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ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - DECEMBER 20, 2004

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:09 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, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

INTRODUCTIONS

None.

ORGANIZATION OF NEW COUNCIL

APPOINTMENT OF COUNCIL COMMITTEES APPROVED

Council Member Carlberg moved, seconded by Council Member Teall that the various boards, commissions and committees be approved.

Mayor Hieftje made the following amendments to the Council Committees:

Budget/Finance Advisory Committee

Add: Council Member Greden

City/Administrator Evaluation Committee

Add: Council Member Higgins

City/Attorney Evaluation Committee

Add: Council Member Greden

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

ADOPTION OF COUNCIL RULES POSTPPONED

Council Member Higgins moved, seconded by Council Member Greden that the previous Rules of Council be postponed until January 18, 2005.

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

PUBLIC COMMENTARY - RESERVED TIME

JIM MOGENSEN - CAPITAL IMPROVEMENT PLAN (CIP)

Jim Mogensen, 3780 Green Brier, addressed Council regarding the Capital Improvements Plan.

LAUREL FEDERBUSH - HOLIDAY THOUGHTS

Laurel Federbush, asked that the Ann Arbor Human Rights Resolution regarding Israel be passed.

PUBLIC HEARINGS

2004 FARMERS MARKET MASTER PLAN

A public hearing was conducted on the proposed 2004 Farmers Market Master Plan. Notice of public hearing was published December 19, 2004.

Nancy Armstrong, a City Market vendor, asked for equal treatment and rules at the City Market. Joan Martin, Superior Township resident, expressed concern with the proposed changes to the City Market.

There being no further comment, the Mayor declared the hearing continued on January 18, 2005.

HOUSING, COMMUNITY DEVELOPMENT AND HUMAN SERVICES NEEDS AND REVISING CITIZEN PARTICIPATION FOR HOUSING, COMMUNITY DEVELOPMENT AND HUMAN SERVICES

A public hearing was conducted on the proposed Housing, Community Development and Human Services needs and Revising Citizen Participation for Housing, Community Development and Human Services (creation of a Housing and Human Services Advisory Board and eliminating the existing CDBG Executive Committee and Housing Policy Board). Notice of public hearing was published December 19, 2004.

The following people spoke in support of the Youth Empowerment Programs:

Christina Machak, 3565 Fox Hunt Dr.,
Helen Shi, 2846 Chaseway Ct.
Lydia Onimo, 4860 Cole Blvd.
Shihan Kahn, 3081 N. Foxridge Ct.
Michael Kelly-Sell, 1408 Beachwood
Justina Hierta, 915 Miner
Leslie Harrington, 4932 Doral Dr.

Barbara Wykes, 1600 Arborview, spoke in opposition of combining the CDBG and the Housing Policy Board into one committee.

Julie Steiner, Director of Alfa House, spoke in support of the need for human services.

Jim Mogensen, 3780 Greenbrier Blvd., #354C, expressed concern with human services.

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

ZONING (ORDINANCE NO. 42-04)

A public hearing was conducted on the proposed amendment to Sections 5:1, 5:4, 5:7, 5:71, 5:72, 5:82, 5:88, 5:90, 5:91, 5:92, 5:99, 5:102, 5:104 and 5:107 of Chapter 55 of Title V of the Code of the City of Ann Arbor (Revisions due to Citywide Reorganization). Notice of public hearing was published December 19, 2004.

Jim Mogensen, 3780 Greenbrier Blvd., #354C, addressed Council regarding the revision to the Zoning Ordinance.

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

Amendment to various sections and chapters of the city code (ORDINANCE NO. 43-04)

A public hearing was conducted on the proposed amendment to various sections and chapters of the City Code to conform with relevant provisions of the City Code due to the citywide reorganization adopted by City Council (See Ordinance No. 43-04 for a complete listing of chapters and sections). Notice of public hearing was published December 19, 2004.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Council Member Greden moved seconded by Council Member Teall that the agenda be approved with the following changes:

Move: CLOSED SESSION TO DISCUSS PENDING LITIGATION AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATION (Consider before the Consent Agenda)

CONSENT AGENDA

Move: Resolution to Approve FY 2006-2011 Capital Improvements Plan (Planning Commission

Recommendation: Approval; Motion to Approve Passed 8 yeas and 0 Nays) (Public Services - Sue F. McCormick, Area Administrator and Financial and Administrative Services - Tom Crawford, Chief Financial Officer) (Consider after the Consent Agenda)

Move: Resolution to Approve a Purchase Order to Environmental Systems Research Institute 9ESRI) for the Geographic Information System (GIS) Software Maintenance and License Agreement for Calendar year 2005 (\$28,521.63) (Information Technology Services - Tom Crawford, Chief Financial Officer) (Consider after the Consent Agenda)

MOTIONS AND RESOLUTIONS

Added After Newspaper Deadline:

Add: Resolution to Amend the Contract for the City Administrator (Council Members Reid, Higgins, Easthope and Groome) (Added 12/20/04)

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF November 22 and December 6, 2004 APPROVED

Council Member Carlberg moved seconded by Council Member Teall that the regular session minutes of November 22, 2004 and the regular session minutes of December 6, 2004 be approved as presented.

