



## Action Minutes

City Council

November 9, 2006

### **..Title**

ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - NOVEMBER 9, 2006

### **..Body**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:06 p.m. in the City Hall Council Chamber, 100 N. Fifth Ave, Ann Arbor, Michigan.

Council stood for a moment of silence.

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

### **ROLL CALL OF COUNCIL**

PRESENT : Councilmembers John Roberts, Robert M. Johnson, Stephen Rapundalo, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 10.

ABSENT : Councilmember Joan Lowenstein, 1.

### **INTRODUCTIONS**

Stephen K. Postema, City Attorney, read a statement about public speaking.

### **PRESENTATION OF NORTHEAST AREA PLAN AWARD**

Jeff Kahn, planner for the City of Ann Arbor, presented the Northeast Area Plan Award to the City. The Michigan Association of Planning awarded the City with its 2006 Outstanding Planning Project Award on October 13, 2006. The Northeast Area Plan received top honors for the master plan category.

### **COMMEMORATION OF THE LIFE AND CONTRIBUTIONS OF LANCE CORPORAL MIN HEE KIM**

Mayor Hieftje read a proclamation honoring the life and contributions of Lance Corporal Min Hee Kim. Corporal Min Hee Kim enlisted in the United States Marine Corps in 2005. A copy of the proclamation is on file in the City Clerk's Office.

### **PUBLIC COMMENTARY - RESERVED TIME**

### **RESOLUTION REGARDING THE CRISLER ANNEXATION OF 2999 OVERRIDGE**

The following people expressed concern with the proposed Crisler annexation located at 2999 Override:

David Krehbiel, 2940 Provincial Drive  
Louise Fligel, 2945 Provincial Drive

### **JIM MOGENSEN - RESOLUTION REGARDING CITY ADMINISTRATOR'S SIGNATURE ON THE LEADERSHIP**

SERVICES AGREEMENT

Jim Mogensen, 3780 Green Brier Boulevard, expressed concerns about the direction of the new Community Collaborative of Washtenaw County.

HEIDI HERRELL - THANK YOU TO JEAN CARLBERG

Heidi Herrell, former City Councilmember, thanked Councilmember Carlberg for her service to the City Council and for her unwavering commitment to the community.

BLAINE COLEMAN - RACISM

Blaine Coleman, P. O. Box 7038, expressed concern regarding the passage of Proposal 2 on November 7, 2006 and the future of Michigan with the defeat of affirmative action.

MOZHGAN SAVABIEASFAHNI - TERROR OF ISRAEL

Mozhgan Savabieasfahni, 710 E. Ann, expressed concern with the removal of affirmative action in Michigan as well as concerns related to the killing of Iraqi citizens.

HENRY HERSKOVITZ - PASSENGER RAIL SERVICE

Henry Herskovitz, 404 Mark Hannah, addressed Council and endorsed the Mayor's proposal to create a passenger rail service between Washtenaw and Livingston Counties.

KATHY GRISWOLD - HURON HIGH SCHOOL ACCIDENT DATE REPORTING

Kathy Griswold, 3565 Fox Hunt, asked that Council address the serious safety risks at the Huron Parkway entrance to Huron High School. She asked that Council direct City staff to study the possibility of a "Michigan left turn" at this location.

TOM PARTRIDGE - EXPAND AFFIRMATIVE OPPORTUNITIES IN MICHIGAN: ESTABLISH A MICHIGAN PEACE CORP

Tom Partridge addressed Council regarding a proposal to establish a Michigan Peace Corp.

**PUBLIC HEARINGS**ZONING AND OFF STREET PARKING (ORDINANCE NO. 40-06)

A public hearing was conducted on the proposed amendment to Sections 5:44, 5:44a and 5:65 of Chapter 55 Zoning and Section 5:169 of Chapter 59 Off-Street Parking of Title V of the Code of the City of Ann Arbor regarding Regulations Affecting C2A and C2A/R Zoning Districts. Notice of public hearing was published October 22, 2006.

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

344 SOUTH ASHLEY STREET SITE PLAN

A public hearing was conducted on the proposed Resolution to Approve 344 South Ashley Street Site Plan, 0.04 Acre. Notice of public hearing was published October 29, 2006.

Bonnie Bona, 1100 Mixtwood, representing the owners of the property was available to answer questions of Council.

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

ARLINGTON SHOPS PLANNED PROJECT SITE PLAN AND DEVELOPMENT AGREEMENT

A public hearing was conducted on the proposed Resolution to Approve Arlington Shops Planned Project Site Plan and Development Agreement, 8.82 Acres, located on the southeast corner of Washtenaw Avenue and Platt Road. Notice of public hearing was published October 29, 2006.

Bill Conlin, representing the owner, and Robert Kerr, architect for the project, were available to answer questions of Council.

Thomas Partridge asked that Council defer from approving the plan.

Jim Mogensen, 3780 Greenbrier Blvd., #354C, asked that the developer consider incorporating automatic door openers on the proposed project to improve access for persons with disabilities.

David Krehbiel, 2940 Provincial Drive, spoke in opposition of the proposed site plan project.

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

### APPROVAL OF AGENDA

#### AGENDA APPROVED WITH CHANGES

Councilmember Woods moved, seconded by Councilmember Easthope, that the agenda be approved with the following changes:

#### CONSENT AGENDA

Move : Resolution to Approve Amendments to the Ann Arbor Housing Trust Fund (Community Development - Jayne Miller, Community Services Area Administrator) **(Moved to Motions and Resolutions section See D-17)**

#### MOTIONS AND RESOLUTION

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

Add : Resolution to Establish City of Ann Arbor Policy Regarding Industrial Facilities Exemption Certificates (Tax Abatements) (Councilmember Rapundalo) **(Added 11/6/06)**

Add: Resolution for the Next Steps in the Site Selection Process for a  
& Municipal Center (Councilmembers Carlberg, Teall, Johnson, Woods,  
Move: Higgins, Rapundalo, Roberts, Greden and Mayor Hieftje) **(Added 11/19/06) (Consider after Crisler Annexation)**

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

### APPROVAL OF COUNCIL MINUTES

#### MINUTES OF OCTOBER 9 AND 16, 2006 APPROVED

Councilmember Rapundalo moved, seconded by Councilmember Roberts, that the working session minutes of October 9, 2006 and the regular session minutes of October 16, 2006 be approved as presented.

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

## CONSENT AGENDA

### CONSENT AGENDA ITEMS REMOVED

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

Resolution Authorizing the City Administrator's Signature on the Leadership Services Agreement and the Payment of Dues (\$2,500.00) Required for the City of Ann Arbor to Become a Founding Steward of the Community Collaborative of Washtenaw County (Community Services - Jayne Miller, Area Administrator)

### CONSENT AGENDA ITEMS APPROVED

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

#### R-465-11-06 APPROVED

RESOLUTION TO APPROVE A REQUEST FROM KLEE, INC. TO TRANSFER LOCATION OF A 2005 CLASS C LICENSED BUSINESS (IN ESCROW) FROM 1301 S. UNIVERSITY TO 1220 S. UNIVERSITY, SUITE 212 - D/B/A MITCH'S PLACE

RESOLVED, That the request of Klee, Inc. d/b/a Mitch's Place to transfer the location of a 2005 Class C licensed business (in escrow), from 1301 S. University to 1220 S. University, Suite 212, in Ann Arbor, Michigan, be approved.

