



# City of Ann Arbor

301 E. Huron St.  
Ann Arbor, MI 48104  
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## Legislation Text

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### **ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - JUNE 7, 2004**

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

Council stood for a moment of silence.

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

### **ROLL CALL OF COUNCIL**

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

**ABSENT** : Council Member Christopher Easthope, 1.

### **INTRODUCTIONS**

### **DOWNTOWN RESIDENTIAL TASKFORCE FINAL REPORT**

Susan Pollay announced that the Downtown Residential Taskforce pursued their task of addressing barriers to downtown residential development and has come up with possible solutions to that development. The final report that was placed in Council mailboxes previously, gives a number of recommendations and facts.

The taskforce will be coming before Council in two weeks with a resolution asking Council to lend their support for the notion of downtown residential development. As a part of that resolution, the taskforce will be dissolved.

### **RECOGNITION FOR WINNING THE 2004 REGIONAL BEST TASTING WATER CONTEST IN MICHIGAN**

Sue McCormick, Water Utilities Director, presented the 2004 Regional Best Tasting Water in Michigan award to Mayor Hieftje on behalf of the City of Ann Arbor.

Dave Cooke, Trustee of the Michigan Section of the American Waterworks Association recognized the achievement of the Water Utilities Department. The City of Ann Arbor was judged as having the best tasting water in a recent regional competition held in Troy, Michigan. Ann Arbor will face four other regional winners at the annual Conference in August 2004, which will be held in Grand Rapids, Michigan, for the title of Best Tasting in the State.

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

## **ISSUES IN PALESTINE**

The following people addressed Council regarding the issues in Palestine:

Blaine Coleman, P.O. Box 7038  
Henry Herskovitz, 404 Mark Hanna  
Mozhgan Savabieassahani, 710 E. Ann

## **JIM MOGENSEN - PLANNING DEPARTMENT REORGANIZATION**

Jim Mogensen, 3780 Greenbrier, addressed Council regarding the Planning Department reorganization.

## **ABANDONED HOUSE AT 2401 PINECREST**

The following people addressed Council regarding an abandoned house at 2401 Pinecrest:

John Tebeau, 2421 Pinecrest  
Colleen Tebeau, 2421 Pinecrest  
Margaret Van Duine, 2431 Pinecrest  
Carolyn Devine, 2414 Pinecrest  
Brian Zybura, 2391 Pinecrest

## **PUBLIC HEARINGS**

### **FIFTH THIRD BANK SITE PLAN**

A public hearing was conducted on the proposed Fifth Third Bank Site Plan, 1.43 acres, located at 3315 Washtenaw Avenue. Notice of public hearing was published May 30, 2004.

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

### **1515 SOUTH MAPLE ROAD LAND DIVISION**

A public hearing was conducted on the proposed 1515 South Maple Road Land Division, 0.67 acre. Notice of public hearing was published May 30, 2004.

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

### **ADJUST PARKING VIOLATION FINE SCHEDULE**

A public hearing was conducted on the proposed parking violation fine schedule. Notice of public hearing was published May 30, 2004.

Jim Mogensen, 3780 Greenbrier, said that increase the fees would not help the parking situation in the downtown area.

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

### **FISCAL 2004/05 FRONT-LOAD REFUSE DUMPSTER FEES**

A public hearing was conducted on the proposed Fiscal 2004/05 Front-Load Refuse Dumpster Fees. Notice of public hearing was published May 30, 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:

### **CONSENT AGENDA**

Revise: Resolution to Transfer Delinquent Alarm Fees to the 2004 City Tax Roll (\$23,964.60) (Safety Services - Daniel J. Oates, Administrator) (Schedule A Revised)

## **MOTIONS AND RESOLUTIONS**

Added After Newspaper Deadline:

Add: Resolution to Amend Parks Repair and Restoration and Park Acquisition Millage Rates (Finance - Brenda L. Smith, Director) (Added 6/3/04)

Add: Resolution Opposing SB 1147 and HB 5762 Requiring Legislative Approval of MDOT Program (Council Member Carlberg) (Added 6/3/04)

Add: Resolution Opposing SB 1081 and SB 1103 to Reduce Funding for Ridesharing and Public Transit (Council Member Carlberg) (Added 6/4/04)

Add: Resolution to Appoint Members to the City Greenbelt Advisory Commission (Council Member Johnson) (Added 6/4/04)

Add: Resolution for Community Events Fund Disbursements from the 2003-2004 Budget (Council Member Higgins and Teall) (Added 6/7/04)

Add: Resolution to Approve Third Amendment to Legal Services Contract with Dykema Gossett (\$175,000.00) (Attorney - Stephen K. Postema, City Attorney) (Added 6/7/04)

Add Resolution to Appoint Members to the Greenbelt Advisory Commission (Council & (Members Reid, Carlberg, Greden, Teall, Higgins and Woods) (Added 6/7/04;  
Move: Consider at the beginning of Motions and Resolutions)

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

## **APPROVAL OF COUNCIL MINUTES**

### **MINUTES OF MAY 6; MAY 10; MAY 17 AND MAY 24, 2004 APPROVED**

Council Member Woods moved, seconded by Council Member Carlberg that the budget working session minutes of May 6 and May 10, 2004 and the regular session minutes of May 17, 2004 with minor changes, and the continued regular session minutes of May 24, 2004 be approved.

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 Adjust Parking Violation Fine Schedule (Administration - Roger W. Fraser, City Administrator)

(Resolution To Approve A City Green Fleet Policy) (Environmental Services - David Konkle, Energy Coordinator and Ronald Olson, Support Services Area Administrator)

### **CONSENT AGENDA ITEMS APPROVED**

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

#### **R-218-6-04 APPROVED**

**RESOLUTION to Approve Transfer of a 2003 Class C Licensed Business, Located at 1114-1122-1140 S. University - D/B/A Good Time Charley's**

**RESOLVED, That the request COA, Inc. for a new Dance-Entertainment Permit, in conjunction with a 2003 Class C Licensed Business, located at 1114-1122-1140 S. University (D/B/A Good Time Charley's), be approved.**

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#### **R-219-6-04 APPROVED**

**RESOLUTION to Approve the Transfer of a 2003 12-months Resort Class "C" Licensed Business with a Specially Designated Merchant (SDM) License and Entertainment Permit, Located at 211 E. Washington, from Shalimar of Washington Street, Inc. - D/B/A Shalimar's**

**RESOLVED, That the request from Shalimar of Washington Street, Inc. to transfer ownership of a 2003 12-months Resort Class "C" Licensed Business, and SDM License with an Entertainment Permit, located at 211 E. Washington from Sunflower Café, L.L.C., doing business as Shalimar's be approved.**

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#### **R-220-6-04 APPROVED**

**RESOLUTION to Approve a Contract with Governmental Consultant Services, Inc., for Lobbying Services**

**Whereas, In 2001, City Council sought proposals for the provision of lobbying services for the City and**

awarded a one-year contract to Governmental Consultant Services, Inc. (GCSI) which under the terms of the contract provided for two six-month service periods;

Whereas, GCSI's contract for services expires on June 30, 2004;

Whereas, GCSI has done an outstanding job for the past three years of communicating issues currently pending before the legislature;

Whereas, An effective lobbying relationship will take multiple years to effectively mature and it is in the City's best interest to continue to retain the services of GCSI;

Whereas, Funds for this contract are included in the Administrator's Office FY 2004/2005 budget; and

Whereas, Human Rights approval and compliance with the Living Wage Ordinance were received on May 19, 2004.

**RESOLVED**, That Council approve a 12 month contract with GCSI in the amount of \$48,000.00 for fiscal year 2004/2005 to perform lobbying services for the City;

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

**RESOLVED**, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution, including the authority to execute on behalf of the City any related documentation to identify GCSI as lobbyist for the City of Ann Arbor.

