigan Court Rule 8.110(C), the Chief Judge is the chief administrative official in the District Court and is responsible for oversight of the appointment of counsel for indigent defendants;

Whereas, The 15th District Court frequently appoints Model Cities Legal Services, Inc. attorneys to represent indigent defendants based on their proven abilities, demonstrated knowledge and sensitivity in performing this work;

Whereas, The cost for Court-appointed legal representation by Model Cities Legal Services, Inc. is less than the prevailing rate for private legal representation in such matters; and

Whereas, Living Wage and Human Rights approval was granted by the City Human Resources Department on June 7, 2005;

RESOLVED, That City Council approve a professional legal services agreement with Model Cities Legal Services, Inc. to provide Court-appointed counsel for indigent defendants appearing in the 15th District Court, in an amount not to exceed \$200,000.00 for FY 2005 - 2006; and

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.

R-304-7-05 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MEETING MINUTES OF JUNE 24, 2005 AND
TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of June 24, 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
June 24, 2005

Present: Joan Lowenstein - City Council Member
Mary Siefert -Treasurer
Tom Crawford, Chief Financial Officer
Abigail Elias, Chief Assistant City Attorney
Bob West, Assistant City Attorney
Sarah Singleton, Management Assistant

OLD BUSINESS

Appeals From Claimants:

CC009-05 Matt Zacharias
Vehicle Damage
Board discussed claim and recommends additional award approval.

CC024-05 James Faucett
Vehicle Damage
Board discussed claim and recommends denial.

NEW BUSINESS

Tom Crawford discussed proposed ordinance changes to:

- Provide for expenditure for emerald ash borer
- Delegate authority to insurance board to spend up to \$5,000.00 on an individual claim
- Allow by resolution a dollar limit for CFO

Tom Crawford presented procedural changes to improve customer service:

- Revise claim forms to eliminate requirement for 3 quotes on vehicle accidents
- Request ASU to obtain vehicle appraisals at an appropriate cost and add to the claim for Board review
- Remind employees that all City vehicles involved in an accident need to complete the City's Accident Report form
- Request ASU to send survey to citizens with payment requesting their feedback
- Revise denial letter to be more customer friendly

Prepared by: Sarah Singleton, Management Assistant

Date: June 6, 2005

R-305-7-05 APPROVED

RESOLUTION TO APPROVE A PURCHASE ORDER TO AMERICAN MANAGEMENT SYSTEMS (AMS) FOR THE
ADVANTAGE FINANCIAL, HUMAN RESOURCE MANAGEMENT SYSTEM (HRMS), BRASS BUDGET SOFTWARE
LICENSE AGREEMENT FOR FISCAL YEAR 2005-2006

Whereas, The City of Ann Arbor has seen significant improvement in data management, financial services, employment tracking, payroll, and budget control since the implementation of these applications;

Whereas, The City of Ann Arbor is granted the proper license agreement to use, modify, and update the applications;

Whereas, The City staff is granted support for problem resolution and general use issues for the applications;

Whereas, The City is granted access to all updates and changes to the applications by AMS without additional charges; and

Whereas, AMS received Human Rights and Living Wage compliance approval on June 19, 2003;

RESOLVED, That City Council approve issuance of a purchase order to American Management Systems (AMS), in the amount \$151,651.00 to maintain the AMS license and maintenance agreement; and

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

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

ORDINANCES - SECOND READING

26-05 APPROVED

WEST TOWNE ZONING

An Ordinance to Amend the Zoning Map Being a Part of
Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 7.85 acres, located on the northwest corner of West Liberty and Maple Road, from TWP (Township District) to R4B (Multiple-Family Dwelling District). (The complete text of Ordinance 26-05 is on file in the City Clerk's Office.)

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

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

R-306-7-05 APPROVED

RESOLUTION TO APPROVE WEST TOWNE CONDOMINIUMS PLANNED PROJECT SITE PLAN AND DEVELOPMENT AGREEMENT

Whereas, Liberty & Maple LLC has requested site plan approval in order to construct 87 condominium dwelling units in eight buildings at the northwest corner of West Liberty and Maple Road;

Whereas, Liberty & Maple LLC has requested planned project modifications from the setback requirements of Chapter 55 (Zoning);

Whereas, Liberty & Maple LLC has requested approval of a wetland use permit to direct water from upland activity to a 1.7-acre wetland in an amount that maintains current hydrology;

Whereas, Liberty & Maple LLC has requested permission to temporarily disturb portions of the 25-foot natural features open space associated with the wetland to plant trees;

Whereas, A development agreement has been prepared to address public and private utilities; future special assessment districts for improvements to Liberty and Maple Roads; preservation of landmark trees; a park contribution, a street tree planting escrow account; construction and maintenance of an on-site storm water management system; use of lawn care chemicals and fertilizers; construction of the buildings consistent with the elevations contained in the approved site plan; footing drain disconnections; provision of sanitary sewer capacity; improvement charges for sanitary sewer, storm sewer, water and sidewalk improvements; a wetland management plan, and footing drain disconnections;

Whereas, The Ann Arbor City Planning Commission, on April 5, 2005, reviewed said requests;

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 Development Agreement, substantially in the form of that dated June 23, 2005;

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

RESOLVED, That City Council approve the West Towne Condominiums Site Plan and planned project modifications from the setback requirements of Chapter 55, upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, (3) a minimum usable open space of 61 percent is maintained, and (4) a minimum lot area per dwelling unit of 3,930 square feet is provided;

RESOLVED, That City Council approve the wetland use permit to direct water from upland activity to a 1.7-acre wetland in an amount that maintains current hydrology; and

RESOLVED, That City Council approve the temporary disturbance to portions of the 25-foot natural features open space associated with the wetland to plant trees.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed resolution to approve West Towne Condominiums Planned Project Site Plan and Development Agreement, 7.85 Acres, located on the Northwest corner of West Liberty and Maple Road.

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

Councilmember Carlberg moved, seconded by Councilmember Greden, to amend the Development Agreement by adding the following:

(P-12) THE PROPRIETOR WILL PROVIDE A WETLAND MAINTENANCE PLAN, ACCEPTABLE TO THE LAND DEVELOPMENT COORDINATOR, WHICH WILL INCLUDE BUT IS NOT LIMITED TO INFORMATION ON FERTILIZERS AND MOWING PRACTICES. THIS PLAN SHALL BE PROVIDED TO THE CONDOMINIUM OWNER AND THE ASSOCIATION PRIOR TO THE FIRST OCCUPANCY.

(P-17) THE PROPRIETOR WILL INSULATE BUILDINGS B AND C, THOSE WITH FRONTAGE ON LIBERTY, TO INCREASE THE SOUND COEFFICIENT. METHODS TO DO THIS WILL INCLUDE LEAD LINED DRYWALL AND AN INCREASE IN THE CAVITY WALL FRONTING LIBERTY FOR ADDITIONAL INSULATION, AS WELL AS OTHER MEANS.

