

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - OCTOBER 17, 2005**

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

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

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

ABSENT : 0.

INTRODUCTIONS

PROCLAMATION - LEAD POISONING PREVENTION WEEK, MAYOR HIEFTJE

Mayor Hieftje read a proclamation regarding Lead Poisoning Prevention Week. The proclamation declared the week of October 23 through October 29, 2005 as Lead Poisoning Prevention Week in the City of Ann Arbor and for each year thereafter, the period beginning on the fourth Sunday of October through the following Saturday shall be known as: Lead Poisoning Prevention Week.

PUBLIC COMMENTARY - RESERVED TIME

MICHIGAN STUDENT ASSEMBLY COMMITTEE

The following people spoke in support of the proposed resolution establishing the City Council-Michigan Student Assembly Committee:

Stephen Raundalo, 3106 Bluett
Jesse Levine, 1008 Church

KERMIT SCHLANSKER – ULTIMATE RESEARCH PROJECT

Kermit Schlansker, 2960 Marshall St., addressed Council regarding global warming.

MOTT CHILDREN'S HOSPITAL NEW BUILDING

The following people addressed Council regarding the Mott Children's Hospital New Building:

Rachael Baker, 1100 S. Fourth Ave. #2
Richard Bole, 1341 Traver

JOHNIE RUSH – 1031 BROADWAY ONE-WAY STREET ISSUES

Johnie Rush, 2867 Page, expressed concerns with traffic on Moore Street. Moore Street is currently a one-way street. He asked that the city take a look at the area to address the issue.

PUBLIC HEARINGS**DANGEROUS BUILDINGS (ORDINANCE NO. 41-05)**

A public hearing was conducted on the proposed Ordinance to add Section 8:380 to and amend Sections 8:381 and 8:382 of Chapter 101 – Dangerous Buildings, of Title VIII of the Code of the City of Ann Arbor. Notice of public hearing was published October 16, 2005.

The following People spoke in opposition of the proposed changes to the Dangerous Building Ordinance:

Karen Sidney, 100 Longman Lane
Glen Thompson, 100 Longman Lane

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

OPEN SPACE AND PARKLAND PRESERVATION (ORDINANCE NO. 42-05)

A public hearing was conducted on the proposed Ordinance to amend Section 3:62(2) of Chapter 42, Open Space and Parkland Preservation, of Title III of the Code of the City of Ann Arbor. Notice of public hearing was published October 16, 2005.

A member of the audience spoke in favor of rejecting Concentrated Animal Feeding Operations (CAFOs) and similar operations.

Julie Weatherbee, 837 S. Main St., spoke in opposition to CAFOs and to the proposed changes of this ordinance.

A member of the audience spoke in opposition of the proposed changes to the ordinance.

Mike Garfield, director of the Ecology Center and chairman of the Greenbelt Advisory Commission, stated the purpose of the Greenbelt was not intended to allow CAFOs, but he recognized the importance of federal funding. He asked Council to quickly find another solution.

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

APPROVE A TEMPORARY .50 CENTS PER TRIP TAXICAB RATE SURCHARGE

A public hearing was conducted on the proposed Resolution to Approve a Temporary .50 Cents Per Trip taxicab Rate Surcharge. Notice of public hearing was published October 16, 2005.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

MOTIONS AND RESOLUTIONS

- Add: Resolution to Authorize Contracts Totaling \$1,575,973.00 and Appropriate \$2,650,000.00 in Funds for the Removal and Disposal of Dead and Dying Trees and Tree Stumps on City Property and City Rights-of-Way **(8 Votes Required)** (Public Services - Sue F. McCormick, Area Administrator) **(Added 10/12/05)**
- Add: Resolution for \$134,875.00 in Matching Funds for Webster Township's Grant Application to the Michigan Purchase of Development Rights (PDR) Program for the Purchase of Development Rights for the Thomas and Holly Alexander Farm in Webster Township (Community Services - Jayne Miller, Area Administrator) **(Added 10/14/05)**
- Add: Resolution Supporting Local Control of Municipal Broadband and Cable Franchising (Councilmember Higgins) **(Added 10/17/05)**
- Add: Resolution to Create Brownfield Plan Review Committee for the 4th and William (Old YMCA) Site (Councilmember Teall) **(Added 10/17/05)**

Add: Resolution Approving Amendment No. 2 to the Employment Agreement Between the City of Ann Arbor and Stephen K. Postema (Councilmembers Easthope, Lowenstein, Carlberg, Woods and Greden)
(Added 10/17/05)

I & J – CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Revise: Communications from S.E.M.C.O.G. regarding their bi-weekly publications of S.E.M.C.O.G. 10/3/05 and 10/17/05– File **(Revised 10/14/05)**

Revise: CLOSED SESSION TO DISCUSS PENDING LITIGATION, ~~[AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATION]~~ **MATTERS OF ATTORNEY-CLIENT PRIVILEGE, AND CERTAIN PERSONNEL MATTERS**
(Revised 10/17/05)

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF OCTOBER 4, 2005 APPROVED

Councilmember Easthope moved, seconded by Councilmember Teall, that the regular session minutes of October 4, 2005 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the end of same:

Resolution to Approve the Initial Contract with Medicare Part D Advisors, Inc. (\$10,000.00) to Fulfill Administrative and Actuarial Services to the City and to Authorize the City Administrator to Execute the Necessary Documentation (Human Resources - Carol S. Schuler, Director)

Resolution to Approve Transfer of a 2005 Class C Liquor Licensed Business with New Dance Permit Located at 3965 S. State – D/B/A Enzo's (City Clerk - Jayne Miller, Community Services Area Administrator)