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#### **R-221-6-04 APPROVED**

**RESOLUTION to Approve Amendment No. 1  
to the Cable Television Franchise Agreement  
Between Comcast Cablevision of the South, Inc.,  
and the City of Ann Arbor - Local Customer  
Service Office Relocation**

Whereas, The City of Ann Arbor and Comcast Cablevision of the South Inc. executed a Cable Television Franchise Agreement on August 5, 2002;

Whereas, Section 5(a) of the City - Comcast Cable Television Franchise Agreement specifies the location of the local customer service office as 5855 Interface Drive, Ann Arbor, Michigan, 48103;

Whereas, Comcast has developed a more accessible and convenient customer service office facility located at Glencoe Crossing, 4659 Washtenaw Ave., Ann Arbor, Michigan, 48108, and has requested that the City formally amend the Cable Television Franchise Agreement to reflect the relocation of the local customer service office;

Whereas, City staff has reviewed the proposed location and recommends approval of the contract amendment to change the specified location of the Comcast customer service office location to Glencoe Crossing, 4659 Washtenaw Ave., Ann Arbor, Michigan, 48108; and

Whereas, All other terms and conditions of the City - Comcast Cable Television Franchise Agreement remain unaltered and in effect;

**RESOLVED, That City Council approve Amendment No. 1 to the Cable Television Franchise Agreement between the City of Ann Arbor and Comcast Cablevision of the South, Inc. amending Section 5(a) of the Agreement; and**

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

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#### **R-222-6-04 APPROVED**

**RESOLUTION to Approve a Professional Legal Services Agreement with Model Cities Legal Services, Inc., to Provide Legal Representation as Court-Appointed Counsel to Indigent Defendants**

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

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

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

**Whereas, Funds for Court-appointed counsel for indigent persons have been approved in the 15th District Court's FY 2004 - 2005 Budget in the amount of \$150,000.00;**

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

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

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

**Whereas, Living Wage and Human Rights approval was granted by the City Human Resources Department on May 5, 2004;**

**RESOLVED, That City Council approve a professional legal services agreement with Model Cities Legal Services, Inc. to provide Court-appointed counsel for indigent defendants appearing in the 15th District Court, in an amount not to exceed \$150,000.00 for FY 2004 - 2005; and**

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

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#### **R-223-6-04 APPROVED**

**RESOLUTION to Approve Amendment No. 2 to the Domestic Violence Grant Service Contract with Washtenaw County**

**Whereas, The City of Ann Arbor and Washtenaw County have entered into a Service Contract requiring the City to provide the services of a 15th District Court Probation Agent to the County's Domestic Violence Prevention Probation Office;**

**Whereas, The Service Contract also requires the County to compensate the City for those Probation Agent services;**

Whereas, The Service Contract will terminate on July 31, 2004;

Whereas, The County wishes to extend the Service Contract, subject to continued funding being available from JODI for the Program, for a twelve-month period to July 31, 2005;

Whereas, The City will receive compensation not to exceed \$71,250.00 during the term of the amendment for services rendered;

Whereas, The Service Contract permits amendment by mutual agreement; and

Whereas, It is in the best interests of the City to continue Domestic Violence Probation Agent Services;

**RESOLVED**, That City Council approve the amendment of the Domestic Violence Grant Service Contract with Washtenaw County under the terms specified in this Resolution; and

**RESOLVED**, That City Council authorize and direct the Mayor and City Clerk to execute the Domestic Violence Service Contract amendment after approval as to substance by the City Administrator and approval as to form by the City Attorney.

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#### **R-224-6-04 APPROVED**

#### **RESOLUTION to Transfer Delinquent Alarm Fees to the 2004 City Tax Roll**

Whereas, As of December 31, 2003, there were unpaid charges for alarm related fees to lots or tax parcels within the City;

Whereas, Section 1:292 of the Ann Arbor City Code provides for assessment upon the tax roll for the respective lot or tax parcel for charges which have not been paid in full;

Whereas, Each of the Owners of the respective lots or tax parcels, having been previously invoiced and the charges remaining unpaid, were mailed notice that the City Treasurer would request City Council to adopt a resolution placing a special assessment upon the lot or tax parcel for the delinquent alarm fee unless the delinquent charge was paid by May 14, 2004; and

Whereas, The notice period specified by City Code has lapsed and a list of the remaining unpaid charges has been filed with the City Clerk as "Schedule A";

**RESOLVED**, That City Council approve levy as a special assessment against each lot or tax parcel listed on Schedule A the unpaid charge for alarm related fees together with a penalty of ten percent (10%) of the amounts, against the lots or tax parcels chargeable on the tax roll, subject to the following in accordance with Section 1:292 of the Ann Arbor City Code:

1. The City Treasurer shall confirm that the unpaid charges on Schedule A remain outstanding as of the date of adoption of this Resolution, and if necessary make revisions to Schedule A to reflect any payments made between the notice deadline and the date of adoption of this Resolution.
2. The City Clerk shall publish in a newspaper of general circulation notice stating the basis of the assessment, the amount to be assessed against each lot or tax parcel on Schedule A, and a time, not less than 30 days, within which payment shall be made to the City Treasurer.
3. The City Treasurer shall, after the lapse of the time specified in 2 above charge each lot or tax parcel the delinquent amount and penalty on the 2004 City tax roll to be collected in the same manner as general

City taxes; and

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

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**R-225-6-04 APPROVED**

**RESOLUTION to Approve Participation in Western States Collaboration Agreement to Allow the Purchase of Wireless Services for the City Safety Services Area**

Whereas, Municipal governments across the United States have joined in a collaborative purchasing agreement to obtain wireless services at the most cost-effective pricing from competitive bidding;

Whereas, The City of Ann Arbor is eligible to participate in this purchasing agreement;

Whereas, The Safety Services Area has evaluated its current police and fire contracts for wireless services;

Whereas, The WSCA selected vendor, AT&T Wireless, can provide the Safety Services Area with higher performance wireless services at significantly lower cost;

Whereas, Funding for wireless services is budgeted in the Police General Fund; and

Whereas, AT&T Wireless has received Human Rights approval on May 12, 2004

**RESOLVED**, That City Council approve participation in the Western States Collaboration Agreement and the purchase of services from its selected vendor for wireless services, AT&T Wireless;

**RESOLVED**, That the Mayor and City Clerk be authorized and directed to execute the necessary participation agreement with WSCA and purchase order agreement with AT&T Wireless after approval as to substance by the City Administrator and approval as to form by City Attorney; and

**RESOLVED**, That the City Administrator be authorized and directed to execute any further documentation necessary to implement this Resolution.

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**R-226-6-04 APPROVED**

**RESOLUTION to Award a Construction Contract to Douglas N. Higgins Inc., (\$396,526.00; Bid No. 3662) and Establish a Project Budget for the Kirtland Drive and Marian Avenue Water Main Replacement Project**

Whereas, The Kirtland Drive and Marian Avenue Water Main Replacement Project is necessary to resolve the local water quality problem;

Whereas, City Council authorized the design of the Kirtland Drive and Water Main Replacement on August 18, 2003 (R-351-8-03);

Whereas, Competitive bids were received by the Purchasing Division on May 11, 2004 and Douglas N.



Higgins, Inc. of Ann Arbor, Michigan, was the lowest responsible bidder at \$396,526.00;

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

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

Whereas, Douglas N. Higgins, Inc. received Human Rights approval on January 15, 2004 and complies with the Living Wage Ordinance;

RESOLVED, That a contract in the amount of \$396,526.00 be awarded to Douglas N. Higgins, Inc. for the construction of the Kirtland Drive and Marian Avenue Water Main Replacement Project (Bid No. 3662);

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 following project budget be adopted for the life of the project, to be available without regard to fiscal year:

**Section I, Revenue**

\$596,276.00	Water Revenue Bond Series Z
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<u>\$596,276.00</u>	TOTAL
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**Section II, Expense**

\$ 396,526.00	Construction
\$ 36,850.00	Design Engineering
\$ 59,500.00	Construction Engineering
\$ 24,000.00	Testing
\$ 19,850.00	Miscellaneous Costs
\$ 31,750.00	Contingencies subject to Approval by the City Administrator
\$ 27,800.00	Bond Overhead Charge/User Fee

<u>\$ 596,276.00</u>	TOTAL;
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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.

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**R-227-6-04 APPROVED**

**RESOLUTION to Approve Operating Agreement with  
Recycle Ann Arbor for Drop-Off Station Operations**

Whereas, The Ellsworth Road drop-off station has been a valuable resource to Ann Arbor residents and businesses, providing recycling and solid waste services that are not available elsewhere;

Whereas, These services are provided at a cost that is substantially less than other collection services;

Whereas, The City of Ann Arbor has previously approved an agreement with Washtenaw County and Pittsfield Township to provide funding to operate the drop-off station site;

Whereas, The approved 2004/05 solid waste budget includes \$10,000.00 for drop-off station site maintenance; and

Whereas, Recycle Ann Arbor received Human Rights approval on May 23, 2005;

RESOLVED, That City Council approve an operating agreement with Recycle Ann Arbor commencing July 1, 2004 through December 31, 2005 providing funding of \$10,000.00 in fiscal 2004/05 and \$5,000.00 in fiscal 2005/06 for site maintenance;

RESOLVED, That funding for these services will be provided through the dedicated solid waste millage and approved annual operating budget;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute these agreements 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 any other necessary administrative actions to implement this resolution.

