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Ann Arbor City Council Minutes Regular Session - August 1, 2005

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:00 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Kim Groome, Robert M. Johnson, Joan Lowenstein, Michael R. Reid, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

MARGARET WONG - Redevelopment of City-Owned Properties

Margaret Wong, 418 S. First, spoke in favor of an Ann Arbor greenway.

Amend Criteria for Residential Parking RESOLUTION

The following people addressed Council regarding the criteria for residential parking:

Andrew Yahkind, 801 E. Ann, expressed concern with the timing of the resolution to amend the criteria for residential parking. Yahkind stated he supports the amended resolution to include out-of-town students. Melton Lee, 4830 Washtenaw, expressed concern with the timing of the resolution to amend the criteria for residential parking. He asked that Council work more closely with students. Lee stated he supports the amended resolution for out-of-town students.

Stuart Wagner, 732 S. Forest, apologized for his comments made at the July 18, 2005 meeting. He asked that Council amend the resolution to allow parking criteria that protects students.

Henry Herskovitz - Israel/Palestine

Henry Herskovitz, 404 Mark Hannah, addressed Council regarding discrimination in Israel/Palestine.

Laurel Federbush - Israel Occupation

Laurel Federbush, 2000 Anderson Court, urged Council to pass the Human Rights Commission's resolution to end the occupation of Palestine.

Lou Glorie - Redevelopment of City-Owned Properties

Lou Glorie, 827 Brook Street, urged Council to approve the two-site resolution to redevelopment city-owned properties.

Kathy Constantinides - Ashley Terrace Rezoning

Kathy Constantinides, 101 N. Main Street Apartment #1002, asked that Council vote against the Ashley Terrace rezoning ordinance in its present form.

PUBLIC HEARINGS

ANN ARBOR PUBLIC SCHOOLS NEW HIGH SCHOOL ZONING (ORDINANCE NO. 27-05)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 109 acres from TWP (Township District) to PL (Public Land District), Ann Arbor Public Schools New High School property, located on the northeast corner of Maple Road and M-14. Notice of public hearing was published July 17, 2005.

Alan Pagliere, 2559 Blueberry Lane, spoke in opposition of the proposed Ann Arbor Public Schools New High School zoning.

Joanne Carr, Bond Director for the Ann Arbor Public Schools, was available to answer questions of Council.

Esther Kristendow, 2559 Blueberry Lane, said that the Board of Education of the Ann Arbor Public Schools was not complying with the City's wetland requirements on the site.

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

ANN ARBOR PUBLIC SCHOOLS NEW HIGH SCHOOL AREA PLAN

A public hearing was conducted on the proposed Ann Arbor Public Schools New High School Area Plan, located on the northeast corner of Maple Road and M-14. Notice of public hearing was published July 24, 2005.

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

MAPLE COVE ZONING (ORDINANCE NO. 24-05)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 2.23 acres from TWP (Township District) to R1B (Single-Family Dwelling District), Maple Cove property, located west of Maple Road, east of Calvin Street and north of Miller Avenue. Notice of public hearing was published July 17, 2005.

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

MAPLE COVE SITE PLAN AND DEVELOPMENT AGREEMENT

A public hearing was conducted on the proposed Maple Cove Site Plan and Development Agreement, 3.01 acres, located west of Maple road, East of Calvin Street and north of Miller Avenue. Notice of public hearing was published July 24, 2005.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

CONSENT AGENDA

Revise: Resolution to Extend the Contract Negotiation Deadline for a Living Wage at the City Materials Recovery Facility (Public Services - Sue F. McCormick, Area Administrator) (Revised 7/28/05)

MOTIONS AND RESOLUTIONS

Add: Resolution Requesting Preparation of Requests for Proposals for the Redevelopment of City-Owned Properties (Councilmembers Easthope, Johnson, Greden, Teall, Woods and Mayor Hieftje) (Added 7/27/05)

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF JULY 18, 2005 APPROVED

Councilmember Woods moved, seconded by Councilmember Teall, that the regular session minutes of July 18, 2005 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 to Extend the Contract Negotiation Deadline for a Living Wage at the City Materials Recovery Facility (Public Services - Sue F. McCormick, Area Administrator)

Resolution to Petition the Washtenaw County Drain Commissioner to Perform Streambed and Bank Stabilization between the Traver Knoll Apartments and Plymouth Road, Upstream of Barton Drive (\$492,463.00) (Public Services - Sue F. McCormick, Area Administrator)

Resolution to Amend Criteria for Residential Parking (Public Services - Sue F. McCormick, Area Administrator)

CONSENT AGENDA ITEMS APPROVED

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

R-332-8-05 APPROVED

RESOLUTION to Approve the Closing of City Streets for the 2005 University of Michigan Student Move-In Program, Tuesday, August 30, 2005 through Friday, September 2, 2005

