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Title
ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - AUGUST 10, 2006

Body
Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:10 p.m. in the City Hall Council Chamber, 100 N. Fifth Avenue, Ann Arbor, Michigan.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers John Roberts, Robert M. Johnson, Joan Lowenstein (7:47 p.m.), Stephen Rapundalo, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

INTRODUCTIONS

Mayor John Hieftje welcomed City staff members who were in attendance at the meeting, as well as members of the Troop 27 Scouts from St. Francis School.

Assistant City Attorney Abigail Elias read a statement about public speaking.

PUBLIC COMMENTARY - RESERVED TIME

WENDY HENSHAW - EASY STREET SIDEWALK

Wendy Henshaw, 2809 Easy Street, spoke about the proposed special assessment for sidewalks on Easy Street. She urged Council to reconsider the proposal and vote no.

DIVESTMENT FROM AND BOYCOTT OF ISRAEL

The following people spoke about Israel and the conflicts in the Middle East, urging Council to pass a resolution to divest from Israel:

Laurel Federbush, 2000 Anderson Court
Blaine Coleman, P.O. Box 7038
Mozhgan Savabieasfahni, 710 E. Ann Street
Henry Herskovitz, 404 Mark Hannah

IMPROVEMENTS TO HURON PARKWAY AT HURON HIGH

Kathy Griswold, 3565 Fox Hunt, spoke about the traffic problems on Huron Parkway near Huron High School. She asked Council to look at making traffic improvements in this area before a tragedy occurs.

PUBLIC HEARINGS

THE GALLERY ZONING (ORDINANCE NO. 29-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.76 acre from C2B/R (Business Service/Residential District) to PUD (Planned Unit Development District), The Gallery property, located at 414 N. Main Street. Notice of public hearing was published July 23, 2006.

A letter of protest to the Gallery project was received on August 3, 2006 from the owners of property at 418 N. Main, 106 E. Kingsley, 102 E. Kingsley, 110 E. Kingsley and 409 E. Fourth.

A letter was received on August 10, 2006 from Robert Rubin rescinding his protest as the owner of 418 N. Main, 106 E. Kingsley and 102 E. Kingsley.

Michael Concannon of the Concannon Company stated he was available to answer any questions of Council.

Leah Gunn, Washtenaw County Commissioner, spoke in favor of the proposed Gallery project. She stated the design is nice, incorporating mixed uses and evening parking, and should be welcomed to the downtown.

Mike Monahan, 1504 Morton, stated he is a Kerrytown vendor and the owner of Monahan's Seafood Market. Mr. Monahan stated this project is exciting for the Kerrytown vendors.

Kent Burkhart, representing the Burkhart family, spoke in opposition to the project. He stated the project most adversely affects his family's neighboring property.

Pete Long, a downtown attorney, spoke in support of the project and downtown high-rise residential development.

Robert Kuhn, 1547 Covington, stated he owns property at 109, 111 and 113 Catherine Street. He stated his is in favor of the project and it would bring new taxes to the city.

Patrick Thompson, 500 Detroit Street, spoke in favor of the Gallery project.

A member of the Chamber of Commerce spoke in support of the project.

(Councilmember Lowenstein arrived at 7:47 p.m.)

Chris Crockett, President of the Old 4th Ward Association, stated she appreciated the design qualities of the proposed building, but expressed concern about the potential loss of the historic homes along Main Street and the traditional charm of Ann Arbor.

An unknown resident of Ann Arbor spoke about downtown development.

Jim Mogensen, 3780 Greenbrier Blvd., #354C, spoke about development in a DDA district.

James Smith, 233 Brown Court, spoke in favor of the project.

Ray Detter of the Downtown Citizen's Advisory Council spoke about affordable housing and payments in lieu of. Mr. Detter stated the Advisory Council does not approve of projects that do not include affordable housing on the site.

Jim Jaconas, a realtor for McKinley, spoke in favor of downtown density.

Ray Dickey spoke in favor of downtown development, but expressed concern about the impacts to other property owners.

Kay Pentzien, 500 Detroit Street, spoke in support of the project.

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

THE GALLERY PUD SITE PLAN AND DEVELOPMENT AGREEMENT

A public hearing was conducted on the proposed Resolution to Approve The Gallery PUD Site Plan and Development Agreement, 0.76 Acre, located at 414 N. Main Street. Notice of public hearing was published August 3, 2006.

Ray Detter of the Downtown Citizen's Advisory Council spoke about affordable housing, expressing concerns that the proposed Gallery project does not include affordable housing. He urged Council to reject the project.

Mike Concannon of the Concannon Company spoke about the affordable housing contribution that he is contributing to the City.

Chris Crockett, Old 4th Ward Neighborhood Association, spoke about affordable housing and encouraging the purchase of existing houses for new homebuyers.

An unknown resident spoke about affordable housing and downtown development.

Nina Howard, 409 N. Fourth Avenue, spoke about the impact of the project to her home. She submitted a letter expressing her concerns with the project.

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

ANN ARBOR DISTRICT LIBRARY NORTHEAST BRANCH ZONING (ORDINANCE NO. 33-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 4.34 acres from ORL (Office/Research/Limited Industrial District) and M1 (Light Industrial District) to O (Office District), Ann Arbor District Library Northeast Branch property, located on the southwest corner of Huron Parkway and Traverwood Drive. Notice of public hearing was published July 23, 2006.

Josie Parker, Director of the Ann Arbor District Library, thanked the Council and stated she was available to answer any questions.

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

ANN ARBOR DISTRICT LIBRARY NORTHEAST BRANCH PLANNED PROJECT SITE PLAN

A public hearing was conducted on the proposed Resolution to Approve the Ann Arbor District Library Northeast Branch Planned Project Site Plan, 4.34 Acres, located on the southwest corner of Huron Parkway and Traverwood Drive. Notice of public hearing was published August 3, 2006.

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

BRISTOL RIDGE ZONING (ORDINANCE NO. 35-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 7.28 acres from TWP (Township District) to R4A (Multiple-Family Dwelling District), Bristol Ridge property, located on the east side of Pontiac Trail, south of Dhu Varren Road. Notice of public hearing was published July 23, 2006.

A letter of opposition to the proposed rezoning from Joe Denay, 2816 S. Kingstenbridge, was received on July 27, 2006.

A representative of Pontiac Investors was available to answer any questions of Council.

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

BRISTOL RIDGE AREA PLAN

A public hearing was conducted on the proposed Resolution to Approve the Bristol Ridge Area Plan, 7.28 Acres, located on the east side of Pontiac trail, south of Dhu Varren Road. Notice of public hearing was published August 3, 2006.

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

TAX EXEMPTION FOR HOUSING PROJECTS

A public hearing was conducted on the proposed amendment to Section 1:651 of Chapter 19 - Tax Exemptions for Housing Projects, of Title I of the Code of the City of Ann Arbor (Ordinance No. 36-06). Notice of public hearing was published August 6, 2006.

Jim Mogensen, 3780 Greenbrier Blvd., #354C, thanked Council and staff for supporting this issue.

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

CVS PHARMACY PLANNED PROJECT SITE PLAN

A public hearing was conducted on the proposed Resolution to Approve the CVS Pharmacy Planned Project Site Plan, 1.78 Acres, located at 2100 W. Stadium Blvd. Notice of public hearing was published August 3, 2006.

Bill Conlen, the owner of the property, stated he was available to answer any questions of Council.

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

FIFTH THIRD BANK SITE PLAN

A public hearing was conducted on the proposed Resolution to Approve the Fifth Third Bank Site Plan, 1.41 acres, located at 2090 W. Stadium Blvd. Notice of public hearing was published August 3, 2006.

Brad Newman, Vice President of 5/3 Bank, stated he was present to request approval and answer any questions of Council.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Carlberg moved, seconded by Councilmember Johnson, that the agenda be approved with the following changes:

CLOSED SESSION

Add: CLOSED SESSION TO DISCUSS ATTORNEY/CLIENT PRIVILEGED COMMUNICATION (Add to Agenda Before D-Motions and Resolutions)

MOTIONS AND RESOLUTIONS

Added After Newspaper Deadline:

Add: Resolution to Approve the 2006 Connections Festival at Riverside Park from Friday, August 25 - Sunday, August 27, 2006 (Community Services - Jayne Miller, Area Administrator) (Added 8/4/06)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Easy Street Sidewalk Special Assessment District - Payment Schedule Options - Public Services (Added 8/8/06)

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF JULY 17, 2006 APPROVED

Councilmember Teall moved, seconded by Councilmember Rapundalo, that the regular session minutes of July 17, 2006 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-347-8-06 APPROVED

Resolution to Approve a Construction Contract with Allied Building Service Company in the Amount of \$49,350.00 for the Leslie Science Center Raptor Enclosure Construction, Bid #3806, and Establish a Total Construction Budget of \$54,285.00

Whereas, The Leslie Science Center was identified in the Park and Recreation Open Space Plan, 2000-2005 to receive upgrades and improvements;

Whereas, Residents neighboring the Leslie Science Center were invited to provide comment on the plan for the raptor center at the Science Center;

Whereas, Competitive bids were sought by the Procurement Office with bids received on July 12, 2006 and Allied Building Service Company was identified as the lowest responsible bidder;