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#### **R-228-6-04 APPROVED**

**RESOLUTION to Approve the Installation of Traffic Calming Measures on Override Drive and to Approve a Change Order with Cadillac Asphalt, L.L.C.**

Whereas, Residents of Override Drive asked for implementation of a traffic calming plan for their street;

Whereas, 100% of all votes received was in support of the proposed traffic calming plan as shown on the attachment on file in the City Clerk's Office; and

Whereas, Funding for the construction of traffic calming projects is included in the proposed FY 2004-05 Project Management Traffic Calming budget;

RESOLVED, That City Council approve the installation of two speed humps as shown on the Override Drive Traffic Calming plan on file in the City Clerk's Office;

RESOLVED, That \$7,633.00 for the construction of Override traffic calming speed humps be financed from the proposed FY 2004-05 Project Management Traffic Calming budget, after its approval and in FY 2005;

RESOLVED, That City approve a change order with the City's 2004 Annual Street Resurfacing Contractor, Cadillac Asphalt, LLC, in an amount of \$7,633.00 for the construction of the traffic calming speed humps at Override;

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

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**R-229-6-04 APPROVED**

**RESOLUTION to Submit Applications for Funding Under the Critical Bridge Program to Repair and/or Replace Two City Bridges**

Whereas, Under the Transportation Efficiency Act for the 21st Century (T-21), Federal and State funds will be available to rehabilitate and replace bridges approved by the Critical Bridge Advisory Committee;

Whereas, The City owns two bridges that may qualify for Federal and State funding, which are Stadium Boulevard over State Street and Stadium Boulevard over the Ann Arbor Railroad;

Whereas, Funding under the Critical Bridge Program provides for up to 95% of the relevant construction costs for each bridge; and

Whereas, It will be the City's responsibility to pay for all design, construction engineering, testing, and right-of-way costs;

RESOLVED, That the City Council authorize the City Administrator to submit the applications for Federal and State funds available under T-21 for the replacement or rehabilitation of the structures and that if one or more of these structures are chosen for funding, that the necessary funds be committed for the City's share of the design, construction engineering, testing, and the 5% match for construction costs for these structures; and

RESOLVED, That a copy of this resolution shall be included with the critical bridge applications and be forwarded to the Local Agency Programs - Design Support Area of the Michigan Department of Transportation.

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**R-230-6-04 APPROVED**

**RESOLUTION to Approve the 2030 Long Range Transportation Plan for Washtenaw County**

Whereas, The City of Ann Arbor is a member agency of the Washtenaw Area Transportation Study, the agency responsible for the development of a long range transportation plan as required by both the Federal Highway Administration and the Federal Transit Administration;

Whereas, The 2030 Transportation Plan for Washtenaw County has been developed pursuant to the guidelines established in the Transportation Equity Act for the 21st Century (TEA21);

Whereas, The 2030 Transportation Plan for Washtenaw County development was coordinated with the development of transportation control measures required by the Clean Air Act Amendments of 1990;

Whereas, The 2030 Transportation Plan for Washtenaw County was developed through a process that included input from private citizens, affected public agencies, private providers of transportation, and other interested parties;

Whereas, The 2030 Transportation Plan for Washtenaw County identifies transportation facilities that should function as an integrated transportation system and identifies proposed transportation enhancement activities, both projects and policies as appropriate;

Whereas, The 2030 Transportation Plan for Washtenaw County includes a financial forecast and analysis that indicates the resources that are reasonably expected to be made available to carry out the Plan and demonstrates how the projects that have been identified will be funded;

Whereas, The 2030 Transportation Plan for Washtenaw County includes investment strategies and other measures necessary to ensure the preservation of the existing transportation system and includes projects that will enhance the efficiency of the existing transportation system to relieve vehicular congestion and improve the mobility of people and goods;

Whereas, The 2030 Transportation Plan for Washtenaw County will be analyzed to insure it conforms to the State Implementation Plan (SIP) for air quality; and

Whereas, The 2030 Transportation Plan for Washtenaw County has a planning horizon that exceeds 20 years and will be amended periodically as requested with the appropriate supporting documentation,

RESOLVED, That this day, June 7, 2004, the City of Ann Arbor recommend approval of all portions of the 2030 Transportation Plan for Washtenaw County under the City of Ann Arbor jurisdiction; and

RESOLVED, That the City of Ann Arbor recommend the Plan's inclusion in the Regional Transportation Plan for Southeast Michigan in its entirety to be adopted by the Southeast Michigan Council of Governments General Assembly on November 4, 2004.

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#### R-231-6-04 APPROVED

#### RESOLUTION to Approve FY 2004/2005 Allocations to Non-Profit Entities for Housing and Human Services

Whereas, The Community Development Executive Committee has recommended the allocation of \$1,358,005.00 in General Fund grants to local nonprofit housing and human services agencies as part of the annual Community Development request for proposal process;

Whereas, The Consolidated Strategy and Plan FY2004 One-Year Action Plan, approved by City Council on May 3, 2004 as Resolution R-171-5-04, recommends allocation of \$666,400.00 in Community Development Block Grant (CDBG) funds and \$52,646.00 in HOME Investment Partnership grant funds to local nonprofit housing and human services organizations; and

Whereas, Human Resources will review and approve these contractors for Human Rights and Living Wage compliance prior to the execution of contracts;

RESOLVED, That the Mayor and City Council approve allocations from the General Fund and Youth Challenge Program to the nonprofit entities listed below and authorize the Housing and Human Services Unit to negotiate contractual agreements in accordance with the City's purchasing procedures, subject to approval as to substance by the City Administrator, and approval as to form by the City Attorney:

Ann Arbor Area Community Foundation	\$20,000.00	
Ann Arbor Center for Independent Living, Inc.	32,500.00	
Ann Arbor Community Center, Inc.	30,000.00	
Ann Arbor Housing Commission		25,400.00
Ann Arbor Teen Center, Inc.		43,430.00
Ann Arbor YMCA, The		5,600.00
Arrowwood Hills Community Center (Ann Arbor Homes, Inc.)		24,000.00

Avalon Housing, Inc.	39,000.00	
Catholic Social Services of Washtenaw County	33,680.00	
Center for Empowerment & Economic Development	7,000.00	
Center for Occupational and Personalized Education, Inc.	22,700.00	
Christmas in April - Washtenaw - The Spirit of Giving, Inc.	2,000.00	
Child Care Network/Washtenaw Regional 4C	28,800.00	
Community Action Network	62,000.00	
Community Leaning Post	10,500.00	
Corner Health Center (Young Adult's Health Center, Inc.)	20,000.00	
Domestic Violence Project, Inc.	47,000.00	
Fair Housing Center, Inc.	13,000.00	
Fairy Godparents	5,000.00	
Family Learning Institute, The	25,000.00	
Food Gatherers	63,000.00	
HelpSource	\$23,000.00	
HIV/Aids Resource Center (Wellness Huron Valley)	11,000.00	
Home of New Vision, The	25,000.00	
Hope Medical Clinic, Inc.	10,000.00	
Interfaith Hospitality Network of Washtenaw County, Inc.	30,000.00	
Legal Services of South Central Michigan	34,640.00	
Michigan Ability Partners, Inc.	35,000.00	
Neighborhood Senior Services	70,800.00	
Ozone House, Inc.	40,000.00	
Packard Community Clinic	30,000.00	
Peace Neighborhood Center	34,000.00	
Planned Parenthood Mid-Michigan Alliance	12,500.00	
POWER Inc.	8,000.00	
Regents of The University of Michigan		
Community Dental Center	45,000.00	
Community Family Health Center	20,600.00	
Housing Bureau for Seniors	35,000.00	
Motor Meals	15,500.00	
St. Andrew's Episcopal Church	7,000.00	
Shelter Association of Washtenaw County	187,000.00	
SOS Community Services	8,400.00	
Student Advocacy Center of Michigan, Inc.	30,000.00	
Trailblazers of Washtenaw	5,355.00	
The Women's Center of America	15,000.00	
Washtenaw Affordable Housing Corporation	13,000.00	
Washtenaw County Community Support and Treatment Services	16,000.00	
Washtenaw Literacy	22,000.00	
Youth Empowerment Project, Inc.	14,600.00	

**RESOLVED**, That the Mayor and City Council approve allocations from the City's CDBG and HOME entitlement funds to the nonprofit entities listed below and authorize the Housing and Human Services Unit to negotiate contractual agreements in accordance with the City's purchasing procedures, subject to approval as to substance by the City Administrator, and approval as to form by the City Attorney:

Ann Arbor Housing Commission    \$40,400.00 (CDBG)  
Avalon Housing, Inc.    98,000.00 (CDBG)    34,646.00 (HOME)  
Child Care Network/Washtenaw Regional 4C    140,000.00 (CDBG)  
Community Housing Alternatives Corp.    45,000.00 (CDBG)    18,000.00 (HOME)

Food Gatherers                80,000.00 (CDBG)  
Legal Services of South Central Michigan    50,000.00 (CDBG)  
SOS Community Services       50,000.00 (CDBG)  
Washtenaw Affordable Housing Corporation       72,000.00 (CDBG)  
Washtenaw County Community Support and Treatment Services   91,000.00 (CDBG)

**RESOLVED**, That all projects funded by these grant funds, with the exception of Youth Challenge Program funds, shall give priority to extremely low-, very low- and low-income Ann Arbor residents and that performance by the nonprofit entities will be monitored by the Housing and Human Services Unit; and