Whereas, The City of Ann Arbor and the University of Michigan are cooperating in a joint effort to make student move-in, scheduled to begin on Tuesday, August 30 and ending Friday, September 2, 2005, an orderly and efficient process;

Whereas, This will require the closing of the following streets each day between the hours of 6:00 A.M. and 10:00 P.M., the bagging of parking meters, and the use of street barricades:

Thompson - from East William to Packard
Madison - from South Division to South State
Jefferson - from South division to Maynard
Maynard - from Jefferson to East William
East University - from Hill to Willard
Willard - from Church to East University
Church - from Hill to Willard
Observatory - from Geddes to East Ann
North University Court
Washington Heights - from Observatory to E. Medical Center Drive
East Ann - from Observatory to Zina Pitcher Place
Monroe - from State to the end of the cul-de-sac

Whereas, The City Code of Ordinances (Chapter 47, section 4:14) provides for the issuance of revocable street occupancy permits for the use of City streets and sidewalks;

Whereas, The City Code of Ordinances (Chapter 79, section 7:69) allows City Council to restrict peddling at times of heavy congestion; and

Whereas, The University of Michigan agrees to provide evidence of proper liability insurance; comply with all rules, regulations and procedures established by City Council and/or the City Administrator for staging this event and pay all fees associated with their sponsorship of the move-in program including \$10,450.00 for occupancy of the public right-of-way during the move-in, \$8,000.00 (est.) for the cost of providing Police assistance and the costs for other City services provided during the move-in process;

RESOLVED, That the following streets be closed Tuesday, August 30, 2005 through Friday, September 2, 2005 from 6:00 A.M. to 10:00 P.M. daily:

Thompson - from East William to Packard
Madison - from South Division to South State
Jefferson - from South Division to Maynard
Maynard - from Jefferson to East William
East University - from Hill to Willard
Willard - from Church to East University
Church - from Hill to Willard
Observatory - from Geddes to East Ann
North University Court
Washington Heights - from Observatory to E. Medical Center Drive
East Ann - from Observatory to Zina Pitcher Place
Monroe - from State to end of cul-de-sac;

RESOLVED, That City Council prohibit all peddling and soliciting activities within a one block area of the closed streets from August 30 through September 2, 2005; and

RESOLVED, That City Council direct staff to refrain from issuing permits for the use of sidewalks within a one-block area of the University of Michigan residence facilities for the same dates indicated.

R-333-8-05 APPROVED

RESOLUTION to Approve Contracts for Environmental Site Assessment Services per Request for Qualifications #597
to Dragun Corporation, PM Environmental, Clayton
Group Services, and Atwell-Hicks

Whereas, The City of Ann Arbor released an Environmental Site Assessment Services Request For Qualifications #597 to identify qualified Environmental Site Assessment Services firms who have experience in the Ann Arbor area and in site assessments for residential, commercial, agricultural and open space properties on a time sensitive basis per American Society for Testing and Materials standard E 1527-00, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process;

Whereas, Dragun Corporation, PM Environmental, Clayton Group Services, and Atwell-Hicks submitted Statements of Qualifications and are qualified;

Whereas, It is recommended that each of the four qualified Environmental Site Assessment Services firms be awarded a contract for services for one year with specific services in connection with applicant property to be solicited by competitive quotations as required during the contract period from the qualified environmental firms;

Whereas, Award of contracts for services in this manner will allow for the City to expedite the environmental site assessment process to meet grant funding submission and other deadlines for eligible properties;

Whereas, There is sufficient funding in the FY 05-06 Open Space and Parkland Preservation Fund to cover the cost of these services; and

Whereas, The four firms have agreed to comply with the Living Wage Ordinance as part of the qualification process and contract award is subject to receipt of Human Rights approval;

RESOLVED, That City Council approve one-year contracts for environmental site assessment services with Dragun Corporation, PM Environmental, Clayton Group Services, and Atwell-Hicks;

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

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution, including the approval of environmental site assessment work statements for individual properties based on competitive bids by the qualified environmental site assessment firms after approval as to form of the work statement by the City Attorney.