Whereas, Funding for this construction project is available in the previously established Leslie Science Center Project Budget from the Park Rehabilitation and Development Millage; and

Whereas, Allied Building Service Company received Human Rights approval on July 12, 2006 and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council approve a construction contract, per bid #3806, with Allied Building Service Company in the amount of \$49,350.00 for improvements at the Leslie Science Center;

RESOLVED, That City Council approve a construction contingency in the amount of \$4,935.00 (10%) to cover potential contract change orders for a total construction budget of \$54,285.00 for the life of the project without regard to fiscal year;

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

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

R-348-8-06 APPROVED

Resolution to Approve a Construction Contract with Margolis Companies, Inc. in the Amount of \$41,267.00 for Improvements at Wellington Park - Bid #3794 and to Establish a Total Construction Project Budget of \$45,400.00

Whereas, Wellington Park was identified in the Park and Recreation Open Space Plan, 2000-2005 to receive upgrades and improvements;

Whereas, Residents neighboring Wellington Park were invited to provide comment on the plan for improvements at the park;

Whereas, Competitive bids were sought by the Procurement Office with bids received on May 23, 2006 and Margolis Companies, Inc. was identified as the lowest responsible bidder;

Whereas, Funding for this contract is available in the previously established Wellington Park - Neighborhood Parks Project budget from the Park Rehabilitation and Development Millage; and

Whereas, Margolis Companies, Inc. received Human Rights approval on April 20, 2006 and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council approve a construction contract, per bid #3794, with Margolis Companies, Inc. in the amount of \$41,267.00 for improvements at Wellington Park;

RESOLVED, That City Council approve a construction contingency in the amount of \$4,133.00 (10%) to cover potential contract change orders for a total project budget of \$45,400.00 for the life of the project without regard to fiscal year;

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

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

R-349-8-06 APPROVED

Resolution to Approve First Amendment to Professional Services Agreement with Fleis & VandenBrink Engineering, Inc., for Consulting and Expert Witness Services Relative to Litigation

Whereas, The City previously retained Fleis & VandenBrink Engineering, Inc., for consulting and expert witness services relative to the City's litigation against Gelman Sciences, Inc., d/b/a Pall Life Sciences;

Whereas, The initial contract in the amount of \$25,000.00 was not intended to cover all service fees and costs in connection with the litigation;

Whereas, Fleis & VandenBrink personnel have been required to spend considerably more time than originally anticipated in the course of discovery and for ongoing assistance to the City in the litigation;

Whereas, The amount required to cover these additional costs up to the point of trial is \$70,000.00, for a total contract amount of \$95,000.00;

Whereas, Funds for this amendment are available in the previously approved Gelman Sciences, Inc., d/b/a Pall Life Sciences litigation budget; and

Whereas, Fleis & VandenBrink Engineering, Inc., complies with the City's human rights requirements and has agreed to comply with the City's Living Wage Ordinance;

RESOLVED, That the Mayor and City Clerk be authorized to sign a first amendment to the professional services agreement with Fleis & VandenBrink Engineering, Inc., approved as to substance by the City Administrator and as to form by the City Attorney, in an amount not to exceed \$70,000.00, for a total contract amount of \$95,000.00, to be available until expended without regard to fiscal year.

R-350-8-06 APPROVED

Resolution to Accept Board of Insurance Administration Meeting Minutes of June 30, 2006

RESOLVED, That the attached Board of Insurance Administration Minutes of June 30, 2006 be accepted and that the recommended course of action therein, including payments, be approved and authorized.

MINUTES

CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

June 30, 2006

PRESENT: Joan Lowenstein, Councilmember
Matthew Horning, Treasurer
Robert West, Assistant city Attorney
Jack Tallerico, Arthur J. Gallagher & Company
Sarah Singleton, Management Assistant

NEW BUSINESS

CLAIMS APPROVED BY INSURANCE BOARD

CC037-06 McKinley Properties
Property Damage
Discussed by Sarah Singleton, Management Assistant

CLAIMS DENIED BY INSURANCE BOARD

CC041-06 Abraham Ajrouch
Property Damage
Discussed by Sarah Singleton, Management Assistant

CC046-06 Barbara Gottachalk
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CC0034-06 David Sponseller
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CLAIMS APPROVED BY CHIEF FINANCIAL OFFICER

CC091-05 Keith and Diane Kurz
Property Damage
Discussed By Sarah Singleton, Management Assistant

CC047-06 Thomas Dutton
Vehicle Damage
Discussed By Sarah Singleton, Management Assistant

Prepared by: Sarah Singleton, Management Assistant
Date: August 10, 2006

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

ORDINANCES - SECOND READING

29-06 APPROVED AS AMENDED

**THE GALLERY ZONING
(414 NORTH MAIN STREET)**

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

This ordinance would change the zoning of 0.76 acre, located at 414 North Main Street, from C2B/R (Business Service/Residential District) to PUD (Planned Unit Development District). (The complete text of Ordinance 29-06 is on file in the City Clerk's Office.)

R-351-8-06 APPROVED

**Resolution to Approve The Gallery PUD Site Plan
and Development Agreement**

Whereas, North Main/Fourth Ventures, LLC, has requested PUD site plan approval in order to construct two multiple-story buildings consisting of a 123 residential units and a combination of commercial, retail and office uses; and

Whereas, A development agreement has been prepared to address public and private utilities, periodic settlement surveys of adjacent buildings, the opportunity for video or other documentation of foundation/structural elements, park contribution, street tree planting escrow, construction and maintenance of on-site storm water management system, affordable housing contribution, noise management, art work selection, conveyance of a public pedestrian easement, and footing drain disconnections;

Whereas, The Ann Arbor City Planning Commission, on April 4, 2006, recommended approval of said request;

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

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

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated July 13, 2006;

RESOLVED, That City Council approve The Gallery PUD Site Plan upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, and (3) Lots 19, 20 and 21 are combined prior to the issuance of any permits; and

RESOLVED, That the Mayor and the Clerk be authorized and directed to execute The Gallery PUD Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve The Gallery PUD Site Plan and Development Agreement, 0.76 Acre, located at 414 North Main Street.

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

Councilmember Carlberg moved, seconded by Councilmember Johnson, to amend the Supplemental Regulations to the Ordinance as follows:

Section 4

(H) Parking (Paragraph 4):

...shall be made available to the public BETWEEN THE HOURS OF 6:00 P.M. AND 8:00 P.M. ON WEEKDAYS, [during the off-hours] and ALL DAY ON weekends AND [/]holidays. THE NUMBER OF PARKING SPACES MADE AVAILABLE TO THE PUBLIC SHALL NOT BE LESS THAN 40.

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

The question being the ordinance as amended at second reading and the resolution, on roll call, the vote was as follows:

Yeas, Councilmembers Lowenstein, Rapundalo, Greden, Carlberg, Teall, Higgins, Easthope, Woods, Roberts, 9;

Nays, Councilmembers Johnson, Mayor Hieftje, 2.

The Mayor declared the motion carried.

33-06 APPROVED

ANN ARBOR DISTRICT LIBRARY NORTHEAST BRANCH ZONING (SOUTHWEST CORNER OF HURON PARKWAY AND TRAVERWOOD DRIVE)

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 4.34 acres, located on the southwest corner of Huron Parkway and Traverwood Drive, from ORL (Office/Research/Limited Industrial District) and M1 (Light Industrial District) to O (Office District), Ann Arbor District Library Northeast Branch, located on the southwest corner of Huron Parkway and Traverwood Drive. (The complete text of Ordinance 33-06 is on file in the City Clerk's Office.)

R-352-8-06 APPROVED

Resolution to Approve Ann Arbor District Library Northeast Branch Planned Project Site Plan

Whereas, The Ann Arbor District Library has requested site plan approval in order to construct a 16,776-square foot branch library at the southwest corner of Huron Parkway and Traverwood Drive;

Whereas, The Ann Arbor District Library has also requested planned project modifications from the front

setback requirements of Chapter 55 (Zoning);

Whereas, The Ann Arbor City Planning Commission, on May 16, 2006, recommended approval of said request;

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

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

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

RESOLVED, That City Council approve the Ann Arbor District Library Northeast Branch Site Plan and planned project modifications from the front setback requirements of Chapter 55, subject to mitigation of sanitary sewer flow equivalent to the disconnection of one footing drain prior to issuance of the certificate of occupancy.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Ann Arbor District Library Northeast Branch Planned Project Site Plan, 4.34 Acres, located on the southwest corner of Huron Parkway and Traverwood Drive.

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

Josie Parker, Director of the Ann Arbor District Library, informed the Council that the Library plans to break ground in early October of this year with a Spring 2008 opening.

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

35-06 APPROVED

**BRISTOL RIDGE ZONING
(EAST SIDE OF PONTIAC TRAIL,
SOUTH OF DHU VARREN ROAD)**

**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 7.28 acres, located on the east side of Pontiac Trail, south of Dhu Varren Road, from TWP (Township District) to R4A (Multiple-Family Dwelling District). (The complete text of Ordinance 35-06 is on file in the City Clerk's Office.)