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

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#### **R-232-6-04 APPROVED**

**RESOLUTION to Approve a Professional Services Agreement with Bona and Kolb Architects and Designers, Inc. per RFP No. 580 in the Amount of \$40,250.00 to Provide Design Services for the Argo Canoe Livery and Fuller Pool Locker Room Renovations**

**Whereas**, The Argo Canoe Livery was demolished due to structural failure, and architectural services have been sought to design a new livery and picnic shelter for Argo Park to better serve patrons;

**Whereas**, The Fuller Pool locker rooms, lobby and storage areas require architectural services to improve the facility;

**Whereas**, Having one architectural firm design both projects is an efficient avenue to achieve the work;

**Whereas**, RFP No. 580 was sent to 10 firms and Bona and Kolb Architects and Designers, Inc. was chosen as the most qualified firm out of the three firms who submitted proposals;

**Whereas**, Funding for the project is included in the FY03-04 and FY04-05 Park Rehabilitation and Development Millage budget; and

**Whereas**, Bona and Kolb Architects and Designers, Inc. received Human Rights Approval on May 12, 2004;

**Resolved**, That City Council approve a contract between the City and Bona and Kolb Architects and Designers, Inc. to provide design services for Argo Park and Fuller Pool facility in the amount of \$40,250.00;

**RESOLVED**, That the Mayor and City Clerk be authorized and directed to execute the contract between the City and Bona and Kolb Architects after approval as for substance by the City Administrator and approval as to form by the City Attorney;

**Resolved**, That a project budget totaling \$44,250.00, including a 10% contingency, be established for the life of the project without regard to fiscal year in order to fund this project; and

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

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**R-233-6-04 APPROVED**

**RESOLUTION to Approve a Construction Contract with Krull Construction Company, Inc., Per Bid No. 3677 in the Amount of \$38,654.00 to Repair the Basement of the Caretaker's Cottage at the Leslie Science Center**

**Whereas, The Caretaker's Cottage at the Leslie Science Center is in need of repair to protect the structural integrity of the house;**

**Whereas, Bids were sent to several firms and the project was advertised in the construction dailies, and Krull Construction Company, Inc. was chosen as the most qualified firm out of the two firms who submitted proposals;**

**Whereas, Funding for the project is included in the FY03-04 Park Repair and Restoration Millage; and**

**Whereas, Krull Construction Company Inc. received Human Rights Approval on November 7, 2003;**

**RESOLVED, That City Council approve a contract with Krull Construction Company, Inc. for necessary repairs to the Caretaker's Cottage at the Leslie Science Center in the amount of \$38,654.00 per Bid #3677;**

**Resolved, That the Mayor and City Clerk be authorized and directed to execute the contract between the City and Krull Construction Company, Inc. after approval as for substance by the City Administrator and approval as to form by the City Attorney;**

**Resolved, That a project budget totaling \$42,519.00, including a 10% construction contingency for changed orders, if required, be established for the life of the project without regard to fiscal year in order to fund this project; and**

**RESOLVED, That the City Administrator be authorized to take the necessary administrative actions, including execution of change orders within the approved contingency, to implement this resolution.**

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**R-234-6-04 APPROVED**

**RESOLUTION to Approve the Closing of Streets for the 2004 Tour De Kids Cycling Event - June 20, 2004**

**Whereas, The annual Tour de Kids cycling event has taken place in Ann Arbor for the past twelve years, co-sponsored by Parks and Recreation and supported by the Ann Arbor City Council and various business associations, including the South University Area Association;**

**Whereas, The Tour de Kids has annually drawn up to 1,000 young bicycle riders and their families into downtown Ann Arbor to celebrate health and fitness;**

**Whereas, The Tour de Kids is produced by Outdoor Athlete Events, Inc., and sponsored by Parks and Recreation Services, Eaton Corporation, and other community businesses, and is supported by the South University Area Association; and**

**Whereas, The Tour de Kids will provide all required liability insurance coverage and pay the City of Ann**

**Arbor for the following City services needed to facilitate the event:**

**Four Police officers at control points**

**Parking violation staff to ticket violating cars within race course for towing on morning of the race**

**Labor and equipment for placing barricades**

**Labor and equipment to turn on electricity for use during the races;**

**RESOLVED, That the Mayor and Council approve the closure to all traffic from 8:00 a.m. to 1:00 p.m. on Sunday, June 20, 2004 on Church Street, from South University to Geddes; on Geddes (south side only) from Church Street to Fletcher; on North University (south side only) from Fletcher to S. Thayer; on North University from S. Thayer to State Street; on State Street, from Liberty to East Madison; and also the locating of barricades at East William and Maynard to prevent traffic from entering State via E. William;**

**RESOLVED, That the Mayor and Council approve the closure to all traffic from 8:00 a.m. to 3:30 p.m. on Sunday, June 20, 2004 on South University, from State to Church; on East University, from Willard to South University; and on Tappan, from Monroe to South University; and**

**RESOLVED, That the Tour de Kids will pay the expenses incurred by the City (estimated cost - \$3,000.00).**

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#### **R-235-6-04 APPROVED**

**RESOLUTION to Approve the Purchase of Thirty-Two Sets of Morning Pride Structural Firefighting Gear from Alert Emergency Equipment Group, Inc., in the Amount of \$42,401.20 from Existing Funds in the Fire Uniforms and Accessories Fund**

**Whereas, Protective firefighting turnout gear is necessary and required for all employees who engage in or are exposed to fire hazards of emergency operations;**

**Whereas, Manufacturers of structural firefighting gear recommend that turnout gear be replaced every three to five years for optimal performance and protection;**

**Whereas, The Ann Arbor Fire Department has fire suppression personnel using turnout gear that is older than five years and beyond its design life;**

**Whereas, The Fire Department has sufficient funds in its Fire Uniforms and Accessories Fund to purchase 32 new sets of turnout gear at a total cost of \$42,491.20,**

**Whereas, Alert Emergency Equipment Group Inc. submitted the lowest responsible bid among three competitive bids; and**

**Whereas, Alert Emergency Equipment Group Inc. received Human Rights approval on May 5, 2004;**

**RESOLVED, That City Council approve the purchase from Alert Emergency Equipment Group, Inc. of thirty-two sets of Morning Pride Structural Firefighting Gear in the amount of \$42,491.20;**

**RESOLVED, That City Council authorize the expenditure, without regard to fiscal year from the Fire Uniforms and Accessories Fund, of \$42,491.20 for the purchase of the turnout gear; and**



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

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**R-236-6-04 APPROVED**

**Newport Sanitary Sewer Extension Special Assessment  
Resolution No. 3, Confirm Assessment Roll**

Whereas, City Council, after due and legal notice, has met for the purpose of reviewing Special Assessment Roll prepared for the purpose of assessing the private property's share of the cost of acquiring and constructing of a sanitary sewer main described as follows: Construction of Newport Sanitary Sewer Extension, along Newport Road between Alexandria Blvd. and Bird Road to serve City parcels not currently served, District No. 482, File No. 2003-046;

Whereas, City Council has heard all persons interested in the necessity of the improvement or aggrieved by the Special Assessment Roll and has considered any and all objections thereto; and

Whereas, City Council is satisfied with said Special Assessment Roll;

**RESOLVED**, That said Sanitary Sewer Special Assessment Roll as prepared by the City Assessor be hereby confirmed in the amount of \$ 165,360.00, with the understanding that future recoverables associated with land outside the City is subject to change in accordance to Chapters 12 and 13 of the City Code, Fixed Charges for sanitary sewer improvements;

**RESOLVED**, That Special Assessment Roll be divided into fifteen (15) installments of equal principal, the first of which shall be due on December 1, 2004, and the second and subsequent installments to be due and payable on the next following June 1 of each year; and

**RESOLVED**, That the deferred installments of said Special Assessment Roll bear interest of 4.983%, commencing December 1, 2004. Said interest is to be collected annually on the due date of the second and subsequent installments of said Special Assessment Roll.