R-334-8-05 APPROVED

RESOLUTION to Approve the Contract with RAE Systems for the Purchase of a Wireless Air Monitoring System

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

Whereas, Funding for the Wireless Air Monitoring system is available through the 2004 State Homeland Security Grant accepted and appropriated by City Council on September 7, 2004 (R-394-9-04);

Whereas, The procurement of a Wireless Air Monitoring system will allow the Ann Arbor Fire Department Hazardous Materials Team to safely respond to and operate in a chemical, radiological, nuclear, and explosive environment;

Whereas, RAE Systems was determined to be a sole source supplier based on their ability to meet equipment specifications, safety guidelines and price; and

Whereas, RAE Systems received Human Rights and Living Wage approval on June 21, 2005;

RESOLVED, That City Council approve a purchase order contract with RAE Systems Company in the amount of \$60,030.00 for the purchase of a Wireless Air Monitoring system; and

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

R-335-8-05 APPROVED

RESOLUTION Authorizing a Purchase Order to Washtenaw County for the City of Ann Arbor's Share of the Maintenance of the Shared 800 MHz Simulcast System

Whereas, The City of Ann Arbor uses the 800 MHz simulcast radio system;

Whereas, Washtenaw County is responsible for maintenance of the 800 MHz Simulcast System;

Whereas, The cost for maintenance for FY 2005-2006 is \$150.00 per radio and is budgeted in each Service Area's budget;

Whereas, The Field Operations Service Unit of the Public Services Area collects this service fee from all 642 City of Ann Arbor users and remits the payments to the County; and

Whereas, Washtenaw County received Human Rights approval on October 19, 2004 and complies with the Living Wage Ordinance;

RESOLVED, That the City Administrator be authorized to approve the issuance of a sole source purchase order to Washtenaw County for \$96,300.00 for FY2005-2006 maintenance of the 800 MHz radio system.

R-336-8-05 APPROVED

**RESOLUTION to Approve the Purchase of Two Loaders
from JDE Equipment Company**

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

Whereas, The Solid Waste Enterprise Fund needs to purchase a replacement loader for the Compost Operation;

Whereas, JDE Equipment Company was the lowest responsive bidder; and

Whereas, JDE Equipment Company received Human Rights approval on June 29, 2005

RESOLVED, That City Council approve the issuance of a purchase order to JDE Equipment Company for the purchase of one 2005 John Deere 544J wheel loader in the amount of \$113,750.00 from 2005-06 budgeted Motor Equipment Funds;

RESOLVED, That City Council approve the issuance of a purchase order to JDE Equipment Company for the purchase of one 2005 John Deere 624J wheel loader in the amount of \$151,950.00 from 2005-06 budgeted Solid Waste Enterprise Fund;

RESOLVED, That the loader being replaced, number 7772 be sold at the next City Auction; and

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

R-337-8-05 APPROVED

**RESOLUTION to Petition the Washtenaw County Drain Commissioner to Reconstruct Malletts Creek
Wetland Detention
in Brown Park to Perform Water Quality
Functions as well as Flood Mitigation**

Whereas, There is a Total Maximum Daily Load (TMDL) for phosphorus reduction within the middle Huron River;

Whereas, Malletts Creek is within the area covered by the phosphorus TMDL;

Whereas, The Malletts Creek Restoration Plan has identified the reconstruction of Brown Park Pond as the

top priority project for the creek restoration;

Whereas, The City Council intends to file with the Drain Commissioner for Washtenaw County a petition to clean out, relocate, widen, deepen, straighten, extend, tile, interconnect, or otherwise improve the Brown Park Pond portion of the county drain known as Malletts Creek Drain pursuant to Section 482 of Chapter 20 of the Drain Code of 1956 (MCL 280.482);

Whereas, It is the desire of the City Council to have the Mayor and Clerk sign and file the necessary petition with the Washtenaw County Drain Commissioner; and

Whereas, A suggested form of such petition is now presented to the City Council;

RESOLVED, The City Council hereby determines to proceed with the proposed drain project for the Malletts Creek Drain Drainage District as more fully described in the petition on file in the City Clerk's Office as Attachment 1;

RESOLVED, The Mayor and Clerk be hereby authorized and directed to execute such petition for and on behalf of the City and to file the same with the Drain Commissioner of the County of Washtenaw;

RESOLVED, The City Council hereby consent to the location of the proposed clean out, relocation, widening, deepening, straightening, extending, tiling, interconnecting or otherwise improving the Brown Park Pond portion of the Malletts Creek Drain within the limits of the City and the assessment of a portion of the cost of such improvements, so located, against the City; and

RESOLVED, That the assessment (approximately \$1,667,150.00, plus interest) will be paid in twenty annual installments not to exceed \$100,111.14/annum from the Operations and Maintenance Budget of the Stormwater Fund (Fund 0069), beginning in FY 05/06.