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

RECESS FOR CLOSED SESSION

Council Member Woods moved, seconded by Council Member Teal 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, 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 7:50 p.m.

Council Member Teall moved, seconded by Council Member Carlberg that the regular session of Council be reconvened.

On a voice vote the Mayor declared the motion carried and the meeting reconvened at 8:11 p.m.

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 Motions and Resolutions:

Resolution to Approve FY 2006-2011 Capital Improvements Plan (Planning Commission Recommendation: Approval; Motion to Approve Passed 8 yeas and 0 Nays) (Public Services - Sue F. McCormick, Area Administrator and Financial and Administrative Services - Tom Crawford, Chief Financial Officer)

Resolution to Approve a Purchase Order to Environmental Systems Research Institute (ESRI) for the Geographic Information System (GIS) Software Maintenance and License Agreement for Calendar year 2005 (\$28,521.63) (Information Technology Services - Tom Crawford, Chief Financial Officer)

CONSENT AGENDA ITEMS APPROVED

Council Member Lowenstein moved seconded by Council Member Johnson that the following Consent Agenda items be approved as presented:

R-514-12-04 APPROVED

RESOLUTION to Approve Amendment No. 3 to the Agreement with the Michigan Department of Transportation for the Northeast Area Comprehensive Transportation Plan Project

Whereas, The Federal Highway Administration (FHWA) has allocated High Priority Project funds from the Federal Highway Administration for a study of access options, to be conducted as a key component of the Northeast Area Comprehensive Transportation Plan;

Whereas, City Council approved an agreement with the Michigan Department of Transportation (MDOT) by R-275-7-01 for the Northeast Area Comprehensive Transportation Plan project and approved amendments No. 1 (R-402-0-02) and No. 2 (R-318-7-04); and

Whereas, It is necessary to amend the agreement with MDOT to allow for the extension of time;

RESOLVED, That City Council approve amendment No. 3 to the agreement with MDOT to extend the project completion date to May 31, 2005;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute an amended agreement with the Michigan Department of Transportation for the Northeast Area Comprehensive Transportation Plan, following approval as to substance by the City Administrator and approval as to form by the City Attorney; and

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

R-515-12-04 APPROVED

RESOLUTION to Approve the Purchase of Dell Server Hardware and Microsoft Server Licenses and Miscellaneous Hardware from Electronic Data Systems Corporation for Fiscal Year 2004-05 - Not to exceed \$290,000.00

Whereas, The City of Ann Arbor requires that servers and software be replaced to keep up with the changes necessary to efficiently and effectively increase the level of city services delivery;

Whereas, The City has planned, approved and budgeted for a Server Hardware Upgrade Project, a E-Mail Server Upgrade Project and an Enterprise Information Portal Project to be completed this fiscal year;

Whereas, The City has identified seven servers to be replaced and approximately nine new servers to support enhanced or new services;

Whereas, The State of Michigan's extended purchasing contract with Electronic Data Systems Corporation is a cost effective means of obtaining hardware, software and services that improves the City of Ann Arbor's overall acquisition process by minimizing duplicate efforts;

Whereas, Electronic Data Systems Corporation has received Human Rights approval on September 8, 2004; and

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

RESOLVED, That the City Administrator be authorized to issue a purchase order to Electronic Data Systems Corporation for an amount up to \$290,000.00 for server hardware and software, network switches and supporting miscellaneous hardware.

R-516-12-04 APPROVED

RESOLUTION to Approve a Contract with Denny Construction in the Amount of \$200,000.00 for Renovation of the Fuller Pool Facility and Picnic Shelter Per Bid #3696 and to Establish a Construction Budget of \$230,000.00

Whereas, Renovations to Fuller Pool are scheduled in the Park and Recreation Open Space Plan, 2000-2005;

Whereas, Funds for the project are included in the FY 04-05 approved Parks Rehabilitation and Development Millage budget;

Whereas, Competitive bids were sought by Purchasing with bids received on November 15, 2004 and Denney Construction was identified as the lowest responsible bidder; and

Whereas, Human Rights approval and compliance with the Living Wage Ordinance was received on November 19, 2004 for Denney Construction;

RESOLVED, That City Council approve a construction contract, per bid #3696, with Denney Construction in the amount of \$200,000.00 for renovations to Fuller Pool Facility;

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

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

RESOLVED, That City Council approve a construction contingency in the amount of \$30,000.00 (15%) to cover potential contract change orders to be approved by the City Administrator, and approve a total project budget of \$230,000.00 for the life of the project without regard to fiscal year.