**RESOLUTION NO. 3  
NEWPORT SANITARY SEWER EXTENSION  
File No. 2003-046                      District 482**

**LAND INSIDE THE CITY**

<b>ASSESSOR CODE</b>	<b>OWNER</b>	<b>FINAL COST</b>
<b>09-09-18-400-150*</b>	<b>Earl and Ruth Bondie 2274 Newport Rd. Ann Arbor, MI 48103</b>	<b>\$16,536.00</b>
<b>09-09-18-402-002</b>	<b>Jeffrey Rosen 2129 Newport Rd. Ann Arbor, MI 48103</b>	<b>\$16,536.00</b>
<b>09-09-18-402-003</b>	<b>Frederick Bsharah and Molly Sullivan</b>	<b>\$16,536.00</b>

2143 Newport Rd.  
Ann Arbor, MI 48103

09-09-18-402-004	William Middleton and Veronica Sanitate	\$16,536.00
	2153 Newport Rd.	
	Ann Arbor, MI 48103	

09-09-18-402-005*	Alton L. Becker	\$16,536.00
	2165 Newport Rd.	
	Ann Arbor, MI 48103	

TOTAL \$82,680.00

**FUTURE RECOVERABLE AND LAND OUTSIDE THE CITY**

ASSESSOR CODE	OWNER	CURRENT COST**
I-09-18-425-008*	Jeffrey McNally and Odette Petrini	\$16,536.00
	2318 Newport Rd.	
	Ann Arbor, MI 48103	

I-09-18-440-013*	Brian D. and Deborah Athey	\$16,536.00
	2315 Newport Rd.	
	Ann Arbor, MI 48103	

I-09-18-480-001*	Caroline Bowen Nimke	\$16,536.00
	2160 Newport Rd.	
	Ann Arbor, MI 48103	

I-09-18-480-002	Citibank NA, Trustee	\$16,536.00
	2163 Newport Rd.	
	Ann Arbor, MI 48103	

I-09-18-480-003	Neil D. Bucholz	\$16,536.00
	2120 Newport Rd.	
	Ann Arbor, MI 48103	

TOTAL \$82,680.00

\* Should parcel be split in the future, additional Sanitary Sewer Improvement Charge(s) will apply.

\*\* Current Cost for land outside the City is subject to change in accordance with Section 1:278 of the City code if a petition for annexation of the parcel has not been filed and the parcel has not tapped in to the City Sewer service by December 31, 2004.

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**R-237-6-04 APPROVED**

**Golfview Lane Water Main Special Assessment**

### Resolution No. 3, Confirm Assessment Roll

Whereas, City Council, after due and legal notice, has met for the purpose of reviewing Special Assessment Roll prepared for the purpose of assessing the private property's share of the cost of acquiring and constructing of a water main described as follows: Construct and loop approximately 1,650 feet of new water main on Golfview Lane, and provide for Fire Hydrant Coverage, District No. 2000061, File No. 2000061;

Whereas, City Council has heard all persons interested in the necessity of the improvement or aggrieved by the Special Assessment Roll and has considered any and all objections thereto; and

Whereas, City Council is satisfied with said Special Assessment Roll;

RESOLVED, That said Water Main Special Assessment Roll as prepared by the City Assessor be hereby confirmed in the amount of \$ 64,428, with the understanding that future recoverables associated with land outside the City is subject to change in accordance to Chapters 12 and 13 of the City Code, Fixed Charges for water main improvements;

RESOLVED, That Special Assessment Roll be divided into fifteen (15) installments of equal principal, the first of which shall be due on December 1, 2004, and the second and subsequent installments to be due and payable on the next following June 1 of each year; and

RESOLVED, That the deferred installments of said Special Assessment Roll bear interest of 4.978%, commencing December 1, 2004. Said interest is to be collected annually on the due date of the second and subsequent installments of said Special Assessment Roll.

#### RESOLUTION NO. 3

#### GOLFVIEW LANE WATER MAIN

File No. 2000061                      District 2000061

#### LAND INSIDE THE CITY

ASSESSOR CODE	OWNER	FINAL COST
09-12-05-100-006	Anne K. Holland 111 Golfview Lane Ann Arbor, MI 48103	\$10,738.00
09-12-05-100-007	Paula Hayes 75 Golfview Lane Ann Arbor, MI 48103	\$10,738.00
09-12-05-100-008	William A. Fraser 89 Golfview Lane Ann Arbor, MI 48103	\$10,738.00
09-12-05-100-009	Michael O'Keefe 105 Golfview Lane Ann Arbor, MI 48103	\$10,738.00
09-12-05-100-015	Stephanie Savarino 117 Golfview Lane	\$10,738.00

Ann Arbor, MI 48103

TOTAL \$53,690.00

**FUTURE RECOVERABLE AND LAND OUTSIDE THE CITY**

ASSESSOR CODE	OWNER	FINAL COST**
L-12-05-175-016*	Peter J. Savarino 301 Golfview Dr. Ann Arbor, MI 48103	\$10,738.00
TOTAL		\$10,738.00

\* Should parcel be split in the future, additional Water Improvement Charge(s) will apply.

\*\* Current Cost for land outside the City is subject to change in accordance with Section 1:278 of the City code if a petition for annexation of the parcel has not been filed and the parcel has not tapped in to the City Water service by December 31, 2004.

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**R-238-6-04 APPROVED**

**Resolution to Approve Fiscal Year 2004/05  
Front-Load Refuse Dumpster Fees**

Whereas, City Council approved the 2004/05 fiscal year budget presuming revenues linked to a \$7.50/week charge for a standard six cubic yard dumpster;

Whereas, Approval by City Council is needed for a monthly fee structure for dumpster services that will apply to businesses, schools (public and private) and government agencies; and

**RESOLVED**, That the following fee structure is approved for the 2004/05 fiscal year for businesses, schools and government agencies receiving City dumpster services:

2 Cubic Yards: \$10.75/month  
4 Cubic Yards: \$21.50/month  
5 Cubic Yards: \$26.88/month  
6 Cubic Yards: \$32.25/month  
8 Cubic Yards: \$43.00/month

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

**POSTPONED**

**Resolution to Adjust Parking Violation Fine Schedule**

Whereas, All Service Units of the City review their fees each year as part of the budget process;

Whereas, Safety Services has reviewed the parking violations fines as part of the FY 2004-2005 budget submittal;

Whereas, The City last increased parking violation fines in April 1998;

Whereas, The current parking violation fines were found to be inadequate to cover the costs of service and promote long-term parking at meters rather at the designated long-term parking areas; and

Whereas, The City of Ann Arbor has proposed an increase in parking violation fines;

**RESOLVED**, That the parking violation fine schedule be adjusted as indicated on the fine schedule, effective July 1, 2004; and

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

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

Council Member Teall moved, seconded by Council Member Reid to postpone the resolution until June 21, 2004 for further information.

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

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## **POSTPONED**

### **RESOLUTION to Approve a City Green Fleet Policy FOR THE PURCHASE AND OPERATION OF FUEL-USING VEHICLES AND EQUIPMENT**

Whereas, The International Council for Local Environmental Initiatives has created a Green Fleets Program to assist municipalities in improving the efficiency of municipal fleets and reducing harmful emissions from their operation;

Whereas, The Energy Commission, with the assistance of the Ecology Center, explored the viability of the Green Fleets Program and recommended to Council that such a program be implemented for the City of Ann Arbor;

Whereas, City Council adopted a resolution on August 21, 2000, instructing the City Administrator to develop a "Green Fleets" policy for Council approval that reduces both fuel use and emissions of the municipal operations through more intelligent use and purchase of vehicles and fuel-using equipment;

Whereas, A Green Fleets Team was formed which included representatives from all departments involved as well as the Ecology Center to create a Green Fleets Policy for the City of Ann Arbor;

Whereas, The Green Fleets Team has created a policy that is acceptable to all members;

Whereas, This Green Fleets policy sets specific, achievable goals without interfering with the ability of each department to achieve its primary goal of delivering quality services for the Ann Arbor community; and

Whereas, This policy has been reviewed and supported by the Energy Commission, the Environmental

Commission, and the Environmental Management Team;

**RESOLVED**, That the Green Fleets Policy be hereby adopted and placed on file in the City Clerk's Office.

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

Council Member Reid moved, seconded by Council Member Higgins to postpone the resolution until June 21, 2004 for further information.

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

#### **ORDINANCES - SECOND READING**

None.

#### **ORDINANCES - FIRST READING**

##### **19-04 APPROVED**

##### **INCREASE STORMWATER RATES**

An Ordinance to Amend Sections 2:203 and 2:204  
of Chapter 33 of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 19-04 is on file in the City Clerk's Office.)

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

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

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##### **20-04 APPROVED**

Dog licensing fees, Bicycle licensing fees  
AND Taxi Driver fees

An Ordinance to Amend Sections 7:33and 7:37  
of Chapter 77 of Title VII; Section 9:46 of Chapter 107 of Title IX;  
Section 10:162 of Chapter 127 of Title IX of the Code of the City of Ann Arbor

(The complete text of Ordinance 20-04 is on file in the City Clerk's Office.)

