

**ANN ARBOR CITY COUNCIL MINUTES  
REGULAR SESSION - JANUARY 9, 2006**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:21 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence. The Mayor asked Council and the audience to think of Firefighter Amy Schnearle who was at the University of Michigan Hospital in critical condition, following an on-duty accident.

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, Stephen Rapundalo, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

**ORGANIZATION OF NEW COUNCIL**

ADOPTION OF COUNCIL RULES

Councilmember Higgins moved, seconded by Councilmember Carlberg, that the 2005 Rules of Council be adopted for 2006.

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

**INTRODUCTIONS**

PRESENTATION TO COUNCIL ON SPECIALIZED BREATHING EQUIPMENT TO OUTFIT THE FIRE DEPARTMENT – PURCHASED WITH 2005 ASSISTANCE TO FIRE FIGHTER GRANT FUNDING

Ann Arbor Fire Chief Samuel Hopkins introduced Ann Arbor Fire Fighters Matthew Hughes and Robert Tudor who gave a demonstration on how to use the specialized breathing equipment recently purchased for the Ann Arbor Fire Department. The equipment protects firefighters against chemical, biological, radiological, and nuclear type incidents. The units will be able to operate with the Special Tactics Unit of the Ann Arbor Police Department,

several mutual-aid Fire Departments around the County, as well as the Fire Department's own Hazmat and Technical Rescue Teams.

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

#### ISRAEL/PALESTINE

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

Mozhgan Savabieasfani, 710 E. Ann St.  
Elaine Rumman, 1310 Pomona  
Henry Herskovitz, 404 Mark Hannah  
Laurel Federbush, 2000 Anderson Ct.  
Marcia Federbush, 2000 Anderson Ct.

### **PUBLIC HEARINGS**

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ANN ARBOR BY ADDING A NEW TITLE XV TO THE ANN ARBOR REGISTER OF HISTORIC PLACES OF SECTION 8:407 OF CHAPTER 103 OF TITLE VIII OF THE CODE OF THE CITY OF ANN ARBOR (LOWER TOWN HISTORIC DISTRICT) (ORDINANCE NO. 52-05)

A public hearing was conducted on the proposed ordinance to Amend the Code of the City of Ann Arbor by Adding a New Title XV to the Ann Arbor Register of Historic Places of Section 8:407 of Chapter 103 of Title VIII of the Code of the City of Ann Arbor (Lower Town Historic District). Notice of public hearing was published January 8, 2006.

The following people spoke in opposition of the proposed ordinance change:

Susanna Hapgood, 1205 Pontiac Trail. A petition in opposition was also presented by Ms. Hapgood to Council and is on file in the City Clerk's Office.  
Ann Arbor resident.  
Chris Fraleigh, 1123 Pontiac Trail  
Jeff Deboer 1515 Cambridge, spoke in opposition and asked Council to table the proposed ordinance.  
Chandra Montgomery-Nickel, 1404 Cambridge  
David Michener, 1622 Pontiac Trail, stated he is opposed to the ordinance as currently presented, but not opposed to the concept of a historic district.  
Gavin Chuck, 1553 Broadway  
Timothy Cheek, 1541 Broadway Street

Lynn Alexander, 1211 Wright St.  
Geoffrey Jacquez, opposed 1123 Broadway  
Mary Howley-Visel, 2919 Marshall, (owns property on Swift Street)  
Shana Greenstein, 1713 Pontiac Trail  
Brent Robertson, 1008 Pontiac Trail  
Jim Koli, 1001 Broadway  
Beverly Howley, 635 Swift St.  
Michael Flynn, 1601 Pontiac Trail  
Andy Bessor, 1931 E. Joy Rd.  
Jeff Kuperman, 1205 Pontiac Trail  
Bob Trease, 1412 Cambridge  
Gary Murphy, 1113 Pontiac Trail

The following people spoke in support of the proposed ordinance change:

Ruth Mohr, 1540 Broadway  
Ken Koral, 1643 Broadway  
Sonya Schmerl, 539 S. First  
Barbara Hall, 448 Fifth Street  
Bertie Bonnell, 1219 Wright Street  
David Cohen, 1129 Pontiac Trail  
Tom, Stulberg 1202 Traver  
Eunice Barns, 1614 Harbal  
Susan Wineberg, 712 E. Ann  
Sabra Briere, 1418 Broadway