CONSENT AGENDA ITEMS APPROVED

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

R-539-10-05 APPROVED

RESOLUTION TO APPROVE PURCHASES OF HARDWARE, NETWORK COMPONENTS AND SUPPORTING SOFTWARE FROM ELECTRONIC DATA SYSTEMS CORPORATION FOR FISCAL YEAR 2005-2006

Whereas, The City of Ann Arbor requires that computing infrastructure components be maintained and replaced to keep up with the changes necessary to efficiently and effectively operate and enhance the level of city services delivery;

Whereas, The City has planned, approved and budgeted for PC Deployment, EIP Deployment and Telecommunications Upgrades during the current fiscal year;

Whereas, By Council Resolution dated October 4, 2004, the Administrative Services Department, Purchasing Division was permitted to procure products and/or services from the State of Michigan through its Extended Purchasing Program due to lower costs for volume purchases;

Whereas, Electronic Data Systems Corporation was competitively awarded a contract by the State of Michigan for procurement of hardware, software and related services which provides a cost effective means of obtaining hardware, software and services for the State and participating municipalities 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 30, 2005; and

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

RESOLVED, That City Council approve a purchase order contract with Electronic Data Systems Corporation for a total amount not to exceed \$446,500.00 for acquisition of hardware, networking components and supporting software to be incorporated into the City information systems; and

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

R-540-10-05 APPROVED

RESOLUTION TO APPROVE PURCHASE OF A LIEBERT 80KVA UPS,
MAINTENANCE BYPASS, BATTERY UNIT, MISCELLANEOUS HARDWARE
AND INSTALLATION SERVICE FROM NETSOURCE ONE
ENGINEERING FOR FISCAL YEAR 2005-2006

Whereas, The City of Ann Arbor requires that clean, uninterruptible and stable power be supplied to critical systems and servers within City Hall, allowing for the efficient and effective delivery of city services;

Whereas, The City has planned, approved and budgeted for a Computer Room UPS Upgrade for this fiscal year;

Whereas, Competitive bids were received by the Purchasing Unit on September 28, 2005, and Netsource One Engineering was selected as the most qualified bidder;

Whereas, Netsource One Engineering has received Human Rights approval on October 4, 2005; and

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

RESOLVED, That City Council approve a purchase order contract with Netsource One Engineering for acquisition and installation of a Liebert 80kVA UPS system and related components for an amount not to exceed \$88,580.00; and

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

R-541-10-05 APPROVED

RESOLUTION AUTHORIZING A PURCHASE ORDER TO
TRAFFIC SIGNAL, INC., FOR FIBER OPTIC CABLE

Whereas, It is necessary to purchase fiber optic cable for the relocation of the fiber optic traffic control system to the new maintenance facility;

Whereas, Competitive bids were received by Public Services Area staff and Traffic Signal Inc. was the lowest responsible bidder at \$80,500.00;

Whereas, Traffic Signal Inc., received Human Rights Approval on July 28, 2005; and

Whereas, Sufficient funds have been budgeted in the Public Services Area Major Street Fund;

RESOLVED, That a purchase order to Traffic Signal, Inc. is authorized in the amount of \$80,500.00; and

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

R-542-10-05 APPROVED

RESOLUTION TO APPROVE THE REQUEST FROM YOUNGBOK KO FOR PERMISSION TO EXPAND AN EXISTING OUTDOOR SERVICE AREA LOCATED ON CITY SIDEWALK, HELD IN CONJUNCTION WITH A 2005 CLASS C LICENSED BUSINESS, LOCATED AT 114 W. LIBERTY – D/B/A PACIFIC RIM BY KANA

RESOLVED, That the expanded outdoor service area (6' x 30') located on City sidewalk, held in conjunction with the 2005 Class C licensed business in front of 114 W. Liberty, be approved.

R-543-10-05 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MEETING MINUTES OF SEPTEMBER 23, 2005 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of September 23, 2005 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
SEPTEMBER 23, 2005

- Present: Leigh Greden - City Council Member
- Brenda Smith – Interim Treasurer
- Abigail Elias, Chief Assistant City Attorney
- Bob West, Assistant City Attorney
- Sarah Singleton, Management Assistant

OLD BUSINESS

None

NEW BUSINESS

Worker's Compensation

Jeff Harmon

Personal Injury

Discussed by Nancy Niemela, Assistant City Attorney

Requested and received recommendation for settlement approval.

Claims Recommended for Approval:

CC051-05

Paul D. Cartman Jr.

Property Damage

Discussed by Sarah Singleton, Management Assistant

CC064-05

Amy Sheon

Property Damage

Discussed by Sarah Singleton, Management Assistant

CC065-05

Peter Nagourney

Property Damage

Discussed by Sarah Singleton, Management Assistant

Claims Recommended for Denial:

CC058-05

Martha Baldwin

Property Damage

Discussed by Sarah Singleton, Management Assistant

CC059-05

Tariq Ali and Nadia Nazir

Property Damage

Discussed by Sarah Singleton, Management Assistant

CC062-05

Ken and Susan Pingel

Vehicle Damage

Discussed by Sarah Singleton, Management Assistant

CC068-05

Eric Meyer
Property Damage
Discussed by Sarah Singleton, Management Assistant

Prepared by: Sarah Singleton, Management Assistant
Date: September 23, 2005

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

R-544-10-05 APPROVED

RESOLUTION TO APPROVE THE INITIAL CONTRACT WITH MEDICARE PART D ADVISORS, INC. (\$10,000.00) TO FULFILL ADMINISTRATIVE AND ACTUARIAL SERVICES TO THE CITY AND TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTATION

Whereas, The City provides retiree medical coverage to eligible retired City employees and their eligible dependents in accordance with the employee benefits program and various labor contracts;