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

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

#### **MOTIONS AND RESOLUTIONS**

**R-239-6-04**

**RESOLUTION TO APPOINT MEMBERS TO  
THE GREENBELT ADVISORY COMMISSION**

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

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

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

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

**Whereas, the following individuals were nominated for appointment at the May 17, 2004 meeting:**

**Environmental / Conservation Representatives (2)**

**Michael Garfield - 2-year term**

**Laura Rubin - 3-year term**

**Agricultural Representative (1) - Dale Lesser - 3-year term**

**Real Estate Development Professional (1) - Albert Berriz - 2-year term**

**Biologist (1) - Sylvia Taylor - 2-year term**

**Members at large (3)**

**Jennifer Hall - 1-year term**

**Dan Ezekiel - 3-year term**

**Victoria Pebbles - 1-year term**

**Council Representative (1) - Bob Johnson - 1-year term**

**RESOLVED, That the named individuals be appointed to the Greenbelt Advisory Commission for the term stated effective June 7, 2004; and**

**RESOLVED, That the City Clerk notify the newly elected Commission members of their appointment and the City Administrator work with staff to set the first meeting.**

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

**On roll call the vote was as follows:**

**Yeas, Council Members Greden, Teall, Higgins, Woods, Lowenstein, Reid, Carlberg, Mayor Hieftje, 8;**

**Nays: Council Member Johnson, 1;**

**The Mayor declared the motion carried.**

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**R-240-6-04 APPROVED**

**RESOLUTION to Commemorate the Retirement of  
William Davis Ratcliff with the Ann Arbor Public Schools**

Whereas, William Ratcliff is a native of Pontiac, Michigan and a graduate of the University of Michigan;

Whereas, Mr. Ratcliff is a veteran of the United States Army and served during the Vietnam Conflict;

Whereas, Mr. Ratcliff's first job in the education arena was a counselor in Davenport, Iowa;

Whereas, Mr. Ratcliff was hired by the Ann Arbor School District in 1970;

Whereas, Mr. Ratcliff worked at Slauson Middle School, Tappan Middle School, and Clague Middle School;

Whereas, Mr. Ratcliff has been involved in numerous civic organizations and committees and is Past President of the National Black Child Development Institute;

Whereas, Mr. Ratcliff is a member of New Hope Baptist Church;

Whereas, Mr. Ratcliff is widely known as the founder of the Academy of African American Students, presently known as the African American Academy;

Whereas, Mr. Ratcliff served on the district Math Book Selection Committee and the Curriculum Counsel;

Whereas, Mr. Ratcliff has been a champion for student achievement; and

Whereas, In recent years Bill Ratcliff has sent daily emails to parents, teachers, staff, and community to keep them connected to events in the Ann Arbor Schools;

**RESOLVED**, That the City of Ann Arbor congratulates Mr. Ratcliff on the occasion of his retirement in June, 2004; and

**RESOLVED**, That we salute this tireless educator, lover of justice and fairness; and we commend him for the dedication to students and the richness he has brought to this community.

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

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

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**POSTPONED**

**RESOLUTION to Approve the 2004/2005 LFDA/SmartZone Budget**

Whereas, The councils of the Cities of Ann Arbor and Ypsilanti desire to promote economic development initiatives that support the growth and expansion of infrastructure and services that will attract an emerging and growing technology businesses to locate within our communities in Washtenaw County;

Whereas, The Michigan Legislature passed and the Governor signed Public Act 248 of 2000 to promote the development of high technology businesses throughout the State of Michigan;



Whereas, The Michigan Economic Development Corporation ("MEDC") pursuant to Public Act 248 of 2000 designated the Ann Arbor/Ypsilanti Smart Zone as one of eleven Smart Zones in the State of Michigan;

Whereas, Pursuant to resolution R-285-6-02 in a historic joint session held June 27, 2002, the Ann Arbor and Ypsilanti City Councils agreed to create the Ann Arbor - Ypsilanti SmartZone Local Development Finance Authority ("LDFA"); and

Whereas, The Local Development Finance Act (M.C.L.A. 125.2151 et seq.) requires that the LDFA Board adopt and the City Councils of Ann Arbor and Ypsilanti approve rules governing its procedures and meeting;

resolved, That the Ann Arbor City Council hereby approve the Ann Arbor - Ypsilanti SmartZone LDFA 2004-2005 Budget in the amount of \$320,000.00 as adopted by the SmartZone LDFA Board of directors at its regular meeting held May 6, 2004.

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

Council Member Reid moved, seconded by Council Member Woods to postpone the resolution until June 21, 2004 for further information.

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

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#### **R-241-6-04 APPROVED AS AMENDED**

##### **(RESOLUTION TO APPROVE Fifth Third Bank Site Plan)**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Fifth Third Bank Site Plan, 1.43 Acres, located at 3315 Washtenaw Ave.

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

(Council Member Groome arrived at 8:24 p.m.)

Council Member Carlberg moved, seconded by Council Member Lowenstein that the resolution be amended as follows:

##### **Last RESOLVED Clause:**

...RESOLVED, That City Council approve the Fifth Third Bank Site Plan upon the conditions that (1) permits are received from the Michigan Department of Transportation prior to the issuance of any permits, (2) a private storm sewer easement be recorded prior to issuance of any permits and (3) six parking spaces be deferred until such time as deemed as necessary by the petitioner.

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

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

The resolution as amended reads as follows:

##### **RESOLUTION TO APPROVE Fifth Third Bank Site Plan**

Whereas, Fifth Third Bank has requested site plan approval in order to construct a 4,928-square foot bank building at 3315 Washtenaw Avenue;

Whereas, The Ann Arbor City Planning Commission, on April 20, 2004, recommended approval of said request;

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

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

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

RESOLVED, That City Council approve the Fifth Third Bank Site Plan upon the conditions that (1) permits are received from the Michigan Department of Transportation prior to the issuance of any permits, and (2) a private storm sewer easement is recorded prior to issuance of any permits.

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#### **R-242-6-04 APPROVED**

#### **RESOLUTION TO APPROVE 1515 South Maple Road Land Division**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed 1515 South Maple Road Land Division, 0.67 Acre.

Whereas, Patricia R. Harroun has requested land division approval in order to divide the property at 1515 South Maple Road (Assessor's Code No. 09-31-317-023) into two separate parcels; and

Whereas, The Ann Arbor City Planning Commission, on May 18, 2004, reviewed said request;

Resolved, That City Council approve the 1515 South Maple Road Land Division, described below, subject to the recording of an access and utility easement.

##### **Parcel A**

Commencing at the East  $\frac{1}{4}$  corner, Section 36, Township 2 South, Range 5 East, Scio Township, Washtenaw County, State of Michigan; thence S 00o07'36" W 133.48 feet (recorded as S 00o08' W) along the West line of Section 31, Township 2 South, Range 6 East, Ann Arbor Township, and the centerline of Maple Road; thence N 89o52'30" E 33.00 feet for a Place of Beginning; thence continuing N 89o52'30" E 129.13 feet; thence S 00o10'48" W 112.50 feet; thence S 89o52'30" W 129.03 feet; thence N 00o07'36" E 112.50 feet (recorded as N 00o08' E) along the Easterly right-of-way line of said Maple Road to the Place of Beginning, being a part of the S.W.  $\frac{1}{4}$  of said Section 31, Ann Arbor Township (now City of Ann Arbor) and containing 14,522 square feet of land, more or less. Subject to the north 30.00 feet thereof for a private easement for ingress, egress and public utilities.

##### **Parcel B**

Commencing at the East  $\frac{1}{4}$  corner, Section 36, Township 2 South, Range 5 East, Scio Township, Washtenaw County, State of Michigan; thence S 00o07'36" W 133.48 feet (recorded as S 00o08' W) along the West line of Section 31, Township 2 South, Range 6 East, Ann Arbor Township, and the centerline of Maple Road;

thence N 89°52'30" E 162.13 feet for a Place of Beginning; thence continuing N 89°52'30" E 129.13 feet; thence S 00°14'00" W 112.50 feet along the West line of Dicken Park Subdivision, as recorded in Liber 18 of Plats, pages 41 and 42, Washtenaw County Records; thence S 89°52'30" W 129.03 feet; thence N 00°10'48" E 112.50 feet to the Place of Beginning, being a part of the S.W. ¼ of said Section 31, Ann Arbor Township (now City of Ann Arbor) and containing 14,522 square feet of land, more or less, including rights over a 30-foot wide private easement for ingress, egress and public utilities.

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

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

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**R-243-6-04 APPROVED**

**RESOLUTION TO APPROVE the Bamm Annexation**

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

Whereas, Craig A. Bamm is the owner of said property; and

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

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

**Lot 11, Walden Woods Subdivision, Pittsfield Township, Washtenaw County, Michigan.**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed the Bamm Annexation, 0.21 Acre, 2962 Shady Lane.

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

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

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**R-244-6-04 APPROVED**

**RESOLUTION for Approval of a Professional Services Agreement with Hubbell, Roth & Clark, Inc., for the North Campus Pump Station Modifications Project (\$120,000.00) and Establish the Project Budget**

Whereas, It is necessary to complete the North Campus Pump Station Modifications Project to meet summer peak water demands in Northeast Ann Arbor;

Whereas, The successful completion of the Northeast Area Pressure Improvement Project necessitates modifications to North Campus Pump Station to meet MDEQ's reliability requirements;

Whereas, Of the three firms that submitted proposals, Hubbell Roth & Clark submitted a proposal in the amount of \$120,000.00 and was selected as the most qualified firm to provide the services requested at the

lowest price; and

Whereas, Hubbell Roth & Clark has received Human Rights approval on November 3, 2003, and complies with the living wage ordinance;

RESOLVED, That Council accepts the proposal and approves the professional services agreement with Hubbell Roth & Clark in the amount of \$120,000.00 to provide professional engineering services for the North Campus Pump Station Modifications Project;

RESOLVED, That Council approve a contingency to the professional services agreement with Hubbell Roth & Clark in the amount of \$12,000.00 to finance change orders to be approved by the City Administrator;

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

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

RESOLVED, That funds for this project be appropriated from the Water Supply System Operating Fund Balance to be repaid pending the sale of water revenue bonds; and

RESOLVED, That the following budget be approved and that funds be available for the life of the project until expended without regard to fiscal year.