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

R-338-8-05 APPROVED

RESOLUTION to Extend the Contract Negotiation Deadline for a Living Wage at the City Materials Recovery Facility

Whereas, City Council approved a resolution on May 16, 2005 authorizing staff to implement a living wage at the city-owned materials recovery facility (MRF);

Whereas, City Council set an original deadline of August 1, 2005 for Council action amending the operating contract with the City's MRF operator, FCR Inc.; and

Whereas, Staff is still in the process of identifying key issues and negotiating a final living wage agreement with FCR;

RESOLVED, That City Council extend the deadline for Council action on the living wage amendments to the City's MRF operating contract with FCR until November 10, 2005; and

RESOLVED, That the effective date of the amended MRF agreement incorporating living wage requirements will remain December 1, 2005.

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

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

R-339-8-05 APPROVED

RESOLUTION to Petition the Washtenaw County Drain Commissioner to Perform Streambed and Bank Stabilization between the Traver Knoll Apartments and Plymouth Road, Upstream of Barton Drive

Whereas, There are serious issues with creek bank and streambed stability adjacent to the Traver Knoll Apartments;

Whereas, The City Council intends to file with the Drain Commissioner for Washtenaw County a petition to clean out, relocate, widen, deepen, straighten, extend, tile, interconnect, or otherwise improve the Traver Knoll portion of the county drain known as Traver Creek Drain pursuant to Section 482 of Chapter 20 of the Drain Code of 1956 (MCL 280.482);

Whereas, It is the desire of the City Council to have the Mayor and Clerk sign and file the necessary petition with the Washtenaw County Drain Commissioner; and

Whereas, A suggested form of such petition is now presented to the City Council;

RESOLVED, The City Council hereby determine to proceed with the proposed drain project for the Traver Creek Drain Drainage District as more fully described in the petition on file in the City Clerk's Office as Attachment 1;

RESOLVED, The Mayor and Clerk be hereby authorized and directed to execute such petition for and on behalf of the City and to file the same with the Drain Commissioner of the County of Washtenaw;

RESOLVED, The City Council hereby consent to the location of the proposed clean out, relocation, widening, deepening, straightening, extending, tiling, interconnecting or otherwise improving the Traver Knoll portion of the Traver Creek Drain within the limits of the City and the assessment of a portion of the cost of such improvements, so located, against the City; and

RESOLVED, That the assessment, \$492,463.00 (86.11% of \$571,900.00), plus interest, will be paid in ten annual installments not to exceed \$70,000.00/annum from the Operations and Maintenance Budget of the Stormwater Fund (Fund 0069), beginning in FY 05/06.

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

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

R-340-8-05 APPROVED

RESOLUTION to Amend Criteria for Residential Parking

Whereas, Council adopted twelve (12) "Criteria for Residential Parking" (Criteria) in 1989 when the related City Code section 10:66 was passed;

Whereas, The Criteria were last amended in May 2005 resulting in sixteen (16) criteria, along with some content revisions; and

Whereas, It has been requested by Councilmembers Carlberg and Lowenstein to revise Criterion #6;

RESOLVED, That City Council amend the Criteria for Residential Parking as indicated on the attachment to

this Resolution, to regulate parking in neighborhoods that the City has designated for residential permit parking.

CRITERIA FOR RESIDENTIAL PARKING

1. Each requesting area must have a neighborhood association registered with the City's Planning and Development Services Unit.
2. Each association will be responsible for contacting residents, circulating a petition, and obtaining signatures for 60% or more of the households in the area. In these criteria, "household" means street address.
3. The petition must specify a requested maximum time limit beyond which it will be illegal to park a vehicle without first obtaining and displaying a valid residential parking permit for that specific zone.
4. The petition must encompass a minimal area of four square blocks, 16 block faces, or equivalent area or distance, all zoned for residential uses. This requirement may be amended by staff due to extenuating circumstances unique to a specific area.
5. Each applicant must be able to show proof of residency and must live in the residential parking permit area.
6. Except as otherwise specifically provided in these criteria, permits will be issued on the basis of a maximum of one (1) permit per vehicle registered to a household per applicant residing within the parking district. For Group Housing within a parking district, the City will only accept applications from the management company or designee, completed with resident, residence, and vehicle information. Group Housing applicants will be exempt from the requirement their vehicle must be registered to the household within the parking district. This exemption does not apply to single family dwellings nor to apartment complexes.
7. Each vehicle must be registered to the applicant, spouse, or licensed dependent living at the address (or parent of the student applicant).
8. Applicant's vehicle must be free of all outstanding parking violations prior to receiving a permit.
9. Applicants must pay the required fee as determined by Council Resolution.
10. Applicant must permanently affix the permit in the area specified on the application.
11. Permit becomes null and void if found on a vehicle other than the one listed on the application.
12. Permits are available to residents only.
13. Residents with handicapper permits shall have their fee waived.
14. Upon proof of financial hardship the Administrator may authorize fees to be reduced or canceled.
15. Only in neighborhoods contiguous with the University of Michigan central campus and designated by the City for residential parking, a maximum of four (4) permits will be issued per household regardless of the actual number of residents or vehicles registered at the household. For the sole purpose of issuing permits, "duplex" and "group housing" (such as a fraternity or sorority) will be considered as two households and be eligible for up to 8 permits per calendar year.
16. A Set-up Fee for establishing new or expanded residential permit areas shall be as established by Council resolution. Such fee shall be submitted at the time of petition submittal requesting establishment

of a Residential Permit Parking Area. In the event the Residential Permit Parking Area is not established, such fee will be refunded to the Association filing the petition.

