

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - OCTOBER 4, 2004**

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

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

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

ABSENT : Council Members Robert M. Johnson, 1.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

CHARLES LOUCKS – PROQUEST TAX ABATEMENT

Charles Loucks spoke in opposition of the proposed ProQuest Tax Abatement

PALESTINE/ISRAEL

The following people addressed Council regarding issues in Palestine/Israel:

Blaine Coleman, P. O. Box 7038
Henry Herskovitz, 404 Mark Hannah Place
Karen Deslieres, 613 5th Street
Marcia Federbush, Ann Arbor Resident

PUBLIC HEARINGS

EISENHOWER CENTER PLANNED SITE PLAN

A public hearing was conducted on the proposed Eisenhower Center Planned Project Site Plan, 0.89 Acre, located at 2888 Colony Road. Notice of public hearing was published September 27, 2004.

Michael Van Goor, architect for the project was available to answer questions of Council.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Council Member Higgins moved seconded by Council Member Carlberg that the agenda be approved with the following changes:

D – MOTIONS AND RESOLUTIONS

Added After Agenda Session Deadline:

Add: Resolution to Approve the Purchase of Desktop and Notebook Computers and Miscellaneous Hardware from Electronic Data Systems Corporation for Fiscal Year 2004-05 (Not to Exceed \$105,000.00) (Finance – Tom Crawford, Chief Financial Officer)

Add: Resolution Setting a Public Hearing on ~~October 18~~ **November 8**, 2004 to Receive Public Comment on the Application of ProQuest, Inc., for an Industrial Facilities Exemption Certificate in Eisenhower Parkway Industrial Development District A (Financial Services – Tom Crawford, Chief Financial Officer)

Add: Resolution Setting a Public Hearing on ~~October 18~~ **November 8**, 2004 to Receive Public Comment on the Application of ProQuest, Inc., for an Industrial Facilities Exemption Certificate in Eisenhower Parkway Industrial Development District B (Financial Services – Tom Crawford, Chief Financial Officer)

Add: Resolution to Amend Safety Services Budget to Hire Police Personnel (Mayor Hieftje) **(Added 9/30/04; Attached)**

Added After Newspaper Deadline:

- Add: Resolution to Approve an Agreement with Cogsdale Corporation for Customer Information System Annual Software Maintenance and Telephone Support Services, Consulting, Training Services and Enhancements for FY 04/05 (not to exceed \$78,198.00) (Public Services - Sue F. McCormick, Area Administrator) **(Added 9/30/04)**
- Add: ~~Resolution to Fund Temporary Staff Position with Ann Arbor Housing Commission (Councilmembers Carlberg and Groome)~~ **(Added 10/4/04) (See R-418-10-04)**
- Add: Resolution to Approve Three-Year Contract with the ASU Group for Third Party Administration (TPA) OF Property, Casualty and Automobile Claims (\$32,000.00/Annual Flat Fee) (Financial Services - Tom Crawford, Chief Financial Officer) **(Added 10/4/04)**
- Add: Resolution to Reschedule the Regular November Sessions of the Ann Arbor City Council to November 8 and November 22, 2004 (Administration - Roger Fraser, City Administrator) **(Added 10/4/04)**
- Add: Resolution to Amend the FY 2004-2005 Safety Services Budget and Appropriate Funds from the Ann Arbor Public Schools in Connection with the 2003 State Homeland Security School Grant Program **(8 Votes Required)** (Mayor Hieftje) **(Added 10/4/04)**
- Add: Resolution to Authorize the Submission of a Grant Application to the Michigan Public Service Commission Low-Income Energy Efficiency Fund (LIEEF) for the Rehab for Home Performance Program and Appropriate the Funds for Expenditures in Connection with the Grant **(8 Votes Required)** (Community Services – Jayne Miller, Community Services Administrator) **(Added 10/4/04)**

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF SEPTEMBER 13 AND 20, 2004 APPROVED

Council Member Teall moved seconded by Council Member Woods that the working session minutes of September 13, 2004 and the regular session minutes of September 20, 2004 be approved with minor changes.

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

(Council Member Reid arrived 7:21 p.m.)

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-413-10-04 APPROVED

RESOLUTION TO APPROVE THE TRANSFER OF A 2004 CLASS C
LIQUOR LICENSED BUSINESS LOCATED AT 3010 S. STATE
D/B/A/ MACARONI GRILL

RESOLVED, That the request from Brinker Restaurant Corporation (D/B/A Macaroni Grill), to transfer the ownership of a 2004 Class C Licensed business, located at 3010 S. State, to Brinker Michigan, Inc., be approved.