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#### R-466-11-06 APPROVED

RESOLUTION TO APPROVE A PURCHASE ORDER CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE (ESRI) FOR THE GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE LICENSE AND MAINTENANCE SERVICES FOR CALENDAR YEAR 2007 (\$38,354.84)

Whereas, The City of Ann Arbor has seen significant benefit in the use of spatial data in the decision making process regarding environmental and infrastructure management issues, handling of customer service requests and work order processing, and in response to situations involving the Emergency Operations Center through use of the GIS software and applications;

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 the City standard GIS software;

Whereas, The City staff is granted support for problem resolution and general usage issues for the GIS software;

Whereas, The City is granted access to all updates and changes to the GIS software by ESRI without additional charges; and

Whereas, ESRI received Human Rights and Living Wage compliance approval on October 13, 2006;

RESOLVED, That City Council approve a purchase order contract with Environmental Systems Research Institute (ESRI), in the amount \$38,543.84 to maintain the ESRI license and continued maintenance under the current terms and conditions of services.

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

**R-467-11-06 APPROVED**

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR'S SIGNATURE  
ON THE LEADERSHIP SERVICES AGREEMENT AND THE PAYMENT OF DUES (\$2,500.00) REQUIRED FOR THE  
CITY OF ANN ARBOR TO BECOME A FOUNDING STEWARD OF THE COMMUNITY COLLABORATIVE OF  
WASHTENAW COUNTY (COMMUNITY SERVICES - JAYNE MILLER, AREA ADMINISTRATOR)**

Whereas, The Community Collaborative of Washtenaw County (CCWC) fulfils the State requirement for a Multipurpose Collaborative Body;

Whereas, It is the mission of the CCWC to provide leadership, coordinate policy, leverage resources, build assets, and foster partnerships that will promote healthy growth, learning and development for everyone in our community;

Whereas, The CCWC will be supported by the biennial Community Needs Assessment, the data that helps to track outcomes;

Whereas, The CCWC is working to form strong public and private partnerships to improve the community;

Whereas, The new structure will be inclusive and open to all sectors of the community;

Whereas, The Community Collaborative will transition to its new structure in January of 2007; and

Whereas, The City of Ann Arbor continues to provide strong leadership with regard to the human services, quality of life and the Community Collaborative;

RESOLVED, That the Ann Arbor City Council hereby authorize the signature of the City Administrator on the Leadership Services Agreement; and

RESOLVED, That City Council authorizes the payment of dues required to become a founding member of the Community Collaborative of Washtenaw County.

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

On a voice vote, the Mayor declared motion carried.

**ORDINANCES - SECOND READING**

**39-06 TABLED**

**SOLID WASTE MANAGEMENT AND NOISE CONTROL**

An Ordinance to Amend Section 2:4 of Chapter 26 of Title II, and Section 9:366 of Chapter 119 of Title IX of the Code of the City of Ann Arbor

(The complete text of Ordinance 39-06 is on file in the City Clerk's Office.)

**TABLED**

**RESOLUTION TO AUTHORIZE SUMMARY PUBLICATION ORDINANCE 39-06 - AMENDMENTS TO SECTIONS 2:4  
OF CHAPTER 26 (SOLID WASTE MANAGEMENT) OF TITLE II, AND 9:366 OF CHAPTER 119 (NOISE CONTROL) OF  
TITLE IX 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 39-06 be published by the following summary:

Ordinance 39-06 amends Sections 2:4 of Chapter 26 of Title II, and 9:366 of Chapter 119 of Title IX of the City Code as follows:

- 1) Curbside Solid Waste Setout in the DDA: With the exception of single or two family homes, customers with curbside solid waste collection shall not leave containers at the curb earlier than 5 pm the day before collection or 12:00 noon on the designated day of collection.
- 2) Solid Waste Service Providers in the DDA: Will not begin collection of non-metal solid waste containers before 5:00 am and will complete collection by 12:00 noon each day. Metal solid waste containers will not be serviced before 6 am.

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

Councilmember Carlberg moved, seconded by Councilmember Teall, that the ordinance be adopted at second reading and the resolution be approved.

Councilmember Teall moved, seconded by Councilmember Higgins, that the ordinance and resolution be tabled.

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

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#### 40-06 APPROVED

#### ZONING AND OFF STREET PARKING

An Ordinance to Amend Sections 5:44, 5:44a and 5:65 of Chapter 55 and  
Section 5:169 of Chapter 59 of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 40-06 is on file in the City Clerk's Office.)

#### R-468-11-06 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 40-06 - AN ORDINANCE TO AMEND  
SECTIONS 5:44, 5:44A AND 5:65 OF CHAPTER 55 (ZONING) AND SECTION 5:169 OF CHAPTER 59 (OFF-STREET  
PARKING) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR REGARDING REGULATIONS AFFECTING  
C2A AND C2A/R ZONING DISTRICTS

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

RESOLVED, That the publication of Ordinance 40-06 shall be by the following summary:

Ordinance 40-06 amends Sections 5:44, 5:44A and 5:651 of Chapter 55 (Zoning) and Section 5:169 of Chapter 59 (Off-Street Parking) of Title V of the Code of the City of Ann Arbor to encourage the revitalization of urban core areas consistent with City plans and policies by eliminating the "step-back" provision that requires a one-foot side setback for each floor above the third floor, eliminating the requirement for a minimum of five dwellings in the premium section of Chapter 55, clarifying residential premiums, and modifying the parking requirement so all parcels in the City zoned C2A have the same parking standards.

Councilmember Carlberg moved, seconded by Councilmember Rapundalo, that the ordinance be adopted at second reading and the resolution be approved.

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

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**ORDINANCES - FIRST READING****41-06 APPROVED****ANDERSON ZONING**

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

This ordinance would change the zoning of 0.22 acre, located on the east side of Glenwood Street, south of Dexter Road (Lot 7, The Evergreens), from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 41-06 is on file in the City Clerk's Office.)

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

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

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**42-06 APPROVED****KITCHEN ZONING**

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

This ordinance would change the zoning of 0.87 acre, located at 2590 Miller Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 42-06 is on file in the City Clerk's Office.)

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

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

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**43-06 APPROVED****RAYER ZONING**

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

This ordinance would change the zoning of 0.48 acre, located at 591 and 597 South Wagner Road, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 43-06 is on file in the City Clerk's Office.)

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

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

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**44-06 APPROVED****STAGGS ZONING**

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

This ordinance would change the zoning of 0.92 acre, located at 603 and 609 South Wagner Road, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 44-06 is on file in the City Clerk's Office.)

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

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

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#### 45-06 APPROVED

#### ZION LUTHERAN CHURCH ZONING

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

This ordinance would change the zoning of 0.67 acre, located on the southwest corner of West Liberty Street and Ridgemor Drive, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 45-06 is on file in the City Clerk's Office.)

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

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

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#### 46-06 APPROVED

#### CLINARD ZONING

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

This ordinance would change the zoning of 0.46 acre, located at 679 South Wagner Road, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 46-06 is on file in the City Clerk's Office.)