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

POSTPONED

RESOLUTION to Approve FY 2006-2011 Capital Improvements Plan

Whereas, Section 1:185 of the Ann Arbor City Code requires that the City Planning Commission annually prepare a Capital Improvements Program (CIP) for the ensuing six fiscal years;

Whereas, The Capital Improvements Program consists of a Capital Improvements Plan and Budget;

Whereas, The FY 2006-2011 Capital Improvements Plan, which was prepared through a CIP Review Subcommittee and by the efforts of the Public Services Area, Financial Services Area and Community Services Area, was submitted to the Ann Arbor City Planning Commission for consideration;

Whereas, A duly-noticed public hearing was held by the City Planning Commission on December 7, 2004; and

Whereas, The City Planning Commission adopted the Capital Improvements Plan at its meeting of December 7, 2004, and also recommended that council approve the document and use it as a guide in funding priority capital projects consistent with the plan;

RESOLVED, That City Council hereby approve the FY2006-2011 Capital Improvements Plan.

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

Council Member Greden moved, seconded by Council Member Teall that the resolution be postponed until January 3, 2005 for further review.

R-517-12-04 APPROVED

**RESOLUTION to Approve a Purchase Order to
Environmental Systems Research Institute (ESRI)
for the Geographic Information System (GIS) Software Maintenance and License Agreement
for Calendar year 2005**

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

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

Whereas, The City of Ann Arbor is granted the proper license agreement to use the City standard GIS software;

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

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

Whereas, ESRI received Human Rights and Living Wage compliance approval on September 29, 2004;

RESOLVED, That the Mayor and Council authorize the City Administrator to issue a purchase order to Environmental Systems Research Institute (ESRI), in the amount \$28,521.63 to maintain the ESRI license and maintenance agreement.

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

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

ORDINANCES - SECOND READING

42-04 APPROVED

ZONING

An Ordinance to Amend Sections 5:1, 5:4, 5:7, 5:71, 5:72, 5:82, 5:88, 5:90, 5:91, 5:92, 5:99, 5:102, 5:104 and 5:107 of Chapter 55 of Title V of the Code of the City of Ann Arbor

Revisions made due to a citywide reorganization. (The complete text of Ordinance 42-04 is on file in the City Clerk's Office.)

Council Member Carlberg moved seconded by Council Member Teall that the ordinance be adopted at second reading.

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

R-521-12-04 APPROVED

RESOLUTION Authorizing Summary Publication of Ordinance No. 42-04 - Amending Sections 5:1, 5:4, 5:7, 5:71, 5:72, 5:82, 5:88, 5:90, 5:91, 5:92, 5:99, 5:102, 5:104 and 5:107 of Chapter 55 of Title V of the Code of the City of Ann Arbor

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

RESOLVED, That the publication of Ordinance 42-04 shall be by the following summary:

Ordinance 42-04 revises Sections 5:1, 5:4, 5:7, 5:71, 5:72, 5:82, 5:88, 5:90, 5:91, 5:92, 5:99, 5:102, 5:104 and 5:107 of Chapter 55 (Zoning) to provide consistency with the recently adopted Citywide reorganization.

The complete text of this ordinance is available at the Ann Arbor City Clerk's Office.

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

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

43-04 POSTPONED

**Amend Various Sections and Chapters of the Code to conform with Relevant Provisions of the City Code due to the
Citywide Reorganization Adopted by City Council**

An Ordinance to Amend Sections 1:1 and 1:17 of Chapter 1, Sections 1:20 and 1:21 of Chapter 2, the Title and Section 1:31 of Chapter 4, Sections 1:101 through 1:103, 1:105 and 1:107 of Chapter 5, Sections 1:189, 1:201 and 1:207 of Chapter 8, Section 1:277 of Chapter 12, Sections 1:552, 1:553, 1:556, 1:557, 1:563 and 1:568 of Chapter 18 and Section 1:671 of Chapter 20 of Title I, Sections 2:21, 2:22, 2:24 through 2:26, 2:28, 2:30, 2:31, 2:34, 2:35 and 2:40 of Chapter 27, Sections 2:41.1, 2:41.2b through 2:41.2d, 2:41.2f, 2:42.1 through 2:42.4, 2:43.1, 2:43.2, 2:43.4 through 2:43.6, 2:43.8, 2:44.1, 2:44.2, 2:44.4 through 2:44.9, 2:45.1 through 2:45.6, 2:45.7, 2:45.9, 2:46.1, 2:46.2, 2:46.4, 2:47.1, 2:47.2, 2:47.5, 2:48.1 through 2:48.10, 2:49.3, 2:49.5 and 2:51.1 of Chapter 28, Sections 2:81 and 2:86 of Chapter 30, Sections 2:101, 2:111, 2:116, 2:120, 2:126 and 2:128 of Chapter 32, Sections 2:200, 2:205, 2:206, 2:209, 2:210, 2:212 and 2:213 of Chapter 33 and Section 2:712 of Chapter 38 of Title II, Sections 3:1 through 3:8 and 3:10 of Chapter 39, Sections 3:11, 3:12, 3:15 and 3:16 of Chapter 40 and Sections 3:42 through 3:48 of Chapter 41 of Title III, Sections 4:3, 4:6 through 4:8, 4:21 and 4:23 of Chapter 47, Sections 4:451 through 4:55, 4:57 and 4:459 of Chapter 49 and Section 4:75 of Chapter 50 of Title IV, Sections 5:121 through 5:124, 5:128, 5:131, 5:134 and 5:135 of Chapter 57, Sections 5:141 and 5:145 of Chapter 58, Sections 5:164 and 5:167 of Chapter 59, Sections 5:201, 5:206 through 5:209, 5:211, 5:212, 5:217 and 5:218 of Chapter 60, Section 5:517 of Chapter 61, Section 5:606 through 5:608, 5:610 and 5:612 of Chapter 62 and Sections 5:651, 5:652, 5:654, 5:657, 5:658 and 5:662 of Chapter 63 of Title V, Section 6:252 of Chapter 68 of Title VI, Sections 7:11 of Chapter 76 and Section 7:68 of Chapter 79 of Title VII, Sections 8:383 through 8:387 of Chapter 101, Sections 8:409 and 8:412 of Chapter 103, Sections 8:433, 8:435 and 8:437 of Chapter 104 and Sections 8:502, 8:504, 8:510, 8:511, 8:512, 8:514, 8:516, 8:519 and 8:523 of Chapter 105 of Title VIII, Section 9:103 of Chapter 111 and Sections 9:306 and 9:307 of Chapter 116 of Title IX and Section 10:90 of Chapter 126 of Title X, to add a new Section 1:32 to Chapter 4 of Title I, and to Repeal Sections 1:216 and 1:217 of Chapter 8 of Title I of the Code of the City of Ann Arbor