R-414-10-04 APPROVED

RESOLUTION TO EXTEND EXISTING SERVICE AGREEMENT
AND ISSUE A PURCHASE ORDER WITH ACCU READ SERVICES
FOR TEMPORARY WATER METER READING SERVICES FOR FY2005

Whereas, It is necessary to read water meters to generate water utility billing;

Whereas, The Public Services Area Customer Service Unit is in the process of installing automatic meter reading technology which eliminates the need for a meter reader classification;

Whereas, Due to attrition, temporary assistance is needed to maintain the meter read schedule to accommodate timely customer billing through the implementation of the Automatic Meter Reading Project;

Whereas, ACCU Read Services has agreed to extend their 2002 pricing structure until June 30, 2004 and are familiar with the City’s current reading technology and customer locations; and

Whereas, ACCU Read Services received Human Rights and Living Wage Approvals on September 9, 2004;

Whereas, Funds are available in the FY2005 Water Supply System Operating Budget;

RESOLVED, That Council approve an extension of the ACCU Read Services service agreement and authorize the issuance of a purchase order in the amount of \$50,000.00 for meter reading services performed by ACCU Read Services in FY 2005.

R-415-10-04 APPROVED

RESOLUTION TO AUTHORIZE SUMMARY PUBLICATION OF
ORDINANCE NO. 33-04 – CONNECTION CHARGES FOR
FIRE SERVICE LINES AND RELATIVE TO OUTSIDE WATER
AND SEWER CUSTOMERS

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

RESOLVED, That Ordinance No. 33-04 be published by the following summary:

Ordinance No. 33-04 amends the City Code by amending the existing Chapter 28 (Connection Costs; Connection Charges and Improvement Charges) which governs City Sewer capital recovery methods and Chapter 27 (Outside Water Service) which governs water service to customers outside city limits. The Ordinance amends Section 2:42.4 (Connection costs; connection charges, and improvement charges) to reduce the sewer connection charge on a dedicated fire service line to reflect the equivalent of a connection that is 2 standard sizes smaller than the actual fire service line to reflect the disproportionate sewer usage compared to water usage

during fire service utilization. The Ordinance also amends Section 2:23 (Outside Water Service) to allow the city to contract with outside water and sewer service customers to set a date by when annexation must be completed and to provide that the obligation to pay a service charge is triggered if the customer fails to complete annexation to the city by the date required in the contract.

The complete text of this ordinance is available for inspection at the City Clerk’s office on the 2nd floor of the Guy C. Larcom Municipal Building, 100 N. Fifth Avenue.

R-416-10-04 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND WASHTENAW COUNTY TO JOINTLY DESIGN AND CONSTRUCT OLSON PARK - FORMERLY NORTHEAST AREA PARK

Whereas, Parks and Recreation has funding from the Parks and Recreation Rehabilitation and Development Millage and a grant through the State of Michigan Department of Natural Resources to develop Olson Park;

Whereas, Parks and Recreation and the Washtenaw County Drain Commissioner’s Office (“County”) are working collaboratively to develop Olson Park for recreation use and as a stormwater demonstration area under an agreement approved by City Council (R-256-7-01) and the County;

Whereas, The County has been administering the design and construction contracts, with the City sharing the costs and transferring funds to the County to cover the City’s share of the costs; and

Whereas, Construction delays in completion of the project unanticipated when the original term of the joint agreement was executed now necessitate extension of the joint agreement between the County and City in order to assure that the contract is successfully completed;

RESOLVED, That City Council approve an amendment to the agreement with the County for the development of Olson Park; and

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

R-417-10-07 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MEETING
MINUTES OF SEPTEMBER 24, 2004 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of September 24, 2004 be accepted and that the recommended courses of action therein, including payments, be approved and authorized.

MINUTES
SEPTEMBER 24, 2004
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

Present: Brenda Smith, Finance Director
Joan Lowenstein - City Council Member
Leigh Greden – City Council Member
Constance Hayes – Risk Management Administrator
Abigail Elias- Chief Assistant City Attorney

New Business: Discussion of selection of The ASU Group as Third Party Administrator (TPA) for Liability Claims Administration. Recommendation to approve selection.