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

Councilmember Groome moved, seconded by Councilmember Teall, to amend the Development Agreement as follows:

(P-18) PRIOR TO APPLICATION FOR AND ISSUANCE OF CERTIFICATES OF OCCUPANCY, TO DISCONNECT 25 FOOTING DRAINS FROM THE SAME SANITARY SEWER SUB BASIN AS THE PROJECT PER THE CITY'S DEVELOPER MITIGATION GUIDELINES, OR ANOTHER NUMBER OF FOOTING DRAIN DISCONNECTS AS OTHERWISE REQUIRED UNDER THE CITY'S ADMINISTRATIVE CONSENT ORDER WITH THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY.

The Mayor called a recess at 8:00 p.m. and reconvened the meeting at 8:05 p.m.

Councilmember Groome withdrew the motion.

Councilmember Groome moved, seconded by Councilmember Carlberg, to amend the Development Agreement as follows:

(P-9) For the benefit of the residents of the PROPRIETOR'S development, to make a park contribution of \$26,000.00 to the CITY' Parks and Recreation Unit of Community Services prior to the issuance of building permits for improvements to **1)** South Maple Park, **2)** Hansen Park or **3)** other public parks in the area.

On roll call, the vote was as follows:

Yeas, Councilmembers Groome, Carlberg, Teall, Easthope, 4;

Nays, Councilmembers Johnson, Lowenstein, Reid, Greden, Woods, Mayor Hieftje, 6.

The Mayor declared the motion defeated.

The question being the resolution as presented and Development Agreement as amended, on roll call, the vote was as follows:

Yeas, Councilmembers Johnson, Lowenstein, Reid, Carlberg, Greden, Teall, Easthope, Woods, Mayor Hieftje, 9;

Nays, Groome, 1.

The Mayor declared the motion carried.

28-05 APPROVED

ORGANIZATION OF BOARDS AND COMMISSIONS, INSURANCE FUND

An Ordinance to Amend Section 1:193 of Chapter 8 of Title I and to Amend the Title and Sections 1:261 through 1:268 of Chapter 11 of Title I
of the Code of the City of Ann Arbor

(The complete text of Ordinance 28-05 is on file in the City Clerk's Office.)

Councilmember Lowenstein moved, seconded by Councilmember Easthope, that the ordinance be adopted at second reading.

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

ORDINANCES - FIRST READING

29-05 POSTPONED

SOUTH POND VILLAGE ZONING

An Ordinance to Amend the Zoning Map Being a Part of
Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 48.49 acres, located north of Arborland, east of Woodcreek (Chalmers Drive), south of Huron River Drive and west of US-23, from TWP (Township District) to R4A (Single-Family Dwelling District). (The complete text of Ordinance 29-05 is on file in the City Clerk's Office.)

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

Councilmember Carlberg moved, seconded by Councilmember Greden, to postpone the resolution until September 19, 2005 to allow legal and planning staff to pursue more options and conduct further research.

On roll call, the vote was as follows:

Yeas, Councilmembers Johnson, Lowenstein, Reid, Carlberg, Greden, Teall, Easthope, Woods, Mayor Hieftje, 9;

Nays, Councilmember Groome, 1.

The Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-307-7-05 APPROVED AS AMENDED

(RESOLUTION TO APPROVE HIDEAWAY LANE AMENDED PLANNED PROJECT SITE PLAN AND WETLAND USE PERMIT)

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Hideaway Lane Amended Planned Project Site Plan and Wetland Use Permit, 4.6 Acres, located at 2000 Traver Road.

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

Councilmember Johnson moved, seconded by Councilmember Carlberg, to add the following to the development agreement:

Add a sentence to P-13:

(P-13) ...THE PROPRIETOR SHALL PROVIDE THE ASSOCIATION A DETAILED PLAN, ACCEPTABLE TO THE CITY'S LAND DEVELOPMENT COORDINATOR, FOR THE MAINTENANCE OF THE WETLANDS, WETLAND MITIGATION AND NATURAL FEATURES. THIS PLAN SHALL BE CONSISTENT WITH CURRENT CITY CODES AND BEST PRACTICES FOR WETLAND MAINTENANCE, INCLUDING FERTILIZER USE AND MOWING PRACTICES.

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

Councilmember Carlberg moved, seconded by Councilmember Reid, to amend the development agreement as follows:

(P-9) FOR THE BENEFIT OF THE RESIDENTS OF THE PROPRIETORS' DEVELOPMENT TO USE THE \$12,710.00 FOR A PARKS CONTRIBUTION FOR IMPROVEMENTS TO THE TRAVER CREEK BUFFER AREA ADJACENT TO THE SITE, PRIOR TO FIRST OCCUPANCY.

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

Councilmember Carlberg moved, seconded by Councilmember Easthope, to amend the development agreement as follows:

(P-11) TO USE \$9,080.00 FOR ALTERNATIVE MITIGATION OF 113 CALIPER INCHES OF TREES WHICH COULD NOT BE PLANTED ON SITE FOR IMPROVEMENTS TO THE TRAVER CREEK BUFFER AREA ADJACENT TO THE SITE, PRIOR TO FIRST OCCUPANCY.

Councilmember Carlberg moved, seconded by Councilmember Johnson, to amend the development agreement as follows:

Add a sentence to P-13:

(P-13) ... AFTER CONSTRUCTION OF THE PRIVATE ON-SITE STORM WATER MANAGEMENT SYSTEM, TO COMMISSION AN ANNUAL INSPECTION OF THE SYSTEM BY A REGISTERED PROFESSIONAL ENGINEER EVALUATING ITS OPERATION AND STATING REQUIRED MAINTENANCE OR REPAIRS, AND TO PROVIDE A WRITTEN COPY OF THIS EVALUATION TO THE CITY PUBLIC SERVICES AREA.

Councilmember Groome moved, seconded by Councilmember Carlberg, to amend the resolution as follows:

Last RESOLVED Clause:

RESOLVED , That City Council approve the Hideaway Lane wetland use permit ; subject to providing the requested hydrology information.

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

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

Add 3rd RESOLVED Clause:

...RESOLVED, THAT THE MATERIALS DISTRIBUTED BY MCI AT THE CAUCUS, ITEMS A THROUGH I SHALL BECOME PART OF THE SITE PLAN....

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

The Mayor declared a recess at 8:43 p.m. and reconvened the meeting at 8:47 p.m.

