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Ann Arbor City Council Minutes Regular Session - March 7, 2005

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

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Council Members Kim Groome, Robert M. Johnson, Joan Lowenstein, Michael R. Reid (Late), Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 10.

ABSENT : Council Member Jean Carlberg, 1.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

JIM MOGENSEN - 2005 Edward Byrne Memorial Justice Assistance Grant

Jim Mogensen, 3780 Greenbrier Blvd., #354C, addressed Council regarding the 2005 Edward Byrne Memorial Justice Assistance Grant.

DDA 1ST AND WILLIAM STRUCTURE

The following people spoke in opposition of the proposed DDA 1st and William Structure:

Kurt Mark, 1464 Jewett
Barbara Murphy, 507 Second
Jim Hart, 304 S. Main
Margaret Wong, 418 S. First
Alice Ralph, 1603 E. Stadium
Nancy Goldstein, 408 Second
Mike Forgacs, 112 Seventh

The following people spoke in support of the proposed DDA 1st and William Structure:

Rob Dascola, 304½ S. State
Scott Huckestein, 110 E. Washington

PUBLIC HEARINGS

None.

APPROVAL OF AGENDA

AGENDA APPROVED AS PRESENTED

Council Member Greden moved, seconded by Council Member Teall that the agenda be approved as presented.

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF FEBRUARY 22, 2005 APPROVED WITH CHANGES

Council Member Teall moved, seconded by Council Member Johnson that the regular session minutes of February 22, 2005 be approved with changes to reflect the correct third RESOLVED Clause change in Resolution No. R-48-2-05 (Resolution Urging the Federal Government to Maintain CDBG and Section 8 Funding To Communities).

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 to Approve the Purchase of Ten Police Patrol Cars and One 1-Ton Cab and Chassis from Signature Ford (Macomb County Bid, \$218,993.00) (Public Services - Sue F. McCormick, Area Administrator)

Resolution to Approve the Purchase of Seven Mini Pick Up Trucks, One Four Wheel Drive Mini Pick Up Truck, One Full Size Cargo Van, and One Police Detective Car from Buff Whelan Chevrolet (Oakland County

Bid \$130,991.00) (Public Services - Sue F. McCormick, Area Administrator)

Resolution to Approve the Purchase of Five Compact Cars and One 3/4 Ton Four Wheel Drive Pick Up Truck from Gorno Ford (State of Michigan Bid \$72,397.00) (Public Services - Sue F. McCormick, Area Administrator)

Resolution to Approve the Purchase of One Four Wheel Drive Full Size Pick Up Truck with Crew Cab and One Police Detective Car from Red Holman Pontiac-GMC (Oakland County Bid, \$48,615.00) (Public Services - Sue F. McCormick, Area Administrator)

CONSENT AGENDA ITEMS APPROVED

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

R-77-3-05 APPROVED

(RESOLUTION to Approve the Purchase of One Four Wheel Drive Special Service Sports Utility Vehicle from Shaheen Chevrolet)

Note: This resolution was reconsidered, see page 15 for final decision.

R-52-3-05 APPROVED

RESOLUTION to Increase Amount of Purchase Order to Ann Arbor Print and Mail Services (AAPMS) for FY 05

Whereas, It is necessary to print and mail Water Utility bills and AMR program letters;

Whereas, The Public Services Area-Customer Service Unit utilized the RFP process to enter into a contract with AAPMS to provide printing and mailing service;

Whereas, The Public Services Area-Customer Service Unit expects FY05 expenses will exceed the current purchase order of \$22,243.00;

Whereas, AAPMS services are needed during all of FY05, with estimated total expenses of \$40,029.00;

Whereas, Funds for these services have been budgeted in the Water Supply O&M budget and the AMR capital project budget; and

Whereas, On September 17, 2004, AAPMS received Human Rights and Living Wage approval for this work;

RESOLVED, That Council approve an increase of \$17,786.00 for printing and mailing services from AAPMS provided in FY05, with the total amount of FY05 purchase order increased to \$40,029.00; and

RESOLVED That Council authorize the City Administrator to take the necessary administrative actions to implement this resolution.

R-53-3-05 APPROVED

RESOLUTION to Approve Water Supply Agreement with Ann Arbor Charter Township, to Approve Wastewater Treatment Capacity and Services Agreement with Ann Arbor Charter Township, and to Approve

Waiver and Release Agreement

Whereas, The Water Supply Agreement entered into between the City of Ann Arbor and Ann Arbor Charter Township in June of 1984 had a twenty-year term and required the parties to meet and negotiate a new agreement if it wasn't extended;

Whereas, The City of Ann Arbor and Ann Arbor Charter Township decided not to extend the agreement and entered into negotiations in an effort to negotiate a new agreement regarding water supply services provided by the City to the Township;

Whereas, After lengthy negotiations the City and the Township were able to reach agreement regarding the terms of a new Water Supply Agreement, referred to as the "2005 Water Supply Agreement"; and

Whereas, The Ann Arbor Charter Township Board of Trustees approved the 2005 Water Supply Agreement at its meeting on February 23, 2005;

RESOLVED, That the Ann Arbor City Council approve the 2005 Water Supply Agreement with Ann Arbor Charter Township; and

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign the 2005 Water Supply Agreement, subject to approvals as to substance by the City Administrator and as to form by the Chief Assistant City Attorney.

R-54-3-05 APPROVED

RESOLUTION to Approve Water Supply Agreement with Ann Arbor Charter Township, to Approve Wastewater Treatment Capacity and Services Agreement with Ann Arbor Charter Township, and to Approve Waiver and Release Agreement

Whereas, The Wastewater Treatment Capacity and Services Agreement entered into between the City of Ann Arbor and Ann Arbor Charter Township in November of 1976, as amended in June of 1986, had an initial term through 1995, with possible extensions of 20 years, but provided for the parties to meet and negotiate a new agreement if they did not wish to continue on the same terms;

Whereas, The City of Ann Arbor and Ann Arbor Charter Township entered into negotiations in an effort to negotiate a new agreement regarding wastewater treatment capacity and services provided by the City to the Township;

Whereas, After lengthy negotiations the City and the Township were able to reach agreement regarding the terms of a new Wastewater Treatment Capacity and Services Agreement, referred to as the "2005 Wastewater Treatment Capacity and Services Agreement"; and

Whereas, The Ann Arbor Charter Township Board of Trustees approved the 2005 Wastewater Treatment Capacity and Services Agreement at its meeting on February 23, 2005;

RESOLVED, That the Ann Arbor City Council approve the 2005 Wastewater Treatment Capacity and Services Agreement with Ann Arbor Charter Township; and

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign the 2005 Wastewater Treatment Capacity and Services Agreement, subject to approvals as to substance by the City Administrator and as to form by the Chief Assistant City Attorney.