Claim Recommended for Approval:

CC066-04 Stephen Hendel
Property Damage
Discussed by Constance Hayes, Risk Management
Administrator

Claim Recommended for Partial Approval:

CC063-04 SBC Ameritech
Property Damage
Discussed by Constance Hayes, Risk Management
Administrator

Claims Recommended for Denial:

- CC018-04 Community Traver Lakes
Property Damage
Discussed by Constance Hayes, Risk Management
Administrator
- CC035-04 Laura Machida
Property Damage
Discussed by Constance Hayes, Risk Management
Administrator
- CC048-04 Steve Amick
Property Damage
Discussed by Constance Hayes, Risk Management
Administrator
- CC052-04 Carl MacPherson
Property Damage
Discussed by Constance Hayes, Risk Management
Administrator
- CC055-04 Adam Ferris-Smith
Property Damage
Discussed by Constance Hayes, Risk Management
Administrator
- CC061-04 Jane Belanger
Property Damage
Discussed by Constance Hayes, Risk Management
Administrator
- CC062-04 Jane Belanger
Property Damage
Discussed by Constance Hayes, Risk Management
Administrator

Prepared by: Constance Hayes, Risk Management Administrator
Date: September 24, 2004

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

35-04 POSTPONED

EMPLOYEE'S RETIREMENT SYSTEM

An Ordinance to Amend Sections 1:560, 1:572 and 1:585
of Chapter 18, of Title I of the Code of the City of Ann Arbor

(The complete text of Ordinance 35-04 is on file in the City Clerk's Office).

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

Council Member Groome moved, seconded by Council Member Reid to postpone the ordinance until October 18, 2004.

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

MOTIONS AND RESOLUTIONS

R-418-10-04 APPROVED

**RESOLUTION TO FUND TEMPORARY STAFF POSITION WITH
ANN ARBOR HOUSING COMMISSION**

Whereas, The recently promulgated "Blueprint to End Homelessness in Washtenaw County" reports that there are 2756 people who are homeless within Washtenaw County each year and calls for a variety of strategies to end and prevent homelessness within the next 10 years;

Whereas, The Ann Arbor Housing Commission (AAHC) plays a vital role in placing low-income residents in housing with Section 8 vouchers and currently receives 1133 vouchers annually from HUD and has 135 vouchers available to assign at this time,

Whereas, The AAHC has a closed waiting list of over 600 individuals interested in qualifying for Section 8 vouchers and is screening approximately 90 additional individuals to see if they are interested in utilizing Section 8 vouchers at this time;

Whereas, The AAHC has expressed that an additional temporary staff person will permit the AAHC to process and place enough additional interested individuals that the 135 unused vouchers will be used;

Whereas, Using the additional vouchers will bring over \$1,000,000.00 per year in additional rental subsidies into our community and will assist in engaging private landlords in the provision of housing affordable to low income persons;

Whereas, AAHC Section 8 vouchers can be used in the City and throughout Washtenaw County;

Whereas, There is a reported 11% rental vacancy rate currently in the Ann Arbor market;

Whereas, The City's Housing Policy Board has indicated support for use of Affordable Housing Trust Fund (AHTF) funds to support a temporary position with the AAHC to allow all vouchers to be processed as soon as possible; and

Whereas, The City's Affordable Housing Trust Fund (AHTF) has an available balance of \$361,000.00.00;

RESOLVED, That City Council directs the City Administrator or his designee to transfer \$20,000.00 from the AHTF to the AAHC for the sole purpose of hiring a temporary staff person for up to 6 months to assist in getting all available vouchers assigned to eligible recipients and to assist in updating the AAHC's waiting list;

RESOLVED, That the AAHC will report on a monthly basis to the Housing Policy Board and to the Administrator on their progress in placing the unused vouchers; and

RESOLVED, That the City will seek partners in the community to assist with funding this position through contributions to the City's AHTF earmarked for this purpose.

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

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

R-419-10-04 APPROVED

RESOLUTION TO APPROVE EISENHOWER CENTER
PLANNED PROJECT SITE PLAN

Whereas, Kaveh Esmael has requested site plan approval in order to construct a 10,715-square foot, single-story adult convalescent facility housing 20 beds at 2888 Colony Road;

Whereas, The petitioner has requested planned project modifications in order to reduce the front and side setbacks in exchange for additional open space;

Whereas, The petitioner also has requested a modification to the 15-foot wide conflicting land use buffer (Chapter 62, Section 5:603) by reducing the required buffer from 15 feet to 6.5 feet, in order to relocate the dumpster;

Whereas, The Ann Arbor City Planning Commission, on August 17, 2004, recommended approval of said requests;

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 Eisenhower Center Site Plan and planned project modification from the front and side setback requirements of Chapter 55, subject to the disconnection of three residential footing drains prior to certificate of occupancy issuance; and

RESOLVED, That City Council approve modifications of the requirements of Chapter 62, Section 5:603(1), to allow a reduction of the 15-foot conflicting land use buffer.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Eisenhower Center Planned Project Site Plan, 0.89 Acre, 2888 Colony Road.