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

Yeas, Councilmembers Groome, Johnson, Lowenstein, Reid, Carlberg, Greden, Teall, Easthope, Woods, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

RESOLUTION TO APPROVE HIDEAWAY LANE AMENDED PLANNED PROJECT SITE PLAN AND WETLAND USE PERMIT

Whereas, Kwan & Moore Commercial has requested amended planned project site plan approval in order to revise the wetland disturbance and mitigation for the Hideaway Lane development at 2000 Traver Road;

Whereas, Kwan & Moore Commercial has requested wetland use permit approval to disturb a total of 6,561 square feet of wetland and create a total of 9,884 square feet of mitigation wetland at 2000 Traver Road;

Whereas, The Ann Arbor City Planning Commission, on May 17, 2005, reviewed 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 Hideaway Lane Amended Planned Project Site Plan, subject to providing a minimum of 68 percent usable open space; and

RESOLVED, That City Council approve the Hideaway Lane Wetland Use Permit.

R-308-7-05 APPROVED

RESOLUTION TO APPROVE A CONTRACT BETWEEN
THE CITY OF ANN ARBOR AND THE ANN ARBOR PUBLIC SCHOOLS
AND APPROPRIATE 2004 STATE HOMELAND SECURITY GRANT FUNDS FOR THE PURCHASE OF SUPPORT
EQUIPMENT FOR CONTINUATION OF
CRITICAL INFRASTRUCTURE OPERATIONS

Whereas, City Council accepted, approved, and appropriated the 2004 Homeland Security Grant Program award to the Emergency Management Division (R-394-9-04) to be expended in accordance to City Council approved Homeland Security Local Planning Team (HSLPT) recommendations for the expenditure of grant funds for the purchase of equipment and the planning, organization, training, exercise and management & administration of the City's emergency response activities;

Whereas, Funding for the specialized equipment is available through the 2004 Homeland Security Grant Program, under the State Homeland Security Program Award for the amount of \$516,521.00; and

Whereas, The procurement of the specialized equipment will enhance public and private agencies capabilities to provide emergency shelter assistance to the citizens of Ann Arbor during an emergency or disaster;

RESOLVED, That City Council approve an agreement with Ann Arbor Public Schools in the amount of \$100,000.00 and appropriate the necessary funds from the 2004 State Homeland Security Grant for the purchase of a fixed generator; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the necessary funding agreement with the Ann Arbor Public Schools after approval as to substance by the City Administrator and approval as to form by City Attorney.

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-309-7-05 APPROVED

(RESOLUTION TO APPOINT DR. GILBERT OMENN AS A MEMBER OF THE GREENBELT ADVISORY COMMISSION)

Whereas, City Council passed Ordinance No. 17-04 on May 3, 2004, creating a Greenbelt Advisory Commission;

Whereas, The Ordinance requires the City Council to nominate and appoint the members of the Greenbelt Advisory Commission;

Whereas, City Council passed Resolution R-124-4-03 on April 7, 2003, establishing a procedure for appointments to commissions where the appointment process is a prerogative of City Council, to allow for adequate time for careful consideration of the appointment; and

Whereas, Resolution R-124-4-03 requires a two-step procedure, in which nominations are presented at one City Council meeting, and are voted on at the next subsequent regular meeting of the Council;

Whereas Dr. Gilbert Omenn was nominated for appointment as a public-at-large member at the July 5, 2005 meeting;

RESOLVED , That Dr Gilbert Omenn be appointed to the Greenbelt Advisory Commission for a term expiring June 30, 2008.

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

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

R-310-7-05 APPROVED

RESOLUTION TO APPROVE BAJWA ANNEXATION

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

Whereas, Ranjit S. Bajwa is the owner of said property; and

Whereas, It is the desire of Ranjit S. Bajwa to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the City of Ann Arbor, to-wit:

COM AT SW COR OF SEC, TH E 12.61 CHNS IN THE S LINE OF SEC FOR A PL OF BEG, TH E 7.50 CHNS IN THE S LINE OF SEC TO THE SE COR OF W ½ OF SW ¼, TH N 19.89 CHNS IN THE E LINE OF W ½ OF SW ¼, TH W 7.50 CHNS IN THE N LINE OF S ½ OF W ½ OF SW ¼, TH S 19.89 CHNS TO THE PL OF BEG, BEING A PART OF W ½ OF SW ¼, EXC N 650 FT THEREOF SEC 10 T3S R6E, 6.54 ACRES.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed resolution to approve Bajwa Annexation, 6.54 Acres, 2195 Ellsworth Road.

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

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

R-311-7-05 APPROVED

RESOLUTION TO APPROVE DEAN ANNEXATION

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

Whereas, Sue Dean is the owner of said property; and

Whereas, It is the desire of Sue Dean to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

TRF 02-18-97 OLD SID - I 09-065-025-00 AA 42-99A LOT 99 BOULEVARD MANOR AND THEN PART OF LOT 100 DESC AS: COM AT SE CORNER LOT 100, TH NE'LY 156 FT TO NW CORNER LOT 99, TH SW'LY 18.48 FT ALONG LINE COMMON TO LOTS 100 & 101, TH SW'LY 141.15 FT, TH ALONG

SW'LY LINE LOT 100 SE'LY 8.32 FT TO POB.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed resolution to approve Dean Annexation, 0.17 Acre, located at 531 Burwood Avenue.

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

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

R-312-7-05 APPROVED

RESOLUTION TO APPROVE QUART ANNEXATION

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

Whereas, Ellen J. Quart is the owner of said property; and

Whereas, It is the desire of Ellen J. Quart to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

AA 55-9B-1 '91 PART OF LOTS 27 & 28, PLAT OF SE ¼ SEC 19 DESCRIBED AS COM AT A POINT LOCATED BY FOLLOWING TWO COURSES FROM S ¼ CORNER N 00-41-13 E 1753.75 FT ALONG N-S ¼ LINE AND S 60-46-07 E 395.26 FT ALONG CL MILLER AVE TO POB TH CONT S 60-46-07 E 124.0 FT TH S 02-26-13 W 300.11 FT, TH N 60-43-45 W 124.05 FT, TH N 02-26-13 E 300.02 FT TO POB, PT PLAT & SE ¼ SEC 19, T2S-R6E.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed resolution to approve Quart Annexation, 0.68 acre, located at 1645 Miller Avenue.

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

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

R-313-7-05 APPROVED

RESOLUTION TO APPROVE STAPLES ANNEXATION

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

Whereas, William K. Staples and Marianna Staples are the owners of said property; and

Whereas, It is the desire of William K. Staples and Marianna Staples to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Parcel A

COM AT NW COR OF EBERWHITE FIRST ADD'N A RECORDED PLAT, TH S 75-28-00 W 645.18 FT TO POB, TH S 75-28-00 W 86.25 FT, TH S 00-05-00 W 112.78 FT, TH S 73-49-02 E 108.00 FT, TH N 06-57-15 W 165.74 FT TO POB. PT OF SE ¼ SEC 30, T2S-R6E.

Parcel B

COM AT NW COR OF EBERWHITE FIRST ADD'N A RECORDED PLAT, TH S 75-28-00 W 558.94 FT TO POB, TH S 75-28-00 W 86.24 FT, TH S 06-57-15 E 148.39 FT, TH N 41-52-40 E 117.24 FT, TH N 49-17-00 W 3.50 FT, TH N 07-15-00 W 80.00 FT TO POB, PT OF SE ¼ SEC 30, T2S-R6E.