Whereas, The Federal Government has enacted a new provision to the Medicare program, Medicare Part D to provide outpatient prescription drug benefits effective January 1, 2006;

Whereas, The City-provided benefit is more generous than that offered under Medicare Part D;

Whereas, Medicare will pay employers a subsidy to have retirees not participate in the Part D program;

Whereas, Receipt of the subsidy will have favorable financial impact to the City with respect to GASB 45 disclosure requirements;

Whereas, Medicare mandates numerous actuarial, disclosure and reporting requirements for employers to qualify to receive the subsidy both initially and on an ongoing basis;

Whereas, There are a limited number of firms in the Southeast Michigan area named by Medicare to perform this service; and

Whereas, Medicare Part D Advisors, Inc. is one such firm qualified to perform this service;

RESOLVED, That City Council approve contract for the period October 1, 2005 to September 30, 2006, with Medicare Part D Advisors, Inc; and

RESOLVED, That the City Administrator be authorized and directed to execute the necessary contract documentation after approval as to form by the City Attorney and take any further necessary administrative actions to implement this resolution.

Councilmember Easthope moved, seconded by Councilmember Higgins, that the resolutions be adopted.

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

R-545-10-05 APPROVED

RESOLUTION TO APPROVE TRANSFER OF A 2005 CLASS C LIQUOR LICENSED BUSINESS WITH NEW DANCE PERMIT LOCATED AT 3965 S. STATE – D/B/A ENZO’S

RESOLVED, That the request of Tables Inc. to transfer the ownership of a 2005 Class C licensed business with New Dance Permit, located at 3965 S. State, from Champs Club Inc. to Tables Inc., be approved.

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

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

RECESS FOR CLOSED SESSION

Council Member Carlberg moved, seconded by Council Member Roberts that the regular session of Council be recessed for a closed session to discuss pending litigation matters of Attorney-Client privilege and certain personnel matters.

On roll call, the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 7:58 p.m. and reconvened the meeting at 8:40 p.m.

ORDINANCES - SECOND READING

41-05 APPROVED

DANGEROUS BUILDINGS

An Ordinance To add Section 8:380 to and Amend Sections 8:381 and 8:382 of Chapter 101 of Title VIII of the Code of the City of Ann Arbor

(The complete text of Ordinance 41-05 is on file in the City Clerk's Office.)

Councilmember Johnson moved, seconded by Councilmember Roberts, that the ordinance be adopted at second reading.

On roll call, the vote was as follows:

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

Nays, Councilmember Reid, 1.

The Mayor declared the motion carried.

42-05 APPROVED

OPEN SPACE AND PARKLAND PRESERVATION

An Ordinance to Amend Sections 3:62(2) of Chapter 42, Open Space and Parkland Preservation, Title III of the Code of the City of Ann Arbor

(The complete text of Ordinance 42-05 is on file in the City Clerk's Office.)

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

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

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-546-10-05 APPROVED AS AMENDED

**(RESOLUTION ESTABLISHING CITY COUNCIL-MICHIGAN STUDENT
ASSEMBLY COMMITTEE)**

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

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

Last RESOLVED Clause:

...BE IT FURTHER RESOLVED, That the Committee shall determine the schedule for its meetings **AND OPERATIONS**.

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

The resolution as amended reads as follows:

**RESOLUTION ESTABLISHING CITY COUNCIL-MICHIGAN STUDENT
ASSEMBLY COMMITTEE**

Whereas, The University of Michigan is home to over 30,000 undergraduate and graduate students, the vast majority of whom reside in the City of Ann Arbor;

Whereas, University of Michigan students play an integral role in the economic, governmental, and social aspects of the Ann Arbor community; and

Whereas, There does not currently exist any formal organization to foster direct communication between University of Michigan student leaders and members of the Ann Arbor City Council;

RESOLVED, That a committee of the City Council is established, entitled "City Council Michigan Student Assembly Committee" (the "Committee");

RESOLVED, That the Committee shall, among other things: review and provide input regarding proposed legislation that may affect University of Michigan students; provide input regarding other City matters that may affect students; and develop plans to enhance communications between the City and University of Michigan students;

RESOLVED, That the Committee shall be composed of two (2) members of City Council, nominated by the Mayor and approved by the City Council; and five (5) individuals appointed by the president of the Michigan Student Assembly;

RESOLVED, That the Mayor shall nominate and the City Council shall approve the Chair of the Committee from among one of the two City Council members appointed to the Committee;

RESOLVED, That members of the Committee shall serve one-year terms; and

RESOLVED, That the Committee shall determine the schedule for its meetings and operations.

R-547-10-05 APPROVED

RESOLUTION TO APPROVE A TEMPORARY .50 CENTS PER TRIP SURCHARGE TO THE ESTABLISHED TAXICAB METER RATES FOR THE CITY OF ANN ARBOR

Whereas, on September 29, 2005 the Taxicab Board met at it regular public meeting to discuss a proposed rate change to address increasing fuel cost;

Whereas, All taxicab companies licensed to operate in the City of Ann Arbor were notified;

Whereas, The last rate increase was approved by Council April 5, 2004 which increased the meter rate .25 cents (\$2.00 per mile);

Whereas, The statewide average gas prices in Michigan have increased over the past year from an average of \$1.80 to \$2.93 per gallon;

Whereas, A survey was conducted of five taxicab companies in comparative cities who indicated that their regular rates have increased .50 cents within the last 30 days or will increase with the coming weeks (average rate \$2.50 per mile) due to the high cost of gas; and

Whereas, The Taxicab Board voted unanimously to recommend a temporary surcharge of .50 cents per trip for a period of six months at which time the current standard taxicab rates will be reevaluated;

RESOLVED, That City Council approves the addition to the established taxicab meter rates of the recommended temporary .50 cents per trip surcharge for fuel cost effective October 18, 2005; and

RESOLVED, That notice of the approved surcharge shall be taken in the same manner as required for taxicab meter rates in Chapter 85 of the Ann Arbor City Code.