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

Council Member Groome moved, seconded by Council Member Teall to amend the resolution as follows:

Add a RESOLVED Clause:

...RESOLVED, That the site has received a negative result of the professional archaeological shovel test finding. ...

After further discussion Council Member Teall withdrew her support of the amendment. Council Member Easthope seconded the proposed amendment.

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Easthope, Groome, Lowenstein, 4;

Nays, Council Members Reid, Greden, Teall, Higgins, Woods, Mayor Hieftje, 6.

The Mayor declared the motion defeated.

The question being the main motion as originally presented, on a voice vote, the Mayor declared the motion carried.

R-420-10-04 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO ANDERZACK-PITZEN CONSTRUCTION, INC. (\$287,266.00; BID NO. 3690), APPROPRIATE FUNDS AND ESTABLISH A PROJECT BUDGET (\$448,266.00) FOR THE GOLFVIEW WATER MAIN AND EISENHOWER PARKWAY WATER MAIN REPLACEMENT

Whereas, The Golfview Lane Water Main extension is necessary to provide service to the residents of Golfview Lane;

Whereas, City Council authorized the design of the Golfview Lane Water Main extension on June 16, 2003 (R-245-6-03);

Whereas, It has been found necessary to replace the deteriorating section of 20-inch water

main along the north side of Eisenhower Parkway, just west of South Main Street;

Whereas, Competitive bids were received by the City Procurement on September 9, 2004, and Anderzack-Pitzen Construction, Inc. of Metamora, Ohio was the lowest responsible bidder at \$287,266.00;

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

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

Whereas, Anderzack-Pitzen Construction, Inc. received Human Rights approval on September 14, 2004 and complies with the Living Wage Ordinance;

RESOLVED, That a contract in the amount of \$287,266.00 be awarded to Anderzack-Pitzen Construction, Inc. for the construction of the Golfview Water Main and Eisenhower Water Main Replacement Project (Bid No. 3690);

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

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

Section I, Revenue

\$222,098.00	Water Revenue Bond Series Z
\$226,168.00	Water Supply System Operating Fund Balance
<hr style="width: 100%;"/>	
\$448,266.00	TOTAL

Section II, Expense

\$ 287,266.00	Construction
\$ 55,000.00	Design Engineering
\$ 43,500.00	Construction Engineering
\$ 14,500.00	Testing
\$ 14,500.00	Miscellaneous Costs
\$ 23,000.00	Contingencies Approved by the City Administrator
\$ 10,500.00	Bond Overhead Charge/User Fee

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

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

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

RESOLVED, That the City Administrator be authorized to issue a purchase order to Electronic Data Systems Corporation for an amount up to \$105,000.00 for desktop and notebook computers.

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

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

R-422-10-04 APPROVED AS AMENDED

(RESOLUTION SETTING A PUBLIC HEARING ON OCTOBER 18, 2004 TO RECEIVE PUBLIC COMMENT ON THE APPLICATION OF PROQUEST, INC., FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE IN EISENHOWER PARKWAY INDUSTRIAL DEVELOPMENT DISTRICT A)

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

Council Member Easthope moved, seconded by Council Member Teall to amend the resolution as follows:

1st RESOLVED Clause:

...RESOLVED, That the City Council of the City of Ann Arbor hereby sets a public hearing for Monday, ~~October 18,~~ **NOVEMBER 8, 2004** at 7:00 p.m. or as soon thereafter as it may convened in the City Council Chambers, 2nd Floor, Guy Larcom Municipal Building, 100 N. Fifth Avenue, Ann Arbor, to receive comment from the applicant, City Assessor, representatives of each of the affected taxing units and the public on the application of ProQuest, Inc. for an Industrial Facilities Exemption Certificate for new personal property to

be acquired and installed within Eisenhower Parkway Industrial Development District A;...

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

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

The resolution as amended reads as follows:

RESOLUTION SETTING A PUBLIC HEARING ON NOVEMBER 8, 2004
TO RECEIVE PUBLIC COMMENT ON THE APPLICATION OF
PROQUEST, INC., FOR AN INDUSTRIAL FACILITIES
EXEMPTION CERTIFICATE IN EISENHOWER PARKWAY
INDUSTRIAL DEVELOPMENT DISTRICT A

Whereas, Pursuant to P.A. 198 of 1974, as amended (“Act”), after a duly noticed public hearing held on September 20, 2004, the City of Ann Arbor City Council established Eisenhower Parkway Industrial Development District A, as requested by Transwestern Great Lakes, L.P.;

Whereas, Pursuant to Section 7a of the Act, on September 24, 2004, ProQuest, Inc. filed an application with the City Clerk for an Industrial Facilities Exemption Certificate for new personal property to be acquired and installed within Eisenhower Parkway Industrial Development District A;