Parcel C

COM AT NW COR OF EBERWHITE FIRST ADD'N A RECORDED PLAT TH S 75-28-00 W 558.94 FT, TH S 07-15-00 E 80.00 FT, TH S 49-17-00 E 3.50 FT TO POB, TH S 41-52-40 W 117.24 FT, TH S 06-57-15 E 17.35 FT, TH S 73-49-02 E 134.14 FT, TH N 25-55-00 E 36.41 FT, TH 38.32 FT ALONG CURVE RT RAD=104.89 FT CH=N 36-23-01 E 38.11 FT, TH N 49-17-00 W 120.30 FT TO POB. PT OF SE ¼ SEC 30 T2S-R6E.

Parcel D

Commencing at the Northwest corner of "Eberwhite First Addition," as recorded in Liber 3, pages 13 and 14, Washtenaw County Records, Washtenaw County, Michigan, thence S 75-28-00 W 731.43 feet along the South line of Liberty Street, thence S 00-05-00 W 112.78 feet for a PLACE OF BEGINNING; thence continuing S 00-05-00 W 113.00 feet; thence S 80-35-21 E 197.55 feet; thence N 25-55-00 E 86.52 feet along the centerline of Ridgemor Drive (40 feet wide); thence N 73-49-02 W 242.14 feet to the Place of Beginning, containing 21,338 square feet of land more or less (19,583 square feet net), being a part of the Southeast ¼ of Section 30, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, together with and subject to a 40.00-foot wide right-of-way for Ridgemor Drive as recorded in Liber 1133, page 616, over the easterly 20.00 feet thereof, together with and subject to a 30.00-foot wide sanitary sewer easement over the west 30.00 feet thereof, subject to easements and restrictions of record, if any.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed resolution to approve Staples Annexation, 1.26 Acres, located at 5 Ridgemor Drive and 3 Vacant Parcels.

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

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

R-314-7-05 APPROVED

RESOLUTION TO APPROVE FOREST COVE M-14 OFFICE PARK
SITE PLAN AND WETLAND USE PERMIT

Whereas, Forest Cove LLC has requested site plan approval in order to construct a two-story, 25,000-square foot building at the northwest corner and a three-story, 15,473-square foot building on the southeast portion of the property at 3001-3061 Miller Avenue;

Whereas, Forest Cove LLC has requested wetland use permit approval to allow filling of 5,979 square feet of wetland and natural features open space;

Whereas, The Ann Arbor City Planning Commission, on June 21, 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 Forest Cove M-14 Office Park Site Plan, subject to the disconnection of one sanitary sewer footing drain before issuance of a certificate of occupancy; and

RESOLVED, That City Council approve the Forest Cove M-14 Office Park Wetland Use Permit.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed resolution to approve Forest Cove M-14 Office Park Site Plan and Wetland Use Permit, 9.15 Acres, located at 3001-3061 Miller Avenue.

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

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

R-315-7-05 APPROVED

RESOLUTION TO AMEND THE GENERAL FUND BUDGET FOR FISCAL YEAR 2005-2006 IN PLANNING AND DEVELOPMENT SERVICES

Whereas, Resolution R-188-5-05 approved at the May 16, 2005 meeting of the City Council approved establishment of a \$605.00 application fee for appeals to the Zoning Board of Appeals;

Whereas, An incremental increase of this fee for service over the next several years is a preferred approach to full cost recovery efforts; and

Whereas, The proposed amendment decreases revenue in the general fund for Fiscal Year 05-06 by approximately \$2,225.00;

RESOLVED, That the General Fund budget for fiscal year 2005-2006 be amended to approve establishment of a \$410.00 application fee for appeals to the Zoning Board of Appeals effective August 1, 2005; and

RESOLVED, That the General Fund budget for fiscal year 2005-2006 be amended to include a reduction of \$2,225.00 in revenue for Planning and Development Services related to Zoning Board of Appeals revenue and a \$2,225.00 reduction in expenses related to Planning and Development administration expenses.

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

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

R-316-7-05 APPROVED

RESOLUTION TO APPROVE GRANT APPLICATION TO THE MICHIGAN PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR THE PURCHASE OF DEVELOPMENT RIGHTS FOR THE JOHN A. AND JEAN M. CARES FARM IN WEBSTER TOWNSHIP

Whereas, Michigan PDR has matching grant funds available for up to 75% of Purchase of Development Rights on

eligible agricultural land not to exceed \$5,000 per acre;

Whereas, Chapter 42 of the Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage; and

Whereas, The Greenbelt Advisory Commission approved a resolution recommending approval of this application;

RESOLVED, That City Council approve matching funds for the application to the Michigan PDR for matching grant funds for the Purchase of Development Rights for the John A. and Jean M. Cares property described as:

The east ¼ corner of Section 27, T1S, R5E, Webster Township, Washtenaw County, Michigan; thence westerly deflecting from the east line of the section, a southwesterly angle of 92° 51' along the center line of the Farrell Road 1659.95 feet to the point where the range of an existing fence intersects said center line for a place of beginning; thence southerly deflecting 92° 56' to the left along existing fence line 2732.64 feet to an iron pipe in the south line of Section 27; thence along the south line of said section and a fence line marking said south line deflecting 89° 33' to the right 1068.09 feet to the south ¼ corner of said section, thence continuing along the south line of said Section deflecting 0° 02' to the left 1669.37 feet to the point where an exiting fence line intersects the section line; thence along said fence line northerly deflecting 90° 08'30" to the right 2847.29 feet to the intersection of the range of said fence line with the center line of Farrell Road; thence along the center line of said road deflecting 92° 15'30" to the right 686.12 feet; thence southerly deflecting 88° 36'30" to the right 308.60 feet; thence easterly deflecting 90° 00' to the left 115.5 feet; thence northerly deflecting 90° 00' to the left 142.5 feet; thence easterly deflecting 90° 00' to the right 33.0 feet; thence northerly deflecting 90° 00' to the left 165.0 feet to the center line of Farrell Road; thence along the center line of said road easterly deflecting 90° 00' to the right 757.56 feet to an iron pipe; thence continuing easterly along said beginning, being a part of Section 27.

Commencing at the northwest corner of Section 34, T1S, R5E, Webster Township, Washtenaw County, Michigan; thence along the north line of said Section 34, easterly 1370.20 feet to the northwest corner of the east ½ of the northwest ¼ of said section for a place of beginning; thence continuing along the north line of said section easterly 1370.20 feet to the north ¼ corner of said section; thence southerly along the existing fence line deflecting 90° 00'30" to the right 652.95 feet to the intersection with an existing fence line running west; thence westerly along said fence line deflecting 90° 07'30" to the right 1366.69 feet to the intersection with an existing fence line running northerly thence northerly along said fence line deflecting 89° 34' to the right 649.91 feet to the place of beginning, being a part of the east ½ of the northwest ¼ of the said Section 34.