Adopted by Council 6/5/89, as amended by Council on 8/17/92, 4/19/04, and 5/16/05, and 8/1/05.

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

On roll call, the vote was as follows:

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

Nays, Councilmember Groome, 1.

The Mayor declared the motion carried.

ORDINANCES - SECOND READING

27-05 APPROVED

ANN ARBOR PUBLIC SCHOOLS NEW HIGH SCHOOL 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 109 acres, located on the northeast corner of Maple Road and M-14, from TWP (Township District) to PL (Public Land District). (The complete text of Ordinance 27-05 is on file in the City Clerk's Office.)

R-341-8-05 APPROVED

RESOLUTION TO APPROVE Ann Arbor Public Schools New High School Area Plan

Whereas, The Ann Arbor Public Schools has requested area plan approval to accompany the Ann Arbor Public Schools New High School zoning at the northeast corner of Maple Road and I-94; and

Whereas, The Ann Arbor City Planning Commission, on February 15, 2005, reviewed said request;

RESOLVED, That City Council approve the Ann Arbor Public Schools New High School Area Plan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Ann Arbor Public Schools New High School Area Plan, 109 Acres; located on the northeast Corner of Maple Road and M-14.

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

On roll call, the vote was as follows:

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

Nays, Councilmember Johnson, 1.

The Mayor declared the motion carried.

24-05 APPROVED

MAPLE COVE 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 2.23 acres, located WEST OF Maple Road, east of Calvin Street and north of Miller Avenue, from TWP (Township District) to R1B (Single-Family Dwelling District). (The complete text of Ordinance 24-05 is on file in the City Clerk's Office.)

R-342-8-05 APPROVED

RESOLUTION TO APPROVE Resolution to Approve Maple Cove Site Plan and Development Agreement

Whereas, Timbers-Summit Development has requested site plan approval in order to construct 13 detached single-family condominium homes west of Maple Road and east of Calvin Street;

Whereas, A development agreement has been prepared to address public and private utilities, street name signs, preservation of landmark trees, park contribution, construction and maintenance of on-site storm water management system, footing drain disconnections, and a pedestrian access easement;

Whereas, The Ann Arbor City Planning Commission, on March 1, 2005, recommended approval of said request;

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

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

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated July 6, 2005;

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

RESOLVED, That City Council approve the Maple Cove Site Plan upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, and (3) the four parcels are combined 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 Maple Cove Site Plan and Development Agreement, 3.01 Acres, West of Maple Road, located east of Calvin Street and north of Miller Avenue.

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

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

ORDINANCES - FIRST READING

29-05 APPROVED

ASHLEY TERRACE 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 0.60 acre, located at 202-212 West Huron Street, from C2B/R (Business Service/Residential District) to C2A (Central Business District). (The complete text of Ordinance 29-05 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.

30-05 APPROVED

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

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

This ordinance would change the zoning of 0.60 acre, located at 202-212 West Huron Street, from C2B/R (Business Service/Residential District) to C2A (Central Business District). (The complete text of Ordinance 30-05 is on file in the City Clerk's Office.)

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

On a voice vote, the Mayor declared the motion carried with no-votes made by Councilmembers Groome and Johnson.

MOTIONS AND RESOLUTIONS

R-343-8-05 APPROVED

RESOLUTION TO Authorize Application for a Michigan Department of Natural Resources Grant to Restore Landscapes Devastated by Emerald Ash Borer Infestations and to Appropriate 100% of the Grant Award up to \$25,000.00

Whereas, The Michigan Department of Natural Resources has made available grants to restore landscapes that were devastated by emerald ash borer (EAB) infestations; and

Whereas, Grants in the amount of up to \$25,000.00 will be awarded to communities on a competitive basis; and

Whereas, The grants will be ranked by the Michigan Department of Natural Resources according to the local emerald ash borer impact; and

Whereas, The Field Operations FY 05/06 operating budget has available the Grants required community-matching funds of at least 50%, in either cash contributions, or in-kind services;

RESOLVED, That City Council authorize staff to apply for the grant through the Michigan Department of Natural Resources to restore landscapes that were devastated by emerald ash borer infestations;

RESOLVED, That City Council appropriate funding of up to 100% of the grant up to \$25,000.00 to be used for emerald ash borer infestation restoration;

RESOLVED, That funds will be allocated in the Field Operations Service Unit's FY 05/06 operating budgets.