R-55-3-05 APPROVED

RESOLUTION to Approve Water Supply Agreement with Ann Arbor Charter Township, to Approve Wastewater Treatment Capacity and Services Agreement with Ann Arbor Charter Township, and to Approve Waiver and Release Agreement with Ann Arbor Township

Whereas, The City of Ann Arbor may have potential claims against the Township pertaining to alleged overpayment by the City to the Township of a portion of the benefit charge for connection of the City's Wastewater Treatment Plant to the Township water system;

Whereas, Ann Arbor Charter Township may have potential claims against the City pertaining to alleged overpayment by the Township to the City of "summer billing charges" for water and/or sewer service;

Whereas, The City and the Township, in conjunction with approval of the 2005 Water Supply Agreement and 2005 Wastewater Treatment Capacity and Services Agreement, wish to mutually waive and release such claims; and

Whereas, The Ann Arbor Charter Township Board of Trustees approved the Waiver and Release of Claims at it's meeting on February 23, 2005;

RESOLVED, That the Ann Arbor City Council approve the Waiver and Release of Claims; and

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign the Waiver and Release of Claims, subject to approvals as to substance by the City Administrator and as to form by the Chief Assistant City Attorney.

R-56-3-05 APPROVED

RESOLUTION to Approve the Closing of Monroe Street for the Monroe Street Fair on Saturday, April 2, 2005

Whereas, The City received a request from Sports, Leisure & Entertainment RPG d/b/a Creative Recreation, Inc. d/b/a Monroe Street Fair to close Monroe Street between Oakland and Tappan Avenue from 10:00 a.m. to 6:30 p.m. on Saturday, April 2, 2005 for the Monroe Street Fair;

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

Whereas, The sponsors agree to defend and indemnify and hold the City harmless against all claims arising from their sponsorship of this event; and

Whereas, The sponsors of the event will obtain all necessary permits and provide evidence of proper liability insurance associated with their sponsorship of this event;

RESOLVED, That Council approve the closing of Monroe Street between Oakland and Tappan Avenue for the Monroe Street Fair from 10:00 a.m. to 6:30 p.m. on Saturday, April 2, 2005.

R-57-3-05 APPROVED

RESOLUTION to Approve the Closing of Maynard Street for the March Madness St. Patrick's Day Party on Thursday, March 17, 2005 from 11:00 A.M. to Midnight

Whereas, The City received a request from the Arena Sports Bar to close Maynard Street between Liberty

Street and the Maynard Parking Structure from 11:00 a.m. on Thursday, March 17th to midnight for the March Madness St. Patrick's Day Party;

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

Whereas, The sponsor requires the approval of the Michigan Liquor Control Commission for a special outdoor liquor license;

Whereas, The sponsors agree to defend and indemnify and hold the City harmless against all claims arising from their sponsorship of this event; and

Whereas, The sponsors will obtain all necessary permits and provide evidence of proper liability insurance associated with their sponsorship of the event;

RESOLVED, That Council approve the closing of Maynard Street between Liberty Street and the Maynard Parking Structure for the March Madness St. Patrick's Day Party on March 17, 2005 from 11:00 a.m. to midnight (contingent upon approval of the special liquor license from the State of Michigan).

R-58-3-05 APPROVED

RESOLUTION to Approve Street Closings for the Shamrocks and Shenanigans 5K Run and Walk on Sunday, March 13, 2005

Whereas, The City has received a request from Conor O'Neill's Irish Pub and Restaurant to hold the Shamrocks & Shenanigans 5K Race and Walk on Sunday, March 13, 2004;

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

1) Closing the following streets between 1:45 p.m. - 2:30 p.m.

- *S. Main from Huron Street to William Street
- *Liberty from S. Fourth Avenue to S. First Street
- *S. Fourth Avenue from E. Liberty Street to Washington Street
- *Washington Street from S. Fourth Avenue to S. First Street
- *W. William Street from S. Main Street to S. First Street
- *S. Ashley Street from Jefferson Street to W. Huron Street
- *S. First Street from W. Huron Street to Jefferson Street
- *Jefferson Street from S. First Street to S. Ashley Street

2) Closing the following street at 1:15 p.m. for the Kid's Dash and as a staging area for the participants: S. Main Street between Liberty Street and William Street

3) Provide directional cones and barricades

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

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

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

Whereas, Conor O'Neill's Irish Pub and Restaurant, Running Fit, Gordon Food Service Marketplace and LaBatt Blue supports the event; and

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

RESOLVED, That Council approve street closings for the Shamrocks & Shenanigans 5K Race and Walk on Sunday, March 13, 2004, with the closing of S. Main Street between Liberty Street and William Street from 1:15 p.m. to 2:30 p.m., and the closing of the following streets from 1:45 p.m. to 2:30 p.m.:

- *S. Main from Huron Street to William Street;
- *Liberty from S. Fourth Avenue to S. First Street;
- *S. Fourth Avenue from E. Liberty Street to Washington Street;
- *Washington Street from S. Fourth Avenue to S. First Street;
- *W. William Street from S. Main Street to S. First Street;
- *S. Ashley Street from Jefferson Street to W. Huron Street;
- *S. First Street from W. Huron Street to Jefferson Street; and
- *Jefferson Street from S. First Street to S. Ashley Street

R-59-3-05 APPROVED

RESOLUTION to Approve the Closing of First, Liberty and State Streets for the “Stop the War” Day of Action March on Sunday, March 20, 2005

Whereas, The Michigan Peaceworks will be sponsoring the “Stop the War” Day of Action March on Sunday, March 20, 2005 commencing at 2:30 p.m. and ending at approximately 3:15 p.m.;