RESOLVED, That the approval of matching funds for this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, That City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the Michigan PDR after approval as to form by the City Attorney.

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

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

R-317-7-05 APPROVED

RESOLUTION TO APPROVE GRANT APPLICATION TO THE MICHIGAN PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR THE PURCHASE OF DEVELOPMENT RIGHTS FOR THE JOHN M. ALEXANDER AND BEVERLY L. BRENNER ALEXANDER FARM IN NORTHFIELD TOWNSHIP

Whereas, Michigan PDR has matching grant funds available for up to 75% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 per acre;

Whereas, Chapter 42 of the Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage; and

Whereas, The Greenbelt Advisory Commission approved a resolution recommending approval of this application;

RESOLVED, That City Council approve matching funds for the application to the Michigan PDR for matching grant funds for the Purchase of Development Rights for the John and Beverly Alexander property described as:

The West ½ of the Southeast ¼ of Section 30, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan. Excepting therefrom, the South 1/8 of the East ½ of the West ½ of the Southeast ¼ of Section 30, Town 1 South, Range 6 East, being a parcel having a frontage on Northfield Church Road of 660 feet more or less and a depth of 327.69 feet, Northfield Township, Washtenaw County, Michigan.

RESOLVED, That the approval of matching funds for this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, The City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the Michigan PDR after approval as to form by the City Attorney.

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

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

R-318-7-05 APPROVED

RESOLUTION TO APPROVE GRANT APPLICATION TO THE MICHIGAN PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR THE PURCHASE OF DEVELOPMENT RIGHTS FOR THE ROBIN R. ALEXANDER FARM IN WEBSTER TOWNSHIP

Whereas, Michigan PDR has matching grant funds available for up to 75% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 per acre;

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage; and

Whereas, The staff recommends approval of this application;

RESOLVED, That City Council approve matching funds for the application to the Michigan PDR for matching grant funds for the Purchase of Development Rights for the Robbin R. Alexander property described as:

Old SID C-03-025-009-00, WE 25-8A, S 40 RDS of W21 RDS of SW ¼ Sec 25 T1S R5E 5 acres, Old SID C-03-025-007-00, WE 25-7, SW ¼ of NW 1.4 Sec 25 T1S R5E 40 acres and Old SID C-03-025-008 00, WE 25-8A, W ½ of SW ¼, EXC S 40 RDS of W 20 RDS Sec. 25 T1S R5E 75 acres except approximately 25 acres as outlined on the attached map. The exact exclusion will be determined by a survey after the proposed easement is under contract.

RESOLVED, That the approval of matching funds for this grant application be subject to establishment of a fair market

price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, That City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the Michigan PDR after approval as to form by the City Attorney.

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

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

R-319-7-05 APPROVED

RESOLUTION TO APPROVE GRANT APPLICATION TO THE MICHIGAN PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR THE PURCHASE OF DEVELOPMENT RIGHTS FOR THE OLVRAO AND IRENE RAFFIN FARM IN NORTHFIELD TOWNSHIP

Whereas, Michigan PDR has matching grant funds available for up to 75% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 per acre;

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage; and

Whereas, The Greenbelt Advisory Commission approved a resolution recommending approval of this application;

RESOLVED, That City Council approve matching funds for the application to the Michigan PDR for matching grant funds for the Purchase of Development Rights for the Olvrado and Irene Raffin farm property described as:

The northwest quarter of the section number 27 excepting and reserving that part lying north of the Territorial Road, so-called which intersects it; also all that part of the east half of the south west quarter of section number 22 lying south of said Territorial Road; also commencing at the north east corner of section number 28; thence south seventy nine degrees west, four chains and twenty five links; thence south thirty one degrees west, two chains and twenty five links; thence south eight degrees east, two chains and seventy five links; thence south eighteen degrees east, eleven chains and fourteen links; thence south thirty five degrees east, one chain and ninety links to the east line of said section; thence south along said section line to a point seventeen chains and sixty six links north of the quarter post in said section line; thence north eighty three degrees west, eighteen chains and thirty one links; thence south nineteen chains and sixty six links; thence east eighteen chains and twenty one links to the south east corner of the north east quarter of said section twenty eight; thence north to the place of beginning, being a part of sections twenty two, twenty seven and twenty eight, town one south, range six east, Northfield Township, Washtenaw County, Michigan.

RESOLVED, That the approval of matching funds for this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, That City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the Michigan PDR after approval as to form by the City Attorney.

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

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

R-320-7-05 APPROVED

RESOLUTION TO APPROVE GRANT APPLICATION TO THE MICHIGAN PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR THE PURCHASE OF DEVELOPMENT RIGHTS FOR THE LEE A. AND LORI M. MAULBETSCH FARM IN NORTHFIELD TOWNSHIP

Whereas, Michigan PDR has matching grant funds available for up to 75% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 per acre;

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage; and

Whereas, The Greenbelt Advisory Commission approved a resolution recommending approval of this application;

RESOLVED, That City Council approve matching funds for the application to the Michigan PDR for matching grant funds for the purchase of development rights for the Lee A. and Lori M. Maulbetsch property described as:

Part of the Southwest ¼ of Section 27, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan, described as: Beginning at the South ¼ corner of said Section 27; thence South 88° 07'27" West along the South line of said Section, 2331.87 feet; thence North 00° 30'14" West 2641.47 feet to the East and West ¼ line of said Section 27; thence North 87° 10'32" East along said East and West ¼ line 2340.26 feet to the center of said Section 27; thence South 00° 21'05" East along the North and South ¼ line of said Section 2680.40 feet to the Point of Beginning, excluding a 5-acre parcel in the Southeast corner, approximately 412 feet by 528'. Excluding part of the Southwest ¼ of Section 27, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, beginning at the South ¼ corner of said Section 27; thence South 88° 07'27" West along the South line of said Section 412.5 feet; thence North 00° 30'14" West 528 feet; thence North 87° 10'32" East 412.5 feet to the North-South ¼ line of said Section 27; thence South 00° 21'05" East to the Point of Beginning.

RESOLVED, That the approval of matching funds for this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, That City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the Michigan PDR after approval as to form by the City Attorney.