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

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

R-344-8-05 APPROVED

RESOLUTION TO Award a Construction Contract to Douglas N. Higgins, Inc. (\$357,491.00; Bid No. 3723), and to Appropriate Additional Funds (\$286,993.00) for the Glen Leven Road-Woodland Drive Water Main Replacement Project

Whereas, The FY 2006-2011 Capital Improvements Plan includes the Glen Leven Road Water Main Rehabilitation Project (UT-WS-01-14), and the Woodland Drive Water Main Rehabilitation Project (UT-WS-01-39) for construction in 2005;

Whereas, The Glen Leven Road-Woodland Drive Water Main Replacement Project is necessary to resolve local water quality problem, which is related to severe tuberculation of the inside walls of the existing pipe;

Whereas, The Glen Leven Road-Woodland Drive Water Main Replacement Project consists of constructing approximately 2,200 linear feet of new 8-inch water main along Glen Leven Road and Woodland Drive, between West Stadium Boulevard and Greenview Drive;

Whereas, The City's adopted 2005/2006 Budget includes the Glen Leven Project for \$277,898.00;

Whereas, The project cost estimate for the combined Glen Leven Road-Woodland Drive Water Main Replacement Project is \$564,891.00;

Whereas, Competitive bids were received by the Procurement on June 30, 2005 and Douglas N. Higgins, Inc. of Ann Arbor, Michigan was the lowest responsible bidder at \$357,491.00;

Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefor, all of which are agreeable to the City;

Whereas, Douglas N. Higgins, Inc. received Human Rights approval on June 24, 2005 and complies with the Living Wage Ordinance; and

Whereas, It is now necessary to enter into a Contract with said company for said construction project;

RESOLVED, That \$286,993.00 be appropriated from the Water Supply System's Unobligated Fund Balance, pending the sale of appropriate water bonds;

RESOLVED, That a contract in the amount of \$357,491.00 be awarded to Douglas N. Higgins, Inc. for the construction of the Glen Leven Road-Woodland Drive Water Main Replacement Project (Bid No. 3723);

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

RESOLVED, That the City Administrator be authorized to approve change orders to the construction contract within the approved project budget, in order to satisfactorily complete the project;

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

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

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

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

R-345-8-05 APPROVED AS AMENDED

(RESOLUTION TO APPROVE an Extension of the Lease with the Bird Center of Washtenaw County, Inc.)

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

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

1st RESOLVED Clause:

RESOLVED, That City Council approve an extension of the lease with The Bird Center of Washtenaw County, Inc., with the acknowledgement that the bird center has vacated and will be permitted re-occupancy on or after August 3, 2005, in accordance with the terms stated above, for a term from August 1, 2005 through October 31, 2005;

On a voice vote, the Mayor declared the motion carried, with no-votes made by Councilmembers Groome and Reid.

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

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

Nays, Councilmember Reid, 1.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

RESOLUTION TO APPROVE an Extension of the Lease with the Bird Center of Washtenaw County, Inc.

Whereas, The Bird Center of Washtenaw County, Inc. ("Bird Center") has requested and City Administration, after discussion, recommends an extension of their lease of 926 Mary Street subject to the following conditions:

1. The Bird Center will pay all utility, cleaning and routine maintenance costs resulting from its occupation of the property;
2. The Bird Center will coordinate with the City Clerk the use of the property for scheduled elections as a polling site during the term of the lease;
3. The Bird Center will comply with all Washtenaw County Health Department regulations concerning its operations; and

Whereas, The Bird Center has reviewed and agreed to the conditions of tenancy;

RESOLVED, That City Council approve an extension of the lease with The Bird Center of Washtenaw County, Inc., with the acknowledgement that they have vacated and will be permitted re-occupancy on or after August 3, 2005, in accordance with the terms stated above, for a term from August 1, 2005 through October 31, 2005;

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

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this Resolution, including but not limited to authorizing the City Attorney to terminate the lease, if or when necessary.