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

AN ORDINANCE TO AMEND SECTION 7:151 AND 7:152 OF CHAPTER 85 (TAXICABS)  
OF TITLE VII OF THE CODE OF THE CITY OF ANN ARBOR (ORDINANCE NO. 55-05)

A public hearing was conducted on the proposed amendment An Ordinance to Amend Section 7:151 and 7:152 of Chapter 85 (Taxicabs) of Title VII of the Code of the City of Ann Arbor. Notice of public hearing was published January 8, 2006.

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

### THE COLLEGIAN PLANNED PROJECT SITE PLAN

A public hearing was conducted on the proposed Collegian Planned Project Site Plan, 0.16 acres, 333 Maynard Street. Notice of public hearing was published January 1, 2006.

Carl Luckenbach of Luckenbach Architects, was available to answer questions of Council.

Jim Mogensen, 3780 Green Brier, expressed concern with the proposed site plan.

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

The Mayor declared a recess at 9:05 p.m. and reconvened the meeting at 9:20 p.m.

### **APPROVAL OF AGENDA**

#### AGENDA APPROVED WITH CHANGES

Councilmember Woods moved, seconded by Councilmember Higgins, that the agenda be approved with the following changes:

<u>Move</u>	CLOSED SESSION TO DISCUSS PENDING LITIGATION AND
<u>&amp;</u>	ATTORNEY/CLIENT PRIVILEGED COMMUNICATION <b>AND LAND</b>
<u>Revise:</u>	<b>ACQUISITION (Moved to the end of Ordinances – Second Reading)</b>

#### MOTIONS AND RESOLUTIONS

##### **Added After Newspaper Deadline:**

<u>Add</u>	Resolution to Increase the Temporary Housing Project Budget to
<u>&amp;</u>	\$1,079,600.00 and Appropriate the Necessary Funds (8 Votes Required)
<u>Revise:</u>	(Community Services – Jayne Miller, Area Administrator) <b>(Added 01/06/06; Revised 01/09/06)</b>

<u>Add:</u>	Resolution to Authorize A One-Year Lease for Up to 44 Apartments at Tuscan Creek Apartments to Provide Housing for Eligible Low-Income Participants in City Temporary Housing Program (\$226,800.00) (Community Services – Jayne Miller, Area Administrator) <b>(Added 01/06/06)</b>
-------------	--

Add: Resolution to Approve A Sole Source Service Contract with Washtenaw Community Health Organization (WCHO) to Provide On-Site Community Living Supports and Case Management Services to Eligible Low-Income Participants (\$240,000.00) (Community Services – Jayne Miller, Area Administrator) **(Added 01/06/06)**

Add: Resolution to Appoint Members to the Local Development Finance Authority (Councilmember Higgins) **(Added 01/09/06)**

Add: Resolution to Appoint a Member to the City Environmental Commission (Councilmember Teall) **(Added 01/09/06)**

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

### **APPROVAL OF COUNCIL MINUTES**

#### **MINUTES OF DECEMBER 12 AND 19, 2005 APPROVED**

Councilmember Carlberg moved, seconded by Councilmember Teall, that the working session minutes of December 12, 2005 and the regular session minutes of December 19, 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 Close South Fourth Avenue for the Arena's "NCAA Basketball Tournament Celebration" on Friday and Saturday, March 17 and 18, 2006 (Planning & Development – Jayne Miller, Community Services Area Administrator)

Resolution No. 1, Washtenaw Avenue Non-motorized Path Project (Public Services – Sue F. McCormick, Area Administrator)

CONSENT AGENDA ITEMS APPROVED

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

R-1-1-06 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE  
ADMINISTRATION MEETING MINUTES OF DECEMBER 16, 2005  
AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of December 16, 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  
DECEMBER 16, 2005

PRESENT: Joan Lowenstein, Council Member  
Brenda Smith, Interim Treasurer  
Abigail Elias, Chief Assistant City Attorney  
David Swan, Assistant City Attorney  
Tom Crawford, Chief Financial Officer  
Sarah Singleton, Management Assistant

OLD BUSINESS

Appeal by Claimant

CC066-05 Gail Barnes  
Property Damage  
Board discussed claim and recommend denial

NEW BUSINESS

CC059-04 Patricia Davis  
Bodily Injury  
Discussed by Attorney David Swan  
Requested and received recommendation for settlement approval.