Whereas, In order to accommodate the estimated 1,500 people participating in the march, the Michigan Peaceworks has requested that specific downtown area streets be closed from 2:30 p.m. until approximately 3:15 p.m.;

Whereas, The street closures will be signed and barricaded by the sponsor and properly supervised by the sponsor and the Ann Arbor Police Explorers Unit;

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

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

RESOLVED, That Mayor and Council hereby approve the closing of the following streets from 2:30 p.m. to 3:15 p.m. on Sunday, March 20, 2005 for the “Stop the War” Day of Action March:

- *South First Street from Washington Street to Liberty Street
- *Liberty Street from South First Street to South State Street
- *South State Street from East Liberty Street to East William Street

R-60-3-05 APPROVED

RESOLUTION to Approve the Amendment of the 09-07-04 Approved Housing Rehabilitation Agreement with Charlie Ruth Young

Whereas, On September 7, 2004 Council approved the Housing Rehabilitation Agreement with Charlie Ruth Young for rehabilitation assistance for her home located at 331 Beakes Street per Resolution No. 370-9-04; and

Whereas, The work has begun and there are additional unforeseen rehabilitation items that need to be addressed;

RESOLVED, That Council approve the Amended Housing Rehabilitation Agreement with Charlie Ruth Young for an additional \$10,000.00 to bring the total contract amount to \$55,000.00 in HOME funds as a 0% interest, deferred payment loan, to be repaid in full after 30 years or at the time the property changes ownership either by sale, gift, mortgage, land contract, conversion to rental property, inheritance, or change of the use of the property from single-family residence;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute an amended Housing Rehabilitation Agreement with Charlie Ruth Young consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available without regard to fiscal year;

RESOLVED, That as a condition of loan disbursement, Charlie Ruth Young will execute an amended mortgage and promissory note, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

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

R-61-3-05 APPROVED

RESOLUTION to Approve Housing Rehabilitation Agreement with Terry and Rose Jackson

Whereas, An application was received from Terry and Rose Jackson for rehabilitation assistance for their home located at 720 Miner Street;

Whereas, The homeowners meet the City's criteria for participation in the Housing Rehabilitation Program; and

Whereas, Two bids were received on December 23, 2004, and Mr. and Mrs. Jackson will be executing an agreement with Sharp Building Company, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Terry and Rose Jackson in the amount of \$59,400.00 in HOME funds as a 0% interest, deferred payment loan, to be repaid in full after 30 years or at the time the property changes ownership either by sale, gift, mortgage, land contract, conversion to rental property, inheritance, or change of the use of the property from a single-family residence;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute a Housing Rehabilitation Agreement with Terry and Rose Jackson consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available without regard to fiscal year;

RESOLVED, That as a condition of loan disbursement, Terry and Rose Jackson will execute a mortgage and

promissory note, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

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

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

R-76-3-05 APPROVED AS AMENDED

(RESOLUTION to Approve the Purchase of Ten Police Patrol Cars and One 1-Ton Cab and Chassis from Signature Ford)

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

Council Member Easthope moved, seconded by Council Member Reid to postpone the part of the resolution to addresses the One 1-Ton Cab and Chassis until March 22, 2005 and amend the resolution as follows:

RESOLUTION to Approve the Purchase of Ten Police Patrol Cars and One 1-Ton Cab and Chassis from Signature Ford

Revise RESOLVED CLAUSES:

...**RESOLVED**, That City Council approve the issuance of a purchase order to Signature Ford in the amount of \$218,993 \$198,400.00 for the purchase of ten 2005 Ford Crown Victoria Police Interceptors and One 2005 Ford F-350 DRW from the 2004-2005 Motor Equipment budget with the funds to be available without regard to fiscal year;

RESOLVED, That the vehicles being replaced, nos. 0031, 0032, 0033, 0034, 0045, 0047, 0081, 0087, 0088, 0095, and 6521, be sold at the next City vehicle auction; and...

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

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 the Purchase of Ten Police Patrol Cars from Signature Ford

Whereas, The Fleet and Facilities Unit needs to purchase replacement vehicles for the City's fleet;

Whereas, Competitive bids were received by the State of Michigan, Oakland County, and Macomb County's Cooperative Bid programs;

Whereas, Signature Ford of Perry, MI, is the lowest responsive bidder to Macomb County; and

Whereas, Signature Ford received Human Rights approval on January 25, 2005;

RESOLVED, That City Council approve the issuance of a purchase order to Signature Ford in the amount of \$198,400.00 for the purchase of ten 2005 Ford Crown Victoria Police Interceptors from the 2004-2005 Motor

Equipment budget with the funds to be available without regard to fiscal year;

RESOLVED, That the vehicles being replaced, nos. 0031, 0032, 0033, 0034, 0045, 0047, 0081, 0087, 0088, 0095, and, be sold at the next City vehicle auction; and

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

The following resolutions were heard together:

POSTPONED

RESOLUTION to Approve the Purchase of Seven Mini Pick Up Trucks, One Four Wheel Drive Mini Pick Up Truck, One Full Size Cargo Van, and One Police Detective Car from Buff Whelan Chevrolet

Whereas, The Fleet and Facilities Unit needs to purchase replacement vehicles for the City's fleet;

Whereas, Competitive bids were received by the State of Michigan, Oakland County, and Macomb County's Cooperative Bid programs;

Whereas, Buff Whelan Chevrolet of Sterling Heights, MI, is the lowest responsive bidder to Oakland County; and

Whereas, Buff Whelan Chevrolet received Human Rights approval on February 16, 2005;

RESOLVED, That City Council approve the issuance of a purchase order to Buff Whelan Chevrolet in the amount of \$130,991.00 for the purchase of seven 2005 Chevrolet Colorado's, one 2005 Four Wheel Drive Chevrolet Colorado, one 2005 Chevrolet Express 2500, and one 2005 Chevrolet Impala from the 2004-2005 Motor Equipment budget with the funds to be available without regard to fiscal year;

RESOLVED, That the vehicles being replaced, nos. 0160, 1115, 4278, 4290, 5204, 5205, 5207, 6263, 6264, 8263, and 9216, be sold at the next City vehicle auction; and

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

POSTPONED

RESOLUTION to Approve the Purchase of Five Compact Cars and One 3/4 Ton Four Wheel Drive Pick Up Truck from Gorno Ford