R-353-8-06 APPROVED

Resolution to Approve Bristol Ridge Area Plan

Whereas, Commercial Property Investors of Pontiac Trail, LLC, has requested area plan approval to accompany the Bristol Ridge zoning on the east side of Pontiac Trail, south of Dhu Varren Road; and

Whereas, The Ann Arbor City Planning Commission, on March 21, 2006, recommended approval of said request;

RESOLVED, That City Council approve the Bristol Ridge Area Plan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Bristol Ridge Area Plan, 7.28 Acres, located on the east side of Pontiac Trail, south of Dhu Varren Road.

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

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

36-06 APPROVED

TAX EXEMPTIONS FOR HOUSING PROJECTS

An Ordinance to Amend Section 1:651 of Chapter 19 of Title I of the Code of City of Ann Arbor

(The complete text of Ordinance 36-06 is on file in the City Clerk's Office.)

Councilmember Greden moved, seconded by Councilmember Carlberg, that the ordinance be adopted at second reading.

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

ORDINANCES - FIRST READING

37-06 APPROVED

**ZONING
(DEFINITION OF "HIGH-WATER MARK, ORDINARY"
AND ADDITION OF WORD "HORIZONTALLY")**

An Ordinance to Amend Sections 5:1 and 5:51 of Chapter 55 of Title V of the Code of the City of Ann Arbor regarding definition of "High-Water Mark, Ordinary" and Addition of Word "Horizontally."

(The complete text of Ordinance 37-06 is on file in the City Clerk's Office.)

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

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

RECESS FOR CLOSED SESSION

Councilmember Lowenstein moved, seconded by Councilmember Rapundalo, that the regular session of Council be recessed for a closed session to discuss attorney client privileged communication.

On roll call, the vote was as follows:

Yeas, Councilmembers Lowenstein, Rapundalo, Greden, Carlberg, Teall, Higgins, Easthope, Woods, Roberts, Johnson, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting was recessed at 9:11 p.m.

Councilmember Rapundalo moved, seconded by Councilmember Lowenstein, that the meeting be reconvened in Open Session.

On a voice vote, the motion carried and the meeting reconvened at 9:35 p.m.

MOTIONS AND RESOLUTIONS

R-354-8-06 APPROVED

Resolution to Approve the Selection of Village Green Companies as Purchaser and Redeveloper of the City Property at First and Washington Streets Per their Proposal in Response to RFP #621 and to Authorize the City Administrator and City Attorney to Act as Negotiators for the City

Whereas, The City of Ann Arbor owns a parcel of land at the corner of 1st and Washington Streets subject to execution of a land exchange agreement with an adjacent property owner for a portion of the assembled corner parcel);

Whereas, The City of Ann Arbor issued RFP #621 for the sale and redevelopment of said property;

Whereas, The primary goals of the RFP were to:

- « Increase downtown residential density and diversity
- « Replace public parking spaces on this site
- « Maximize the financial return to the City for the sale of the land
- « Maximize TIF revenue to the Ann Arbor Downtown Development Authority (DDA) for the redevelopment of this site;

Whereas, Two of the three submitted projects were interviewed by the 1st & Washington RFP Selection Committee because of their alignment with the stated goals and scope of the RFP;

Whereas, The 1st & Washington RFP Selection Committee recommends that the City of Ann Arbor enter into an agreement with Village Green Companies for the purchase and redevelopment of the City property located at First and Washington Streets, per their proposal in response to RFP #621; and

Whereas, Staff recommends that the purchase and sale agreement include provisions that:

1. Ensure the long-term affordability of the 11 affordable housing units by including in the purchase and sales agreement a provision that the units must remain affordable for a minimum of 99 years.
2. Rededication of the portion of the alley adjacent to the property previously vacated by City Council.

RESOLVED, That City Council approve the selection of Village Green Companies as purchaser and redeveloper of the City property at First and Washington Streets, per their proposal in response to RFP #621, and subject to the following conditions:

1. The purchase and sales agreement with the developer must include a provision for a minimum of 99 years of affordability for the 11 proposed affordable housing units.

2. Prior to the closing of the purchase and sales agreement, 1) closing on the adjacent property land exchange; 2) rededication of the portion of the alley previously vacated by the City;

RESOLVED, That the City Administrator and City Attorney be authorized to act as negotiators for the City in finalization of the purchase and sale agreement and redevelopment agreement; and

RESOLVED, That the Negotiated Purchase and Sale Agreement be presented to City Council for approval no later than the second meeting in September 2006.

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

Councilmember Lowenstein recused herself from the discussion and vote on the resolution.

On roll call, the vote was as follows:

Yeas, Councilmembers Johnson, Greden, Carlberg, Teall, Higgins, Easthope, Woods, Roberts, Mayor Hieftje, 9;

Nays, Councilmember Rapundalo, 1.

The Mayor declared the motion carried.

R-355-8-06 APPROVED

Resolution to Award a Contract for the Recycle Rule Compliance Project to Walsh Construction Company (\$5,359,000) and to Appropriate Funds & Modify the Project Budget

Whereas, It is necessary to complete the Water Treatment Plant (WTP) Recycle Rule Compliance Project to comply with current State and federal regulations;

Whereas, The Recycle Rule Compliance Project is identified as urgent in the approved FY 2006 to 2011 CIP;

Whereas, Of the seven bids received, Walsh Construction Company provided the lowest responsible bid in the amount of \$5,359,000.00, and was selected as the most qualified firm to provide the services requested at the lowest price;

Whereas, Walsh Construction Company has received Human Rights approval on June 23, 2006, and complies with the living wage ordinance;

Whereas, A project budget of \$4,630,000.00 is included in the FY07 Capital Budget; and

Whereas, The project scope has increased and an additional \$2,480,342.00 is required to complete the project;

RESOLVED, That Council accepts the proposal and awards a contract to Walsh Construction Company in the amount of \$5,359,000.00 for the Recycle Rule Compliance Project;

RESOLVED, That a contingency in the amount of \$535,000.00 be approved to finance change orders to the contract with Walsh Construction Company to be approved by the City Administrator;

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

RESOLVED, That funds for this project amendment (\$2,480,342.00) be appropriated from the Water Supply

System Unobligated Fund Balance to be repaid pending the sale of water revenue bonds;

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; and

RESOLVED, That the following budget is amended 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 Unobligated Fund Balance pending the sale of Water Revenue Bonds		\$	2,480,342.00
FY07 Capital Budget	\$	4,630,000.00	
	TOTAL \$	7,110,342.00	

Section II - Expenses

Contract with Walsh Construction Company		\$	5,359,000.00
Professional Services Agreement (PSA) with Hazen & Sawyer	\$	453,342.00	
Proposed Amendment No.2 to PSA with Hazen & Sawyer	\$	240,000.00	
Project Management and Inspection Services by City Staff	\$	130,000.00	
Control System Programming by City Staff	\$	15,000.00	
Materials & Supplies	\$	20,000.00	
Bond Issue Fee	\$	203,000.00	
Testing Services	\$	50,000.00	
Contingency to finance change orders and other increases to line item amounts	\$	640,000.00	
	TOTAL \$	7,110,342.00	

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

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

R-356-8-06 APPROVED

Resolution to Approve Amendment No. 1 to the Professional Service Agreement with Stantec (\$150,000.00) for Technical Engineering Services

Whereas, The Water Treatment System has an aggressive capital improvement project schedule for fiscal years FY07 and FY08, and requires Technical Engineering Services support to address engineering study, design, and construction service needs;

Whereas, The Technical Engineering Services will be funded from the approved FY07 Water Supply System Operating budget and the established budgets approved in the FY07 Capital Budget for the identified projects and the FY08 Water Supply System Operating budget and the FY08 capital budget if so approved by Council; and

Whereas, Stantec has received Human Rights approval on November 22, 2005, and complies with the living wage ordinance;

RESOLVED, That the Amendment No. 1 in the amount of \$150,000.00 to the Professional Services Agreement with Stantec be approved;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute Amendment No. 1 to 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 Administrator be authorized to take the necessary administrative actions to implement this resolution;

RESOLVED, That the engineering services be funded by the approved FY07 Water Supply System and Hydro Fund Operating Budgets and the approved FY07 Capital Budget for which services are provided and the FY08 Water Supply System and Hydro Fund Operating budgets and the FY08 capital budget if so approved by Council; and

RESOLVED, That the funds be available for the life of the project(s) without regard to fiscal year until the Professional Service Agreements end on June 30, 2008.