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

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

### MOTIONS AND RESOLUTIONS

#### R-469-11-06 APPROVED

#### RESOLUTION ESTABLISHING CITY COUNCIL AUDIT COMMITTEE

Whereas, The City of Ann Arbor undergoes an annual comprehensive audit of its finances;

Whereas, The auditing firm retained by the City to perform the comprehensive annual audit has recommended that the City establish a committee of Councilmembers to interview and recommend to the City Council the selection of the auditor, oversee the audit process, and oversee the implementation of the auditor's recommendations;

Whereas, An Audit Committee would serve the best interests of the taxpayers by ensuring an efficient audit process, and is recommended by the City Administrator and Chief Financial Officer;

RESOLVED, That an Audit Committee consisting of five (5) City Councilmembers be established effective immediately,



and shall meet as needed to, among other things, interview and recommend to the City Council the selection of the auditor, oversee the audit process, and oversee the implementation of the auditor's recommendations;

RESOLVED, That the members of the Audit Committee shall be appointed by the Mayor pursuant to Section 4.2(8) of the City Charter.

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

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

Councilmembers Rapundalo and Johnson requested that the members of the Audit Committee be different members of Council than those serving on the Budget Committee to maintain independence.

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#### R-470-11-06 APPROVED

#### RESOLUTION TO APPROVE NISSLE 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, Robert A. Nissle is the owner of said property and William Davis III is the purchaser of said property; and

Whereas, It is the desire of Robert A. Nissle and William Davis III 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:

##### 3.05-Acre Parcel

COM AT S ¼ POST OF SEC, TH 1468.81 FT, TH DEFL 4 DEG 31' 10" TO LEFT 253.78 FT, TH N 338.15 FT, TH E 271.30 FT FOR POB TH N 22-56 W 192.00 FT, TH N 66-19-35 E 192.83 FT, TH N 31-46 W 119.99 FT, TH N 66-19-35 E 184.55 FT, TH SELY IN ARC OF CURVE LEFT, RADIUS 2915 FT, CENTRAL ANGLE 4-16-30, CHORD DISTANCES 86.45 FT, 101.03 FT, 30.07 FT, TH DEFL 85-55 RIGHT 182.77 FT FROM LAST MENTIONED CHORD, TH DEFL 15-26-30 RIGHT 392.73 FT, TH DEFL 117-04-30 RIGHT

157.06 FT TO POB, BEING PART OF SE FRL ¼ SEC 27, T2S, R6E, 3.05 ACRES, ANN ARBOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

##### 0.5-ACRE PARCEL

COM AT S ¼ COR OF SEC, TH E 1468.80 FT IN S/L OF SEC, TH N 85-29 E 283.78 FT, TH N 338.15 FT, TH E 271.30 FT, TH N 22-56 W 192.00 FT FOR POB, TH N 22-56 W 118.80 FT, TH N 66-19-35 E 174.40 FT, TH S 31-46 E 119.99 FT, TH S 66-19-35 W 192.83 FT TO POB, BEING PART OF SE ¼ SEC 27, T2S, R6E, 0.50 ACRE, ANN ARBOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

##### 1.5-ACRE PARCEL

COM AT S ¼ POST OF SEC, TH 1468.81 FT IN S LINE OF SEC, TH DEFL 4 DEG 31' 10" TO THE LEFT 253.78 FT, TH N AT RIGHT ANGLES TO S LINE OF SEC, A DIST OF 338.15 FT, TH 271.30 FT, TH DEFL 112 DEG 56' TO THE LEFT 310.80 FT FOR PL OF BEG, TH CONT 209.20 FT IN SAME COURSE, TH N 59 DEG 02' E 218.92 FT, TH SWLY IN ARC OF CURVE LEFT IN SWLY LINE OF R.R. TO A POINT 358.95 FT NELY OF THE PL OF BEG, TH SWLY 358.95 FT TO PL OF BEG, BEING PART OF SE FRL ¼ SEC 27, T2S, R6E, 1.50 ACRES, ANN ARBOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Nissle Annexation, 5.05 Acres, 3165 Geddes Avenue and Two Adjacent Vacant Parcels.

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

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

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R-471-11-06 APPROVED

RESOLUTION TO APPROVE CRISLER 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, Prescott and Carlye Crisler are the owners of said property; and

Whereas, It is the desire of Prescott and Carlye Crisler 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:

Tax Parcel 09-35-350-001

Commencing at the E ¼ post of Section 34, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, thence S 01 ° 19'00" E 660.00 feet in East line of Section for a Place of Beginning, thence N 88 ° 41'00" E 165.00 feet, thence S 01 ° 19'00" E 410.00 feet, thence S 84 ° 19'40" W 174.42 feet, thence N 00 ° 06'30" W 423.60 feet to Place of Beginning. Being part of Lot 161, Ann Arbor Hills.

Tax Parcel 09-34-490-001

Commencing at the E ¼ post of Section 34, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, thence S 01 ° 19'00" E 660.00 feet in East line of Lot 161 for a Place of Beginning, thence S 01 ° 19'00" E 423.34 feet, thence N 05 ° 40'20" W 235.00 feet, thence S 75 ° 42'00" W 219.50 feet, thence N 32 ° 48'30" W 170.00 feet, thence N 72 ° 53'00" E 342.21 feet to Place of Beginning. Being part of Lot 161, Ann Arbor Hills.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Crisler Annexation, 2.82 Acres, 2999 Overridge Drive.

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

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

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R-472-11-06 APPROVED

RESOLUTION FOR THE NEXT STEPS IN THE SITE SELECTION  
PROCESS FOR A MUNICIPAL CENTER

Whereas, The City of Ann Arbor is required by State law to operate and provide space inside the City limits for the 15<sup>th</sup> District Court;

Whereas, The lease for the space currently used by the 15<sup>th</sup> District Court expires in 2009 and cannot be renewed;

Whereas, Independent reviews are unanimous that the facilities currently used by the City's Police Services Unit are too small and do not sufficiently provide for safety of the City's police personnel and the public;

Whereas, The majority of the City's other office space is currently located in the Guy C. Larcom Municipal Building ("City

Hall”) and has the location of Ann Arbor City government for nearly a century;

Whereas, The City has studied options for providing the required space for the 15<sup>th</sup> District Court, the Police Services Unit, and other City offices; including the creation of multiple taskforces and the retention of external architectural and financial consultants;

Whereas, The City Council established two groups to review the options for the space needed for police, courts and the Larcom building; and

Whereas, The City Council appointed a task force comprised of City staff, elected officials, local construction and architectural experts, and other individuals to perform a comprehensive review of the City’s space needs; and

Whereas, The City Council appointed a Council Committee comprised of Council members, staff and architectural experts to perform a comprehensive review of the City’s space needs;

Whereas, The task force prepared a report in September 2006 recommending that the City construct a Municipal Center on the City-owned parking lot located between Division and Fifth Streets (known as the “Library Lot”), to include space for the 15<sup>th</sup> District Court and Police Services Unit; and

Whereas, The Council Committee recommended the Larcom site; and

Whereas, The City Council is charged with determining the next steps in the final selection process between the Library and the Larcom sites;

RESOLVED, That the City Administrator schedule a Council Work Session for November 13<sup>th</sup> to review the funding proposals for each site;

RESOLVED, That the City Administrator schedule a public hearing on November 27<sup>th</sup> and provide ample notice to the citizens of Ann Arbor of the work session;

RESOLVED, That the City Council will make the determination of the final site selection by the first meeting in January 2007.