Whereas, The Fleet and Facilities Unit needs to purchase replacement vehicles for the City's fleet;

Whereas, Competitive bids were received by the State of Michigan, Oakland County, and Macomb County's Cooperative Bid programs;

Whereas, Gorno Ford of Woodhaven, MI, is the lowest responsive bidder to State of Michigan; and

Whereas, Gorno Ford received Human Rights approval on April 2, 2004;

RESOLVED, That City Council approve the issuance of a purchase order to Gorno Ford in the amount of \$72,397.00 for the purchase of five 2005 Ford Focus and one 2005 Ford F-250 from the 2004-2005 Motor Equipment budget with the funds to be available without regard to fiscal year;

RESOLVED, That the vehicles being replaced, nos. 0505, 1101, 1113, 1257, 4155, 5102, 5104, and 5105 be sold at the next City vehicle auction; and

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

POSTPONED

RESOLUTION to Approve the Purchase of One Four Wheel Drive Full Size Pick Up Truck with Crew Cab and One Police Detective Car from Red Holman Pontiac-GMC

Whereas, The Fleet and Facilities Unit needs to purchase replacement vehicles for the City's fleet;

Whereas, Competitive bids were received by the State of Michigan, Oakland County, and Macomb County's Cooperative Bid programs;

Whereas, Red Holman Pontiac-GMC of Westland, MI, is the lowest responsive bidder to Oakland County; and

Whereas, Red Holman Pontiac-GMC received Human Rights approval on January 25, 2005;

RESOLVED, That City Council approve the issuance of a purchase order to Red Holman Pontiac-GMC in the amount of \$48,615.00 for the purchase of one 2005 GMC Sierra 2500HD Four Wheel Drive with Crew Cab and one 2005 Pontiac G-6 from the 2004-2005 Motor Equipment budget with the funds to be available without regard to fiscal year;

RESOLVED, That the vehicles being removed from service, nos. 0170 and 1041, be sold at the next City vehicle auction; and

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

Council Member Easthope moved, seconded by Council Member Higgins that the resolutions be adopted.

Council Member Easthope moved, seconded by Council Member Teall that the resolutions be postponed until March 21, 2005 for further review.

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

Council Member Easthope moved, seconded by Council Member Higgins to reconsider Resolution No. R-77 -3-05 - Resolution to Approve the Purchase of One Four Wheel Drive Special Service Sports Utility Vehicle from Shaheen Chevrolet.

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

POSTPONED

RESOLUTION to Approve the Purchase of One Four Wheel Drive Special Service Sports Utility Vehicle from Shaheen Chevrolet

Whereas, The Fleet and Facilities Unit needs to purchase a replacement vehicle for the City's fleet;

Whereas, Competitive bids were received by the State of Michigan, Oakland County, and Macomb County's Cooperative Bid programs;

Whereas, Shaheen Chevrolet of Lansing, MI, is the lowest responsive bidder to Oakland County; and

Whereas, Shaheen Chevrolet received Human Rights approval on February 3, 2005;

RESOLVED, That City Council approve the issuance of a purchase order to Shaheen Chevrolet in the amount of \$27,663.00 for the purchase of one 2005 Chevrolet Tahoe Special Service Package Vehicle from the 2004-2005 Motor Equipment budget with the funds to be available without regard to fiscal year;

RESOLVED, That the vehicle being replaced, number 0330, be sold at the next City vehicle auction; and

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

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

Council Member Easthope moved, seconded by Council Member Reid that the resolution be postponed until March 21, 2005 for further review.

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

6-05 APPROVED

ZONING

An Ordinance to Amend Sections 5:10.16 and 5:10.18 of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would eliminate the floor area restrictions for retail uses in the C1A and C1A/R Zoning Districts. (The complete text of Ordinance 6-05 is on file in the City Clerk's Office.)

Council Member Lowenstein moved, seconded by Council Member Teall that the ordinance be approved at first reading.

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

7-05 APPROVED AS AMENDED

CABLE SYSTEMS AND CABLE SERVICE

An Ordinance to Amend Sections 2:111 (7) of Chapter 32 of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 7-05 is on file in the City Clerk's Office.)

Council Member Higgins moved, seconded by Council Member Teall that the ordinance be approved at first

reading.

Council Member Lowenstein moved, seconded by Council Member Reid to amend the ordinance as follows:

2:111 Franchise fees.

(7) The franchise fee revenues received by the city shall be directed to the cost of franchise administration, and operation of PEG access television, and communications and media operations of the City. ...

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

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

8-05 APPROVED

TRAFFIC

An Ordinance to Add a New Section 10:1a and to Renumber and Amend Section 10:1 of Chapter 126 of Title X of the Code of the City of Ann Arbor

(The complete text of Ordinance 8-05 is on file in the City Clerk's Office.)

Council Member Woods moved, seconded by Council Member Teall that the ordinance be approved at first reading.

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

MOTIONS AND RESOLUTIONS

R-62-3-05 APPROVED

RESOLUTION to Appoint Member to the City Environmental Commission

Whereas, City Council passed an ordinance creating a City Environmental Commission;

Whereas, The ordinance requires City Council to nominate and appoint the members of the Commission;

Whereas, There is currently a vacancy on the Environmental Commission; and

Whereas, David Wright has an interest in protecting and enhancing the well-being of the environment and has submitted an application and resume;

RESOLVED, That David Wright be appointed to the Environmental Commission for a three-year term beginning February 23, 2005; and

RESOLVED, That the City Clerk notify the newly elected commission member and the chair of the Environmental Commission.

Council Member Teall moved, seconded by Council Member Reid that the resolution be adopted.

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

R-63-3-05 APPROVED

RESOLUTION to Approve The Oaks of Ann Arbor Site Plan

Whereas, EPIC Land Company LLC has requested site plan approval in order to construct 44 multiple-family dwelling units in ten buildings at 3589, 3599 and 3621 Stone School Road;

Whereas, The Ann Arbor City Planning Commission, on December 21, 2004, 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 Oaks of Ann Arbor Site Plan, subject to the four parcels being combined prior to permit issuance and subject to mitigation of sanitary sewer flow equivalent to the disconnection of 12 footing drains prior to issuance of the first certificate of occupancy.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Oaks of Ann Arbor Site Plan, 3.99 Acres, 3589, 3599 and 3621 Stone School Road.