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

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

R-357-8-06 APPROVED

Resolution to Authorize a Sole Source Purchase Order to Carrier & Gable, Inc. for the Purchase of Traffic Signal Materials

Whereas, Carrier and Gable, Inc. of Farmington Hills, Michigan, is the supplier of Eagle traffic components used in maintaining City of Ann Arbor traffic signals;

Whereas, Carrier and Gable, Inc., of Farmington Hills, Michigan has received Human Rights approval on April 3, 2006, and complies with the living wage ordinance; and

Whereas, Sufficient funds have been budgeted in the Public Services Area FY 06/07 Major and Local Street funds;

RESOLVED, City Council approve a sole source purchase order to Carrier and Gable, Inc. in the amount of \$240,000.00 for materials and supplies; and

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

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

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

R-358-8-06 APPROVED

Resolution to Approve a Professional Services Agreement with Parsons Brinckerhoff Michigan, Inc. for the City of Ann Arbor Transportation Plan Update

Whereas, The City of Ann Arbor Transportation Plan Update was completed and adopted in December 1990

and the City has implemented significant elements of the Transportation Plan Update of 1990;

Whereas, It has been found necessary and desirable to update the citywide Transportation Plan and employ a qualified consulting firm to develop said plan;

Whereas, Parsons Brinkerhoff Michigan, Inc., has been selected from the pool of the six proposals that were received as part of a joint procurement with Ann Arbor Transportation Authority (AATA), and reviewed by an evaluation team consisting of representatives from the AATA, The University of Michigan, The Downtown Development Authority and the Washtenaw Area Transportation Study for the purpose of completing a transportation plan update, scope of services attached;

Whereas, Parsons Brinkerhoff Michigan, Inc., has demonstrated the required experience personnel and competitive fee schedule to perform the work;

Whereas, Parsons Brinckerhoff Michigan, Inc., received Living Wage and Human Rights approval on October 20, 2005;

Whereas, Transportation planning is a process that requires an continuous, coordinated and comprehensive look at today's conditions as well as potential future growth in our City and the region and the City is desirous of maintaining a long term view of transportation systems and using that view to develop a list of near term and long term transportation programs, policies and improvement projects;

Whereas, The City has budgeted \$360,000.00 in the 2006-2007 operating budget for the purposes of undertaking the preparation of an update to the City's transportation plan; and

Whereas, The University of Michigan will contribute \$20,000.00 toward this project;

RESOLVED, That the City Administrator be authorized to enter into an agreement with Parsons Brinckerhoff Michigan, Inc., to conduct and complete an update to the City's transportation plan; and

RESOLVED, That the City Council adopt the following revenue budget for the life of the project, to be available until expended without regard to fiscal year:

Revenue

\$	360,000.00	Prior Year Fund Balance
	14,375.00	additional resources from Major Streets Fund
	20,000.00	University of Michigan
\$	394,375.00	TOTAL

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

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

POSTPONED

Resolution to Approve CVS Pharmacy Planned Project Site Plan

Whereas, CVS Pharmacy has requested site plan approval in order to construct a 12,900-square foot, one-story pharmacy at 2100 West Stadium Boulevard;

Whereas, CVS Pharmacy has also requested planned project modifications from the front setback requirements of Chapter 55 (Zoning);

Whereas, The Ann Arbor City Planning Commission, on June 6, 2006, reviewed 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 CVS Pharmacy Site Plan and planned project modifications from the front setback requirements of Chapter 55, subject to the approved land division of 2100 West Stadium Boulevard prior to issuance of building permits.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve CVS Pharmacy Planned Project Site Plan, 1.78 Acres, located at 2100 West Stadium Boulevard.

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

Councilmember Carlberg moved, seconded by Councilmember Rapundalo, that the resolution be postponed until September 5, 2006.

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

R-359-8-06 APPROVED

Resolution to Approve Fifth Third Bank Site Plan

Whereas, Fifth Third Bank has requested site plan approval in order to construct a 4,117-square foot, one-story bank at 2090 West Stadium Boulevard;

Whereas, The Ann Arbor City Planning Commission, on June 6, 2006, reviewed 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) the land division of 2100 West Stadium Boulevard is approved prior to issuance of building permits, and (2) one footing drain disconnection is completed before the issuance of the first certificate of occupancy.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Fifth Third Bank Site Plan, 1.41 Acres, located at 2090 West Stadium Boulevard.

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

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

R-360-8-06 APPROVED

Resolution to Approve Zion Lutheran Church Annexation

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

Whereas, Zion Lutheran Church is the owner of said property; and

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

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

Commencing at a point in the south line of West Liberty Street, 353.24 feet westerly from the west line of Eber White 1st Addition, measured along the south line of West Liberty Street; thence westerly along the south line of West Liberty Street 205.6 feet; thence south deflecting 82o43' to the left 80 feet; thence deflecting 42o02' to the left 123.73 feet; thence northeasterly in the arc of a circular curve to the right of radius 104.89 feet, through a central angle of 20o52'30", the chord of said curve deflecting 73o31' to the left from the foregoing course and being 38 feet in length; thence deflecting 10o26'15" to the right, from the foregoing chord 29.08 feet to a point of curve; thence in the arc of a circular curve to the left of radius 59.44 feet, through a central angle of 67o52' to the point of tangency; thence north parallel to the west line of Eber White 1st Addition, 125 feet to the place of beginning. Also subject to and granting the use in common with others, or a right-of-way over a strip of land 40 feet in width, the centerline of which is described as follows: Commencing at a point in the centerline of West Liberty Street, 353.24 feet westerly measured along said centerline, from the northwest corner of Eber White 1st Addition, thence south parallel to the west line of Eber White 1st Addition, 159.10 feet to an iron stake at a point of curve; thence along the arc of a circular curve to the right of radius 59.44 feet, through a central angle of 67o52' to the point of tangency; thence south 67o52' west, 29.08 feet to a point of curve; thence along the arc of a circular curve to the left of radius 104.89 feet through a central angle of 41o45'; thence south 26o07' west, 151.68 feet to a point of curve; thence along the arc of a circular curve to the left of radius 122.66 feet, through a central angle of 40o17'; thence south 14o10' east, 41 feet to an iron stake, said iron stake being the center of a circular parcel of land of radius 30 feet, the circumference of said circular parcel being the termination of the above-described right-of-way. All being a part of the SE ¼ of Section 30, T2S, R6E, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Zion Lutheran Church Annexation, 0.67 Acre, Southwest Corner of Liberty Street and Ridgemor Drive.

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

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

R-361-8-06 APPROVED

Resolution to Approve the Purchase of and Appropriate Funds for the Acquisition of the Girl Scouts of Huron Valley Council Site (Camp Hilltop) from the Open Space and Parkland Preservation Bond Proceeds in the Amount of \$2,244,000.00

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

Whereas, The Girl Scout site (Camp Hilltop) is approximately 7.7 acres, shares a border with Kuebler Langford Nature Area, and is close to Bird Hills Nature Area;

Whereas, The entire site is relatively undisturbed containing a plant list with 183 species, of which 154 are native, yielding a floristic quality index (FQI) of 51.4, which is remarkable given its small size;

Whereas, The property has been appraised as required by Section 1:320 of the Ann Arbor City Code with a fair market value \$2,200,000.00; and

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

RESOLVED, That City Council approve the real estate and sales agreement for the purchase of the property owned by the Girl Scouts of Huron Valley Council and described as:

Beginning at the South 1/4 corner of Section 17, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence N 0° 29' 30" W 203.98 feet along the North and South 1/4 line of said Section; thence along the centerline of Huron River Drive the following five courses: N 63° 48' 30" E 189.52 feet; 240.35 feet along the arc of a circular curve to the right of radius 1145.0 feet and chord bearing N 69° 49' E 239.91 feet, N 75° 49' 30" E 102.85 feet, 4450.87 feet along the arc of a circular curve to the right of radius 748.06 feet and chord bearing S 86° 54' 30" E 444.08 feet, and 150.35 feet along the arc of a circular curve to the right of radius 140.30 feet and chord bearing S 38° 56' 30" E 143.26 feet; thence S 88° 52' 30" W 59.18 feet; thence along the West line of Huron River Drive 36.09 feet along the arc of a nontangential circular curve to the right, radius 75.39 feet, chord S 0° 21' 55" E 35.75 feet; thence along the West line of Huron River Drive S 13° 21' W 210.95 feet; thence along the South line of said Section 17, S 88° 52' 30" W 919.22 feet to the Place of Beginning, being a part of the Southeast 1/4 of said Section 17. Subject to the rights of the public over the Northerly 33.0 feet as occupied by Huron River Drive. ;

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

RESOLVED, That City Council appropriate funds from the Open Space and Parkland Preservation bond proceeds and establish a project budget for the acquisition of the property in the amount of \$2,244,000.00.00 to cover the costs of acquisition, closing, and incidental costs to be available for expenditure without regard to fiscal year.

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

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

R-362-8-06 APPROVED

Resolution to Carry Forward Unexpended Community Development Human Services Agency General Funds from FY 05-06 to FY 06-07

Whereas, City Council approved Resolution R-221-6-05 on June 6, 2005 allocating \$1,400,000.00 in FY 05-06 General Funds to Human Services Agencies;

Whereas, The Community Housing Alternatives contract has \$9,838.67 in unexpended funds remaining; and

Whereas, The Washtenaw Affordable Housing Corporation has \$13,363.75 in unexpended funds remaining; and

Whereas, The total amount of unexpended funds is \$23,202.42;

RESOLVED, That City Council carry forward the total \$23,202.42 in General Fund funds for the Community Housing Alternatives (\$9,838.67) and the Washtenaw Affordable Housing Alternatives (\$13,363.67) contracts to FY 06-07; and

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

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

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

R-363-8-06 APPROVED

Resolution Authorizing Summary Publication of Ordinance No. 36-06 - An Ordinance to Amend Section 1:651 of Chapter 19 (Tax Exemptions for Housing Projects) of Title I 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 36-06 shall be by the following summary:

Ordinance 36-06 amends Section 1:651 of Chapter 19 of Title I of the Code of the City of Ann Arbor to reduce the payment in lieu of taxes collected from non-profit housing providers from 10% of the annual shelter rents to \$1.00 for each unit of housing in the project. The purpose of this amendment is to increase the cash flow of the non-profits, enable non-profits to use those funds for support services, and reduce dependency on annual grants from the City.