Whereas, Before acting on said application, City Council is required to hold a public hearing at which the applicant, the City Assessor, and a representative of each of the affected taxing units and the public may be afforded an opportunity to be heard on said application; and

Whereas, Installation of new machinery and/or equipment had not begun prior to September 24, 2004, the date of filing of the application for the Industrial Facilities Exemption Certificate;

RESOLVED, That the City Council of the City of Ann Arbor hereby sets a public hearing for Monday, November 8, 2004 at 7:00 p.m. or as soon thereafter as it may convened in the City Council Chambers, 2nd Floor, Guy Larcom Municipal Building, 100 N. Fifth Avenue, Ann Arbor, to receive comment from the applicant, City Assessor, representatives of each of the affected taxing units and the public on the application of ProQuest, Inc. for an Industrial Facilities Exemption Certificate for new personal property to be acquired and installed within Eisenhower Parkway Industrial Development District A;

RESOLVED, That the City Clerk be directed to publish notice of the public hearing in a newspaper of general circulation in the City and mail notice of the hearing to the applicant, the City Assessor, and each of the affected taxing units; and

RESOLVED, That the City Clerk shall maintain on file and make available on request copies of ProQuest, Inc.'s application.

R-423-10-04 APPROVED AS AMENDED

(RESOLUTION SETTING A PUBLIC HEARING ON OCTOBER 18, 2004 TO RECEIVE PUBLIC COMMENT ON THE APPLICATION OF PROQUEST, INC., FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE IN EISENHOWER PARKWAY INDUSTRIAL DEVELOPMENT DISTRICT B)

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

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

1st RESOLVED Clause:

...RESOLVED, That the City Council of the City of Ann Arbor hereby sets a public hearing for Monday, ~~October 18,~~ **NOVEMBER 8, 2004** at 7:00 p.m. or as soon thereafter as it may convened in the City Council Chambers, 2nd Floor, Guy Larcom Municipal Building, 100 N. Fifth Avenue, Ann Arbor, to receive comment from the applicant, City Assessor, representatives of each of the affected taxing units and the public on the application of ProQuest, Inc. for an Industrial Facilities Exemption Certificate for new personal property to be acquired and installed within Eisenhower Parkway Industrial Development District B;...

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

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

The resolution as amended reads as follows:

RESOLUTION SETTING A PUBLIC HEARING ON NOVEMBER 8, 2004
TO RECEIVE PUBLIC COMMENT ON THE APPLICATION OF PROQUEST, INC.,
FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE IN EISENHOWER
PARKWAY INDUSTRIAL DEVELOPMENT DISTRICT B

Whereas, Pursuant to P.A. 198 of 1974, as amended (“Act”), after a duly noticed public hearing held on September 20, 2004, the City of Ann Arbor City Council established Eisenhower Parkway Industrial Development District B, as requested by Transwestern Great Lakes, L.P.;

Whereas, Pursuant to Section 7a of the Act, on September 24, 2004, ProQuest, Inc. filed an application with the City Clerk for an Industrial Facilities Exemption Certificate for new real property improvements to be constructed and personal property to be acquired and installed within Eisenhower Parkway Industrial Development District B;

Whereas, Before acting on said application, City Council is required to hold a public hearing at which the applicant, the City Assessor, and a representative of each of the affected taxing units and the public may be afforded an opportunity to be heard on said application; and

Whereas, Construction of the facility and installation of new machinery and/or equipment had not begun prior to September 24, 2004, the date of filing of the application for the Industrial Facilities Exemption Certificate;

RESOLVED, That the City Council of the City of Ann Arbor hereby sets a public hearing for Monday, November 8, 2004 at 7:00 p.m. or as soon thereafter as it may convened in the City Council Chambers, 2nd Floor, Guy Larcom Municipal Building, 100 N. Fifth Avenue, Ann Arbor, to receive comment from the applicant, City Assessor, representatives of each of the affected taxing units and the public on the application of ProQuest, Inc. for an Industrial Facilities Exemption Certificate for new real property improvements to be constructed and new personal property to be acquired and installed within Eisenhower Parkway Industrial Development District B;

RESOLVED, That the City Clerk be directed to publish notice of the public hearing in a newspaper of general circulation in the City and mail notice of the hearing to the applicant, the City Assessor, and each of the affected taxing units; and

RESOLVED, That the City Clerk shall maintain on file and make available on request copies of ProQuest, Inc.’s application.