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

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

R-321-7-05 APPROVED

RESOLUTION TO SUPPORT MICHIGAN PURCHASE OF DEVELOPMENT RIGHTS GRANT APPLICATION ON THE BRAUN FARM AND APPROVE A MAXIMUM \$5,000.00/ACRE IN LOCAL MATCH

Whereas, The Michigan Purchase of Development Rights (PDR) Program has matching grant funds available for up to 75% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 per acre;

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the Greenbelt District;

Whereas, Purchase of Development Rights (PDR) may be funded through the Open Space and Park Land Preservation Millage;

Whereas, The Braun farm is within the Ann Arbor Greenbelt District;

Whereas, Section 3:63 of the Ann Arbor Code specifically authorizes City Council to enter into agreements for joint acquisition, retention and management of land and development rights, conservation easements or other easements in the Greenbelt District with another governmental agency;

Whereas, Ann Arbor Township Board of Trustees has indicated its interest in participating in a "regional program of farmland preservation" with the City of Ann Arbor to work together, financially and otherwise, to preserve this critical community resource being permanently lost to community residents; and

Whereas, On July 6, 2005, the Greenbelt Advisory Commission approved recommendation to the City Council of participation in Michigan PDR grant application for the Braun Farm contingent on 1) award of State funds for acquisition of the Property and 2) execution of a participation agreement between the government entities defining each party's interest in the PDR;

RESOLVED, That City Council support the Ann Arbor Township application to the Michigan Purchase of Development Rights (PDR) Program for matching grant funds for the Purchase of Development Rights for the Braun property;

RESOLVED, The City Council approve participation in the acquisition of the PDR for the property local match in an amount equal to a maximum of \$5,000.00/acre of the local matching funds, subject to the Michigan PDR award for the purchase of development rights acceptable on the Braun farm and execution of a participation agreement between the government entities defining each party's interest in the PDR;

RESOLVED, That City Council authorize and direct the Mayor and City Clerk to execute all documents necessary for the application to the Michigan PDR Program after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That City Council authorize the expenditure of funds from the FY 05-06 Open Space and Parkland Preservation Millage budget (Fund 024) to be available for expenditure without regard to fiscal year in accordance with a participation agreement to be approved by each governing entity.

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

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

R-322-7-05 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH CAMERON CONTRACTING CO. IN THE AMOUNT OF \$52,626.90 FOR IMPROVEMENTS AT MUSHROOM PARK - BID #3738, APPROPRIATE \$10,000.00 IN FUNDS FROM THE PARK REHABILITATION AND DEVELOPMENT MILLAGE FUND BALANCE AND TO ESTABLISH A CONSTRUCTION BUDGET OF \$57,889.90

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

Whereas, Neighborhood questionnaires were received and public meetings were held to obtain input into the plan for improvements at the park;

Whereas, Competitive bids were sought by the Procurement Office with bids received on June 29, 2005 and Cameron Contracting Co. was identified as the lowest responsible bidder;

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

Whereas, Cameron Contracting Co. received Human Rights approval on March 23, 2005 and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council approve a construction contract, per bid #3738, with Cameron Contracting Co. in the amount of \$52,626.90 for improvements at Mushroom Park;

RESOLVED, That City Council approve a construction contingency in the amount of \$5,263.00 (10%) to cover potential contract change orders and a total project budget of \$57,889.90 for the life of the project without regard to fiscal year;

RESOLVED, That City Council appropriate \$10,000.00 for the project from the Park Rehabilitation and Development Millage Fund balance;

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

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

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

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

R-323-7-05 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO DOUGLAS N. HIGGINS, INC. - \$487,700.00; BID NO. 3726, ESTABLISH A PROJECT BUDGET FOR THE BROADWAY STREET AND GREEN ROAD WATER MAIN REPLACEMENT PROJECT (\$766,700.00) AND APPROPRIATE FUNDS (\$436,700.00) FROM THE WATER SUPPLY SYSTEM'S UNOBLIGATED FUND BALANCE

Whereas, The 2005-2010 Capital Improvements Plan includes the Broadway Water Main Replacement project (UT-WS-05-04) for \$500,000.00, and the Green Road Water Main Replacement project (UT-WS-05-16) for \$250,000.00;

Whereas, The Water Main Replacement Project (Bid No. 3726) includes the installation of new water mains at Broadway Street and Green Road;

Whereas, Competitive bids for the Water Main Replacement project were received on June 7, 2005 and Douglas N. Higgins, Inc. was the lowest responsible bidder at \$487,700.00; and

Whereas, Douglas N. Higgins received human rights approval on February 25, 2005 and complies with the Living Wage Ordinance;

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

		<u>Section I, Revenue</u>				
\$436,700.00	Appropriated	from the	Water Supply	System's	Unobligated	Fund
		Balance,				
\$330,000.00		Approved by Council and appropriated by the FY05 Capital Budget				
\$766,700.00		TOTAL				

Section II, Expense

		\$487,700.00	Construction
64,000.00	Design Engineering		
80,000.00	Construction Engineering		
25,000.00	Testing, Consulting and Professional Services		

50,000.00	Contingencies to be approved by the City Administrator
25,000.00	Miscellaneous Costs
35,000.00	Bond Overhead Charge
\$766,700.00	TOTAL; and

RESOLVED, That a contract in the amount of \$487,700.00 be awarded to Douglas N. Higgins, Inc. for the construction of the Water Main Replacement Project (Bid No. 3726);

RESOLVED, That the City Administrator be authorized to decrease or increase the project contingencies amount within the total approved project budget and approve change orders to the construction contract in order to satisfactorily complete the project;

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

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

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-324-7-05 APPROVED

RESOLUTION TO APPROPRIATE FUNDS AND INCREASE THE CHEROKEE/FERDON AND VERNON DOWNS WATER MAIN REPLACEMENT PROJECT BUDGET (\$20,000.00), AND APPROVE A CHANGE ORDER WITH BRICCO EXCAVATING COMPANY, L.L.C.

Whereas, On March 1, 2004 the City Council authorized the Cherokee and Ferdon Water Main Replacement project for a total of \$600,200.00 including monies for change orders to the contractors;

Whereas, Bricco Excavating Company, L.L.C. was awarded a construction contract on March 1, 2004 (R-74-3-04) for the Cherokee/Ferdon and Vernon Downs Water Main Replacement Project (Bid No. 3641);

Whereas, For the satisfactory completion of the construction and due to the poor condition of the old water main, the contractor was directed to perform additional work for a total of \$98,058.41;

Whereas, To complete the closure of the project, the approved project budget of \$600,200 must be increased by \$20,000.00;

Whereas, Bricco Excavating Company, L.L.C. has received Human Rights approval on June 29, 2005;

RESOLVED, That \$20,000.00 be appropriated from the Water Supply System Fund Balance to increase the approved project budget to a new total of \$620,200.00;

RESOLVED, That Council approves the only change order to the contract with Bricco Excavating Company, L.L.C. in the amount of \$98,058.41 for the Cherokee/Ferdon and Vernon Downs Water Main Replacement Project (Bid No. 3641);

RESOLVED, That Council authorizes the City Administrator to take the necessary administrative actions 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 unanimously, thus satisfying the eight-vote requirement.