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

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

R-364-8-06 APPROVED

Resolution to Approve Street Closings for the "Dancing In The Streets" Special Event on September 3, 2006

Whereas, The City received a request from the Ann Arbor Council for Traditional Music and Dance to close South Main Street between Huron Street and Liberty Street and Washington Street between South Ashley Street and South Fourth Avenue from 1:00 P.M. to 7:30 P.M. on Sunday, September 3, 2006 for the "Dancing

in the Streets” Special Event;

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

Whereas, The sponsor will provide written notification to all religious institutions in the affected area not less than 14 days prior to the event;

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

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

RESOLVED, That City Council approve the closing of South Main Street between Huron Street and Liberty Street and Washington Street between South Ashley Street and South Fourth Avenue from 1:00 P.M. to 7:30 P.M. on Sunday, September 3, 2006 for the “Dancing in the Streets” Special Event.

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

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

R-365-8-06 APPROVED

Resolution to Approve the Closing of City Streets for the 2006 University of Michigan Student Move-In Program from Monday, August 28 through Friday, September 1, 2006

Whereas, The City of Ann Arbor and the University of Michigan are cooperating in a joint effort to make student move-in, scheduled to begin on Monday, August 28 and ending Friday, September 1, 2006, an orderly and efficient process;

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

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

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

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

Whereas, The University of Michigan agrees to provide evidence of proper liability insurance; comply with all rules, regulations and procedures established by City Council and/or the City Administrator for staging

this event and pay all fees associated with its sponsorship of the move-in program, including \$10,450.00 for occupancy of the public right-of-way during the move-in, \$8,000.00 (est.) for the cost of providing Police assistance, and the costs for other City services provided during the move-in process;

RESOLVED, The following streets are closed for the dates and times indicated;

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

RESOLVED, That City Council prohibits all peddling and soliciting activities within a one- block area of the closed streets from August 28 through September 1, 2006; and

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

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

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

POSTPONED

Resolution to Approve a New Park Maintenance and Capital Improvements Millage Proposal for Submission to the Voters at the November 2006 Election

Whereas, The Park Rehabilitation and Development Millage and the Park Repair and Restoration Millage have been the principal funding sources for the City's park and recreation capital improvement programs and park repair and restoration;

Whereas, The Park Rehabilitation and Development Millage was approved by the voters in 2000 for six years and the Park Repair and Restoration Millage was approved by the voters in 2002 for four years; and

Whereas, The Park Rehabilitation and Development Millage and the Park Repair and Restoration Millage will expire in 2006;

Whereas, With the expiration of the two millages approaching, a Task Force consisting of Park Advisory Commission and City staff members was created to develop different funding options;

Whereas, The Task Force sought public input on funding options during several community forums in March, May and June;

Whereas, Over the past several years, a number of undeveloped park areas have been developed to meet the community demands for more active park areas;

Whereas, Over the past several years, general fund resources available for park maintenance activities have been reduced, consistent with other general fund reductions throughout the City;

Whereas, The combination of these forces has resulted in elongated maintenance cycles across the system, which do not meet national or community standards;

Whereas, It is in the City's best interest to present a new millage to the voters which supports the consolidation of the objectives of the expiring millages and provides essential resources for the ongoing maintenance and improvement of the parks system; and

Whereas, The Park Advisory Commission, at its July 18, 2006 meeting unanimously supported this ballot proposal;

RESOLVED, That City Council amend Section 8.19 of the City Charter, as follows:

Funds for Park [Maintenance and Capital Improvement]Maintenance and Capital Improvements

Section 8.19. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in [2001 through 2006]2007 through 2012, annually levy a tax of [.4701]1.25 mills on all taxable real and personal property situated within the City for the purpose of [providing funds for financing the improvement, rehabilitation and construction of park facilities][financing park maintenance activities in the following categories: forestry and horticulture, natural area preservation, park operations, park equipment repairs, park security, and recreation facilities; and for the purpose of financing park capital improvement projects for active parks, forestry and horticulture, historic preservation, neighborhood parks and urban plazas, pathways, trails, boardwalks, greenways, the Huron River watershed, recreation facilities and park equipment acquisitions.

RESOLVED, That City Council delete Section 8.22 of the City Charter in its entirety;

RESOLVED, That City Council designate November 7, 2006 as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the City Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form:

**ANN ARBOR CITY CHARTER AMENDMENT
AUTHORIZING NEW TAX FOR PARK MAINTENANCE AND
CAPITAL IMPROVEMENTS**

Shall the Charter be amended to authorize a new tax up to 1.25 mills for park maintenance and capital improvements for 2007 through 2012, which will raise in the first year of the levy an estimated total revenue of \$5,691,760.00?

Yes

No

PURPOSE OF AMENDMENT

The amendment is proposed for the purpose of consolidating previously authorized and expiring tax millages for park rehabilitation and development (Section 8.19) and park repair and restoration (Section 8.22) as part of a new tax for park maintenance and capital improvements in Section 8.19. The amendment also deletes Section 8.22 (park repair and restoration).

RESOLVED, That the proposed Charter amendment and proposed ballot question shall be published in The Ann Arbor News not less than seven days before the election in substantially the form prescribed by MCL §168.653(a)(1) and include a caption or brief description of the proposal along with the location(s) where an elector can obtain the full text of the proposal; and

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2007.

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

Councilmember Greden moved, seconded by Councilmember Johnson, to postpone the resolution until August 21, 2006.

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

POSTPONED

Resolution of Intent on the Administration of Park Maintenance and Capital Improvements Millage

Whereas, It is the intent that City Council present to the voters a ballot issue which would consolidate the existing Park Rehabilitation and Development and Park Repair and Restoration millages into a Park Maintenance and Capital Improvements Millage;

Whereas, There is a need to establish policy guidelines for administration of millage funds consistent with the proposed ballot language;

Whereas, The City Council wants to inform the voters of the manner in which it intends to oversee the administration of the consolidated millage if the proposed millage is approved by the voters;

Whereas, The Park Advisory Commission, at its July 18, 2006 meeting unanimously supported this intent resolution; and

Whereas, A Park Maintenance and Capital Improvements Millage Administration Policy has been developed that includes the following;

RESOLVED, That City Council adopt the following policy guidelines for the Park Maintenance and Capital Improvements Millage:

1. Adoption of the Funding Distribution Guidelines as stipulated in Attachment A;
2. Annual allocation for maintenance is to be between 60% and 80% and capital improvements is to be between 20% and 40% with a total annual allocation being 100%;
3. The Natural Area Preservation Program budget be established at a minimum of \$700,000.00 for first year of the millage budget and that it receive a minimum 3% annual increase for each of the subsequent five years of the millage to enhance the stewardship of increased acreage of natural park areas;
4. If future reductions are necessary in the City's general fund budget during any of the six years of this millage, the general fund budget supporting the parks and recreation system will be reduced no greater than the average percentage reduction, for each particular year, of the rest of the City general fund budget for each of the applicable six years of this millage;
5. If future increases occur in the City's general fund budget during any of the six years of this millage, the general fund budget supporting the parks and recreation system will be increased at the same rate as the average percentage increase, for each particular year, of the rest of the City general fund budget for each of the applicable six years of this millage;
6. The millage will not be subject to a municipal service charge;
7. The millage may be subject to appropriate information technology and fleet charges;
8. If the millage is not renewed after the six years, the Natural Area Preservation Program will receive the same percentage of any remaining fund balance from the Park Maintenance and Capital Improvements Millage as was in the approved budgeted in the sixth year of the millage; and

RESOLVED, That if the millage be adopted, the City Administrator be directed to develop an annual millage budget for review and recommendation by the Park Advisory Commission with final adoption by City Council consistent with this Resolution.