R-346-8-05 APPROVED AS AMENDED

(RESOLUTION Requesting Preparation of Requests for Proposals for the Re-Development of City-Owned Properties)

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

With unanimous consent of Council the resolution was amended as follows:

1st RESOLVED Clause:

RESOLVED, That the City Council requests the City Administrator to work with a DDA/City Council subcommittee to prepare and submit to City Council for the Council's review, no later than October 19, 2005, December 12, 2005 a Request for Proposals ("RFP") to re-develop the First & Washington site with any new development on that site to include, if feasible and practical, the following components: housing; and public and/or private parking;

2nd RESOLVED Clause:

RESOLVED, that the City Council requests the City Administrator to work with a DDA/City Council subcommittee to prepare and submit to City Council for the Council's review, no later than November 1,

2005December 5, 2005, a Request for Proposals (“RFP”) to re-develop the Kline’s lot with any new development on that site to include, if feasible and practical, the following components: a building(s) with ground-floor retail and/or office space; market-rate housing; and underground and/or above-ground public and/or private parking;

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

1st RESOLVED Clause:

RESOLVED, that the City Council requests the City Administrator to work with a DDA/City Council subcommittee to prepare and submit to City Council for the Council’s review, no later than December 5, 2005, a Request for Proposals (“RFP”) to re-develop the First & Washington site with any new development on that site to include, if feasible and practical, the following components: market-RATE and affordable housing; and public and/or private parking;

2nd RESOLVED Clause:

RESOLVED, That the City Council requests the City Administrator to work with a DDA/City Council subcommittee to prepare and submit to City Council for the Council’s review, no later than December 5, 2005, a Request for Proposals (“RFP”) to re-develop the Kline’s lot with any new development on that site to include, if feasible and practical, the following components: a building(s) with ground-floor retail and/or office space; market-rate and affordable housing; and underground and/or above-ground public and/or private parking;

On roll call, the vote was as follows:

Yeas, Councilmembers Lowenstein, Carlberg, Easthope, Woods, Groome, Johnson, 6;

Nays, Councilmembers Reid, Greden, Teall, Higgins, Mayor Hieftje, 5.

The Mayor declared the motion carried.

The Mayor declared a recess at 8:49 p.m. and reconvened the meeting at 9:04 p.m.

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

1st RESOLVED Clause:

RESOLVED, that the City Council requests the City Administrator to work with a DDA/City Council subcommittee to prepare and submit to City Council for the Council’s review, no later than December 5, 2005, a Request for Proposals (“RFP”) to re-develop the First & Washington site with any new development on that site to include, if feasible and practical, the following components: market-rate and/or affordable housing; and public and/or private parking;

2nd RESOLVED Clause:

RESOLVED, That the City Council requests the City Administrator to work with a DDA/City Council subcommittee to prepare and submit to City Council for the Council’s review, no later than December 5, 2005, a Request for Proposals (“RFP”) to re-develop the Kline’s lot with any new development on that site to include, if feasible and practical, the following components: a building(s) with ground-floor retail and/or office space; market-rate and/or affordable housing; and underground and/or above-ground public and/or private parking;

On roll call, the vote was as follows:

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

Nays Councilmembers Woods, Groome, 2.

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

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

Nays, Councilmember Groome, 1.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

RESOLUTION Requesting Preparation of Requests for Proposals for the Re-Development of City-Owned Properties

Whereas, The City owns a surface public parking lot located at the intersection of Ashley Street and William Street (“the Kline’s lot”);

Whereas, The City owns a multi-level public parking garage at the corner of First Street and Washington Street (“First & Washington”) that is over fifty years old and in rapidly deteriorating condition;

Whereas, The City owns a multi-level parking garage at the corner of Fourth Street and William Street (“Fourth & William”) that was designed and constructed to allow for future construction of at least one additional floor of parking;

Whereas, The Downtown Development Authority (“DDA”) has invested significant time, resources, and the energy of its Board members in efforts to re-develop under-utilized City resources to improve the downtown and community at large;

Whereas, The carefully planned re-development of these City-owned parcels will provide significant benefits to the community consistent with the 1988 Ann Arbor Downtown Plan, including, but not limited to:

- Increasing the number of market-rate and affordable housing units, which will increase the number of City residents living downtown to support Ann Arbor’s locally-owned businesses;
- Increasing the number of retail shops;
- Increasing the local tax base to enhance future tax revenues to protect Ann Arbor’s core City services; and
- More efficient land use planning; and

Whereas, The City must replace the public parking that currently exists at First & Washington and the Kline’s lot upon re-development of those sites;

RESOLVED, That the City Council requests the City Administrator to work with a DDA/City Council subcommittee to prepare and submit to City Council for the Council’s review, no later than December 5, 2005, a Request for Proposals (“RFP”) to re-develop the First & Washington site with any new development on that site to include, if feasible and practical, the following components: market-RATE and/or affordable housing; and public and/or private parking;

RESOLVED, That the City Council request the City Administrator to work with a DDA/City Council subcommittee to prepare and submit to City Council for the Council’s review, no later than December 5, 2005, a Request for Proposals (“RFP”) to re-develop the Kline’s lot with any new development on that site to include, if feasible and practical, the following components: a building(s) with ground-floor retail and/or

office space; market-rate and/or affordable housing; and underground and/or above-ground public and/or private parking;