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

Council Member Easthope abstained from voting.

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

POSTPONED

RESOLUTION TO APPROVE the Interim Revised Traffic Calming Program

Whereas, The City's Traffic Calming Program has been in place since December, 1999;

Whereas, On May 7, 2001 by resolution R-176-5-01, the City Council determined that "...the traffic calming program shall be reviewed annually and new policies proposed to maximize the effectiveness of traffic calming procedures and policies...;"

Whereas, The last amendment to the Traffic Calming Program was approved on August 5, 2002 by resolution R-341-8-02;

Whereas, Several traffic calming projects were completed in 2003 and 2004;

Whereas, The administration of the past traffic calming projects has resulted in valuable new experience; and

Whereas, Attachment "A" (on file in the City Clerk's Office) includes a proposal to further refine the 2002 Amended Traffic Calming Program for a trial period;

RESOLVED, That Attachment "A", Interim Revised Traffic Calming Program, be approved for its implementation;

RESOLVED, That by no later than March 2006, staff will present its finding and propose an amended Traffic Calming Program; and

RESOLVED, That Council authorizes the City Administrator to take necessary administrative actions to implement this resolution.

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

Council Member Easthope moved, seconded by Councilmember Johnson to postpone the resolution until March 21, 2005 for further review.

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

R-64-3-05 APPROVED

RESOLUTION TO APPROVE the Transfer of Ownership of a 2004 12-Month Resort Class "C" Licensed Business, Located at 2000 Commonwealth - D/B/A Carson's Road House of Ann Arbor

RESOLVED, That the request of Bank of America, N.A. to transfer the ownership of a 2004 12-month Resort Class C licensed business, located at 2000 Commonwealth, from Cooker Restaurant Corporation, be approved.

Council Member Easthope moved, seconded by Council Member Higgins that the resolution be adopted.

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

R-65-3-05 APPROVED

RESOLUTION TO Award an Agreement to Malcolm Pirnie, Inc., for Professional Engineering Services to Design the Facilities Renovations Project for the Wastewater Treatment Plant, RFP No. 584

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

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

Whereas, Replacement of the West Plant and improvements to the WWTP are required to improve process reliability and meet current and future wastewater treatment capacity requirements;

Whereas, Through RFP No. 584, the WWTP solicited proposals for professional engineering design and subsequent construction support services from ten engineering firms and received proposals from six firms;

Whereas, Based on the selection criteria listed in RFP No. 584, Malcolm Pirnie, Inc. was determined to be the most qualified engineering firm to provide the requested professional services; and

Whereas, Malcolm Pirnie, Inc. received Human Rights approval on December 8, 2004, and complies with the City's living wage requirements;

RESOLVED, That Council approve an agreement with Malcolm Pirnie, Inc. for \$2,996,670.00 to provide the professional engineering services described in RFP No. 584 for the WWTP;

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

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

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

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

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

R-66-3-05 APPROVED

RESOLUTION TO APPROVE an Agreement with the Michigan Department of Transportation and to Approve the Revised Project Budget for the West Stadium Improvements Project

Whereas, The adopted 2006-11 Capital Improvements Plan included the West Stadium Improvements project; and

Whereas, The Federal Highway Administration will allocate funds in the estimated amount of \$4,087,000.00 for the reconstruction of West Stadium between Pauline Boulevard and Maple Road;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute contract number 04-5423 with the Michigan Department of Transportation for the West Stadium Improvements project, 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;

RESOLVED, That the following budget be adopted for the life of the project, to be available without regard to fiscal year, and pending FY 2005-06 and FY 2006-07 budget appropriations as indicated:

Section I- Revenue

\$ 588,500.00 Street Resurfacing Millage, Prior Year

\$ 678,700.00 Advanced from the Stormwater Operating Fund Balance pending the sale of appropriate Stormwater Bonds

\$ 958,000.00 Advanced from the Water Operating Fund Balance pending the sale of appropriate Water Bonds

\$ 520,300.00 Advanced from the Sewer Operating Fund Balance pending the sale of appropriate Sewer Bonds
\$1,309,000.00 Street Resurfacing Millage, FY 2004-05
\$ 788,000.00 Street Resurfacing Millage, FY 2005-06
\$ 574,000.00 Street Resurfacing Millage, FY 2006-07
\$5,416,500.00 Total

Section II- Expenses

\$2,191,000.00 Construction Contract (City share only)
\$ 160,000.00 Construction Incentive
\$ 120,000.00 Temporary and Permanent Signs/Signals
\$ 752,000.00 Design Engineering
\$1,005,000.00 Construction Engineering
\$ 314,000.00 Material Testing and Inspection
\$ 314,000.00 Miscellaneous Costs (ROW acquisition, miscellaneous consulting services, city vehicle rental, materials, supplies, etc.)
\$ 58,000.00 Bond Expenses
\$ 502,500.00 Contingencies approved by the Administrator
\$5,416,500.00 TOTAL;

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

RESOLVED, That Council authorizes the City Administrator to take necessary administrative actions to implement this resolution.

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

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

R-67-3-05 APPROVED

RESOLUTION TO Appropriate the 2005 Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice - Office of Justice Programs - Bureau of Justice Assistance to the Police Department

Whereas, The City of Ann Arbor Police Department has been notified of its eligibility for \$39,283.00 in 2005 Edward Byrne Memorial Justice Assistance Grant ("Grant") funds and invited to apply on-line no later than March 31, 2005 to the United States Department of Justice - Bureau of Justice Assistance which uses an on-line application process;

Whereas, In conformance with the terms of the Grant, a public hearing regarding the application on this was held on February 22, 2005;

Whereas, City Council passed Resolution R-49-2-05 on February 22, 2005 approving the application for and if awarded the acceptance of the Grant, and the establishment of a trust fund account for the grant funds; and

Whereas, It is necessary to appropriate the grant funds when received for expenditure during the life of the grant without regard to fiscal year;

RESOLVED, That if awarded the grant, City Council appropriate the grant funds to the Police department for the life of the grant without regard to City fiscal year; and

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

Council Member Woods moved, seconded by Council Member Lowenstein that the resolution be adopted.