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

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

R-548-10-05 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO BRICCO EXCAVATING CO. L.L.C. (\$554,477; BID NO. 3755) AND TO APPROPRIATE FUNDS (\$245,124.00) FOR THE PARKWOOD-OAKWOOD WATER MAIN REPLACEMENT PROJECT

Whereas, The Parkwood-Oakwood Water Main Replacement Project includes the following streets: Parkwood Ave. from Norwood St. to Jeanne St., Jeanne St. from Parkwood Ave. to Fernwood Ave., Fernwood Ave. south of Jeanne St., and Oakwood St. between Parkwood Ave. and Pittsfield Blvd;

Whereas, The Parkwood-Oakwood Water Main Replacement Project is necessary to replace the existing deteriorated water main and to resolve local water quality problems;

Whereas, Competitive bids were received by the City of Ann Arbor Procurement Unit on September 22, 2005 and Bricco Excavating Co. L.L.C. of Oak Park, Michigan was the lowest responsible bidder at \$554,477.00;

Whereas, The contractual proposal sets forth the services to be performed by Bricco Excavating Co. LLC, and the payments to be made by the City for those services, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a Contract with Bricco Excavating Co. LLC for this construction project;

Whereas, Bricco Excavating Co. L.L.C. received Human Rights approval on June 29, 2005 and complies with the living wage ordinance;

Whereas, The City's adopted 2006 Budget includes a preliminary project budget in the amount of \$ 631,353.00; and

Whereas, An additional \$245,124.00 is needed to fund the project;

RESOLVED, That \$245,124.00 be appropriated for the Parkwood-Oakwood Water Main Replacement Project from the Water Supply System Operating Fund Balance, pending the sale of Water Revenue Bonds;

RESOLVED, That the total project budget in an amount of \$876,477.00 be available for the life of the project, without regard to fiscal year;

RESOLVED, That a contract in the amount of \$554,477.00 be awarded to Bricco Excavating Co. L.L.C. for the construction of the Parkwood-Oakwood Water Main Replacement Project (Bid No. 3755);

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

RESOLVED, That the City Administrator be authorized to make the necessary adjustments to approve change orders to the construction contract and to amend professional services in order to satisfactorily complete the project within the amended project budget;

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

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

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

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

R-549-10-05 APPROVED

RESOLUTION TO RESCIND TRAFFIC CONTROL ORDER #2789
AND APPROVE ATTACHED TRAFFIC CONTROL ORDER WHICH REMOVES
THREE STREETS AND ADDS ONE STREET TO THE NORTH BURNS PARK
ASSOCIATION RESIDENTIAL PARKING DISTRICT

Whereas, Council approved resolution R-325-7-05 to create the North Burns Park Association Residential Parking District on July 18, 2005;

Whereas, Since that time the City has received petitions to remove three streets and add one street to the North Burns Park Association Residential Parking District; and

Whereas, Each petition has 60% or more signature support for its request and includes support from the North Burns Park Association;

RESOLVED, That City Council rescinds Traffic Control Order #2789 for the North Burns Park Association to establish a residential parking district;

RESOLVED, That City Council approve the Traffic Control Order on file in the City Clerk’s Office to implement the North Burns Park Association Residential Parking District; and

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

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

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

R-550-10-05 APPROVED

RESOLUTION TO APPROVE CONTRACT WITH MICHIGAN POLICE EQUIPMENT FOR THE PURCHASE OF POLICE PROTECTION EQUIPMENT AND AUTHORIZE THE ANN ARBOR POLICE DEPARTMENT TO APPLY FOR A BUREAU OF JUSTICE ADMINISTRATION REIMBURSEMENT GRANT, ACCEPT, IF AWARDED, AND APPROPRIATE GRANT FUNDS

Whereas, The bullet resistant vests currently worn by Ann Arbor Police Officers are made of Zylon, and Zylon has recently been discovered to be defective and may not perform as originally believed;

Whereas, The Ann Arbor Police Department will purchase all new vests that meet current standards and have been certified;

Whereas, The vests meeting all such requirements are offered by Michigan Police Equipment and also was the lowest bidder for said vests;

Whereas, Michigan Police Equipment has City of Ann Arbor Human Rights approval;

Whereas, The 116 vests needed will cost a total of \$45,880.00;

Whereas, BPV Zylon Reimbursement Program through the Bureau of Justice Administration objective is to provide financial assistance to support local police agencies in upgrading their protective equipment; and

Whereas, The Ann Arbor Police Department will purchase vests as soon as possible and seek reimbursement through the BPV Zylon Reimbursement Program;

RESOLVED, That City Council approve a purchase order contract with Michigan Police Equipment in the amount of \$45,880.00 for the purchase of police protective equipment;

RESOLVED, That City Council authorize the City Administrator to take all necessary actions to apply for a reimbursement grant from the Bureau of Justice Administration BPV Zylon Reimbursement Program for the purchase of the police protective equipment; and

RESOLVED, That City Council accept, if awarded, and appropriate any grant funds received from the Bureau of Justice Administration BPV Zylon Reimbursement Program to the Police Department general fund budget for the purpose stated in the grant without regard to fiscal year.