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

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

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#### R-473-11-06 APPROVED

#### RESOLUTION TO APPROVE 344 SOUTH ASHLEY STREET SITE PLAN

Whereas, 344 South Ashley, LLC has requested site plan approval in order to construct two additions to the existing building at 344 South Ashley Street,

Whereas, The Ann Arbor City Planning Commission, on October 17, 2006, 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 344 South Ashley Street Site Plan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve 344 South Ashley Street Site Plan, 0.04 Acre.

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

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

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R-474-11-06 APPROVED

RESOLUTION TO APPROVE ARLINGTON SHOPS PLANNED PROJECT  
SITE PLAN AND DEVELOPMENT AGREEMENT

Whereas, Arbor Shops LLC has requested site plan approval in order to construct 137,982 square feet of retail, restaurant and office uses, and 12 dwelling units in five buildings at the southeast corner of Washtenaw Avenue and Platt Road;

Whereas, Arbor Shops LLC has requested planned project modifications from the setback requirements of Chapter 55 (Zoning);

Whereas, Arbor Shops LLC has requested modifications to the conflicting land use buffer requirements of Chapter 62, Section 5:608(2)(c)(vii);

Whereas, A development agreement has been prepared to address public and private utilities, future special assessment districts for improvements to Washtenaw and Platt, on-site storm water management, signalization at the Washtenaw/Platt intersection, a park contribution, a street tree planting escrow, off-site public sidewalk connections in the Platt Road right-of-way, and footing drain disconnections;

Whereas, The Ann Arbor City Planning Commission, on September 7, 2006, recommended approval of 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 attached, dated September 29, 2006;

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; and

RESOLVED, That City Council approve the Arlington Shops Site Plan and planned project modifications from the front setback requirements of Chapter 55, upon the conditions that (1) the Development Agreement is signed by all necessary parties, and (2) all terms of the Development Agreement are satisfied, (3) minimum usable open space of 35 percent is maintained, (4) all lots are combined prior to the issuance of any permits, and (5) approval by the Michigan Department of Transportation for the installation of a traffic signal at the Washtenaw/Platt intersection prior to the issuance of any permits.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Arlington Shops Planned Project Site Plan and Development Agreement, 8.82 Acres,

Southeast Corner of Washtenaw Avenue and Platt Road.

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

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

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R-475-11-06 APPROVED

RESOLUTION TO ACCEPT AND APPROPRIATE A CONTRIBUTION OF UP TO \$3,000.00 FROM THE KEMPF HOUSE MUSEUM BOARD OF DIRECTORS, INCREASE THE KEMPF HOUSE PROJECT BUDGET EQUAL TO THE CONTRIBUTION FROM THE KEMPF HOUSE MUSEUM BOARD OF DIRECTORS, APPROVE A CONSTRUCTION CONTRACT WITH YPSILANTI RESTORATION L.L.C. IN THE AMOUNT OF \$29,000.00 FOR THE KEMPF HOUSE WINDOW RESTORATION PROJECT, BID #3819 AND ESTABLISH A CONSTRUCTION BUDGET OF \$31,900.00

Whereas, The Kempf House was identified in the Park and Recreation Open Space Plan to receive upgrades and improvements in FY 2006-2007;

Whereas, A prioritized listing of repairs and restoration of the Kempf House was identified through a study performed by an architectural preservation firm, and restoration of the windows was one of the highest priorities for restoration as identified by the consulting architect and the proposed improvements were recommended by the Kempf House Museum Board of Directors;

Whereas, Competitive bids were sought by the Procurement Office with bids received on September 18, 2006 and Ypsilanti Restoration, L.L.C. was identified as the lowest responsible bidder;

Whereas, Funds for the project are included in the Kempf House Project budget in the FY 2006-2007 Parks Rehabilitation and Development Millage budget and the Kempf House Museum Board agrees to supplement the City's funds for window restoration in an amount not to exceed \$3,000.00; and

Whereas, Ypsilanti Restoration L.L.C. received Human Rights approval on September 21, 2006 and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council accept and appropriate on receipt a contribution of up to \$3,000.00 to the FY 2006-2007 Parks Rehabilitation and Development millage budget from the Kempf House Museum Board of Directors for the Kempf House Window Restoration Project to be available for the life of the Project without regard to fiscal year;

RESOLVED, That City Council authorize the increase in the Kempf House Project Budget within the Park Rehabilitation and Development Millage budget equal to the contribution from the Kempf House Museum Board of Directors;

RESOLVED, That City Council approve a construction contract, per bid #3819, with Ypsilanti Restoration, L.L.C. in the amount of \$29,000.00 for improvements to the Kempf House;

RESOLVED, That City Council approve a construction contingency in the amount of \$2,900.00 (10%) to cover potential contract change orders for a total project budget of \$31,900.00 for the life of the project without regard to fiscal year;

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

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

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R-476-11-06 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF AND APPROPRIATE FUNDS FOR THE ACQUISITION OF THE  
ZION LUTHERAN CHURCH PARCELS ADJACENT TO EBERWHITE WOODS FROM THE OPEN SPACE AND  
PARKLAND PRESERVATION BOND PROCEEDS IN THE AMOUNT OF \$606,100.00

Whereas, Purchase of parkland may be funded through the Open Space and Park Land Preservation bond proceeds;

Whereas, The Zion Lutheran Church parcels are approximately 2.3 acres, and are adjacent to Eberwhite Woods;

Whereas, The property is an early-successional forest, similar in composition to Eberwhite Woods;

Whereas, The property has been appraised as required by Section 1:320 of the Ann Arbor City Code with a fair market value \$580,000.00;

Whereas, There are sufficient funds in the Open Space and Parkland Preservation bond proceeds to match the total purchase price, plus estimated closing costs, including the Phase I Environmental Site Assessment and a boundary survey;

RESOLVED, That City Council approve the real estate and sales agreement for the purchase of the property owned by the Zion Lutheran Church and described as:

Commencing at a point in the south line of West Liberty Street 731.33 feet westerly from the west line of Eberwhite First Addition to the City of Ann Arbor, Washtenaw County Michigan, measured on the south line of West Liberty Street; thence south deflecting 75°23' to the left along the east line of the property of the University of Michigan 821.8 feet to an iron pipe for a Place of Beginning; thence continuing south along the east line of the land of the University of Michigan 300 feet to an iron pipe in the north line of the lands of the University of Michigan; thence deflecting 89°45' to the left along the north line of the land owned by the University of Michigan 185.92 feet to an iron pipe; thence north deflecting 90°23' to the left 300 feet to an iron pipe; thence west deflecting 89°37' to the left 185.1 feet to the Place of Beginning, being lot 17 of unrecorded plat of Edgewood Hills, a Subdivision of the southeast 1/4 of Section 30, Ann Arbor Township, Washtenaw County, Michigan.