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

R-68-3-05 APPROVED

RESOLUTION TO Accept and Appropriate Funds for the Clean Cities Program Activities

Whereas, The City of Ann Arbor joined 12 other local organizations including the University of Michigan, the Ann Arbor Transportation Authority, Washtenaw County and the Ann Arbor Public Schools to become a certified Clean Cities Coalition by the US Department of Energy on April 19, 1999;

Whereas, The Ann Arbor Area Clean Cities Program purpose is to reduce our reliance on imported oil and reduce air pollution by encouraging the use of alternate fuels and more efficient vehicles;

Whereas, The Department of Energy and others periodically offer the Ann Arbor Area Clean Cities Coalition funding to help pay for publicity, public events and training to encourage the use of alternate fuel vehicles;

Whereas, The City of Ann Arbor is the lead agency in the Ann Arbor Area Clean Cities Coalition and serves as the recipient and distributor of funds for the coalition;

Whereas, City Council previously approved a resolution on May 20, 2002 to allow the Ann Arbor Energy Office to accept up to \$10,000.00 in donated funds and appropriate them for support of the Clean Cities Program;

Whereas, The Energy Office has accepted \$9,503.00 since May, 2002 for this program and requests approval to accept and appropriate an additional \$15,000.00 to be used for Ann Arbor Area Clean Cities Program support, and

Whereas, The funds will be managed by the Energy Coordinator, David Konkle, in his capacity as Director of the Ann Arbor Area Clean Cities Program;

RESOLVED, That the City of Ann Arbor be authorized to accept up to \$15,000.00 in donations from the US Department of Energy and other unspecified sources to be used for Clean Cities Program expenses; and

RESOLVED, That the funds be appropriated to the FY04-05 Energy Office Grant Fund for the life of the project regardless of fiscal year.

Council Member Woods moved, seconded by Council Member Lowenstein that the resolution be adopted.

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

R-69-3-05 APPROVED

RESOLUTION TO Accept and Appropriate Funds for Clean Cities Program - Public Ethanol Fueling Station from the National Ethanol Vehicle Coalition

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, The City’s Energy Office is managing a \$42,738.00 grant to build a public ethanol (E-85) station at Liberty and Stadium in partnership with North Star USA;

Whereas an additional \$13,157.00 is needed for that project to cover the increased cost of underground fuel storage tanks;

Whereas, The National Ethanol Vehicle Coalition has offered to donate \$13,157.00 to the project ; and

Whereas, The Energy Office will provide project management services for this project;

RESOLVED, That the City accept the National Ethanol Vehicle Donation of \$13,157.00 for the Public Ethanol Fueling Station Project; and

RESOLVED, That the funds be appropriated to the FY 04-05 Energy Office Grant Fund for the life of the project, regardless of fiscal year.

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

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

R-70-3-05 APPROVED

RESOLUTION to Accept Grant and Appropriate Funds for Clean Cities Program Incentives from the Michigan Energy Office

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, This grant offers the City of Ann Arbor \$10,000.00 to support the Ann Arbor Area Clean Cities Coalition;

Whereas, This support includes incentives for vehicle purchase, funds for a public ethanol E-85 fueling station and funds for printing and distributing information on the local Clean Cities Program; and

Whereas, The Energy Office will provide grant management services for this grant;

RESOLVED, That the City accept the Michigan Department of Consumer and Industry Services grant of \$10,000.00 for Clean Cities Program Incentives;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign 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 to the FY 04-05 Energy Office Grant Fund for the life of

the project, regardless of fiscal year.

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

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

R-71-3-05 APPROVED

RESOLUTION Accepting Utility Easement from Arbor West Properties II, L.L.C., Adjacent to Brookhaven Senior Center

Whereas, Arbor West Properties II, L.L.C., a Michigan limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 4400, Page 20, recorded June 16, 2004;

Whereas, The Arbor West Properties II, L.L.C., a Michigan limited liability company, Operating Agreement, dated May 27, 2004, authorizes the delivery of a perpetual easement to the City for public utilities; and

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

30.00' Storm Sewer

A 30.00 foot wide portion of an easement for storm sewer located in the City of Ann Arbor, Washtenaw County, Michigan; being part of Unit No. 3 of Brookhaven Condominium, according to the Master Deed of Records in Liber 3016, Pages 455 through 492 inclusive, Washtenaw County Records, and designated as Washtenaw County, Condominium Subdivision Plat No. 192, being more particularly described along its centerline as follows:

Commencing at the SE Corner of said Unit No. 3 of "Brookhaven Condominium"; thence N00°00'00"E, 36.45 feet along the E line of Unit No. 3 to THE POINT OF BEGINNING of said Centerline of the 30.00 foot storm sewer easement; thence N88°21'56"W, 9.72 feet; thence S°88°17'26"W, 52.38 feet; thence N°67°24'20"W, 158.05 feet; thence N°04°21'04"W, 24.99 feet; thence N°00°17'47"W, 140.99 feet; thence N°05°55'48"E, 30.70 feet TO THE POINT OF ENDING.

40.00 foot wide water main

A 40.00 foot wide portion of an easement for water main located in the City of Ann Arbor, Washtenaw County, Michigan, being part of Unit 3 of "Brookhaven Condominium", according to the Master Deed of Records in Liber 3016, Pages 455 through 492, inclusive, Washtenaw County Records, and designated as Washtenaw County, Condominium Subdivision Plat No. 192, being more particularly described along its centerline as follows:

Commencing at the Southeast corner of said Unit 3 of "Brookhaven Condominium"; Thence N. 00° 00' 00" W., 48.11 feet to a point on the East line of Unit 3; Thence S 90° 00' 00" W., 13.72 feet to the point of beginning of said centerline of the 40.00 foot water main easement; Thence S. 90° 00' 00" W., 16.86 feet; Thence N. 45° 00' 00" W., 46.02 feet to the point of ending.

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

Council Member Teall moved, seconded by Council Member Groome that the resolution be adopted.