#### Section I - Revenue

Advance from Water Supply System Fund Balance	\$600,000.00
<b>TOTAL</b>	<b>\$600,000.00</b>

#### Section II - Expenses

Construction	\$414,850.00
Consulting	\$120,000.00
City Staff Time (including burden)	\$ 30,000.00
Bond Issue Fee	\$ 23,150.00
Contingency to finance change orders to contract with Hazen & Sawyer	\$ 12,000.00
<b>TOTAL</b>	<b>\$ 600,000.00</b>

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

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

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#### R-245-6-04 APPROVED

RESOLUTION Accepting Quit Claim Deed from Linda Ward Smith, Successor Trustee of the Ellen A. Ward Trust and Personal Representative of the Estate of Ellen A. Ward - Ward Park

Whereas, Linda Ward Smith, Successor Trustee of The Ellen A. Ward Trust Under Agreement dated

December 24, 1990 and, as Personal Representative of The Estate of Ellen A. Ward, is the owner in fee simple of property in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 2216, Pages 102-103, recorded on March 29, 1988; and

Whereas, Linda Ward Smith, Successor Trustee of The Ellen A. Ward Trust Under Agreement dated December 24, 1990 and, as Personal Representative of The Estate of Ellen A. Ward, has delivered a quit claim deed to the City for a 4.26 acre parcel of land, being more particularly described as follows:

Commencing at the S  $\frac{1}{4}$  corner of Section 5, T3S, R6E, Pittsfield Township (now City of Ann Arbor), Washtenaw County, Michigan; thence N03° 20' 30" E 1281.45 feet along the N-S  $\frac{1}{4}$  line of said Section 5 and along the centerline of South Main Street; thence S87° 39' 30" E 591.93 feet for a PLACE OF BEGINNING; thence N28° 32' 06" E 29.04 feet; thence 517.84 feet along the arc of a circular curve to the right, radius 465.00, Delta 63° 48' 22", chord bearing N60° 26' 19" E 491.49 feet; thence S87° 39' 30" E 340.55 feet; thence S03° 11' 40" W 285.83 feet; thence N87° 39' 30" W 766.36 feet to the PLACE OF BEGINNING, being a part of the SE  $\frac{1}{4}$  of said Section 5.

RESOLVED, That the City hereby accept said quit claim deed.

Council Member Carlberg 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.

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#### R-246-6-04 APPROVED

#### RESOLUTION Granting an Easement for the Construction of an Underground Natural Gas Pipeline to Michigan Consolidated Gas Company - Located on Airport and Landfill Property

Whereas, The Michigan Consolidated Gas Company has requested an easement for the construction and maintenance of a natural gas pipeline in, on and over City owned property located at the City Airport and City Landfill;

Whereas, The terms and conditions of the grant of easement also include payment to the City for the pipeline at a rate of \$10.00 per linear foot for an approximate amount of \$91,670.00; and

Whereas, The City staff have determined that the request of Michigan Consolidated Gas Company is reasonable and that the terms and conditions of the easement will not interfere with City operations;

RESOLVED, That the City of Ann Arbor approve the granting of an easement to Michigan Consolidated Gas Company for the construction and maintenance of the underground natural gas pipeline, described as follows:

The North 20 feet of the South 25.00 feet of that part of the NE  $\frac{1}{4}$  of Section 15, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan lying Northwesterly of the former Ann Arbor Railroad. (Plat 1)

The East 100.00 feet of the South 25.00 feet of the South 54 acres of the NW  $\frac{1}{4}$  of Section 15, T3S, R6E, Pittsfield Township, Washtenaw County, MI (Plat 1.1)

The North 20 feet of the following described parcel: That part of the SW  $\frac{1}{4}$  of Section 15 North of Railroad Right-of-Way. Except the North 762 feet of the S 1600.7 feet of the W 498.4 feet of the SW  $\frac{1}{4}$  Section 15, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan. (Plat 2)

RESOLVED, That payment for the grant of easement in the amount of \$37,490.00 will be earmarked for the

**General Fund; and**

**RESOLVED, That the Mayor and City Clerk be authorized to execute the grant of easement in the form approved by the City Attorney.**

**Council Member Woods 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.**

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**R-247-6-04 APPROVED**

**RESOLUTION to Amend Parks Repair and Restoration  
and Park Acquisition Millage Rates**

**Whereas, On May 24, 2004 City Council adopted the 2004 millage rates for the City's portion of the property tax collection;**

**Whereas, The maximum millage rates that may be levied are limited by the Headlee Millage Reduction Fraction;**

**Whereas, Michigan Law MCLA 211.34d requires that all rounding of the rate must round down;**

**Whereas, The adopted millage rates for Parks Repair and Restoration and Park Acquisition rounded up;**

**Whereas, The adopted millage rate for Parks Repair and Restoration was 0.4692 and the adopted millage rate for Park Acquisition was 0.4871; and**

**Whereas, The maximum allowable millage rates for Parks Repair and Restoration is 0.4691 and the maximum allowable millage rate for Park Acquisition is 0.4870;**

**RESOLVED, That the City Council amend the following millage rates for the City of Ann Arbor for FY2004-2005:**

<b>PARK REPAIR AND RESTORATION</b>	<b>0.4691</b>
<b>PARK ACQUISITION</b>	<b>0.4870</b>

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

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

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**R-248-6-04 APPROVED**

**RESOLUTION Opposing SB1147 and HB5762 Requiring  
Legislative Approval of MDOT Program**

**Whereas, The City of Ann Arbor is an Act 51 recipient who works within the MPO process to select transportation improvements that are identified using a comprehensive and technical process;**

**Whereas, The City of Ann Arbor is an active member of the Washtenaw Area Transportation Study (WATS)**

who is responsible for the development of a Long Range Transportation Plan and a Transportation Improvement Program (TIP) for Washtenaw County, which is required by both the Federal Transit Administration and the Federal Highway Administration;

Whereas, Decision making on which transportation projects in Washtenaw County and Southeast Michigan receive funding should be based on the results of a comprehensive planning process to ensure that limited resources are used on the most cost-effective projects to meet the most critical transportation needs;

Whereas, For transportation projects to proceed in Washtenaw County and Southeast Michigan, the Transportation Equity Act for the 21st Century requires, in areas over 200,000 population, joint decision making by local elected officials through WATS and SEMCOG, their Metropolitan Planning Organization, and the Governor;

Whereas, The Governor appointed a Transportation Professional with both an engineering and planning background with more than 20 year experience as the Michigan Department of Transportation Director to oversee MDOT's day to day responsibilities; and

Whereas, The Governor appoints the State Transportation Commission members who are responsible for Policy actions that govern the Michigan Department of Transportation (MDOT);

RESOLVED, That the City of Ann Arbor, as a member of WATS. the Washtenaw Area Transportation Study, which is responsible for transportation planning in Washtenaw County, opposes SB 1147 and HB 5762. The City of Ann Arbor also specifically opposes giving the State Transportation Commission the duties legally and rightfully assigned to the MDOT Director as specified in MCL 247.651a;

RESOLVED, That the City of Ann Arbor asks the Michigan House and Senate to acknowledge the role of local elected officials in the project approval process by working with WATS and SEMCOG in finding an appropriate venue for members of the legislature to identify their concerns prior to approval of the Regional Transportation Plan or the Transportation Improvement Program; and

RESOLVED, That a copy of this resolution be sent to Governor Granholm, Senator Brater, Representative Kolb and Representative DeRossett.

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

On a voice vote, the Mayor declared the motion carried by unanimous vote of Council.