Councilmember Easthope 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-551-10-05 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE NO. 41-05 ADDING SECTION 8:380 AND AMENDING
SECTIONS 8:381 AND 8:382 OF CHAPTER 101, DANGEROUS BUILDINGS,
OF TITLE VIII 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 41-05 shall be by the following summary:

Ordinance 41-05 authorizes the summary publication of amendments of Chapter 101 to add Section 8:380 and to amend Sections 8:381 and 8:382. This ordinance amendment adds provisions that buildings that are unoccupied for 180 days or more are dangerous and public nuisances unless the owners list the buildings for sale, lease or rent or notify the City that the buildings will be unoccupied for that period of time.

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

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

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

R-552-10-05 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 42-05 AMENDING SECTION 3:62(2) OF CHAPTER 42, OPEN SPACE AND PARKLAND PRESERVATION, OF TITLE III OF THE CODE OF THE CITY OF ANN ARBOR

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

RESOLVED, That the publication of Ordinance 42-05 shall be by the following summary:

Ordinance 42-05 amends Section 3:62(2) expands the definition of agricultural use by deleting the restriction on intensive animal husbandry operations in which poultry or livestock are raised for market in large numbers or tightly confined environments (concentrated animal feeding operations or CAFOs).

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

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

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

R-553-10-05 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM
WVH ACQUISITIONS, LLC 2725 AND 2729 PACKARD ROAD

Whereas, WVH Acquisitions, LLC, a Michigan limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 4359, Page 625, recorded February 4, 2004;

Whereas, A Resolution of The Sole Member of WVH Acquisitions, LLC, a Michigan limited liability company, dated September 26, 2005, authorizes the delivery of a perpetual easement to the City for public utilities; and

Whereas, WVH Acquisitions, LLC, a Michigan limited liability company, has delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system, to run with the land and burden the respective property perpetually, being more particularly described as follows:

10 FOOT WIDE WATERMAIN EASEMENT

Easement 1

COMMENCING at the South 1/4 corner of Section 3, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence, S89°43'00"W 669.77 feet along the South line of said Section 3 and the centerline of Packard Road (variable width); thence N00°56'00"E 58.02 feet for a **PLACE OF BEGINNING**; thence S86°44'11"W 10.03 feet along the northerly right of way line of said Packard Road; thence N00°56'00"E 274.49 feet; thence N89°40'30"E 10.00 feet along the South line of Ann Arbor Woods Subdivision No.4, Liber 15, Page 2, Washtenaw County Records, Washtenaw County, Michigan; thence S00°56'00"W 273.98 feet along the East line of said Lot 1 to the Place of Beginning.

40 FOOT WIDE WATERMAIN EASEMENT

Easement 2

COMMENCING at the South 1/4 corner of Section 3, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence, S89°43'00"W 669.77 feet along the South line of said Section 3 and the centerline of Packard Road (variable width); thence N00°56'00"E 58.02 feet to the Southeast corner of Lot 1, Waltan Subdivision, as recorded in Liber 17, Page 11, Washtenaw County Records, Washtenaw County, Michigan; thence continuing N00°56'00"E 199.58 feet along the East line of said Lot 1 for a **PLACE OF BEGINNING**; thence N89°04'30"W 80.63 feet; thence S32°00'47"W 52.61 feet; thence S77°00'50"W

73.68 feet; thence N12°59'10"W 40.00 feet; thence N77°00'50"E 57.11 feet; thence N32°00'47"E 58.63 feet; thence S89°04'30"E 103.23 feet; thence S00°56'00"W 40.00 feet along the East line of said Lot 1 to the Place of Beginning.

RESOLVED, That the City hereby accepts said grant of easement.

Councilmember Carlberg 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-554-10-05 APPROVED

RESOLUTION TO AUTHORIZE CONTRACTS TOTALING \$1,575,973.00 AND APPROPRIATE \$2,650,000.00 IN FUNDS FOR THE REMOVAL AND DISPOSAL OF DEAD AND DYING TREES AND TREE STUMPS ON CITY PROPERTY AND CITY RIGHTS-OF-WAY

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

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

3rd RESOLVED Clause:

...

Section I – Revenue

\$2,650,000.00 Loan funds transferred from [~~Risk Fund~~] **GENERAL FUND RESERVES** for tree removal, FY 2005-06

\$1,235,900.00 Loan funds transferred from [~~Risk Fund,~~] **GENERAL FUND RESERVES** FY 2006-07

\$3,885,900.00 Subtotal Tree Removal...

Councilmember Reid withdrew the amendment with Councilmember Higgins' consent.

Councilmember Easthope moved, seconded by Councilmember Reid, to postpone the resolution until November 10, 2005 following the City's Election on November 8, 2005.

Yeas, Councilmembers, Reid, Easthope, 2;

Nays, Councilmembers Higgins, Woods, Roberts, Johnson, Lowenstein, Carlberg, Greden, Teall, Mayor Hieftje 9.

The Mayor declared the motion Failed.

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

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

Nays, 0.

The Mayor declared the motion carried unanimously.

The resolution as originally presented reads as follows:

R-554-10-05 APPROVED

RESOLUTION TO AUTHORIZE CONTRACTS TOTALING \$1,575,973.00 AND
APPROPRIATE \$2,650,000.00 IN FUNDS FOR THE REMOVAL AND
DISPOSAL OF DEAD AND DYING TREES AND TREE STUMPS
ON CITY PROPERTY AND CITY RIGHTS-OF-WAY

Whereas, The Emerald Ash Borer infestation has caused a crisis for the City of Ann Arbor by killing thousand of Ash trees;

Whereas, The dead and dying trees create a potential hazard for the City;

Whereas, Staff sent a Request For Proposal to 18 companies seeking bids to remove and dispose of dead and dying tree and stumps on City property and in City rights-of-way;

Whereas, Eleven companies returned bids for the projects;

Whereas, Two of the eleven bids did not meet minimum qualifications for the tree removal and disposal;

Whereas, All eleven companies met minimum qualifications for tree stump removal and disposal;