Attachment A
August 10, 2006

PARKS MAINTENANCE AND CAPITAL IMPROVEMENTS FUNDING DISTRIBUTION GUIDELINES

ACTIVITY General Fund Millage

General Administration & Park Planning

General parks & recreation administration ü

Park system planning ü

Park Operations & Forestry

Athletic Fields

Maintenance ü ü

Repairs & capital improvements, excluding mowing ü

Cemetery

Maintenance & repairs ü

Game Courts

Maintenance ü ü

Repairs & capital improvements ü

Park Maintenance Equipment (mowers, snow plows, snow blowers, etc)

Maintenance & repairs ü ü

Replacements & capital improvement investments ü

Park Mechanical Systems (furnaces, air conditioners, etc)

Maintenance & repairs ü ü

Replacement ü

Flowers/Shrubs & Horticulture

Park areas ü ü

Non - Park areas ü

Litter & Refuse

Collection & removal from park areas ü

Park Amenities (benches, buildings, fountains, gates, grills, picnic tables, restrooms, etc)

Maintenance & repairs ü ü

Replacement & capital improvements ü

Facility operational utility costs ü

Mowing

Park and non-park areas ü

Park Security

Security staffing ü

Vandalism repair & maintenance ü

Forestry (Tree Maintenance, Pruning, Tree & Stump Removals, Storm Damage, Plantings, Disease Management, Hazard Work, etc)

Park & natural areas maintenance ü ü

Non-Park areas ü

Park area replanting for Emerald Ash Borer recovery ü

Tree nursery maintenance ü

ACTIVITY General Fund Millage

Playground Safety

Inspections, maintenance, repairs, replacement & capital improvements ü

Sidewalk, Pathway, Trail, Boardwalk, Greenway

Maintenance & repairs ü ü

Replacements & capital improvements ü

Snow & ice control maintenance	ü		
Park Parking Lots			
Maintenance	ü	ü	
Repairs & capital improvements			ü
Snow & ice control maintenance	ü		
Natural Area Preservation			
Stewardship & restoration	ü		
Assessment/Monitoring & project review of City-owned natural areas, easements, and ecological monitoring projects			ü
Environmental education coordination			ü
Outreach & volunteer coordination			ü
Prairie Restoration Activities	ü		
Restoration of aquatic ecosystem			ü
Recreation Facilities			
Recreation Equipment (canoes, bikes, ice skates, kayaks, etc)			
Maintenance & repairs	ü	ü	
Replacements & capital investments			ü
Facility Maintenance Equipment (zambonis, ice edgers, mowers, etc)			
Maintenance & repairs	ü	ü	
Replacements & capital Investments			ü
Mechanical Systems (furnaces, air conditioners, compressors, pool filtration systems, etc)			
Maintenance & repairs	ü	ü	
Replacements & capital improvements			ü
Recreation Facility Structures (buildings, structures, plumbing systems, etc)			
Maintenance & repairs	ü	ü	
Replacements & capital improvements			ü
Operational utility costs	ü		
General Park Capital Projects			
Improvements for park shelters, park structures, active parks, neighborhood parks & urban plazas, preservation of historic park amenities, & cemeteries			ü

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

Councilmember Greden moved, seconded by Councilmember Easthope, that the resolution be postponed until August 21, 2006.

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

R-366-8-06 APPROVED

Resolution to Appropriate \$44,390 in CDBG Funds from the Corrective Action Account and Approve a Revised Rehabilitation Agreement with Tabitha Harris to Complete the Housing Rehabilitation Work on her Home at 2535 Russell

Whereas, City Council approved a Housing Rehabilitation Agreement with Tabitha Harris with an original contract amount of \$55,963.00, on October 18, 2004 (R-448-10-04);

Whereas, The work proceeded but was not completed due to contractor error and uncompleted work needs to be finished and the problems of poor workmanship need to be resolved;

Whereas, The Office of Community Development received bids to complete the unfinished work and correct the work from the previous contractor;

Whereas, The Office of Community Development received a responsible low bid of \$53,902.00;

Whereas, The Community Development Waiver and Review Board approved a request to increase the corrective action budget by \$44,390.00 to allow completion of the housing rehabilitation work; and

Whereas, The work will not begin until the contractor receives Human Rights approval and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council appropriate \$44,390.00 in CDBG Funds from the corrective action account, without regard to fiscal year, to complete the remaining work as well as correct the work from the previous contractor and that the City not pass on these additional costs to the homeowner;

RESOLVED, That City Council approve the revised Housing Rehabilitation Agreement with Tabitha Harris to allow for the completion of the housing rehabilitation work on her home;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute a Housing Rehabilitation Agreement with Tabitha Harris consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

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

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

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

R-367-8-06 APPROVED

Resolution Accepting Warranty Deed for 7.67 Acres parcel from Guenther Building Company - Foxfire - Phase IIC

Whereas, The Guenther Building Company, a Michigan corporation, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 2350, Page 409-410, recorded September 22, 1989; and

Whereas, A Resolution of the Board of Directors, dated July 14, 2006 authorized the delivery of a warranty deed to the City for public parkland;

Whereas, The Guenther Building Company has delivered a warranty deed to the City for public park land, being more particularly described as follows:

**DESCRIPTION OF A 7.67 ACRE PARCEL OF LAND
LOCATED IN THE E 1/2 OF SECTION 9, T2S, R6E,
CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN**

Commencing at the S 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, thence S 86°55'43" W 2608.20 feet along the South line of said Section 10 and the centerline of Dhu Varren Road to the SW corner of said Section 10; thence N 01°42'30" W 662.51 feet along the West line of said Section 10 to the POINT OF BEGINNING,

thence S 86°14'51" W 1126.02 feet;

thence N 42°55'43" W 445.00 feet along the Easterly right-of-way line of the Ann Arbor Railroad;
 thence S 81°57'51" E 238.17 feet;
 thence N 80°42'27" E 294.27 feet;
 thence S 84°09'09" E 95.79 feet;
 thence S 43°32'02" E 105.00 feet;
 thence S 56°48'54" E 103.00 feet;
 thence N 83°47'22" E 105.30 feet;
 thence N 64°15'41" E 109.09 feet;
 thence N 11°22'04" W 120.39 feet;
 thence Northeasterly 61.55 feet in the arc of a circular curve to the left, radius 358.00 feet, central angle 09° 51'00", chord N 72°40'47" E 61.47 feet;
 thence N 67°45'17" E 115.34 feet;
 thence S 22°14'43" E 101.63 feet;
 thence N 81°35'58" E 108.00 feet;
 thence S 27°36'08" E 26.47 feet;
 thence S 13°21'28" E 13.12 feet;
 thence N 58°32'05" E 96.80 feet;
 thence Southeasterly 30.00 feet in the arc of a circular curve to the left, radius 510.00 feet, central angle 03° 22'13", chord S 33°09'02" E 30.00 feet;
 thence S 55°09'52" W 109.78 feet;
 thence S 13°21'28" E 80.40 feet;
 thence S 40°37'21" E 175.00 feet to the POINT OF BEGINNING. Being a part of the E 1/2 of Section 9, T2S, R6E, and containing 7.67 acres of land, more or less. Being subject to easements and restrictions of record, if any.

BEING SUBJECT TO:

Right-of-Way Agreement with Michigan Bell Telephone Company, the Detroit Edison Company, Michigan Consolidated Gas Company and Columbia Cable of Michigan, as recorded in Liber 2452, Page 346, Washtenaw County Records. (blanket easement)

High Voltage Transmission Permit in favor of the Detroit Edison Company, as recorded in Liber 1198, Page 47, Washtenaw County Records.

RESOLVED, That the City hereby accept said warranty deed.

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

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

R-368-8-06 APPROVED

Resolution Accepting Easement for Underground Storm Water Management System from the Grotto Club of Ann Arbor - West Stadium Boulevard Reconstruction Project - Phase II

Whereas, The Grotto Club of Ann Arbor, a Michigan non-profit corporation, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 800, Page 91, recorded September 26, 1957, Liber 813, Page 342, recorded on January 20, 1958 and Liber 1119, Page 240, recorded on July 1, 1965;

Whereas, The Grotto Club of Ann Arbor, has accepted the City's offer of \$23,000.00, (based on the appraisal submitted by Frisbie Appraisal Service); and

Whereas, The Board of Directors of The Grotto Club of Ann Arbor, a Michigan non-profit corporation, on May 9, 2006, authorized the execution and delivery of an easement to the City for a storm water treatment and management system to encumber and run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the South 1/4 corner of Section 30, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N89°51'00"W 1219.81 feet along the South line of said Section; thence along the Northeasterly right-of-way line of Stadium Boulevard in the following two (2) courses: Northwesterly 218.92 feet along the arc of a 2239.67 foot radius circular curve to the right, through a central angle of 05°36'02", having a chord that bears N27°42'26"W 218.84 feet and N24°54'25"W 91.27 feet to the POINT OF BEGINNING; thence continuing along said Northeasterly right-of-way line N24°54'25"W 70.39 feet; thence N89°27'15"E 80.15 feet along the Northerly line of Tax ID Parcel Number 09-30-317-002; thence S39°00'30"W 46.66 feet; thence S50°59'30"E 5.00 feet; thence S39°00'30"W 21.00 feet; thence N50°59'30"W 5.00 feet; thence S39°00'30"W 8.41 feet; thence S25°27'51"W 6.10 feet to the Point of Beginning. Being a part of the Southwest 1/4 of Section 30, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 2,621 square feet of land, more or less. Being subject to easements and restrictions of record, if any.

RESOLVED, That the City hereby accept said easement.

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

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

R-369-8-06 APPROVED

Resolution of Intent to Vacate a Portion of Pittsview Drive South and Westerly of Charing Cross Road

Whereas, There has been presented to the Council of the City of Ann Arbor a written request seeking the vacation of the following portions of Pittsview Drive:

The easterly 33 feet of Pittsview Drive, south of Charing Cross Road, adjacent to Lot 32 and the westerly 33 feet of Pittsview Drive, south of Charing Cross Road, adjacent to Lots 68 and 69, located in Freeman Estates Subdivision, as recorded in Liber 10 of Plats, Page 20, Washtenaw County Records, Michigan, recorded on July 25, 1945.