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#### **R-249-6-04 APPROVED**

#### **RESOLUTION Opposing SB1081 and SB1103 to Reduce Funding for Ridesharing and Public Transit**

Whereas, The City of Ann Arbor is an Act 51 recipient who works within the MPO process to select transportation improvements that are identified using a comprehensive and technical process, and;

Whereas, The City of Ann Arbor is an active member of the Washtenaw Area Transportation Study (WATS) who is responsible for the development of a Long Range Transportation Plan and a Transportation Improvement Program (TIP) for Washtenaw County, which is required by both the Federal Transit Administration and the Federal Highway Administration, and;

Whereas, The Environmental Protection Agency (EPA) recently released new non-attainment designations

using the eight-hour standard which impact all of Southeast Michigan as well as most of the urbanized portion of the lower peninsula now classified as non-attainment, and;

Whereas, Both ridesharing and public transit provide alternatives to single occupant vehicles and help relieve traffic congestion, and;

Whereas, The public transit systems are currently under funded with the existing budget and the diversion of the vehicle related sales tax from the Comprehensive Transportation Fund would exacerbate the difficulty in providing public transit services necessary to provide both a lifeline to the elderly, handicapped and low income residents and providing transportation choices to help retain the creative class who are choice riders and;

Whereas, State public transportation funding provides the necessary match for federal capital funds and a reduction seriously compromises the State's ability to match federal transit funding;

**RESOLVED**, That the City of Ann Arbor, as a member of WATS, the Washtenaw Area Transportation Study, which is responsible for transportation planning in Washtenaw County, opposes SB 1081 and SB 1103. The City of Ann Arbor also urges the legislature to work to increase funding levels to provide transit service throughout the State of Michigan that will provide for economic growth and improved quality of life.

**RESOLVED**, That the City of Ann Arbor asks the Michigan Senate and the House of Representatives to recognize that with the budget problems facing the State, reducing funding for a low cost program like ridesharing and public transit limits the transportation choices for Michigan's residents and jeopardizes the expansion of the economy.

The reductions also do not provide the lifeline services that ensure the access to health and quality of life services for the transit dependent. Reductions of this type are not in the best interest for the State and its residents, businesses or economy.

**RESOLVED**, That a copy of this resolution be sent to Governor Granholm, Senator Brater, Representative Kolb and Representative DeRossett.

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

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

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**WITHDRAWN**

**RESOLUTION TO APPOINT MEMBERS TO THE  
GREENBELT ADVISORY COMMISSION**

Whereas, on May 24, 2004, the following individuals were nominated to serve as members of the Greenbelt Advisory Commission:

**Expertise or Affiliation (number to be appointed) - Name**

**Environmental or conservation representative (2) - Michael Garfield, Doug Cowherd**

**Agricultural Business (1) - Dale Lesser**

**Real Estate Development Professional (1) - Albert Berriz**



**Biologist (1) - Sylvia Taylor**

**At large (3) - Jennifer Hall, William Hanson, Victoria Pebbles**

**Whereas, The period between nomination and appointment required by Council Resolution R-124-4-03 has elapsed;**

**RESOLVED, The named individuals be appointed to serve as members of the Greenbelt Advisory Commission, effective June 7, 2004;**

**RESOLVED, That at the first meeting the terms of service of each member will be determined by lot. Three members will serve for one year, three members will serve for two years, and three members will serve for three years; and**

**RESOLVED, That the City Clerk notify the newly elected Commission members of their appointment and the first meeting of the Commission.**

**Council Member Johnson requested that the resolution be withdrawn from the agenda.**

**Council unanimously agreed to withdraw the resolution from the agenda.**

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#### **R-250-6-04 APPROVED**

**Resolution for Community Events Fund Disbursements  
from the 2003-2004 Budget**

**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;**

**Whereas, The Committee has a balance of \$1,475.00 remaining for this fiscal year and recommends the following allocation:**

- 1) Ann Arbor Summer Festival - \$1,475.00 earmarked for the Top of the Park expenses.**

**RESOLVED, That the Ann Arbor, City Council approve the recommended allocations from the 2003-2004 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.**

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#### **R-251-6-04 APPROVED**

**Resolution to Approve Third Amendment to Legal  
Services Contract with Dykema Gossett**

Whereas, Section 5.2(c) of the Ann Arbor City Charter authorizes City Council, on the recommendation of the City Attorney, to retain special legal counsel to assist the City Attorney;

Whereas, Continued representation by the firm of Dykema Gossett is in the best interests of the City at this time based on the firm's general experience in providing legal services in labor matters and Melvin Muskovitz' previous experience in representing the City;

Whereas, The firm of Dykema Gossett received Human Rights and Living Wage approvals on May 25, 2004; and

Whereas, Sufficient funds exist in the City Attorney's budget to meet anticipated legal fees not otherwise chargeable to the Insurance Fund;

RESOLVED, That the City Council approves the third amendment to the contract for legal services with the law firm of Dykema Gossett for an amount not to exceed One Hundred Seventy-Five Thousand dollars (\$175,000.00) for a total contract amount of \$395,000.00 to be expended without regard to fiscal year during the life of the contract;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract amendment with Dykema Gossett after approval as to form and substance by the City Attorney; and

RESOLVED, That any unexpended funds in the FY2003-2004 City Attorney's budget be re-appropriated to the professional services fund in the FY2004-2005 City Attorney's budget to be expended during the life of the contract without regard to fiscal year.

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

Council Member Greden recused himself from discussion and voting on this resolution.

The question being the resolution as presented, on a voice vote, the Mayor declared the motion carried with one abstention made by Council Member Greden.

## **REPORTS FROM COUNCIL COMMITTEES**

### **ZONING BOARD OF APPEALS**

Council Member Higgins announced that the Zoning Board of Appeals would begin meeting at their new time of 6 p.m. on the 4th Wednesday of each month.

## **COUNCIL PROPOSED BUSINESS**

### **COUNCIL MEMBER GREDEN**

Council Member Greden announced that a resolution would be coming at the next regular session to re-nominate Council Member Carlberg to the City Planning Commission.

## **COMMUNICATIONS FROM THE MAYOR**

### **APPOINTMENTS APPROVED**

Mayor Hieftje recommended the following appointments at the May 24, 2004 continued regular session of Council:

**Cable Communications Commission**

Dale Leslie (Re-appointment)  
1921 Merston Drive  
Ann Arbor, MI 48103  
Term: June 7, 2004 - May 2, 2009

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

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

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

None.

**COMMUNICATIONS FROM THE CITY ATTORNEY**

None.

**COMMUNICATIONS FROM COUNCIL**

**COUNCIL MEMBER CARLBERG**

Council Member Carlberg asked for clarification of employee status from a previous budget working session discussion. She also asked for more information on employee health care changes and what those projected savings would amount to.

City Administrator Roger Fraser, said that it would be six months into the new fiscal year before information of that nature could be given. He said that the health care program would be monitored every month, and data would be gathered each month and that information could be shared with Council. A report regarding the status of employees would be available in September 2004.

**COUNCIL MEMBER GROOME**

Council Member Groome asked that the Administrator submit a communication item regarding employee health insurance and benefit waver at the next regular session of Council.

She also asked if there was an update on the status of discussions between the County and the City with respect to the coordination of Community Development.

Mr. Fraser said that a detailed report along with recommendations would be available to Council before the next regular session.

**COUNCIL MEMBER WOODS**

Council Member Woods expressed concern with public speaking during Public Commentary Reserved Time. She said that speakers have a right to come and address Council with their concerns and topics, but

that, civil discourse has to be an imperative.

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

The following communications were referred as indicated:

1. Communication from Comcast Cablevision regarding combining the Ypsilanti and Ann Arbor Offices into one location
2. Communication from the State of Michigan, Public Service Commission on a Public Hearing for the Electric Customers of the Detroit Edison Company - Case number U-14079
3. Communication from the State of Michigan, Public Service Commission on a Public Hearing for the Electric Customers of the Detroit Edison Company - Case number U-14072
4. Communication from the Department of Labor & Economic Growth, Bureau of Construction Codes and Fire Safety - Notice of Public Hearing, June 24, 2004
5. Communication from William M. Crawforth of Crawforth, McManus and Tenbrunsel regarding slow response time and poor customer service satisfaction due to outside contracting
6. Communication from Mr. Jeff McNally and Ms. Odette Petrini disagreeing with the Special Assessment Roll for the Newport Sewer Assessment
7. Communication from Washtenaw County, Emergency Management Division Regarding Optional Notice of Exclusion from 9-1-1 Service District

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

The following minutes were received for file:

1. Ann Arbor Transportation Authority - April 21, 2004
2. Ann Arbor - Ypsilanti "SmartZone" - April 7, 2004
3. Airport Advisory Board - March 24, 2004
4. City of Ann Arbor Employees' Retirement System - April 15, 2004
5. City of Ann Arbor Retiree Health Care Benefit Plan & Trust (V.E.B.A.) - April 15, 2004
6. Ann Arbor Housing Commission - April 21, 2004

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

Council Member Teall 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**

**JIM MOGENSEN - PLANNING DEPARTMENT REORGANIZATION**

**Jim Mogensen, 3780 Greenbrier Blvd., #354C, addressed Council regarding the reorganization of the Planning Department.**

**RECESS FOR CLOSED SESSION**

**City Attorney Stephen Postema announced that would be no closed session at tonight's meeting.**

**ADJOURNMENT**

**There being no further business to come before Council, it was moved by Council Member Lowenstein and 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 8:50 p.m.**

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

**Recording Secretary**