Whereas, Advanced Tree Care, Asplundh Tree Expert Company, Greenstreet Tree Care, J & M Tree Service, LaMont Brothers Tree Service, and Nelson Tree Service were the lowest responsible bidders for tree and/or tree stump removal and disposal for the management areas listed for each contractor in Appendix A, taking into account the ability of the contractors to complete the work within the required timeframe and the number of

management areas awarded to each contractor and allocating the management areas in a manner that serves the best interests of the City;

Whereas, In the 2005-07 fiscal plan, City Council approved a transfer of \$3,885,900.00 from the Risk Fund to the General Fund to address the tree removal and disposal of dead and dying trees on City Property and in City rights-of-way;

Whereas, The transfer from the Risk Fund is a temporary loan to fund the project until alternative funding is obtained and approved;

Whereas, A Charter Amendment has been placed on the November 8, 2005 ballot, to address the impact of the Emerald Ash Borer and finance the removal and disposal of dead and dying trees on City property and in City rights-of-way;

Whereas, \$2,650,000.00 of the \$3,885,900.00 was appropriated to the General Fund, Field Operations operating budget via the FY 2005-06 budgeting process for the project;

Whereas, The balance of \$1,235,900.00 will be included in the 2006-07 budget proposal for the remaining work required to be completed in 2006-07,

Whereas, If alternate funding is not obtained by June 30, 2007 from the ballot issue or grants, interest will no longer accrue and the loan will be written off until funding for removal and disposal of dead and dying trees is obtained to reimburse the Risk Fund;

Whereas, The total cost to remove and dispose of the dead and dying trees and stumps is anticipated to exceed \$4 million; and

Whereas, Each company in Appendix A received Ann Arbor Living Wage Approval on September 29, 2005, and Human Rights Approval was given to J & M Tree Service on October 7, 2005; to Lamont Brothers Tree Service and Asplundh Tree Expert Company on October 10, 2005; to Nelson Tree Service, Advanced Tree Care and Green Street Tree Care on October 11, 2005;

RESOLVED, That the following contractors be awarded contracts for tree and/or tree stump removal and disposal in the management areas listed and in the amounts listed, with the option of two (2) one-year renewals at the sole option of the City Administrator:

Advanced Tree Care (\$214,537.00)
Asplundh Tree Expert Company (\$342,830.00)
Greenstreet Tree Care (\$160,285.00)
J & M Tree Service (\$164,235.00)
LaMont Brothers Tree Service (\$264,825.00)
Nelson Tree Service (\$429,261.00)

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

RESOLVED, That a separate multi-year fund be established and the following budget be adopted for the life of the project, to be available without regard to fiscal year, and pending the FY 2007 and FY 2008 budget appropriations as indicated:

Section I – Revenue

\$2,650,000.00	Loan funds transferred from Risk Fund for tree removal, FY 2005-06
<u>\$1,235,900.00</u>	Loan funds transferred from Risk Fund, FY 2006-07
\$3,885,900.00	Subtotal Tree Removal
\$ 135,000.00	Transfer from General Fund for interest and admin. expense, FY 2005-06
<u>\$ 161,000.00</u>	Transfer from General Fund for interest and admin. expense, FY 2006-07
\$ 296,000.00	Subtotal Other Revenue
<u>\$4,181,900.00</u>	Total Revenues

Section II – Expenses

\$1,575,973.00	Tree removal and disposal awarded to contractors, FY 2005-06
\$ 750,000.00	Tree removal and disposal in parks/non-awarded areas, FY 2005-06
<u>\$ 324,027.00</u>	Contingency created for lower than planned bids, FY 2005-06
\$2,650,000.00	Subtotal FY 2005-06 Tree Removal
\$ 88,000.00	Public Services administration, FY 2005-06
\$ 31,000.00	Interest to the Risk Fund, FY 2005-06
<u>\$ 16,000.00</u>	MSC, FY 2005-06
\$ 135,000.00	Subtotal FY 2005-06 Other Expenses
\$ 935,900.00	Tree removal and disposal in parks/non-awarded areas, FY 2006-07
<u>\$ 300,000.00</u>	Contingency created for lower than planned bids, FY 2005-06
\$1,235,900.00	Subtotal FY 2005-06 Tree Removal
\$ 46,000.00	Public Services administration, FY 2006-07
\$ 45,000.00	Interest to the Risk Fund, FY 2006-07
\$ 16,000.00	MSC, FY 2006-07
<u>\$ 54,000.00</u>	Interest to the Risk Fund, FY 2007-08
\$ 161,000.00	Subtotal Other Expenses
<u>\$4,181,900.00</u>	Total;

RESOLVED, That \$2,650,000.00 budgeted to be transferred from the 2005/2006 Risk Fund be appropriated to a separate fund for the removal and disposal of dead and dying trees and tree stumps on City Property and on City rights-of-way to fund this project for the duration of the project without regard to fiscal year;

RESOLVED, That the 2005/2006 General Fund non-departmental revenue budget be reduced by \$2,650,000.00 for this project and that the General Fund Field Operations expenditure budget be reduced by \$2,650,000.00; and

RESOLVED, That the Risk Fund be reimbursed if and when alternate funding is obtained for the removal and disposal of dead and dying trees on City property and in City rights-of-way.