R-424-10-04 APPROVED

RESOLUTION TO AMEND SAFETY SERVICES BUDGET
TO HIRE POLICE PERSONNEL

WHEREAS, The State Legislature and the Governor have adopted a budget that appears to protect the City of Ann Arbor from certain anticipated and budgeted reductions in State Revenue Sharing during the current fiscal year; and

Whereas, The Police Services Unit of the Safety Services Area currently assigns several sworn Officers to perform administrative duties at the Police Services Unit “Police Desk”;

Whereas, A limited number of additional civilians could be employed and assigned to “Police Desk” duties, relieving experienced, sworn Officers who could be assigned to higher level police duties requiring the skills and training of sworn Officers; and

Whereas, If immediate authorization is given, these additional civilian personnel could be hired as early as February 2005, providing a near-term increase in available sworn police personnel for public emergencies and crime related issues;

RESOLVED, That the Ann Arbor City Council amends the 2004-2005 Safety Services Area budget to add three (3) additional Community Service Assistant FTE for five months, beginning on or about February 6, 2005, at a cost of \$69,272.95.00, and amends the City Administrator’s budget so that the Human Resources Service Unit can conduct recruitment and hiring at a cost of \$2,500.00; and

RESOLVED, That the City Administrator be directed to take immediate steps to ensure the hiring of three (3) Community Service Assistants not later than February 6, 2005.

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

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

R-425-10-04 APPROVED

RESOLUTION TO APPROVE AN AGREEMENT WITH COGSDALE CORPORATION
FOR CUSTOMER INFORMATION SYSTEM ANNUAL SOFTWARE MAINTENANCE
AND TELEPHONE SUPPORT SERVICES, CONSULTING, TRAINING SERVICES
AND ENHANCEMENTS FOR FY 04/05

Whereas, There is a need for on-going annual software maintenance and telephone support for the Water Customer Information System;

Whereas, There also is a need for some consulting and training services related to the software, and for system enhancements;

Whereas, Cogsdale Corporation, the developer of this proprietary software, is the only vendor that can provide such Customer Information System maintenance, enhancements and other services;

Whereas, Cogsdale Corporation received Contract Compliance and Living Wage approval on August 24, 2004;

RESOLVED, That Council approve an agreement with Cogsdale Corporation in the amount not to exceed \$78,198.00 for the following categories:

Great Plains operating system	\$ 9,698.00
Cogsdale Customer Service Module (including Billing, Meter Reading, Collection, EFT, Service Orders)	<u>\$ 22,500.00</u>
Subtotal Annual System Maint.(not to exceed)	\$ 32,198.00
Telephone Support outside normal working hours (not to exceed)	\$ 500.00
Best Practices Evaluation	\$10,600.00
Staff Training Seminars	\$ 8,400.00
Electronic Data Transfer	\$ 1,500.00
<u>System Enhancements and Integrations</u>	<u>\$25,000.00</u>
Total Purchase Order	\$78,198.00;

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

RESOLVED, That the agreement with Cogsdale Corporation be funded from the approved FY2004/05 Water Supply System (Customer Service Unit) Operations and Maintenance

budget, with the exception of \$1,500.00 for Electronic Data Transfer to be funded from the Automatic Meter Reading capital project budget; and

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

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

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

R-426-10-04 APPROVED

RESOLUTION TO APPROVE THREE-YEAR CONTRACT WITH THE ASU GROUP FOR THIRD PARTY ADMINISTRATION (TPA) OF PROPERTY, CASUALTY AND AUTOMOBILE CLAIMS

Whereas, The current contract for Third Party Administration (TPA) services with Crawford and Company will terminate on October 15, 2004;

Whereas, The City issued RFP No. 568 requesting proposals for the provision of TPA services;

Whereas, The City received proposals from the two most recognized TPA service providers in Michigan;

Whereas, Interviews were conducted with the two firms, Crawford and Company and The ASU Group;

Whereas, The City Selection Committee recommended to the Insurance Board that The ASU Group be awarded the contract for services on the basis of its professional qualification, past involvement providing municipal services, management work plan, technology capabilities and fee schedule;

Whereas, The Insurance Board recommended the selection of The ASU Group at its meeting on September 24, 2004; and

Whereas, Human Rights approval was granted on September 29, 2004;

RESOLVED, That City Council approve a three-year contract with The ASU Group for Third Party Administration of the City’s property, casualty and automobile claims in accordance with the terms of RFP No. 568 and ASU’s proposal of September 14, 2004;

RESOLVED, That City Council approve an annual contingency amount of \$1,700.00 to be expended for additional claims administrative services, including but not limited to claims meetings and special claim reports on an “as-needed” basis at prevailing hourly rates;

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

RESOLVED, That the City Administrator be authorized to approve additional claims administrative services identified as necessary or appropriate within the established annual contingency amount.