(The complete text of Ordinance 43-04 is on file in the City Clerk's Office.)

Council Member Carlberg moved, seconded by Council Member Reid moved that the ordinance be approved at second reading.

Council Member Johnson moved, seconded by Council Member Groome to postpone the resolution until January 3, 2005 for further review.

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

POSTPONED

**RESOLUTION Authorizing Summary Publication of
Ordinance No. 43-04 - Amending Various Sections
and Chapters of the City Code to Conform
with Relevant Provisions of the City Code
due to the Citywide Reorganization
Adopted by City Council**

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

RESOLVED, That the publication of Ordinance 43-04 shall be by the following summary:

Ordinance 43-04 revises Chapters 1, 2, 4, 5, 8, 12, 18, 20, 27, 28, 30, 32, 33, 38, 39, 40, 41, 47, 49, 50, 57, 58, 59, 60, 61, 62, 63, 68, 76, 79, 101, 103, 104, 105, 111, 116, and 126 of the City Code to provide consistency

with the recently adopted Citywide reorganization.

The complete text of this ordinance is available at the Ann Arbor City Clerk's Office.

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

Council Member Johnson moved, seconded by Council Member Groome to postpone the resolution until January 3, 2005.

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

ORDINANCES - FIRST READING

44-04 APPROVED

brookside SUBDIVISION ZONING

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

This ordinance would change the zoning of 48 parcels, located on Baylis Drive, Dwight Street and Stone School Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 44-04 is on file in the City Clerk's Office.)

Council Member Greden moved seconded by Council Member Carlberg that the ordinance be approved at first reading.

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

45-04 APPROVED

**repeal building and safety engineering
and mechanical code, amend and add new
sections to the construction code**

An Ordinance to Repeal Chapters 98 and 99, to amend Sections 8:101, 8:102, 8:103, and 8:104 of Chapter 100, and to add New Sections 8:100 and 8:105 through 8:121 to Chapter 100 of Title VIII of the Code of the City of Ann Arbor

(The complete text of Ordinance 45-04 is on file in the City Clerk's Office.)

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

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

MOTIONS AND RESOLUTIONS

R-518-12-04 APPROVED

**RESOLUTION TO APPROVE 1310 South Main Street
Revised PUD Supplemental Regulations
and Revised Development Agreement**

Whereas, John Simpkins has requested revisions to the 1310 South Main Street PUD Supplemental Regulations and Development Agreement approved by City Council in November 2001;

Whereas, The City Planning Commission recommended approval of requested revisions at its meeting of October 19, 2004; and

Whereas, The proposed revisions have been reviewed and found acceptable by the City Attorney's Office;

RESOLVED, That City Council approve the 1310 South Main Street Revised PUD Supplemental Regulations and Revised Development Agreement, substantially in the form of that on file in the City Clerk's Office, dated October 28, 2004.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed 1310 South Main Street Revised PUD Supplemental Regulations and Revised Development Agreement.

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

On roll call, the vote was as follows:

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

Nays, Council Members Groome, Higgins, 2.

The Mayor Declared the motion carried.