R-325-7-05 APPROVED

RESOLUTION TO APPROVE TRAFFIC CONTROL ORDERS FOR RESIDENTIAL PARKING DISTRICTS FOR THE
NORTH BURNS PARK ASSOCIATION AND OXBRIDGE NEIGHBORHOOD ASSOCIATION AND APPROPRIATE
GENERAL FUND UNOBLIGATED FUND BALANCE

Whereas, The North Burns Parks Association and the Oxbridge Neighborhood Association have simultaneously submitted petition requests to create residential parking districts within their association boundaries;

Whereas, Staff has reviewed the petition requests and found them to be consistent within the guidelines of the program;
and

Whereas, Funds are not available in the approved Public Services Area General Fund budget for FY05-06 to implement these new residential parking districts;

RESOLVED, That Council:

1. Approve the Traffic Control Orders (on file in the City Clerk's Office) to implement these residential parking districts; and
2. Appropriate \$29,938.00 from the General Fund Unobligated Fund Balance; and

RESOLVED, That Council authorize the Administrator to take appropriate action to implement these Residential Parking Districts.

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

Councilmember Groome moved, seconded by Councilmember Johnson, to postpone the resolution until September 19, 2005.

On roll call, the vote was as follows:

Yeas, Councilmembers Johnson, Groome, Mayor Hieftje, 3;

Nays, Councilmembers Lowenstein, Reid, Carlberg, Greden, Teall, Easthope, Woods, 7.

The Mayor declared the motion defeated.

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

Yeas, Councilmembers Johnson, Lowenstein, Reid, Carlberg, Greden, Teall, Easthope, Woods, Mayor Hieftje, 9;

Nays, Councilmember Groome, 1.

The Mayor declared the motion carried.

R-326-7-05 APPROVED

RESOLUTION TO ACCEPT A GRANT AND APPROPRIATE FUNDS FROM
THE MICHIGAN ENERGY OFFICE FOR BIODIESEL
PRODUCTION FACILITY FEASIBILITY STUDY

Whereas, The City of Ann Arbor is a member of the US Department of Energy's "Clean Cities Program" to bring alternative fuel vehicles into our community to reduce reliance on imported oil and reduce air pollution;

Whereas, Biodiesel is produced from farm products in the United States, burns cleaner than regular diesel, can be used in any diesel engine without modification and is the fastest growing alternate fuel for vehicles but is not currently produced

in Michigan;

Whereas, The City of Ann Arbor has been awarded a \$29,990.00 grant from the Michigan Energy Office to partner with Frazier Barnes & Associate Consulting, Bratney Companies, and Zeeland Farm Services to complete a feasibility study to analyze the market potential and economic viability of the development of biodiesel production facility in the Ann Arbor area;

Whereas, Frazier Barnes & Associate Consulting, Bratney Companies, and Zeeland Farm Services have all signed sub-grantee agreements with the City to comply with the terms of the grant that Frazier Barnes will be the lead investigator for the project and receive \$20,000.00 in grant funds for their services and Bratney Companies and Zeeland Farm Services will provide \$20,000.00 and \$6,000.00 respectively of in-kind matching services;

Whereas, The City of Ann Arbor Energy Office will assist Frazier Barnes in data gathering and perform grant management services, providing \$15,081.00 effort of which \$5,091.00 is in-kind services and \$9,990.00 received in grant funds; and

Whereas, The City of Ann Arbor Energy Coordinator will serve as grant manager for this project;

RESOLVED, That the City accept and appropriate the Michigan Department of Consumer and Industry Services grant of \$29,990.00 to complete a feasibility study to analyze the market potential and economic viability of the development of biodiesel production facility in the Ann Arbor area;

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

RESOLVED, That the grant funds be appropriated, when received, to the FY 05-06 Energy Office Grant Fund for the life of the project, regardless of fiscal year.

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

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

R-327-7-05 APPROVED

RESOLUTION TO APPROPRIATE FUNDS AND APPROVE A SERVICE PURCHASE ORDER FOR THE REPAIR OF A HEAVY DUTY TRUCK LIFT TO ALLIED, INC.

Whereas, The Fleet and Facilities Unit needs to repair its heavy duty truck lift;

Whereas, Allied, Inc. is considered the sole source supplier;

Whereas, Adequate funds are available in the Motor Equipment Fund's fund balance to cover the \$27,909.00 cost; and

Whereas, Allied, Inc. received Human Rights and Living Wage approval on June 21, 2005;

RESOLVED, That City Council approve the issuance of a service purchase order to Allied, Inc. in the amount of \$27,909.00 for the repair of a heavy duty truck lift;

RESOLVED, That City Council appropriate \$27,909.00 from Motor Equipment Fund fund balance; and

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

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

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

R-328-7-05 APPROVED

RESOLUTION TO ACCEPT AND APPROPRIATE ADDITIONAL FUNDS GRANTED FROM THE 2003 STATE
HOMELAND SECURITY GRANT PROGRAM (SHSGP) EXERCISE GRANT TO THE OFFICE OF EMERGENCY
MANAGEMENT

Whereas, The City of Ann Arbor Office of Emergency Management has been awarded additional grant funds from the Michigan State Police, Emergency Management Division in the amount of \$14,240.00 with no matching funds required for the purpose of exercising first responders;

Whereas, Additional funding for exercising is available through the 2003 State Homeland Security Grant accepted and appropriated by City Council on December 15, 2003 (R-522-12-03);

Whereas, The additional funding will allow the Ann Arbor Fire Department's Technical Rescue Team (TRT) the opportunity to participate in a full-scale exercise, and to also exercise the Fire Department's Hazardous Materials Team with the Police Department's Special Tactical Unit; and

Whereas, The Office of Emergency Management will provide grant management services for this grant;

RESOLVED, That City Council accept the 2003 State Homeland Security Grant Program (SHSGP) additional funding from the Michigan State Police, Emergency Management Division;

RESOLVED, That the City Administrator be authorized and directed to execute required grant documents to accept the funding after approval as to form by the City Attorney; and

RESOLVED, That the grant funds be appropriated to the Office of Emergency Management Grant Fund for the life of the grant without regard to fiscal year.