RESOLVED, That the City Administrator shall develop plans for re-zoning the Kline's lot and First & Washington site consistent with this resolution;

RESOLVED, The DDA be authorized to immediately take the necessary action (including, but not limited to, retaining architectural/engineering firms and seeking construction bids) to construct an additional floor of public parking at the Fourth & William garage as soon as possible;

RESOLVED, That this resolution supersedes all prior City Council resolutions that are inconsistent with this resolution.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the July 18, 2005 regular session of Council:

Commission on Disability Issues

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

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

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

Downtown Development Authority

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

Planning Commission

Ron Emaus (Taken place of Brad Blake)
2503 Hampshire Rd.
Ann Arbor, MI 48104
Term: July 18, 2005- June 30, 2008

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

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

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

ANNOUNCEMENT

City Administrator Roger Fraser reported to Council about the trip he and Mayor Hieftje took to Tubingen, Germany as part of a Sister Cities celebration.

Roger Fraser informed Council that he and Sue McCormick were invited to present to the State Association of Local Government Managers on the topic of Ann Arbor's organizational changes.

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATIONS

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

1. Report on Completed Annexation of the Liberty Pines Property, 4.65 Acres, Located on the Northwest Corner of West Liberty Street and I-94, from Scio Township

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

COMMUNICATIONS FROM COUNCIL

Councilmember Carlberg

Councilmember Carlberg stated the rooftop HVAC is a serious issue. She stated the bank on Main Street has not responded to the concerns raised.

COUNCILMEMBER HIGGINS

Councilmember Higgins acknowledged the letter from City Engineer Homayoon Pirooz regarding correspondence related to construction projects.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated (Communications on file in the City Clerk's Office):

1. Communication from Pittsfield Charter Township - Notice of Public Hearing to Consider the Application of Sprint Spectrum L.P., for a Conditional Use Permit for a Wireless Communication Facility, Located at 1428 East Ellsworth Road (Maxey Property) cc: Planning

2. Communication from Comcast Cable - 2005 Community Report
3. Communication from Washtenaw County Information Technology Division - Wireless Washtenaw - cc: ITSD
4. Communication from the Washtenaw County Extension (MSU) - “Bringing Knowledge to Life in Washtenaw County”
5. Communication from Washtenaw County Board of Commissioners - Resolution Submitting the Washtenaw County Electors Question - Re: Emergency Communications Radio System Improvements Tax Levy - c: Police & Treasurer
6. Communication from Robert E. Guenzel, Washtenaw County Administrator regarding Modified Police Services Recommendations - c: City Administrator & Police
7. Communication from Conlin, McKenney & Philbrick, P.C. Regarding Notice of Intent to Establish a Condominium Project at 1901-1905 Pauline Boulevard - c: Planning and Development Services
8. Communication from the State of Michigan, Department of Labor and Economic Growth - Correspondence to Joseph J. Paprocki regarding the Proposed Amended Plat of Lot 17, Pine Brae Estates - c: Assessor & Planning and Development Services
9. Communication from Lance Brown, Jr. and Cheryl Shavalia regarding opposition of the proposed Maple Cove Rezoning c: Planning and Development Services

The following Minutes were received for file (Minutes on file in the City Clerk’s Office):

1. Planning Commission - May 3 and 17, 2005
2. Housing Policy Board - March 28, April 6, April 27 and May 4, 2005
3. Downtown Development Authority - June 1, 2005
4. Ann Arbor Housing Commission - June 15, 2005

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

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

PUBLIC COMMENTARY - GENERAL

REDEVELOPMENT OF CITY-OWNED PROPERTIES

Dale Winley, 106 W. Madison, spoke to Council in opposition of the proposed resolution requesting preparation of requests for proposals for the redevelopment of city-owned properties.

ASHLEY TERRACE REZONING

The following people spoke in opposition of the proposed Ashley Terrace Rezoning:

Patricia Garcia, resident of 101 N. Main

Steve Ranzini, President of University Bank and resident of 101 N. Main

Mike Scharello, resident of 101 N. Main, asked Council to consider making the building harmonious with 101 N. Main

DOWNTOWN PLANNING

Rita Mitchell, 621 5th Street, thanked Councilmembers Easthope and Woods for the discussion on downtown planning. Mitchell stated she found the Calthorpe presentation to be disorganized.

RECESS FOR CLOSED SESSION

Councilmember Teall moved, seconded by Councilmember Lowenstein, 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, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 9:45 p.m.

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

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:56 p.m.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:56 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. King
Recording Secretary