R-520-12-04 APPROVED

RESOLUTION TO APPROVE an Agreement with the Michigan Department of Transportation and to Approve the Revised Project Budget for the Huron Parkway Reconstruction - Phase V

Whereas, The current City of Ann Arbor Capital Improvements Plan and the Adopted 2004-05 Budget included the Huron Parkway Reconstruction-Phase V project; and

Whereas, The Federal Highway Administration has allocated funds for the reconstruction of Huron Parkway and the associated retaining walls from approximately 3300 feet north of Washtenaw Avenue to about 780 feet south of Huron River Drive;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute contract number 04-5456 with the Michigan Department of Transportation for the Huron Parkway Reconstruction - Phase V, 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 2006 budget appropriations as indicated:

Section I- Revenue

\$ 143,420.00 Street Resurfacing Millage, Prior Year

\$ 19,000.00 Stormwater Sewer System Fund, FY 2004-05
\$ 1,000.00 Water Supply System Fund, FY 2004-05
\$1,300,000.00 Street Resurfacing Millage, FY 2004-05
\$1,422,580.00 Street Resurfacing Millage, Unobligated Fund Balance
\$ 984,000.00 Street Resurfacing Millage, FY 2005-06
\$3,870,000.00 Total

Section II- Expenses

\$2,230,000.00 Construction Contract
\$ 400,000.00 Design Engineering
\$ 500,000.00 Construction Engineering
\$ 200,000.00 Material Testing and Inspection
\$ 200,000.00 Miscellaneous Costs (ROW acquisition, miscellaneous consulting services, city vehicle rental, materials, supplies, etc.)
\$ 340,000.00 Contingencies approved by the Administrator
\$3,870,000.00 TOTAL; and

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

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

On roll call, the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried unanimously.

R-520-12-04 APPROVED AS AMENDED

(RESOLUTION TO APPROVE and Authorize the Purchase of
18.2 Acres of Parkland Contiguous with the Existing
Dolph Nature Area for \$1,200,000.00)

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

Council Member Higgins moved, seconded by Council Member Reid to postpone until January 18, 2005 for further review.

On roll call, the vote was as follows:

Yeas, Council Members Higgins and Reid, 2;

Nays, Council Members Groome, Johnson, Lowenstein, Carlberg, Greden, Teall, Easthope, Woods, Mayor Hieftje, 9.

The Mayor Declared the motion failed.

Council Member Reid moved, seconded by Council Member Groome to strike the 5th Whereas clause.

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

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

Yeas, Council Members Groome, Johnson, Lowenstein, Carlberg, Greden, Teall, Easthope, Woods, Mayor Hieftje, 9;

Nays, Council Members Higgins, Reid, 2.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

**RESOLUTION TO APPROVE and Authorize the Purchase of
18.2 Acres of Parkland Contiguous with the Existing
Dolph Nature Area for \$1,200,000.00**

Whereas, The City of Ann Arbor applied for and was awarded a grant from the Michigan Department of Natural Resources to purchase 18.2 acres of parkland contiguous with the existing Dolph Nature Area;

Whereas, This land acquisition would protect the southern half of Second Sister Lake and provide access from Liberty Road;

Whereas, The City of Ann Arbor, Department of Natural Resources and the owner have agreed upon an appraised amount;

Whereas, All necessary environmental assessments have been conducted (Phase I, Phase II, and BEA) in accordance City and MDNR/MDEQ requirements and a Due Care Plan was prepared to address environmental issues;

Whereas, The MDNR approved the purchase of and the fair market value for the property in the amount of \$1,200,000.00 with a grant for \$648,000.00 from MDNR and the City's matching portion being \$552,000.00;

Whereas, Under the terms of the MDNR grant all incidental costs of sale (closing costs) must be paid by the City unless waived by the Seller; and

Whereas, The Park Advisory Commission passed a resolution at their August 17, 2004 meeting recommending that City Council approve and authorize the purchase of this property for \$1,200,000.00;

RESOLVED, That City Council approve the purchase of 18.2 acres of land owned by the Edward C. Levy Company at Dolph South for \$1,200,000.00 and described as:

LOTS 19, W ½ OF LOT 20, LOT 34 AND PT OF LOT 49, EXC BEG AT NE COR OF LOT 18, TH N 233 FT ON EXTENSION OF E LINE OF LOT 18, TH W 200 FT TO NE COR OF LOT 11, TH S 233 FT ON E LINE OF LOTS 11,12 & 13 TO NW COR OF LOT 17, TH E 200 FT ON N LINE OF LOTS 17 & 18 TO PL OF BEG, ALOS EXC BEG AT NE COR OF LOT 20, TH N 88 DEG 00' 40" W 90.0 FT, TH N 01 DEG 59' 20" E 567.00FT, TH S 88 DEG 00' 40" E 90.0 PL OF BEG, KILLINS LAKEVIEW SUBDIVISION, TOT. 18.63

RESOLVED, That City Council authorize the expenditure of \$1,200,000.00 plus the additional necessary funds from the Open Space and Parkland Acquisition Millage Fund (Fund 0024) for the purchase and associated closing costs and fees for this purchase to be available for expenditure without regard to fiscal year;

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

RESOLVED, That the City Administrator, or designee, be authorized to act as the closing agent for the City with the authority to execute any closing documents, after approval as to form by the City Attorney, necessary to complete the transaction.