ALSO, commencing at a point in the South line of West Liberty Street. 731.33 feet westerly from the west line of Eberwhite First Addition. measured on the south line of West Liberty Street; thence south deflecting 75°20' to the left along the east line of the property of the University of Michigan, 1121.8 feet to the north line of the lands of the University of Michigan; thence deflecting 89°45' to the left, easterly along the north line of the University of Michigan land, 185.92 feet for a Place of Beginning; thence continuing easterly 185.92 feet along the north line of University of Michigan land; the same being the south line of Lots 18 and 19 of Edgewood Hills, a subdivision of part of the SE 1/4 of Section 30, Ann Arbor Township, Washtenaw County, Michigan; thence deflecting 90°32' to the left and running northerly 320 feet along the west line of Cole Estates; thence running westerly 185.10 feet to the east line of A. Ray Cole, the same being on the line of Lots 14 and 15 Edgewood Hills Subdivision; thence southerly 320 feet to the Place of Beginning;

Reservations: A private road 40 feet wide, named Elder Boulevard on the Edgewood Hills plat runs westerly between lot 16 and lots 18 and 19 giving access to a dwelling on lot 17 and not embraced in lots 16, 18 and 19. Northward from the east end of this private road there is reserved a right of way for road purposes. A strip 40 feet wide on the east side of the land embraced in the above description. The same named Ridgemoor Drive in the Edgewood Hills plat. The above description embraces these road reserves together with the entire area of lots 15, 16, 18 and 19 of the Edgewood Hills unrecorded plat.

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

RESOLVED, That City Council appropriate funds from the Open Space and Parkland Preservation bond proceeds and

establish a project budget for the acquisition of the property in the amount of \$606,100.00 to cover the costs of acquisition, closing, and incidental costs to be available for expenditure without regard to fiscal year.

Councilmember Easthope 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.

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R-477-11-06 APPROVED

RESOLUTION TO APPROVE A BUDGET APPROPRIATION FOR A  
PROFESSIONAL SERVICES CONTRACT WITH ADMINISTRATIVE CONTROLS MANAGEMENT, INC. FOR A  
MASTER PLAN SCHEDULE FOR  
THE BROADWAY VILLAGE AT LOWER TOWN PROJECT

Whereas, The Broadway Village at Lower Town Project's construction management effort will be complex and time consuming;

Whereas, The City desires to prepare a comprehensive project master plan schedule to ensure it is working with the best possible information and to provide an appropriate scope of project activities, precedents and timelines;

Whereas, The City would like to have a project management consultant prepare a master plan schedule to insure its ability to properly manage all agreements and the construction process; and

Whereas, Funding for this service will be 100% reimbursed by the developer;

RESOLVED, That City Council authorize an appropriation to the revenue budget for \$24,500.00 reimbursable project costs from the developer;

RESOLVED, That City Council authorize an increase in the revenue and expenditures budget in the General Fund Community Services budget in the amount of \$24,500.00 with source of funds from the developer; and

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this Resolution, including the approval of any necessary change orders.

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

Councilmember Greden recused himself from discussion and voting on the resolution.

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

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R-478-11-06 APPROVED AS AMENDED

(RESOLUTION TO APPROVE A LICENSE AGREEMENT WITH THE ULTIMATE SOFTWARE GROUP, INC. FOR A  
WEB-BASED VENDOR HOSTED HRMS AND PAYROLL SYSTEM - (5YRS/\$197,850.00 ANNUAL SUBSCRIPTION)

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

Councilmember Johnson moved, seconded by Councilmember Rapundalo, to amend the title of the resolution to read as follows:

(RESOLUTION TO APPROVE A LICENSE AGREEMENT WITH THE ULTIMATE SOFTWARE GROUP, INC. FOR A  
WEB-BASED VENDOR HOSTED HRMS AND PAYROLL SYSTEM - **\$718,000.00 PROJECTED COST**)

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

The resolution as amended reads as follows:

(RESOLUTION TO APPROVE A LICENSE AGREEMENT WITH THE ULTIMATE SOFTWARE GROUP, INC. FOR A WEB-BASED VENDOR HOSTED HRMS AND PAYROLL SYSTEM - \$718,000.00 PROJECTED COST)

Whereas, The City of Ann Arbor currently has a non-integrated, in-house human resource, payroll, and time collection system that limits the collection and reporting of workforce data, requires labor-intensive manual data input and reconciliation by various Service Areas and demands internal IT resources support;

Whereas, Human Resources Services, Information Technology and Finance and Administrative Services have identified a strategic solution that is anticipated to improve functionality, time efficiencies, and employee access to personal benefit data;

Whereas, After extensive due diligence inquiry on potential resources and solutions, an Request for Proposal was developed with the following strategic goals for integration of City human resource, payroll and time collection systems:

- A solution that emphasizes Manager and Employee Self-Service integrating functional solutions and providing tools for business processes associated with workforce-lifecycle (hire to retirement) management;
- A solution that allows the City to leverage technology, streamline administrative processes and provide better service to City managers and employees through state-of-the-art reporting and access to management information.
- A solution that is consistent with and links to the Information Technology and Human Resources strategic plans supporting Human Capital Management (HCM).

Whereas, RFP No. 638 was released on July 11, 2006 and the City received seven (7) responses;

Whereas, A Selection Committee comprised of City employees from Human Resources, Accounting/Payroll, Information Services, Public Services, Community Services and Safety Services evaluated the proposals, conducted interviews and on-site demonstrations of the proposed solutions;

Whereas, The Ultimate Software Group, Inc. was selected as the recommended web-based vendor hosted solution for the following reasons:

- Ultimate's UltiPro Workforce Management Intersourcing solution is a fully integrated web-based Human Resource/Payroll/Benefits/Time & Attendance solution with employee and manager self-service.
- UltiPro Workforce Management solution will significantly reduce the manual efforts involved in the current payroll, human resource, time collection, labor costing, and reporting processes.
- UltiPro Workforce Management solution will provide employees with the ability to go online and securely view their personal information, such as individual paycheck information, year-to-date summaries, benefit details and direct deposit choices. Employee self-service would include benefit administration, open enrollment, paid-time-off requests and training.
- UltiPro Workforce Management solution will provide City Managers access to information like staff compensation and employee rosters, allowing managers to quickly access and view reports, including employees' vacation balances and sick leave histories. City managers may also use this reporting tool to closely monitor costs. These tools will enable workforce management expenses to be regularly scrutinized with reporting and will afford detail by service area, by employee and by cost center. This would include the ability to link HCM solutions such as competency models, performance and learning management, development



plans and succession planning;

Whereas, Ultimate received Human Rights approval on October 31, 2006 and complies with the provisions of the City's Living Wage Ordinance; and

Whereas, Funding for the implementation of the web-based vendor hosted solution was planned for in the Information Technology Fund of the approved FY06-07 budget, and license fee costs will thereafter be budgeted annually as part of the Information Technology Fund budget;

RESOLVED, That City Council approve a license agreement with Ultimate for the implementation of and transition to a web-based vendor hosted HRMS and Payroll System for a period of 5 years with the option to renew the license for one additional 1 year period;

RESOLVED, That the Mayor and Clerk be authorized and directed to execute the license agreement and related supporting documents; and

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this resolution, including the approval of the renewal term.

The Mayor declared a recess at 9:18 p.m. and reconvened the meeting at 9:36 p.m.