R-555-10-05 APPROVED AS AMENDED

(RESOLUTION FOR \$134,875.00 IN MATCHING FUNDS FOR WEBSTER TOWNSHIP'S GRANT APPLICATION TO THE MICHIGAN PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR THE PURCHASE OF DEVELOPMENT RIGHTS FOR THE THOMAS AND HOLLY ALEXANDER FARM IN WEBSTER TOWNSHIP)

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

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

Add a RESOLVED Clause:

RESOLVED, THAT THIS COMMITMENT OF MATCHING FUNDS WILL EXPIRE MAY 1, 2006; AND

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 FOR \$134,875.00 IN MATCHING FUNDS FOR WEBSTER TOWNSHIP'S GRANT APPLICATION TO THE MICHIGAN PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR THE PURCHASE OF DEVELOPMENT RIGHTS FOR THE THOMAS AND HOLLY ALEXANDER FARM IN WEBSTER TOWNSHIP

Whereas, Michigan PDR has matching grant funds available for up to 75% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 per acre;

Whereas, Webster Township has matching funds available in the amount of \$30,000.00;

Whereas, Webster Township has adopted a Land Preservation Ordinance to permanently preserve farmland and open space throughout the Township;

Whereas, Chapter 42 of the Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage; and

Whereas, The Greenbelt Advisory Commission approved a resolution recommending approval of \$134,875.00 in matching funds available until May 1, 2006 in support of Webster Township's application to the Michigan PDR program;

RESOLVED, That City Council approve matching funds for Webster Township's application to the Michigan PDR for the Purchase of Development Rights for the Thomas and Holly Alexander property;

RESOLVED, That the approval of matching funds for this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the partnership agreement with Webster Township by Ann Arbor City Council;

RESOLVED, That this commitment of matching funds will expire May 1, 2006; and

RESOLVED, That City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the application requirements of the Michigan PDR after approval as to form by the City Attorney.

R-556-10-05 APPROVED

RESOLUTION SUPPORTING LOCAL CONTROL OF MUNICIPAL
BROADBAND AND CABLE FRANCHISING

Whereas, Section 252 of House Bill 5237 should be removed, because citizens, educational institutions, hospitals, and businesses should continue to have the authority to request that their local unit of government provide them with necessary fiber networks, high speed and wireless internet services;

Whereas, Section 252 of House Bill 5237 would have dangerous implications for job creation and economic development in local communities;

Whereas, Cities have an interest in making available telecommunications technology which is beneficial to all businesses, economic development, municipal service provision, and all residents;

Whereas, Cities are developing programs and municipal broadband initiatives to offer high-speed and wireless Internet to their citizens;

Whereas, Our city believes that Internet services are an essential service that should be provided to all residents irrespective of age, race, education, or income level;

Whereas, The goal of these municipal broadband initiatives is to prepare cities and their workforce for the jobs and technology of tomorrow and enhance the ability to attract and retain high-tech jobs;

Whereas, Michigan urban and rural areas are underserved and uncompetitive, and in many cases the service is inadequate and unaffordable;

Whereas, This is a local control issue and our residents should be able to request any essential service from their local government;

Whereas, Members of the legislature have made inaccurate claims that these municipal broadband initiatives are anti-competitive and has proposed a moratorium on wireless expansion in the State of Michigan in order to stall or derail municipal broadband projects;

Whereas, Cities have a long and very successful history of supporting the introduction of cable services by the cable industry, a successful deployment made possible in large part by the current system of local cable franchising;

Whereas, SBC and Verizon have been actively advocating across the country that local franchise agreements should be eliminated and replaced with a statewide franchise agreements;

Whereas, Local government participation in cable franchising process ensures that all residents irrespective of age, race, education, or income level, receive the same service;

Whereas, Cities revenue sharing has been significantly reduced over the last few years, and franchise fee revenue assists cities in providing essential services;

Whereas, Franchise agreements assure that the public education channels are provided for the community; and

Whereas, A statewide franchise system would deny consumers local resolution of problems;

RESOLVED, That the City Council hereby affirm its support for municipal broadband initiatives creating broadband wireless service and Section 252 of House Bill 5237 should be removed;

RESOLVED, That the City Council is opposed to any effort by the State Legislature to place a moratorium, or further limitations, on the expansion of municipal broadband in the State of Michigan;

RESOLVED, That the City Council hereby affirms opposition to a statewide franchise agreement system;

RESOLVED, That the City Council hereby supports the current local cable franchise agreement system; and

RESOLVED, That the City Clerk forward a copy of this adopted resolution to the Governor of Michigan, Michigan State Representatives, Michigan State Senators, the House Energy and Technology Committee, the Senate Technology & Energy Committee, and the Michigan Public Service Commission.

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

On roll call, the vote was as follows:

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

Nays, Councilmember Reid, 1.

The Mayor declared the motion carried.

R-557-10-05

**RESOLUTION TO CREATE BROWNFIELD PLAN REVIEW COMMITTEE
FOR THE 4TH AND WILLIAM (OLD YMCA) SITE**

Whereas, In April, 2003 City Council established and appointed Council Members Carlberg, Johnson, Groom and Reid to serve on the Brownfields Plan Review Committee;

Whereas, The sale and redevelopment of the 4th and William site may involve the development of a Brownfield Implementation Plan; and

Whereas, City Council has appointed Council Members Easthope, Teall, and Carlberg as an ad hoc subcommittee overseeing the sale and redevelopment of the 4th and William site; and

Whereas, Council Member Reid's term on City Council expires next month,

RESOLVED, That Council Member Johnson be appointed to the subcommittee overseeing the sale and redevelopment of the 4th and William site, and

RESOLVED, That the work assignment of Council Members' Carlberg, Easthope, Johnson and Teall be expanded to include serving as the Brownfield Review Committee for the 4th and William site.

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

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

REPORTS FROM COUNCIL COMMITTEES

COUNCILMEMBER CARLBERG

Councilmember Carlberg informed Council that the Greenway Task Force continues to meet every Wednesday night at 7 p.m. The Committee hopes to finalize this week the principles they will be using to define a greenway and the following week they hope to look at the actual physical potential layout of a greenway, in order to forward their first set of recommendations to Calthorpe. The meetings are televised and open to the public and are held at the Edison Building in downtown Ann Arbor.