POSTPONED

**RESOLUTION to Approve and Adopt the
2004 Farmers Market master Plan**

Whereas, The Market Commission and Parks and Recreation Services Unit desire to expand the operation and function of the Farmers Market facility;

Whereas, A ten member Farmers Market Master Plan Steering Committee was organized in order to ensure that many of the groups with a vested interest in the Market area were represented in the plan development;

Whereas, The consultant team of Johnson Hill - Land Ethics Studio was contracted to provide professional design services in the preparation of a Master Plan for the Farmers Market;

Whereas, The consultant team conducted numerous interviews, surveys, public meetings, and several design alternatives for the project over the past two years;

Whereas, A Revised Master Plan design and supporting documentation has been prepared by the consultant team that meets a majority of the goals established by the Steering Committee; and

Whereas, The 2004 Farmers Market Master Plan document will provide a substantive direction to implementing the expansion and improved function to the Farmers Market facility;

RESOLVED, That the City Council approve and adopt the 2004 Farmers Market Master Plan as presented.

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

Council Member Carlberg moved, seconded by Council Member Woods to postpone until January 18, 2005.

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

POSTPONED

**RESOLUTION to Create a Housing and Human Services
Advisory Board and Eliminate the Existing
CDBG Executive Committee and
Housing Policy Board**

Whereas, HUD requires communities that receive CDBG and HOME funds to have a citizen participation process;

Whereas, When the City of Ann Arbor originally received federal funds, neighborhood groups facilitated this citizen participation process through the CDBG Executive Committee;

Whereas, The Housing Policy Board (HPB) was created to monitor the implementation of Housing Policy

and the creation of a City Housing Coordinator to oversee, carry out and coordinate these policies;

Whereas, The role of the CDBG Executive Committee and the Housing Policy Board have evolved over the years to a Committee and Board that reviews project details and recommends specific funding allocations; and

Whereas, There has been an expressed desire and need to have higher-level discussions about priorities and policies and development of a plan to provide a clear vision to address the housing and human service needs of the low-income residents of the community;

RESOLVED, That City Council dissolve the current Housing Policy Board and CD Executive Committee and in their place create a Housing and Human Services Advisory Board (HHSAB) to provide policy direction to the City Council and City administration around the housing and human service needs of low income residents of the City as detailed in the attached advisory board charter; and

RESOLVED, That City Council direct the new board to develop a 12-month work plan and by-laws within three months of their initial meeting that once adopted by the board, be brought forward for City Council approval.

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

Council Member Greden moved, seconded by Council Member Easthope to postpone until January 18, 2005

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

R-523-12-04 APPROVED

RESOLUTION TO APPROVE Accepting Utility Easement from Willowtree I Properties, LTD. - Willowtree I Apartments

Whereas, Willowtree I Apartments, LTD., a Texas limited partnership, 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 03210, Page 0043, dated January 16, 1996 and recorded on January 29, 1996;

Whereas, The City of Ann Arbor acquired an easement for water mains from Village Green of Ann Arbor, a Michigan limited partnership, for the construction and maintenance of water mains, accepted by City Council at its March 21, 1977 council session and recorded on March 29, 1977 in Liber 1587, Page 258;

Whereas, The City of Ann Arbor and Willowtree I Properties, LTD, a Texas limited partnership, now desire to acknowledge the existence of a building encroachment and permit the continued encroachment in, on and over one of the above-referenced water mains; and

Whereas, A Consent of the Limited Partners of Willowtree I Properties, LTD., dated December 6, 2004, authorized the execution and delivery of a grant of easement that permits the continued building encroachment;

RESOLVED, That the City of Ann Arbor accepts an easement for public utilities from Willowtree I Properties LTD, a Texas limited partnership, over property located in the City of Ann Arbor, Washtenaw County, Michigan and described as follows:

Variable Width Description of Building Encroachment

Commencing at the N ¼ Corner of Section 22, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan;

thence S88° 21' 40" W 756.45 feet along the N line of said Section 22; thence S00° 45' 10" E 215.83 feet; thence S89° 14' 50" W 158.16 feet to the POINT OF BEGINNING;
Thence S56° 28' 47" W 5.79 feet;
Thence N00° 45' 10" W 10.70 feet;
Thence S33° 31' 13" E 9.00 feet, to the POINT OF BEGINNING.
(Building address is 1929 Plymouth Road).