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#### R-479-11-06 APPROVED

#### RESOLUTION TO APPROVE PURCHASES OF PC HARDWARE, SERVER HARDWARE AND SUPPORTING SOFTWARE FROM ELECTRONIC DATA SYSTEMS CORPORATION FOR FISCAL YEAR 2006-2007

Whereas, The City of Ann Arbor requires that computing infrastructure components be maintained and replaced to keep up with the changes necessary to efficiently and effectively operate and enhance the level of city services delivery;

Whereas, The City has planned, approved and budgeted for PC Deployment and Server Upgrades during the current fiscal year;

Whereas, By Council Resolution dated October 4, 2004, the Administrative Services Department, Purchasing Division was permitted to procure products and/or services from the State of Michigan through its Extended Purchasing Program due to lower costs for volume purchases;

Whereas, Electronic Data Systems Corporation was competitively awarded a contract by the State of Michigan for procurement of hardware, software and related services which provides a cost effective means of obtaining hardware, software and services for the State and participating municipalities that improves the City of Ann Arbor's overall acquisition process by minimizing duplicate efforts;

Whereas, Electronic Data Systems Corporation has received Human Rights approval on October 15, 2006; and

Whereas, Funding for these purchases is available through the Information Technology fund;

RESOLVED, That City Council approve a purchase order contract with Electronic Data Systems Corporation for a total amount not to exceed \$150,000.00 for acquisition of PC and Server hardware, and supporting software to be incorporated into the City information systems; and

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

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

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

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R-480-11-06 APPROVED

**RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENT TO ISSUE GENERAL  
OBLIGATION PARKING FACILITY CAPITAL IMPROVEMENT BONDS**

Whereas, the City of Ann Arbor, County of Washtenaw, State of Michigan (the "City") intends to issue and sell general obligation capital improvement bonds, pursuant to the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in one or more series in an aggregate principal amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) (the "Bonds") for the purpose of paying part of the costs of acquiring and constructing an additional level of parking to the existing multi-level public parking structure in the City known as the Fourth and William Parking Structure, an express ramp for such structure, and related capital improvements; and,

Whereas, a notice of intent to issue bonds and of the right to petition for referendum thereon must be published at least 45 days before the issuance of the aforesaid Bonds in order to comply with the requirements of Section 517 of Act 34.

RESOLVED That:

1. The City Clerk is hereby authorized and directed to cause a notice of intent to issue bonds to be published and prominently displayed once in The Ann Arbor News, of Ann Arbor, Michigan, a newspaper of general circulation in the City. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

**NOTICE OF INTENTION OF THE CITY OF ANN ARBOR  
TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS  
AND OF RIGHT TO PETITION FOR REFERENDUM THEREON**

**TO ALL ELECTORS AND TAXPAYERS OF THE CITY OF ANN ARBOR:**

PLEASE TAKE NOTICE that the City Council of the City of Ann Arbor, Washtenaw County, Michigan (the "City"), intends to issue and sell General Obligation Capital Improvement Bonds,

pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in one or more series in an aggregate principal amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) (the "Bonds"), for the purpose of paying part of the costs of acquiring and constructing an additional level of parking to the existing multi-level public parking structure in the City known as the Fourth and William Parking Structure, an express ramp for such structure, and related capital improvements.

SAID BONDS will be payable in annual installments not to exceed thirty (30) in number and will bear interest at the rate or rates to be determined at public or negotiated sale but in no event to exceed eight percent (8%) per annum on the balance of the Bonds from time to time remaining unpaid.

**FULL FAITH AND CREDIT AND TAXING POWER OF  
THE CITY OF ANN ARBOR WILL BE PLEDGED**

NOTICE IS FURTHER GIVEN that the Bonds will be general obligation bonds of the City. The full faith and credit of the City will be pledged to the payment of principal of and interest on the Bonds . Pursuant to such pledge of its full faith and credit, the City will be obligated to levy such ad valorem taxes upon all taxable property in the City as shall be necessary to make such payments of principal and interest, which taxes, however, will be subject to applicable statutory, constitutional and charter limitations on the taxing power of the City.

## RIGHT TO PETITION FOR REFERENDUM

NOTICE IS FURTHER GIVEN to the electors and taxpayers of the City of Ann Arbor to inform them of their right to petition for a referendum on the question of issuance of the Bonds. The City intends to issue the Bonds without a vote of the electors thereon, but the Bonds shall not be issued until 45 days after publication of this notice and until final approval by the City Council. If, within such 45-day period, a petition for referendum requesting an election on the issuance of the Bonds, signed by not less than 10% or 15,000 of the registered electors of the City, whichever is less, has been filed with the City Clerk, the Bonds shall not be issued unless and until approved by a majority of the electors of the City voting thereon at a general or special election.

This notice is given by order of the City Council. Further information may be obtained at the office of the City Clerk, 100 North Fifth Avenue, Ann Arbor, Michigan 48107.

City Clerk, City of Ann Arbor

2. The City Council does hereby determine that the foregoing Notice and the manner of publication directed is the method best calculated to give notice to the City's electors and taxpayers of the City's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds, including the full faith and credit pledge to be issued by the City, and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Higgins, Easthope, Woods, Roberts, Johnson, Rapundalo, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried.

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R-481-11-06 APPROVED

RESOLUTION TO APPROVE A TRAFFIC SIGNAL INSTALLATION,  
MAINTENANCE AND REPAIR AGREEMENT WITH  
THE BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN

Whereas, The University of Michigan has requested a traffic control device to be installed at the intersection of E. Medical Center Drive and Cancer Geriatric Center Circle Drive to address pedestrian safety;

Whereas, The University of Michigan has agreed to reimburse the City for all associated costs for the installation and ongoing maintenance costs of the signal;

Whereas, The traffic signal installation meet Michigan Manual on Uniform Traffic Control Device (MMUTCD) warrants; and

Whereas, The City will incur no additional costs associated with the installation or maintenance of the traffic signal;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the agreement with the University of Michigan Regents for the traffic signal installation, maintenance and repair for the signal to be installed at E. Medical Center Drive and Cancer Geriatric Center Circle Drive, substantially in the form on file with the City Clerk, following 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 the necessary administrative actions to implement this resolution.

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

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

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R-482-11-06 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR TRAFFIC CONTROL DEVICES FROM THE  
REGENTS OF THE UNIVERSITY OF MICHIGAN (TRAFFIC SIGNAL AT E. MEDICAL CENTER

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DRIVE AND CANCER GERIATRIC CENTER CIRCLE DRIVE

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Whereas, The Regents of the University of Michigan is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, described as:

- 1) prt Eastern Addition and prt NW ¼ Sec 28 T2S R6E BD N by NYC RR ROW W by Glen Ave & S Forest Ave SLY Catherine St & E Ann St and E by N & SL Sec 28; and
- 2) prt NE ¼ Sec 28 T2S R6E BD N by NYC RR R/W & Huron River E by EL Sec 28 S by Washington Hts NL Forest Hill Cemetery E & WL Sec & W by N & SL Sec 28 & EL Forest Hill Cemetery;

Whereas, The Regents of the University of Michigan has requested that the City install, and subsequently maintain and repair, traffic control devices at E. Medical Center Drive and Cancer Geriatric Center Circle Drive on the University of Michigan's property;

Whereas, The City Council has today approved that the City enter into an agreement with The Regents of the University of Michigan for the installation, maintenance and repair of the traffic signal;