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

R-72-3-05 APPROVED

RESOLUTION Accepting Utility Easement from Howard J. Cooper, Trustee of the Howard J. Cooper Trust, Dated November 4, 1997, as Amended, 2565-2575 S. State Street

Whereas, Howard J. Cooper, Trustee of The Howard J. Cooper Trust, dated November 4, 1997, as amended, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 4421, Page 541, recorded August 31, 2004;

Whereas, Howard J. Cooper, Trustee of The Howard J. Cooper Trust, dated November 4, 1997, as amended, authorized the delivery of a perpetual easement to the City for public utilities; and

Whereas, Howard J. Cooper, Trustee of The Howard J. Cooper Trust, dated November 4, 1997, as amended, has delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system, to run with the land and burden the respective property perpetually, being more particularly described as follows:

40 foot wide water main

A 40 foot wide water main easement having a centerline described as follows: Commencing at the Southwest corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N01°53'50"W 250.00 feet along the West line of said Section; thence N87°09'00"E 51.25 feet to a point on the East line of State Street; thence along said East line N02°03'20"W 1327.49 feet to the POINT OF BEGINNING; thence N87°51'53"E 296.49 feet; thence S46°16'46"E 37.95 feet; thence S06°58'08"W 13.90 feet; thence N87°01'00"E 66.63 feet; thence N02°21'28"W 266.28 feet; thence S88°23'24"W 38.46 feet; thence N01°31'55"W 134.65 feet; thence S01°31'55"E 134.65 feet; thence S88°23'24"W 347.48 feet to a point on the Easterly line of said State Street, said point being the POINT OF TERMINATION.

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

Council Member Groome moved, seconded by Council Member Teall that the resolution be adopted.

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

R-73-3-05 APPROVED

RESOLUTION to Authorize the Conveyance to the State of Michigan of an Undivided Fifty-four Percent (54%) of the Mineral Rights Owned by the City of Ann Arbor as Fee Simple Owner of the Dolph Nature Area Addition as Required Under the Terms and Conditions of the Michigan Natural Resources Trust Fund Grant - TF-2-113

Whereas, The City is the fee simple owner of 18.28 acres, commonly described as The Dolph Nature Area Addition ("Property") and more fully described as follows:

Commencing at the W ¼ Corner of Section 25, T2S, R5E, Scio Township, Washtenaw County, Michigan; thence S88° 09' 30" E 133.00 feet along the Northerly line of "KILLIN'S LAKEVIEW SUBDIVISION", a part of

the SW ¼ of Section 25, T2S, R5E, Scio Township, Washtenaw County Records, Michigan as recorded in Liber 5 of Plats, Page 51, Washtenaw County Records to the Northwesterly corner of Lot 49 of said "KILLIN'S LAKEVIEW SUBDIVISION", said point being the POINT OF BEGINNING; thence continuing along said Northerly line in the following three (3) courses: S88° 09' 30" E 500.60 feet; S01° 58' 00" W 65.76 feet and S88° 09' 30" E 258.11 feet to the Northeasterly corner of said Lot 49; thence along the Easterly line of said Lot 49 S01°56'24"W 549.79 feet; thence N88°04'13"W 89.96 feet; thence S01°55'16"W 567.15 feet to a point on the Southerly line of said Lot 49; thence along the Southerly and Easterly line of said Lot 49 in the following two (2) courses: N88°04'13"W 110.23 feet and S01°55'47"W 167.22 feet to a point on the Northerly right-of-way line of Liberty Road; thence along said Northerly right-of-way line in the following two (2) courses: N77°05'55"W 34.84 feet and S61°34'18"W 265.20 feet to a point on the Westerly line of said Lot 49; thence along said Westerly line in the following four (4) courses: N02°06'00"E 433.63 feet, N87°54'00"W 199.10 feet, N02°06'00"E 799.30 feet and N20°27'54"W 262.43 feet to the Point of Beginning. Being a part of Lot 49 "KILLIN'S LAKEVIEW SUBDIVISION", a part of the Southwest ¼ of Section 25, T2S, R5E, Scio Township, Washtenaw County, Michigan as recorded in Liber 5 of Plats, Page 51, Washtenaw County Records and containing 17.31 acres of land, more or less of which a portion is a part of Second Sister Lake. Being subject to easements and restrictions of record, if any.

Together with Lot 19, West ½ of Lot 20 and Lot 34 of Killins Lakeview Subdivision, as recorded in Liber 5 of Plats, Page 51, Washtenaw County Records.;

Whereas, The State of Michigan awarded the City of Ann Arbor a Michigan Natural Resources Trust Fund Grant ("Grant"), Project Number TF-02-113, equal to fifty-four percent (54%) of the total costs of acquisition of fee simple title to the Property; and

Whereas, The terms of the Grant require the City to execute, acknowledge and deliver to the State of Michigan a quit claim deed conveying an undivided fifty-four percent (54%) interest in and to all of the interests acquired by the City in coal, oil, gas, sand, gravel or any other minerals in, on or under the Property;

RESOLVED, That City Council authorize and approve the conveyance to the State of Michigan of an undivided fifty-four percent (54%) interest in and to all of the interest acquired by the City in coal, oil, gas, sand, gravel or any other minerals in, on or under the Property; and

RESOLVED, That City Council authorize the Mayor and City Clerk to execute and deliver all documents necessary to convey said mineral rights in the Property to the State of Michigan in accordance with the terms of the Grant.

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

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

R-74-3-05

Resolution Appoint Interim City Clerk

Whereas, The contracts for Winnie Northcross and Yvonne Carl as Co-Interim City Clerks expire effective March 15, 2005;

Whereas, The City Charter requires that a position of City Clerk be filled within 30 days after it becomes vacant;

Whereas, The City Administrator wishes to fill the position of City Clerk on an interim basis; and

Whereas, The City Administrator recommends that Jayne Miller be appointed as Interim City Clerk until such time as a decision regarding the City Clerk position is made;

RESOLVED, That the City Council appoint Jayne Miller to serve as Interim City Clerk effective March 16, 2005.

Council Member Groome moved, seconded by Council Member Teall that the resolution be adopted.