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

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

R-524-12-04 APPROVED

RESOLUTION TO Accept and Appropriate Grant Funds from the Michigan Energy Office for Alternate Fuel Vehicle Program Support

Whereas, The Ann Arbor Area Clean Cities Coalition was designated as an official member of the US Department of Energy's Clean Cities Program in April, 1999 to bring alternative fuel vehicles into our community to reduce reliance on imported oil and to reduce air pollution;

Whereas, The City of Ann Arbor has provided leadership and grant management services for the Coalition since its inception through the City's Energy Office;

Whereas, The Ann Arbor Area Clean Cities Program has been very successful, attracting over \$400,000.00 in federal grant funds to our community, leveraging millions of dollars in local investment for fueling infrastructure and putting over 900 alternate fuel vehicles into the community;

Whereas, The City of Ann Arbor was awarded a \$20,000.00 grant in 2003 to create the position of Alternate Fuel Vehicles Program Developer which was filled in February, 2004;

Whereas, This grant will help continue the position of Alternate Fuel Vehicle Program Manager for one more year to grow the program in our community, gain new fleet members, and heighten program visibility and impact;

Whereas, Matching funds and services have been budgeted in the 2004-05 Environmental Coordination Services budget; and

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

RESOLVED, That the City accept the Michigan Department of Labor and Economic Development grant of \$25,000.00 for Clean Cities Program Support;

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 Johnson that the resolution be adopted.

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

R-525-12-04 APPROVED

RESOLUTION to Revise and Extend a Previously Accepted Grant from the Michigan Energy Office for Ethanol Fueling Infrastructure

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 of Ann Arbor has previously been awarded, and City Council has previously accepted, a \$42,738.00 grant to construct ethanol (E-85) fueling infrastructure;

Whereas, The original grant period ran from 10/1/03 to 10/31/04 and called for the construction of a private E-85 fueling station at the City's Municipal Garage open only to governmental fleets;

Whereas, The City applied for a grant extension and change of scope prior to the expiration of the original term of the grant which was received and accepted by the Michigan Department of Economic Growth;

Whereas, The amended grant will be extended until August 31, 2005 and will assist in the development of an E-85 fueling station at a privately owned service station that will be open to both private fleets and the general public;

Whereas, The revised project budget involves no increased fiscal liability, reduces City costs by \$15,500.00, and achieves the improved goal of offering E-85 fueling availability not just to government fleets but to all local fleets and the general public; and

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

RESOLVED, That City Council approve the revised scope of work and extension of the previously accepted grant contract with the Michigan Energy Office of \$42,738.00 for an ethanol fueling facility;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the revised 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, when received, be appropriated to the FY 04-05 Energy Office Grant Fund for the life of the project, regardless of fiscal year.

Council Member Easthope 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-526-12-04 APPROVED

RESOLUTION TO APPROVE Sale of the Turnkey III Homebuyer Unit at 1024 Gott Street to Aletrice Price

Whereas, The Ann Arbor Housing Commission operates a program designed to provide homeownership potential for fifty (50) low-income families;

Whereas, The program was designed to allow participants the opportunity to take title to the property they occupy either by purchase, or at such time as their reserve account is equal to their unamortized principal balance;

Whereas, The Homebuyer occupant of 1024 Gott has decided to exercise her option to purchase her home;

Whereas, The purchase price of the home has been established at \$64,911.06;

Whereas, The amount owed to the Ann Arbor Housing Commission, calculated as the purchase price, less the amount accumulated in the tenant reserve accounts, is equal to \$52,736.16; and

Whereas, A real estate appraisal has been received by the City indicating that the fair market value of the property is \$187,000.00;

RESOLVED, That City Council approve the sale of the property at 1024 Gott, located in the City of Ann Arbor, Washtenaw County, Michigan as described as follows:

Lot 106, James B. Gotts second addition subdivision, according to Washtenaw County records;

to Aletrice Payne, and authorize the Mayor and City Clerk to execute a warranty deed conveying the property;

RESOLVED, That as a condition of sale, Aletrice Payne will execute a mortgage and promissory note for the difference between the established sale price and the appraised value, subject to approval as to substance by the City Administrator and approval as to form by the City attorney;

RESOLVED, That the proceeds of this sale will be immediately allocated to the Ann Arbor Housing Commission for a HUD-approved use; 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 implement this resolution.

Council Member Carlberg 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-527-12-04 APPROVED

RESOLUTION TO APPROVE Amendment No. 3 to Lease Agreement with Dahlmann Apartments LTD. For Office Space in the City Center Building for Three Years, \$57,505.00 First Year

Whereas, The City of Ann Arbor has leased office and storage space in the City Center building at 220 E. Huron since 1995;

Whereas, Dahlmann Apartments Ltd., (landlord) is offering to lease to the City, 3100 square feet of additional space on the first floor of the City Center building for \$18.55 per sq. foot, to total \$57,505.00 for the first year;

Whereas, The City currently leases 2300 Square feet of additional contiguous space on the first floor of City Center Building that is immediately available to use for the purpose of operating the consolidated Customer Service Center for the City;

Whereas, consolidation of customer service functions in Public Services and Financial and Administrative Services were proposed to occur in 2004 to provide a single point of service in a Customer Service Center;

Whereas, The City Center first floor space will accommodate the envisioned Customer Service Center with necessary modifications to be made by the landlord; and

Whereas, Funds are available for the relocation and rental costs from the approved FY2004/05 Public Services Area operating budget;

RESOLVED, That City Council approve the amended lease with Dahlmann Apartments Ltd., effective December 21, 2004, to accommodate the consolidated Customer Service Center on the first floor of the City Center building; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the necessary lease amendment with Dahlmann Apartments, Ltd., after approval as to substance by the City Administrator and approval as to form by the City Attorney.