Whereas, The Ann Arbor Planning Commission, at its April 18, 2006 meeting, recommended approval of the proposed vacation of a portion of Pittsview Drive, contingent upon certain conditions; and

Whereas, The Council deems it advisable and intends to vacate the portion of the street above described, and the City may reserve all easements and rights-of-way within the portions to be vacated for maintenance of public utilities and emergency access;

RESOLVED, That the Council hereby appoint September 18, 2006 at 7:00pm in the Council Chamber, City Hall, Ann Arbor, Michigan, as the time and place, when and where the said Council will meet to hear objections, if any, to the vacation of the portion of the street above described;

RESOLVED, That notice of such meeting shall be published not less than four weeks before the time appointed for such meeting in The Ann Arbor News; and

RESOLVED, That objections to such proposed action of the Council may be filed with the City Clerk in writing and that all persons for or against such proposed action will be heard by the Council at the time and place of the public hearing herein before provided.

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

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

R-370-8-06 APPROVED

Resolution to Approve and Appropriate Funds into the FY06-07 Fire Department Operating Budget from the General Fund Fund Balance in the Amount Of \$81,069.06 and Approve a Purchase Order Contract with Engineered Coating System, Inc. for Repairs to Fire Station One

Whereas, City Council approved Resolution R-275-6-06 authorizing the acquisition of firefighter turnout gear from the FY05-06 Fire Department approved budget;

Whereas, An unanticipated delay occurred in transmittal to the Vendor, Alert Emergency Equipment, of required specifications for the equipment;

Whereas, It will be necessary to fund the approved but not encumbered acquisition from the General Fund Fund Balance to complete the acquisition of the equipment;

Whereas, Mitigating repairs have been identified as necessary to the flooring system of the main fire station (Fire Station One) to avoid further structural floor subsurface damage;

Whereas, The Fire Department obtained quotes for the necessary repairs, and selected Engineered Coating Systems, Inc., as the most qualified vendor to perform the service based on price and past work history; and

Whereas, Engineered Coating System, Inc. received Human Rights approval on July 24, 2005 and complies with the living wage ordinance;

RESOLVED, That City Council approve and appropriate funds into the FY06-07 Fire Department Operating Budget in the amount of \$81,069.06 from the General Fund Fund Balance for acquisition of the firefighter turnout gear approved by R-275-6-06 and repairs to the flooring system for Fire Station One;

RESOLVED, That City Council approve a purchase order contract with Engineering Coating System, Inc., based on City specifications and its bid, in the amount of \$37,752.00 for the mitigating repairs to the flooring system of Fire Station One; and

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

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

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

R-371-8-06 APPROVED

Resolution to Adopt the Memorandum of Understanding and Appoint Eli Cooper, AICP, to serve as the City of Ann Arbor Representative on the Access Management Committee for the I-94BL/US-23BR/M-17/US-12BR Study

Whereas, The governing bodies of the City of Ann Arbor, the City of Ypsilanti, Pittsfield Charter Township and Ypsilanti Charter Township recognize the need for coordinated planning along the Jackson Avenue/Huron Avenue/Washtenaw Avenue/Ecorse Road/Michigan Avenue (I-94BL/US-23BR/M-17/US-12BR) corridor; and

Whereas, The governing bodies of the City of Ann Arbor, the City of Ypsilanti, Pittsfield Charter Township and Ypsilanti Charter Township recognize the need to prepare and implement coordinated land use and access management standards along the Jackson Avenue/Huron Avenue/Washtenaw Avenue/Ecorse Road/Michigan Avenue (I-94BL/US-23BR/M-17/US-12BR) corridor in the interest of all parties; and

Whereas, The governing bodies of the City of Ann Arbor, the City of Ypsilanti, Pittsfield Charter Township and Ypsilanti Charter Township have reviewed the Memorandum of Understanding which is attached hereto and made part hereof and which is agreed to by all parties who have signed it at the end;

RESOLVED, That the City of Ann Arbor hereby adopts the said Memorandum of Understanding as a policy document; and

RESOLVED, That the City of Ann Arbor appoints Eli Cooper, AICP, Transportation Program Manager, to the Eastern Washtenaw Urban Corridor Access Management Corridor Advisory Committee to represent the City of Ann Arbor, and directs him to diligently participate as a member of the Committee.

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

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

POSTPONED

Resolution to Place A Proposition to Amend the Ann Arbor City Charter Section Governing Eligibility for City Office on the November 7, 2006 General Election Ballot

Whereas, Section 12.2 of the City Charter currently reads:

Eligibility for City Office-General Qualifications

SECTION 12.2. Except as otherwise provided in this charter, a person is eligible to hold a City office if the person has been a registered elector of the City, or of territory annexed to the City or both, and, in the case of a Council Member, a resident of the ward from which elected, for at least one year immediately preceding election or appointment. This requirement may be waived as to appointive officers by resolution concurred in by not less than seven members of the Council.
;and

Whereas, The eligibility requirements for elective officers have been voided by decisions of United States District Court; and

Whereas, It is necessary to establish valid and enforceable eligibility requirements for elective officers; and

Whereas, Residency requirements for city employees have been invalidated by state statute; and

Whereas, The City may benefit from the membership on City boards and commissions of persons who are

residents of the City, but are not registered voters; and

Whereas, fewer restrictions on holding office are more consistent with open and democratic government;

RESOLVED, That the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

Eligibility for City Elective Office-General Qualifications

SECTION 12.2. Except as otherwise provided in this charter, a person is eligible to hold a City elective office if, at the time of election or appointment to that office, the person is a registered elector of the City [the territory annexed to the City or both][the territory annexed to the City or both] and, in the case of a Council Member, [a resident][a resident] of the ward from which [elected for at least one year immediately preceding election or appointment] election is sought or appointment is made. A person is eligible to hold public appointive office as a volunteer if that person is a resident of the City. [This] The residency requirement may be waived as to volunteer appointive officers by resolution concurred in by not less than seven members of the Council.

RESOLVED, That November 7, 2006, be designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by the law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form, which includes the statement of purpose:

ANN ARBOR CITY CHARTER AMENDMENT ESTABLISHING ELIGIBILITY REQUIREMENTS FOR ELECTED AND VOLUNTEER APPOINTED OFFICES

Shall the Charter be amended to require that the Mayor and Council Members be registered electors of the City, and the Council Members of their wards, on the date they are elected or appointed to office and to require that volunteer appointed officers be residents instead of than registered electors in the City?

Yes No

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

Councilmember Greden moved, seconded by Councilmember Rapundalo, that the resolution be postponed until August 21, 2006.

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

POSTPONED

Resolution No. 4 to Confirm Assessment Roll for Easy Street Sidewalk Special Assessment

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 constructing a sidewalk described as follows: Construction of sidewalk improvements on both sides of Easy Street between Packard Road and Towner Boulevard, District No. 36, File No. 2005-061;

Whereas, City Council held a public hearing July 17, 2006 and was presented three letters aggrieving two of the forty-four affected parcels;

Whereas, A summary of a survey of Easy Street property owners' preferences on sidewalk installation, but not individual attestments, was presented at the July 17, 2006 public hearing;

Whereas, Written objections to the proposed improvement have been filed by the owners of the property which will be required to bear over 50% of the amount of the special assessment;

Whereas, Section 1:290 of Ann Arbor City Code requires passage of a special assessment by 8 votes if objections by the owners of the property which will be required to bear over 50% of the amount of the special assessment are filed;

Whereas, The second resolution, R-260-06-06, approved by the City Council on June 5, 2006 stipulates that an amount of \$155,034.44 be paid by special assessment upon the properties especially benefited within the City;

Whereas, Such amount was determined prior to bids; and

Whereas, Based on bids received on July 11, 2006, the projected amount of the special assessment is \$107,682.96 or 69.46% of the estimate approved by said second resolution;

RESOLVED, That Easy Street Sidewalk Special Assessment Roll as prepared by the City Assessor be hereby confirmed in the amount of \$107,682.96 and designated as Sidewalk Special Assessment District Number 36, File Number 2005-061;

RESOLVED, That Easy Street Sidewalk Special Assessment Roll be divided into six (6) installments of equal principal, the first of which shall be due on June 1, 2007, and the second and subsequent installments to be due and payable on the next following June 1st of each year;

RESOLVED, That the deferred installments of said Special Assessment Roll bear interest at the rate of 5.2%, commencing June 1, 2007, said interest to be collected annually on the due date of the second and subsequent installments of said Special Assessment Roll; and

RESOLVED, That City Council approve the assessment against the properties in District Number 36 be reduced to 69.46% of the roll previously approved for this project, from \$3,523.51 per parcel to \$2,447.34 per parcel.

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

Councilmember Greden moved, seconded by Councilmember Carlberg, that the resolution be postponed until August 21, 2006.