COUNCIL PROPOSED BUSINESS

COUNCILMEMBER WOODS

Councilmember Woods asked that the traffic situation at the Corner of Broadway and Moore Street that Mr. Rush spoke about in public comments be looked into. She asked the City Administrator to report back to Council on the status.

COMMUNICATIONS FROM THE MAYOR

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

Airport advisory Committee

Mark Perry- (Fill Vacant Position)
760 Eltham Court
Ann Arbor, MI 48103
Term: October 4, 2005- October 4, 2008

Taxicab Board

Faith Meadows (Fill Vacant Position)
3523 Burbank
Ann Arbor, MI 48105
Term: October 4, 2005- October 4, 2005

On roll call, the vote was as follows:

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

Nays, Councilmember Higgins, 1.

The Mayor declared the motion carried.

Mayor Hieftje placed the following nomination on the table for immediate approval:

Ann Arbor Energy Commission

David A. Wright (Filling Vacancy)
1420 Pear St. #2
Ann Arbor, MI 48105
Term: October 17, 2005-October 17, 2008

On roll call, the vote was as follows:

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

Nays, 0.

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:

Downtown Area Citizen's Advisory Council

Susan Nenadic
113 S. Fourth Ave.
Ann Arbor, MI 48104
Term: October 17, 2005-October 17, 2008

Dale Winling
106 W. Madison
Ann Arbor, MI 48103
Term: October 17, 2005- October 17, 2005

Recreation Advisory Commission

Jill Thacher (Re-appointment)
1108 Belmor Pl.
Ann Arbor, MI 48103
Term: September 1, 2005- August 31, 2008

Tom George (Filling Vacancy)
2532 Bunker Hill Rd.
Ann Arbor, MI 48105
Term: September 1, 2005- August 31, 2008

Daniel Ray Timmer (Filling Vacancy)
1424 Arlington Blvd.
Ann Arbor, MI 48108
Term: September 1, 2005- August 31, 2008

Ovidiu Toader (Filling Vacancy)
3683 Frederick
Ann Arbor, MI 48105
Term: September 1, 2005- August 31, 2008

David L. Korman (Filling Vacancy)
5315 Red Fox Run
Ann Arbor, MI 48105
Term: September 1, 2005- August 31, 2008

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Halloween – Safety Services
2. City response to citizen complaints of frequent electric power outages – Public Services

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

COMMUNICATIONS FROM THE CITY ATTORNEY

City Attorney Postema informed Council that he received word from the Supreme Court on a wrongful death case involving governmental immunity. The Supreme Court did not take lead of this case, but rather let the lower court stand and affirmed the City's Position. He thanked the Attorney's Office staff for their help in the case.

COMMUNICATIONS FROM COUNCIL

None.

PUBLIC COMMENTARY - GENERAL

BILL LAWRENCE – BIDDING PROCESS FOR REMOVAL OF ASH BORER TREES

Bill Lawrence, former City Forester, expressed concern about the bidding process that took place in selecting a company to remove the trees. He said that small businesses should not be rejected because of their size.

RECESS FOR CLOSED SESSION

Council went back into closed session at 10:10 p.m. and the regular session reconvened at 10:53 p.m.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Janice A. Bobrin, Chair of the Drainage Board regarding notice of public hearings of Traver Creek Project and the Mallets Creek Brown Park Pond Project scheduled for October 21, 2005 - Planning and Development Services - Jayne Miller, Community Services Administrator
2. Communication from Lawrence Kestenbaum, Washtenaw County Clerk regarding a resolution accepting comments from the Planning Advisory Board on the City of Ann Arbor 2006-2011 Parks, Recreation and Open Space Plan – Parks and Recreation
3. Communication from Anthony VanDerworp, Director of the Department of Planning and Environment in Washtenaw County regarding the City of Ann Arbor's 2006-2011 Parks, Recreation and Open Space Plan – File
4. Communications from S.E.M.C.O.G. regarding their bi-weekly publications of S.E.M.C.O.G. 10/3/05 and 10/17/05– File **(Revised 10/14/05)**
5. Communication from Insurance Services Office, Inc. (ISO) regarding public protection classification results, Ann arbor, Washtenaw County, MI – Fire Services
6. Communication from the Dept. of Environmental Quality regarding an application for alteration or occupation of a floodplain located at 700 N. Main Street – Environmental Coordination Services
7. Communication from the Dept. of Environmental Quality regarding approval of a request to renew the Clean Corporate Citizen (C3) - Environmental Coordination Services

The following minutes were received for file:

1. Cable Communications Commission – August 23, 2005
2. Ann Arbor Housing Commission – August 17, 2005

3. Downtown Development Authority – July 6, 2005 (Regular, Annual & Retreat)
4. Taxicab Board Meeting – August 30, 2005
5. Ann Arbor Energy Commission – September 13, 2005

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

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

R-558-10-05 APPROVED

RESOLUTION APPROVING AMENDMENT NO. 2 TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF ANN ARBOR AND STEPHEN K. POSTEMA

Whereas, City Council appointed Stephen K. Postema as City Attorney on March 17, 2003; and

Whereas, The City Attorney Committee of Council has completed Mr. Postema's annual review and recommends an increase in salary and vacation time as stated in the attached amendment to the Employment Agreement;

Whereas, The City Council appreciates the contributions made by the City Attorney;

RESOLVED, That City Council hereby approve the amendment on file in the City Clerk's Office to the Employment Agreement with Stephen K. Postema; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the amendment to Employment Agreement with Stephen K. Postema.

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

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

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:54 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. King
Recording Secretary