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

R-75-3-05

Resolution Authorizing the Cool Cities Taskforce to Submit a Notice of Intent and Apply for a Cool Cities Grant

Whereas, The State of Michigan’s Cool Cities Initiative was developed to, among other things, build “vibrant, energetic cities that attract jobs, people and opportunity”;

Whereas, The Cool Cities Initiative offers financial grants to local communities to support projects consistent with the Cool Cities Initiative;

Whereas, The City of Ann Arbor established a Cool Cities Local Advisory Taskforce (“Taskforce”), as required by the Initiative;

Whereas, The Taskforce solicited and reviewed proposals from local individuals and organizations seeking to apply for a Cool Cities grant; and

Whereas, The Taskforce unanimously recommends applying for a Cool Cities grant to support construction of a public art project in the State Street Area and to support re-furnishing the Grand Foyer of the Michigan Theatre because these projects are consistent with the Cool Cities Initiative and would enhance Ann Arbor’s ability to attract and retain high-quality jobs;

RESOLVED, That City Council authorizes the Cool Cities Taskforce to submit a Notice of Intent and to apply for a Cool Cities Initiative grant to support construction of a public art project in the State Street Area and to support re-furnishing the Grand Foyer of the Michigan Theatre;

RESOLVED, That the Mayor, City Clerk, and other City officials as needed be authorized and directed to sign the Notice of Intent, application, and other documents related to the NOI and application process.

Council Member Greden moved, seconded by Council Member Easthope that the resolution be adopted.

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

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the February 22, 2005 regular session of Council:

Ann Arbor Commission on Art in Public Places

Elaine Sims
2107 Devonshire
Ann Arbor, MI 48104
Term: February 22, 2005- December 31, 2008

Tim Rorvig
249 Mulholland
Ann Arbor, MI 48105
Term: February 22, 2005- December 31, 2008

City Market Commission

Scott Robertello (Re-Appointment)
4245 Rogers Highway
Term: February 22, 2005- December 31, 2008

Employees Retirement System Board of Trustees

Stephanie Carter (Re-Appointment)
725 Newport Place
Ann Arbor, MI 48103
Term: February 22, 2005- February 22, 2008

Council Member Lowenstein moved, seconded by Council Member Woods that Council concur with the recommendations of the Mayor.

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

NOMINATIONS PLACED ON TABLE

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

Construction Code Activities Advisory Board

Geoffrey M. Perkins
3270 Cardinal Ave.
Ann Arbor, MI 48108
Term: March 7, 2005- March 7, 2008

Jeff Fisher
24353 Tara Drive
South Lyon, MI 48178
Term: March 7, 2005- March 7, 2007

Cool Cities Task Force

Leigh Greden
3238 Roon The Ben
Ann Arbor, MI 48108
Term: March 7, 2005- until task completed

Downtown Area Citizen's Advisory Council

Newcombe Clark
113.5 W. Liberty
Ann Arbor, MI 48104
Term: March 7, 2005- March 7, 2008

Individual Historic Properties Historic District Study Committee

Alexandra M. Haddad
1215 S. Maple Rd., Apt. 103
Ann Arbor, MI 48103
Term: March 7, 2005- March 7, 2008

Mara Braspenninx
1020 W. Huron Apt.4
Ann Arbor, MI 48103
Term: March 7, 2005- March 7, 2008

Thomas G. Whitaker
557 Allison Dr.
Ann Arbor, MI 48103
Term: March 7, 2005- March 7, 2008

YMCA RFP Review Committee

Kim Groome
1417 Pear St.
Ann arbor, MI 48105
Term: March 7, 2005- until task completed

Margie Teall
1208 Brooklyn Ave.
Ann Arbor, MI 48104
Term: March 7, 2005- until task completed

Fred Beal
2008 Morton
Ann Arbor, MI 48104
Term: March 7,2005- until task completed

Gary Bruder
8278 Granite Ct.
Webster Township, MI 48130
Term: March 7, 2005- until task completed

Ashley Zwick
821 West Liberty
Ann Arbor, MI 48103
Term: March 7, 2005- until task completed

Leah Gunn
1308 E. Stadium
Ann Arbor, MI 48103
Term: March 7, 2005-until task completed

Megan Gibb
1200 Belmar
Ann Arbor, MI 48103
March 7, 2005- until task completed

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORT SUBMITTED

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

1. **100 Block S. Fifth Avenue Limited Parking & Loading Zone (Public Services - Sue F. McCormick, Area Administrator)**

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. **Communication from Conlin, McKenney & Philbrick, P.C. - Regarding the Michigan Condominium Act and 855-857 Wildt Street, LLC, Developer - cc: Planning**
2. **Communication from the Washtenaw County Clerk regarding a Resolution Accepting Comments from the Planning Advisory Board on the Pittsfield Charter Township Comprehensive Plan Revision**

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

The following minutes were received for file:

1. **Planning Commission - December 7 and 21, 2004**
2. **City of Ann Arbor Employees Retirement System - January 20, 2005**
3. **City of Ann Arbor Retiree Health Care Benefit Plan & Trust (V.E.B.A.) - January 20, 2005**
4. **City Market Commission - December 16, 2004 & January 20, 2005**
5. **Ann Arbor Energy Commission - February 1, 2005**

6. Airport Advisory Board - October 20, 2004

7. Ann Arbor Transportation Authority - Regular Session and Public Hearing of January 19, 2005

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

Council Member Woods moved, seconded by Council Member Reid that the Clerk's Report be accepted.

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

PUBLIC COMMENTARY - GENERAL

ELIZABETH MATTATALL - STONE SCHOOL TOWNHOMES PROJECT

Elizabeth Mattatall, 740 Spring Street, expressed concerns with the Stone School Townhomes Project. She said that she observed mildew on the insulation and a number of other problems on the site.

JIM MOGENSEN - DDA 1ST AND WILLIAM STRUCTURE

Jim Mogensen, 3780 Greenbrier Blvd., #354C, addressed Council regarding the DDA 1st and William Structure.

LAUREL FEDERBUSH - HUMAN RIGHTS COMMISSION ISRAEL RESOLUTION

Lauren Federbush, 2000 Anderson Court, urged Council to pass the Ann Arbor Human Rights Commission's resolution in support of ending U.S. Military aid for the Israeli Occupation of Palestine.

RECESS FOR CLOSED SESSION

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

On roll call, the vote was as follows:

Yeas, Council Members, Carlberg, Greden, Teall, Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:17 p.m.

Council Member Johnson moved, seconded by Council Member Easthope that the regular session of Council be reconvened.

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

ADJOURNMENT

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

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

**Anissa R. King
Acting Clerk of the Council
Recording Secretary**