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

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

DEFEATED

RESOLUTION TO RESCHEDULE THE REGULAR NOVEMBER SESSIONS OF THE ANN ARBOR CITY COUNCIL TO NOVEMBER 8 AND NOVEMBER 22,2004

Whereas, Regular Sessions of the Ann Arbor City Council are held on the first and third Monday of each month;

Whereas, This year’s election is held on the first Tuesday of November and the first Regular Session of Ann Arbor City Council is routinely moved to the Thursday following the election;

Whereas, It is recognized there are five Mondays in November 2004;

RESOLVED, That the November Regular Sessions of the Ann Arbor City Council be rescheduled to the second and third Monday - November 8 and November 22, 2004 and the Council work session be held on November 15, 2004.

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

On roll call, the vote was as follows:

Yeas, Council Members Lowenstein, Carlberg, Greden, Teall, Woods, Mayor Hieftje, 6;

Nays, Council Members Groome, Reid, Higgins, Easthope, 4.

The Mayor declared the motion defeated due to the lack of a 2/3 majority vote.

Please note this resolution was reconsidered and approved at the end of the meeting. See Page 25 for details.

R-427-10-04 APPROVED

RESOLUTION TO AMEND THE FY 2004-2005 SAFETY SERVICES BUDGET AND APPROPRIATE FUNDS FROM THE ANN ARBOR PUBLIC SCHOOLS IN CONNECTION WITH THE 2003 STATE HOMELAND SECURITY SCHOOL GRANT PROGRAM

Whereas, The Ann Arbor Public Schools received a 2003 Homeland Security Grant from the Michigan State Police to plan for, design, develop, conduct and evaluate a full-scale exercise with the objective of enhancing the capabilities of school buildings within the district to respond to incidents of terrorism;

Whereas, The grant allows the Ann Arbor Public Schools to contract services and pay for overtime in order to plan for, design, develop, conduct and evaluate a full-scale exercise that trains school staff and administrators in cooperation with local emergency responders;

Whereas, The Ann Arbor Public Schools executed a funding agreement allocating \$35,000.00 of its grant award for reimbursement of City of Ann Arbor costs incurred in conducting and evaluation of the full-scale exercise; and

Whereas, The Police Department will coordinate reimbursement, with all participating City service units costs charged against the Police general fund FY04-05 budget which will then be reimbursed in accordance with funding agreement and the terms of the underlying grant by the Ann Arbor Public Schools.

RESOLVED, That City Council amend the 2004-2005 Safety Services Area budget to add an item for the October 2004 Full-Scale Exercise in the amount of \$35,000.00 and appropriate on receipt to the Safety Services Area budget all funds received from the Ann Arbor Public Schools in connection with the exercise; and

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

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

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

R-428-10-04 APPROVED

RESOLUTION TO AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE MICHIGAN PUBLIC SERVICE COMMISSION LOW-INCOME ENERGY EFFICIENCY FUND (LIEEF) FOR THE REHAB FOR HOME PERFORMANCE PROGRAM AND APPROPRIATE THE FUNDS FOR EXPENDITURES IN CONNECTION WITH THE GRANT

Whereas, Michigan Public Service Commission Low-income Energy Efficiency Fund (LIEEF) has requested proposals for programs to increase energy efficiency for low-income Michigan residents and to reduce energy consumption and expenditures;

Whereas, Public organizations are eligible to apply for LIEEF funding;

Whereas, The City of Ann Arbor Community Development Services Unit has identified a need for energy efficiency improvements in its Single-Family Rehabilitation Program for low-income homeowners;

Whereas, The Community Development Services Unit has developed the Rehab for Home Performance program to address these energy efficiency needs;

Whereas, The grant application request of up to \$300,000.00 will cover the cost of administering the Rehab for Home Performance program as a citywide pilot project for one year, in addition to providing direct assistance for up to 30 qualifying homeowners; and

Whereas, The Community Development Services Unit will provide grant administration for the program;

RESOLVED, That City Council approve the submission of the Michigan Public Service Commission Low-Income Energy Efficiency Fund grant application for the Rehab Home Performance Program;

RESOLVED, That the City Administrator be authorized and directed to execute the application and required supporting documentation for submission after approval as to form by the City Attorney; and

RESOLVED, That City Council appropriate the grant funds, if and when received, to the Major Grants account for disbursement during the life of the grant without regard to fiscal year.

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

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

The Mayor declared a recess at 8:04 p.m. and reconvened the meeting at 8:11 p.m.