Councilmember Easthope 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-329-7-05 APPROVED

RESOLUTION TO ACCEPT AND APPROPRIATE THE EMERGENCY MANAGEMENT PERFORMANCE GRANT
FUNDS AND APPROVE THE GRANT AGREEMENT THAT ALLOWS FOR DEPARTMENT OF HOMELAND (DHS) AND
OFFICE FOR DOMESTIC PREPAREDNESS (ODP) FUNDING ASSISTANCE TO LOCAL UNITS OF GOVERNMENT
FOR THE DEVELOPMENT AND MAINTENANCE OF AN EMERGENCY MANAGEMENT PROGRAM

Whereas, The City of Ann Arbor under Public Act 390 of 1976, as amended, is an emergency management program;

Whereas, Chapter 15 of the City of Ann Arbor Code establishes an Office of Emergency Management to provide services identified in Public Act 390 of 1976, as amended;

Whereas, The duties of Emergency Management Program Manager under the terms of the grant are currently performed directly by or under the supervision of the City Emergency Management Director;

Whereas, The Emergency Management Performance Grant objective is to provide financial assistance to support the staffing of emergency management programs;

Whereas, The Emergency Management Performance Grant reimbursement award is \$35,935.00 for salary and fringe benefits of the Emergency Management Director subject to reduction based on the level of federal funding for the State of Michigan Emergency Management Performance Grant Program; and

Whereas, In order to obtain reimbursement of funds, the City of Ann Arbor is required to elect to be part of a federal grant to the State of Michigan as a subgrantee to receive emergency management allocated funds;

RESOLVED, That City Council accept the Emergency Management Performance Grant award for FY 2004-2005 under the terms of the Agreement with the State of Michigan and the Federal Emergency Management Agency;

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

RESOLVED, That the grant funds be appropriated when received to the appropriate multi-year grant fund for the purpose stated in the grant until such time as all grant funds have been expended without regard to fiscal year.

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

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

R-330-7-05 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE NO. 28-05, AMENDING SECTIONS 1:193 OF CHAPTER 8
OF TITLE I AND AMENDING THE TITLE AND SECTIONS 1:261 THROUGH 1:268
OF CHAPTER 11 OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR

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

RESOLVED, That Ordinance No. 28-05 be published by the following summary:

Ordinance No. 28-05 amends Sections 1:193 of Chapter 8 of Title 1 of the Ann Arbor City Code to include the proper name for the City's self-insurance fund and the Title and Sections 1:261 through 1:268 of Chapter 11 of Title I of the Ann Arbor City Code renaming the fund, identifying the purposes for which the risk (self-insurance) fund may be utilized, authorizing the Insurance Board to make payment determinations on claims of \$5,000 or less and the right to delegate to the City's Chief Financial Officer the payment determinations on claims of lesser value.

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

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

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

The Mayor declared a recess at 9:41 p.m. and reconvened the meeting at 9:45 p.m.

R-331-7-05 APPROVED

RESOLUTION APPOINTING AD-HOC COUNCIL COMMITTEE
TO ASSIST IN PLANNING THE POLICE SERVICES HEADQUARTERS
AND 15TH DISTRICT COURTHOUSE

Whereas, The City Council approved a Resolution directing the Administrator to proceed with plans to construct an addition on the east side of the Larcom Municipal Building to house the City's Police Services Unit, 15th District Courthouse, and other municipal functions (the "Police/Courthouse project");

Whereas, City staff have begun planning the timing, financing, and engineering of the Police/Courthouse project, and have also begun developing a Request for Proposals to architectural firms to design the Police/Courthouse project; and

Whereas, The Administrator and City staff would benefit from a small committee of City Council members to assist in planning the Police/Courthouse project;

RESOLVED, That an Ad-Hoc Committee consisting of three members of City Council is appointed to assist the Administrator in planning all aspects of the Police/Courthouse project; and

RESOLVED, That the Mayor shall appoint the three Members of the Ad-Hoc Committee.

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

Councilmembers Easthope, Teall and Greden were appointed to the Ad-Hoc Council Committee.

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

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the July 5, 2005 regular session of Council:

Cable Commission

Roger Sutton (Replacing Al Daily)
764 Watersedge
Ann Arbor, MI 48105
Term: July 18, 2005 - April 5, 2010

Downtown Development Authority

Leah Gunn (Re-appointment)
1308 E. Stadium Blvd.
Ann Arbor, MI 48104
August 1, 2005 - July 31, 2009

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

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

The Mayor recommended the following nominations for consideration and immediate confirmation:

Board of Canvassers

Wendy Carter (Fill Republican Vacancy)

3086 Williamsburg Road
Ann Arbor, MI 48108
Term: July 18, 2005 - December 31, 2007

William R. Lockwood (Fill Democrat Vacancy)
342 Rolling Meadows
Ann Arbor, MI 48103
Term: July 18, 2005 - December 31, 2007

Councilmember Teall moved, seconded by Councilmember Easthope, that Council concur with the recommendations of the Mayor.

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

NOMINATIONS PLACED ON TABLE

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

Commission on Disability Issues

Deborah Murray (Reappointment)
2153 Hemlock
Ann Arbor, MI 48108
Term: August 1, 2005 - April 14, 2008

Marjorie Oliver-Cash (Reappointment)
1560 Woodland Dr.
Ann Arbor, MI 48103
Term: August 1, 2005 - April 14, 2008

Darlys M. VanderBeck (Reappointment)
1720 Heather Crescent
Ann Arbor, MI 48103
Term: August 1, 2005 - April 14, 2008

Downtown Development Authority

Russell B. Collins (Fill Vacancy of David Solo)
2585 Hollywood Street
Ann Arbor, MI 48103
Term: August 1, 2005 - July 31, 2009

Planning Commission

Ron Emaus
2503 Hampshire Rd.
Ann Arbor, MI 48104
Term: July 18, 2005- June 30, 2008

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Proposed Parking Rate Changes (Downtown Development Authority - Susan Pollay, Executive Director)

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER EASTHOPE**

Councilmember Easthope informed staff that he has received numerous phone calls from businesses in the area regarding the Stadium Boulevard construction. He asked if there were any efficiencies that could be made for the next round of construction contracts. He suggested possibly going for premium contracts and/or having three shifts to keep the construction moving along as the area businesses are really suffering.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from the Michigan Department of Transportation (MDOT) regarding the City of Ann Arbor - Traffic Counts @ Railroad Crossings
2. Communication from Washtenaw Area Transportation Study (WATS) regarding their News Letter - July 2005 Vol. 3 Edition
3. Communication from Pittsfield Charter Township regarding a Public Hearing with the Planning Commission and consideration of the application of Bowers & Rein Associates, Inc. for a Conditional User Permit
4. Communication from Pittsfield Charter Township regarding a Joint Resolution of Pittsfield Charter Township and the City of Ann Arbor
5. Communication from Washtenaw County Board of Commissioners regarding a Resolution to Accept Comments from the Planning Advisory Board on the Ann Arbor Township General Development Plan Amendments

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

The following minutes were received for file:

1. Ann Arbor Housing Commission - May 11, 2005
2. Ann Arbor Airport Advisory Commission - April 20, 2005
3. Ann Arbor Energy Commission - June 14, 2005
4. Greenbelt Advisory Commission - March 2, March 23, April 6 and June 1, 2005

Councilmember Carlberg 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**SHANE BUMGARNER - BURNS PARK**

Shane Bumgarner, 1310 Granger Street, expressed concern with the residential parking district approved by City Council

for the North Burns Park area. She stated she has concerns that the changes in parking will impact seniors' abilities to walk to the Senior Center in that area.

RECESS FOR CLOSED SESSION

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

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 9:53 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 10:20 p.m.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:20 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. King
Recording Secretary