Whereas, An easement from the University to the City is necessary for the City to install, maintain and repair the traffic control devices and the agreement for installation, maintenance and repair of the traffic signal requires The Regents of the University of Michigan to grant an easement to encumber and run with the land, which easement more particularly described as follows:

Commencing at the North 1/4 corner of Section 28, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S01°02'45"E 465.72 feet along the North and South 1/4 line of said Section; thence S89°18'20"W 155.80 feet along the Southerly Right-of-Way line of the Norfolk and Southern Railway to the POINT OF BEGINNING thence Southeasterly 224.86 feet along the arc of a 449.85 foot radius circular curve to the left, through a central angle of 28°38'22", having a chord that bears S66°04'44"E 222.52 feet; thence S03°40'14"W 71.44 feet; thence Easterly 63.28 feet along the arc of a 453.00 foot radius circular curve to the left, through a central angle of 08° 00'15", having a chord that bears S87°07'02"E 63.23 feet; thence N88°52'50"E 312.16 feet; thence S01°07'10"E 10.00 feet; thence S88°52'50"W 312.16 feet; thence Westerly 64.12 feet along the arc of a 463.00 foot radius circular curve to the right, through a central angle of 07° 56'05", having a chord that bears N87°09'07"W 64.07 feet; thence S03° 40'14"W 14.69 feet; thence Westerly 122.64 feet along the arc of a 544.15 foot radius circular curve to the right, through a central angle of 12° 54'48", having a chord that bears N75°00'44"W 122.38 feet; thence N03°40'14"E 90.92 feet; thence Northwesterly 119.28 feet along the arc of a 459.85 foot radius circular curve to the right, through a central angle of 14°51'45", having a chord that bears N57°40'23"W 118.95 feet; thence N89°18'20"E 15.66 feet along the Southerly Right-of-Way line of the Norfolk and Southern Railway to the Point of Beginning.

Being (1) a part of prt Eastern Addition and prt NW ¼ Sec 28 T2S R6E BD N by NYC RR ROW W by Glen Ave & S Forest Ave SLY Catherine St & E Ann St and E by N & SL Sec 28, and (2) a part of prt NE ¼ Sec 28 T2S R6E BD N by NYC RR R/W & Huron River E by EL Sec 28 S by Washington Hts NL Forest Hill Cemetery E & WL Sec & W by N & SL Sec 28 & EL Forest Hill Cemetery, City of Ann Arbor, Washtenaw County, Michigan, and being subject to easements and restrictions of record, if

any.

RESOLVED, That the City hereby accepts said easement.

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

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

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#### R-483-11-06 APPROVED

#### RESOLUTION TO APPROPRIATE FUNDS INTO THE FY06-07 FIRE SERVICES OPERATING BUDGET FROM THE GENERAL FUND BALANCE IN THE AMOUNT OF \$14,190.00 AND APPROVE A CONTRACT WITH WESTERN WATERPROOFING CO. FOR REPAIRS TO FIRE STATION ONE

Whereas, City Council approved Resolution R-370-8-06 authorizing an appropriation and repairs to Fire Station One;

Whereas, The lowest qualified bidder could not perform the work specified;

Whereas, The previously approved repairs are necessary to the flooring system of the main fire station (Fire Station One) to avoid further structural floor subsurface damage;

Whereas, The second low bid by Western Waterproofing in the amount of \$47,220.00 exceeds the amount available in the Fire Services budget by \$14,190.00;

Whereas, Western Waterproofing Co. has successfully completed prior projects for the City of Ann Arbor; and

Whereas, Western Waterproofing Co. received Human Rights approval on September 26, 2006, and complies with the Living Wage Ordinance;

RESOLVED, That City Council appropriate funds into the FY06-07 Fire Department Operating Budget in the amount of \$14,190.00 from the General Fund Balance for repairs to the flooring system for Fire Station One;

RESOLVED, That City Council approve a contract with Western Waterproofing Co. in the amount of \$47,220.00 for the repairs to the flooring system of Fire Station One; and

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

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

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

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R-484-11-06 APPROVED AS AMENDED

RESOLUTION TO APPROVE AMENDMENTS TO THE  
ANN ARBOR HOUSING TRUST FUND

Whereas, The Office of Community Development currently administers HOME, CDBG, Ann Arbor Housing Trust funds and permanently affordable units created by private developers;

Whereas, Amendments to the Ann Arbor Housing Trust Fund Guidelines are being proposed to make them consistent with current practices and City policies; and

Whereas, The Housing Policy Board recommended approval of these amendments on September 29, 2006;

RESOLVED, That the Mayor and City Council approve the revised, attached Ann Arbor Housing Trust Fund Guidelines; and

RESOLVED, That the approved Guidelines take effect on November 10, 2006.

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

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

1<sup>st</sup> Paragraph on Page 2 of the Ann Arbor Housing Policy Trust Fund Guidelines

...Disbursements may be made to non-profit corporations, municipal corporations, for-profit corporations, partnerships, limited equity cooperatives, or to individuals. All projects must be decent, safe and sanitary and meet the Housing Quality Standards as established by the Department of Housing and Urban Development and the local Code. **THE CITY HAS A PRIORITY ON USING TRUST FUND DOLLARS ON PROJECTS WITHIN THE CITY LIMITS, BUT WILL ALLOW FOR TRUST FUND DOLLARS TO BE USED OUTSIDE THE CITY LIMITS. ...**

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

The question being the resolution as presented and the Ann Arbor Housing Trust Fund Document as amended, on a voice vote, the Mayor declared the motion carried.

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POSTPONED

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## RESOLUTION TO ESTABLISH CITY OF ANN ARBOR POLICY REGARDING INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES - TAX ABATEMENTS

Whereas, The City of Ann Arbor wishes to maintain a good quality of life by retaining and expanding its economic base including quality employment opportunities for residents; and

Whereas, The State of Michigan Public Act 198 of 1974, as amended allows for local municipalities to issue abatements, otherwise known as an Industrial Facilities Exemption Certificate, of up to 50% of the increased taxable value on the rehabilitation or new development for both real and personal property for a period not exceed twelve (12) years within established Industrial Development Districts; and

Whereas, The City of Ann Arbor established a tax abatement policy of sorts in 1993 by putting other taxing jurisdictions on notice that the City would object to the grant of tax abatements unless some kind of replacement in terms of facilities and/or jobs was created; and

Whereas, Tax incentives to industrial developers continues to be a necessary economic development tool to compete with other intrastate and interstate communities for long-term capital investment; and

Whereas, The City of Ann Arbor has no effective policy currently that provides sufficient guidelines to anyone seeking an Industrial Facilities Exemption Certificate (i.e., tax abatement), and specifically the criteria by which the City would judge an applicant's suitability for such a benefit; and

Whereas, The City of Ann Arbor does view the granting of tax abatement as a public sector investment and thus requires careful due diligence and evaluation to ensure public benefit;

RESOLVED , That the City of Ann Arbor in a transparent and responsible effort to provide a more favorable living and business climate establishes an official position and procedures set forth in its "Tax Abatement Policy" when considering applications for property tax abatement on real and personal property in accordance with the provisions of Michigan PA 198 and other state laws relative to the issuance of Industrial Facilities Exemption Certificates.