R-429-10-04 RECONSIDERED AND APPROVED

RESOLUTION TO RESCHEDULE THE REGULAR NOVEMBER SESSIONS OF THE ANN ARBOR CITY COUNCIL TO NOVEMBER 8 AND NOVEMBER 22,2004

Whereas, Regular Sessions of the Ann Arbor City Council are held on the first and third Monday of each month;

Whereas, This year's election is held on the first Tuesday of November and the first Regular Session of Ann Arbor City Council is routinely moved to the Thursday following the election;

Whereas, It is recognized there are five Mondays in November 2004;

RESOLVED, That the November Regular Sessions of the Ann Arbor City Council be rescheduled to the second and third Monday - November 8 and November 22, 2004 and the Council work session be held on November 15, 2004.

Council Member Easthope moved seconded by Council Member Higgins to reconsider the resolution.

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

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

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

Nays, Council Members Groome, Reid, 2.

The Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the September 20, 2004 regular session of Council:

Local Development Finance Authority Board

Marilyn Katz-Pek (Re-appointment)

Ann Arbor, MI

Term: October 4, 2004- June 30, 2007

Thomas C. Kinnear (Fill vacant position)

2651 Hawthorn Road

Ann Arbor, MI 48104

Term: October 4, 2004 – June 30, 2008

Michael E. Korybalski (Fill vacant position)
1801 Hermitage
Ann Arbor, MI 48104
Term: October 4, 2004 – June 30, 2007

Mike Reid (Re-appointment)
1070 Chestnut St.
Ann Arbor, MI 48104
Term: October 4, 2004 – June 30, 2007

Council Member Higgins moved seconded by Council Member Teall 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:

Ann Arbor Transit Authority

Paul Christopher Ajegba (Fill Vacancy of Steve Thorp)
3738 Creekside Court
Ann Arbor, MI 48105
Term: October 18, 2004 – May 20, 2005

Human Rights Commission

Anthony Ramirez (Re-appointment)
920 E. Ann Street
Ann Arbor, MI 48104
Term: November 1, 2004 – October 31, 2007

Victor C. Turner, Jr. (Re-appointment)
1219 Ardmoor Drive
Ann Arbor, MI 48103
Term: November 1, 2004 – October 31, 2007

Zoning Board of Appeals

Dave Gregorka (Re-Appointment)
1723 Ivywood Dr.
Ann Arbor, MI 48103
October 18, 2004 – October 17, 2007

Zack Mintzias (Re-Appointment)
603 Lawrence St.
Ann Arbor, Mi 48104
October 18, 2004 – October 17, 2007

COMMUNICATIONS FROM THE CITY ADMINISTRATORREPORTS SUBMITTED

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

1. Footing Drain Disconnection Program Project Update (Public Services – Sue F. McCormick, Area Administrator)
2. Interim Revised Traffic Calming Program (Public Services – Sue F. McCormick, Area Administrator)
3. August 2004 Investment Portfolio Report – (Finance – Brenda L. Smith, Manager)
4. Final Report to Council on 2002-2003 Assistance to Fire Fighter Grant (Safety Services – Daniel J. Oates, Area Administrator)
5. Status of Efforts - Three Phase Development Approach to Develop Three City Owned Properties West of Main Street – (Downtown Development Authority – Susan Pollay, Executive Director)
6. Huron Parkway Restoration (Public Services – Sue F. McCormick, Area Administrator)

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCIL MEMBER CARLBERG

Council Member Carlberg asked that Council review the communication regarding the Traffic Calming Program.

Council Member Carlberg asked that residents be notified (in some way) that they should not rake leaves into the street at this time.

COUNCIL MEMBER GREDEN

Council Member Greden announced that his neighborhood was one of the first to have trash picked up with the curbcarts. He encouraged all to read the directions and to call the city with questions.

COUNCIL MEMBER GROOME

Council Member Groome asked that attachments for the Footing Drain Disconnection Program communication be forwarded to all of Council.

Council Member Groome said that two members from the DDA spoke at caucus about The Phased Development for three of the city-owned sites (First and Washington, First and William, the Klines Lot).

COUNCIL MEMBER HIGGINS

Council Member Higgins announced that the new water main and water line infrastructure construction went well.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communication was referred as indicated:

1. Communication from Washtenaw Intermediate School District regarding a 1-mil Special Education Millage Proposal

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

The following minutes were received for file:

1. City of Ann Arbor Employee's Retirement System – August 19, 2004
2. City of Ann Arbor Retiree Health Care Benefit Plan & Trust (V.E.B.A.) – August 19, 2004
3. Ann Arbor Transportation Authority – August 11, 2004

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

Council Member Teall moved seconded by Council Member 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

None.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:30 p.m.

Anissa R. King
Acting Clerk of the Council
Recording Secretary