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

POSTPONED

Resolution to Approve a Construction Contract with Peter A. Basile Sons, Inc. (\$1,060,332.90, Bid No. 3804) Appropriate Funds and Amend the Project Budget for the Easy Street Water Main and Road Replacement Project

Whereas, Council Resolution R-235-6-03 initiated the Easy Street Alternative Designs Study to study alternative designs for Easy Street that would be sustainable, cost-effective, manage stormwater for quality and quantity, encourage pedestrian use and calm traffic;

Whereas, City staff, design consultants and the Easy Street residents arrived at a conceptual design that

achieves these goals;

Whereas, The 2006-2007 Capital Project Budget includes the Easy Street Project;

Whereas, Competitive bids were received by Procurement on July 11, 2006 and Peter A. Basile Sons, Inc. was the lowest responsible bidder at \$1,060,332.90;

Whereas, Peter A. Basile Sons, Inc. received Human Rights approval on July 19, 2006, and its employees will receive compensation in accordance with the Living Wage Ordinance;

Whereas, Project costs totaling \$1,200,000.00 were previously anticipated in the 2006-2007 Capital Improvements Plan for the project and \$916,812.00 was previously approved in the 2006-2007 Capital Project Budget for the Easy Street Project; and

Whereas, Funding in the amount of \$1,612,750.00 are needed to complete this project;

RESOLVED, That City Council approve a contract, per Bid No. 3804, with Peter A. Basile Sons, Inc. in the amount of \$1,060,332.90 for the construction of the Easy Street Water Main and Road Replacement Project;

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

RESOLVED, That the following project budget is amended and funds appropriated for the life of the project, to be available without regard to fiscal year:

	Section I, Revenue
\$605,600.00	Street Resurfacing Millage (\$276,000.00 already appropriated)
19,600.00	Traffic Calming Program (\$24,000.00 already appropriated)
107,700.00	Special Assessment (\$133,188.00 already appropriated)
10,200.00	General Fund Unobligated Fund Balance (new appropriation)
453,000.00	Storm Water Fund (\$30,000.00 already appropriated)
416,650.00	Water System Fund (\$453,624.00 already appropriated)
\$1,612,750.00	TOTAL;

Section II, Expense

\$1,060,350.00	Construction
35,000.00	Study and Design (City Staff)
124,000.00	Design (Consultant)
168,200.00	Inspection, Testing and Construction Management (Consultant)
7,200.00	Construction Administration (City Staff)
85,000.00	Contingency to finance change orders and other increases to line item amounts
80,000.00	Incentive Clause Contingency
53,000.00	Miscellaneous
\$1,612,750.00	TOTAL;

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 expects to reimburse itself for expenditures for the costs of the Project with proceeds of Bonds;

RESOLVED, That City Council authorize the City Administrator to approve change orders to the contract with Peter A. Basile Sons, Inc., up to \$165,000.00; and

RESOLVED, That Council authorize the City Administrator to take the necessary administrative actions to

implement this resolution.

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

Councilmember Greden moved, seconded by Councilmember Easthope, that the resolution be postponed until August 21, 2006.

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

POSTPONED

Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Stantec for the Easy Street Alternative Designs Project

Whereas, The Water Treatment System has an aggressive capital improvement project schedule for fiscal years FY07 and FY08, and requires Technical Engineering Services support to address engineering study, design, and construction service needs;

Whereas, The Technical Engineering Services will be funded from the approved FY07 Water Supply System Operating budget and the established budgets approved in the FY07 Capital Budget for the identified projects and the FY08 Water Supply System Operating budget and the FY08 capital budget if so approved by Council; and

Whereas, Stantec has received Human Rights approval on November 22, 2005, and complies with the Living Wage Ordinance;

RESOLVED, That the Amendment No. 1 in the amount of \$150,000.00 to the Professional Services Agreement with Stantec is approved;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute Amendment No. 1 to 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 Administrator be authorized to take the necessary administrative actions to implement this resolution;

RESOLVED, That the engineering services are to be funded by the approved FY07 Water Supply System and Hydro Fund Operating Budgets and the approved FY07 Capital Budget for which services are provided and the FY08 Water Supply System and Hydro Fund Operating budgets and the FY08 capital budget if so approved by Council; and

RESOLVED, That the funds be available for the life of the project(s) without regard to fiscal year until the Professional Service Agreements end on June 30, 2008.

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

Councilmember Greden moved, seconded by Councilmember Teall, that the resolution be postponed until August 21, 2006.

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

R-372-8-06 APPROVED

RESOLUTION TO APPROVE THE 2006 CONNECTIONS FESTIVAL AT RIVERSIDE PARK FROM FRIDAY, AUGUST 25 - SUNDAY, AUGUST 27, 2006

Whereas, The Attic Theatre/Connections Festival have requested permission to hold a festival at Riverside Park from Friday, August 25 to Sunday, August 27, 2006; and

Whereas, The City Code of Ordinances prohibits such events without the permission of City Council, and subject to conditions established by Council;

RESOLVED, The following constitute the conditions under which permission is granted to hold the event:

1. Noise emitting from the operations of the festival shall not exceed 80 decibels measured at any adjacent property line.
2. The festival shall operate only between the hours listed here: Friday, August 25 from 6:00 PM - 10:00 PM; Saturday, August 26 from 10:00 AM - 10:00 PM, and Sunday, August 27 from 12:00 noon - 9:00 PM.
3. Evidence of proper liability insurance protection shall be submitted to and approved by the City Attorney.
4. Vendors of food and/or beverage shall be properly licensed to insure sanitary conditions of products consumed by the public.
5. Proper fire lanes shall be maintained at all times.
6. The event sponsors shall clear the park and surrounding area of any debris resulting from the operation of the festival upon completion of the event.
7. The Attic Theatre will sell tickets to recoup a portion of the funding for the event.
8. Two uniformed security guards will be provided as requested by the Ann Arbor Police Department.
9. A tent permit will be acquired and tents will be inspected prior to the start of the festival.
10. A Peddler/Solicitor permit will be acquired for the purpose of selling artists' CDs.
11. Application for a special license for the sale of beer and wine only, issued by the Michigan Liquor Control Commission, has been submitted and granted.
12. All other concerns shall be regulated by the City Administrator, the Safety Services Administrator or their designee.

RESOLVED, That permission can be revoked at any time for good cause by the City Administrator, the Safety Services Administrator or City Council.

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

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

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

ANNOUNCEMENTS

· Mayor Hieftje updated Council regarding a recent MDOT press conference for a US23 corridor study to include alternative transportation.

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the July 17,2006 regular session of Council:

Ann Arbor Energy Commission

Erica Briggs (Replacing Andrew Smith)
719 W. Jefferson
Ann Arbor, MI 48103
8/10/06 - 8/10/09

Parks Advisory Commission

Linda Berauer (Re-appointment)
421 Third St.
Ann Arbor, MI 48103
8/10/06 - 8/10/09

Councilmember Johnson moved, seconded by Councilmember 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:

Planning Commission

Ethel Potts (Re-appointment)
1014 Elder Blvd.
Ann Arbor, MI 48104
8/21/06 - 6/30/09

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Protection of Natural Features on Township Property - Planning and Development Services
2. June 2006 Investment Portfolio Report - Financial and Administrative Services
3. Sidewalks Along Easy Street - Public Services
4. Easy Street Sidewalk Special Assessment District - Payment Schedule Options - Public Services

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

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATION

Assistant City Attorney Abigail Elias submitted a report on the following completed annexation:

1. Report on completion of the Bristol Ridge Annexation, 7.28 Acres, located on the east side of Pontiac Trail, south of Dhu Varren Road from Ann Arbor Township.

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

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER WOODS

Councilmember Woods asked that City staff look into the traffic calming measures on Canterbury Road. She stated one resident has requested a stop sign at Canterbury and Towner Roads.

COUNCILMEMBER EASTHOPE

Councilmember Easthope requested that staff look at the timing of the lights at West Park. He stated the lights are not properly timed.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Washtenaw County Board of Commissioners regarding a Resolution Adopting the Proposed Amendment to the Brownfield Plan for Washtenaw County - Environmental Coordination Services
2. Communication from Washtenaw County Board of Commissions regarding a resolution authorizing the County Administrator to sign the Partnership Agreement between Washtenaw County and the City of Ann Arbor for the Office of Community Development - Community Development Services
3. Communication from Karl R. Frankena, Attorney for Conlin, McKenney & Philbrick, P.C. regarding Notice of Intent to Establish a Condominium Project located at 212-214 E. Washington St. and a Notice of Intent to Establish a Condominium Project located at the Alvin Wood Chase Building - Planning and Development Services
4. Communication from S.E.M.C.O.G. regarding its bi-weekley publication of SEMCOG, Vol. 11, No. 15,

July 24, 2006

5. Communication from Comcast Cable regarding additional channels now available to Comcast Digital Subscribers - CTN
6. Communication from George M. Elworth, Assistant Attorney General regarding the City of Ann Arbor's proposed Charter Amendment regarding street reconstruction for the August 8, 2006 Primary
7. Communication from Ron Lev, regarding the Easy Street Sidewalks Special Assessment Project

The following minutes were received for file:

1. Greenbelt Advisory Commission - May 3 and June 7, 2006
2. Ann Arbor Election Commission - February 28, 2006
3. Board of Review - July 18, 2006
4. Ann Arbor Commission on Disability Issues - June 21, 2006
5. Employees' Retirement System Board - June 15, 2006
6. Retiree Health Care Board of Trustees - June 15, 2006
7. Airport Advisory Commission - January 16, and March 15, 2006

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

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

PUBLIC COMMENTARY - GENERAL

None.

RECESS FOR CLOSED SESSION

Councilmember Johnson moved, seconded by Councilmember Rapundalo, that the regular session of Council be recessed for a closed session to discuss land acquisition.

On roll call, the vote was as follows:

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

Nays, Councilmember Higgins, 1.

The Mayor declared the motion carried and the meeting recessed at 10:45 p.m.

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

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:55 p.m.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:56 p.m.

Jacqueline Beaudry
Clerk of the Council