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

Councilmember Rapundalo moved, seconded by Councilmember Johnson, to postpone the resolution until December 4, 2006.

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

### REPORTS FROM COUNCIL COMMITTEES

#### A2D2 - HISTORIC DISTRICT SUBCOMMITTEE

Councilmember Woods announced that the Historic District Subcommittee of the A2D2 Committee would be holding two district meetings on November 16 and November 28, 2006 to review changes to Chapter 103 of the City Code relating to historic districts.

#### HOUSING POLICY BOARD



Councilmember Greden announced that the Housing Policy Board has a new process in place in order to make it more efficient for the City and nonprofit organizations that are asking for home funds and other funding from the Trust Fund. An RFP was put together and issued to the nonprofit organizations inviting them to submit proposals for receiving home and trust funds. The committee is in the process of reviewing the RFP's returned, and the board will be bringing forward recommendations to Council at a later date.

#### GREENWAY TASK FORCE

Councilmember Carlberg announced that the task force has finished writing their final report to Council and several members are making final edits before it comes to Council formally.

### **COUNCIL PROPOSED BUSINESS**

None.

### **COMMUNICATIONS FROM THE MAYOR**

Mayor Hieftje asked that Councilmembers consider committee appointments for the next year and plan to make assignments by the first meeting in December.

#### APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the October 16, 2006 regular session of Council:

##### Community Development Executive Committee

Wendy Lockwood Banka 3291 Rosedale Ann Arbor, MI 48108 Term: November 9, 2006- June 30, 2009	Replacing -Maureen O'Rourke
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David Blanchard 1230 Broadway Ann Arbor, MI 48105 Term: November 9, 2006-June 30, 2009	Replacing- James Mogensen
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Councilmember Johnson moved, seconded by Councilmember Rapundalo, that Council concur with the recommendations of the Mayor.

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

#### NOMINATIONS PLACED ON TABLE

Mayor Hieftje placed the following nominations on the table and asked that the Council Rules be suspended to approve this nomination immediately:

##### Planning Commission

Jean Carlberg 1902 Independence Blvd. Ann Arbor, MI 48104 Term: November 20, 2006-June 30, 2008	Replacing -Stephen Kunselman
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Councilmember Higgins, moved, seconded by Councilmember Greden, to approve the nomination and appointment of Jean Carlberg to the Planning Commission.

On roll call, the vote was as follows:

Yeas Councilmembers Carlberg, Greden, Teall, Higgins, Easthope, Woods, Roberts, Johnson, Rapundalo, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried.

## **COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

### **ANNOUNCEMENTS**

City Administrator Roger Fraser, made the following announcements:

- A Council Workshop has been scheduled for December 2, starting with breakfast at 8:00 a.m. and discussion and goal setting starting at 8:30 a.m. Location to be determined at a later date.
  - City Hall will be closed on November 10, 2006 in observance of Veterans Day.
  - The Council tour of the new maintenance facility scheduled for November 11, 2006 has been cancelled.

### **REPORTS SUBMITTED**

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

1. September 2006 Investment Portfolio Report - Financial and Administrative Services
2. DDA Solid Waste Ordinance Amendments (Informational Follow-up) - Public Services
3. Citywide Footing Drain Disconnection Program Status Report 14 - Public Services

(Reports 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:

- Anderson Annexation, 0.22 Acre, located on the east side of Glenwood St., south of Dexter Road, from Scio Township
  - Kitchen Annexation, 0.87 acre, located at 2590 Miller Rd, from Scio Township
- Zion Lutheran Church Annexation, 0.67 acre, located on the southwest corner of Liberty St. and Ridgemor Dr., from Ann Arbor Township
  - Staggs Annexation, 0.92 acre, located at 603 and 609 S. Wagner Rd., from Scio Township
  - Rayer Annexation, 0.48 acre, located at 591 and 597 S. Wagner Rd., from Scio Township
  - Clinard Annexation, 0.46 acre, located at 679 S. Wagner Rd., from Scio Township

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

## **COMMUNICATIONS FROM COUNCIL**

### **FAREWELLS**

Outgoing Councilmembers Carlberg and Roberts gave farewell speeches and were presented with words and gifts of appreciation from the remaining members of Council.

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

The following communications were referred as indicated:

1. Communication from S.E.M.C.O.G. regarding their Bi-weekly Regional Update, Vol. 11, No.21, October 16, 2006
2. Communication from Karl Frankena, of Conlin, McKenney & Philbrick, P.C. Law Offices regarding notice of intent to establish a condominium project located on  
S. State Street - Planning and Development Services
3. Communication from Lawrence Kestenbaum, Washtenaw County Clerk, regarding a resolution accepting comments from the Planning Advisory Board on the Pittsfield Township Comprehensive Plan Amendment -  
Planning and Development Services
4. Communication from Carolyn Mosher, Executive Director of the Architectural Salvage Warehouse of Detroit regarding their service of preserving historical artifacts, reusing building materials, and diverting construction waste from landfills - Community Development
5. Communication from County Clerk Lawrence Kestenbaum regarding Public Hearing on Proposed Amended 2007 Budget scheduled for November 15, 2006
6. Communication from citizens on Provincial Drive expressing concerns with the proposed Crisler Annexation, located at 2999 Override Drive - Planning and Development Services

The following minutes were received for file:

1. Recreation Advisory Commission - September 12, 2006
2. Energy Commission - September 12, 2006
3. Ann Arbor Election Commission - July 18, 2006
4. City Council Administration Committee - September 7, 2006
5. Park Advisory Commission - June 20, July 18 and August 15, 2006
6. Housing Board of Appeals - June 13, 2006
7. Sign Board of Appeals - December 13, 2005 and February 14, 2006
8. Historic District Commission - May 11, June 8, July 13, August 7 and September 14, 2006
9. Building Board of Appeals - July 13, August 9 and September 13, 2006
10. Zoning Board of Appeals - August 23, and September 27, 2006
11. Employees' Retirement System Board - September 21, 2006
12. Retiree Health Care Board of Trustees - September 21, 2006
13. Ann Arbor Transportation Authority Board - September 20, 2006
14. Greenbelt Advisory Commission - July 12 and September 6, 2006

- 15. Ann Arbor Housing Commission - September 20, 2006
- 16. City Council Budget and Labor Committee - October 3, 2006
- 17. Planning Commission - July 6 and 18, August 1 and 15, 2006

Councilmember Higgins moved, seconded by Councilmember Rapundalo, that the Clerk's Report be accepted.

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

### **PUBLIC COMMENTARY - GENERAL**

#### **JIM MOGENSEN - COLLABORATIVE**

Jim Mogensen, 3780 Green Brier, thanked Council for asking questions regarding the Washtenaw Community Collaborative and spoke about the need for a capital improvements plan at the Ann Arbor Community Center.

#### **TOM PARTRIDGE - REFORM**

Tom Partridge spoke about Council reform and the need for macro and micro level thinking and a focus on social and human rights issues.

### **RECESS FOR CLOSED SESSION**

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

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Higgins, Easthope, Woods, Roberts, Johnson, Rapundalo, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 10:38 p.m.

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

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:46 p.m.

### **ADJOURNMENT**

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:45 p.m.

Jacqueline Beaudry  
Clerk of the Council

Anissa R. Bowden  
Recording Secretary