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-528-12-04 APPROVED

RESOLUTION for Community Events Fund Disbursements

Whereas, The Ann Arbor City Council wishes to support activities that promote or bring the community together to celebrate its richness;

Whereas, The Council Community Events Committee met and reviewed funding requests from various community groups; and

Whereas, The Committee recommends the following allocation:

- 1) Main Street Area Association for the Rock N Rollin Event 8/9/04 - \$99.70 to cover city expenses;

RESOLVED, That the Ann Arbor, City Council approve the recommended allocations from the 2004-2005 Community Events Fund.

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

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

R-529-12-04 APPROVED

Resolution to Amend the Contract for the City Administrator

Whereas, The City Administrator Evaluation Committee of the Ann Arbor City Council has established qualitative criteria to evaluate overall job performance of the City Administrator;

Whereas, City Administrator Evaluation Committee has solicited the comments and input regarding City Administrator job performance from every member of the Ann Arbor City Council;

Whereas, The City Administrator Evaluation Committee has met with the City Administrator to discuss all aspects of job performance and to establish certain job related goals and objectives for the coming year;

Whereas, The City Administrator has communicated to the City Administrator Evaluation Committee an appropriate understanding of the progress made in the prior year and a sense of perspective of the work yet to be completed; and

Whereas, The City Administrator Evaluation Committee in concert with the Ann Arbor City Council as a whole finds the City Administrator has satisfactorily met or exceeded all performance objectives;

resolved, That the City Administrator's employment contract be amended to increase the base salary by 3% retroactive to July 1, 2004.

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

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

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

COUNCIL MEMBER EASTHOPE

Council Member Easthope moved, seconded by Council Member Johnson that the following resolution be read into the record:

RESOLVED, That the City Attorney is authorized to proceed with the First Consent Decree and Parhal Settlement in Ann Arbor Center for Independent Living vs. the City of Ann Arbor, Case No. 04-73352, as discussed in closed session.

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

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the December 6, 2004 regular session of Council:

Historic District Commission

Susan Wineberg (Re-appointment)
712 E. Ann St.

Ann Arbor, MI 48104

Term: January 22, 2005 - January 21, 2008

Housing Commission

James H. Jackson (Fill a vacancy; nominated 11/22/04)
1432 Admoor Avenue
Ann Arbor, MI 48103

Term: December 20, 2004 - June 3, 2006

Human Rights Commission

Carl Baird (Re-appointment; nominated 11/03/04)

2422 Packard St.

Ann Arbor, MI 48104

Term: December 20, 2004 - October 31, 2006

Kenneth J. Wilson (Fill a vacancy)

3204 Ravenwood

Ann Arbor, MI 48103

Term: December 20, 2004 - October 31, 2007

Council Member Easthope moved seconded by Council Member Higgins 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:

Building Board of Appeals

Dennis M. Darling, (Re-appointment)

338 Manor Street

Ann Arbor, MI 48105

Term: January 10, 2005 - December 19, 2009

Cool Cities Task Force

Emilie Baratta (Fill Vacancy)

337 Beakes Street

Ann Arbor, MI 48104

Kathryn Lynn Loomis (Fill Vacancy)

2316 Fernwood

Ann Arbor, MI 48104

Energy Commission

Andrew Smith (Filling position of Kerry Sheldon due to resignation)

1117 W. Huron St. #201

Ann Arbor, MI 48103

Term: January 10, 2005 - July 9, 2006

Planning Commission

Bonnie S. Bona (Filling position of Laurie Elbing due to resignation)

1100 Mixtwood

Ann Arbor, MI 48103

Term: January 10, 2005 - June 30, 2007

Mayor Hieftje reported that he recently signed proclamations in recognition of:

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Civil Liberties Investigations - Roger Fraser, City Administrator
2. October 2004 Investment Portfolio Report - Tom Crawford, Chief Financial Officer

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCIL MEMBER WOODS

Council Member Woods, asked that the concerns that the students made regarding transportation provided by the AATA be addressed.

Mayor Hieftje stated that the concern could be forwarded on to Gregory Cook who is the contact person for the AATA Board.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communication was referred as indicated:

1. Communication from the State of Michigan Department of Environmental Quality regarding Notice of Application of a Permit filed by CDM located at 3055 Miller Road - Applicant Proposes to Alter an Existing Retention Basin in Brown Park on Malletts Creek - File

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

The following minutes were received for filing:

1. Planning Commission - October 5 and 19, 2004
2. Zoning Board of Appeals - July 28 and August 25, 2004
3. Ann Arbor Commission on Disability Issues - October 20, 2004

Council Member Johnson moved seconded by Council Member Lowenstein that the Clerk's Report be accepted.

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

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:22 p.m.

Anissa R. King
Acting Clerk of the Council
Recording Secretary