CC084-04                      Joan Berman  
   Personal Injury  
   Discussed by Attorney David Swan  
Requested and received recommendation for settlement approval.

CLAIMS APPROVED BY INSURANCE BOARD

CC080-05                      Alexia Oliver  
   Vehicle Damage  
   Discussed by Sarah Singleton, Management Assistant

CC082-05                      David Strogriz  
   Vehicle Damage  
   Discussed by Sarah Singleton, Management Assistant

CC086-05                      Judy Jans  
   Vehicle Damage  
   Discussed by Sarah Singleton, Management Assistant

CLAIMS APPROVED BY CHIEF FINANCIAL OFFICER

CC081-05                      Paulette Baum  
   Vehicle Damage  
   Discussed by Tom Crawford, Chief Financial Officer

CC083-05                      Miriam Hernandez  
   Vehicle Damage  
   Discussed by Tom Crawford, Chief Financial Officer

CLAIMS RECOMMENDED FOR DENIAL

CC010-05                      Deanna L. Laymon  
   Bodily Injury  
   Discussed by Sarah Singleton, Management Assistant

CC057-05                      Al and Kendra Dodd  
   Property Damage  
   Discussed by Sarah Singleton, Management Assistant

CC061-05                      Ronald Suny  
   Property Damage  
   Discussed by Sarah Singleton, Management Assistant

- CC070-05                    Richard A. Rykowski  
Personal Injury  
Discussed by Sarah Singleton, Management Assistant
  
- CC074-05                    Landry’s Restaurants  
Property Damage  
Discussed by Sarah Singleton, Management Assistant
  
- CC075-05                    Elizabeth M. Smith  
Sewer Backup  
Discussed by Sarah Singleton, Management Assistant
  
- CC078-05                    Joan Jackson  
Vehicle Damage  
Discussed by Sarah Singleton, Management Assistant
  
- CC085-05                    Thomas Messner  
Vehicle Damage  
Discussed by Sarah Singleton, Management Assistant

Prepared by: Sarah Singleton, Management Assistant  
Date: January 9, 2006

\*\*\*\*\*

R-2-1-06 APPROVED

RESOLUTION AMENDING BYLAWS OF COMMISSION ON ART IN PUBLIC PLACES  
(CAPP) TO CHANGE DATE OF ELECTION OF OFFICERS

Whereas, The current bylaws of the Commission on Art in Public Places requires that Officer elections for both Chair and Vice-Chair shall be held in May of every year;

Whereas, Changing the bylaws to hold CAPP Officer elections in December would make elections coincide with Commissioners’ terms of office which begin in January when appointed;

Whereas, The change would allow the CAPP to combine the search for Commission members in the fall to replace outgoing Commissioners in a consistent way and to ensure that the Commission has regular turnover in membership and officers consistent with Resolution R-60-2-03;

RESOLVED, That the City Council approves the amendment to Article V, Section 3, Election and Term of Officers in the CAPP bylaws to reflect the change that Officer elections for both Chair and Vice-Chair shall be held in December of every year.

\*\*\*\*\*

R-3-1-06 APPROVED

RESOLUTION TO AMEND OUTSIDE CITY SERVICE AGREEMENT RESOLUTIONS PREVIOUSLY APPROVED BY COUNCIL FOR CITY OF ANN ARBOR WATER AND/OR SEWER SERVICE: R-361-8-05 FOR 3300 DEXTER ROAD; R395-9-05 FOR 3575 EAST HURON RIVER DRIVE; R-4549-05 FOR 186 RIVERVIEW COURT; R-449-9-05 FOR 2012 PONTIAC TRAIL; R588-11-05 FOR 679 S. WAGNER ROAD, R-360-8-05 FOR 3328 DEXTER ROAD; R-387-9-05 FOR 169 BARTON DRIVE

Whereas, Council has previously approved resolutions for outside city service agreements to specific property addresses identified as township parcels;

Whereas, We have found minor discrepancies and wish to correct those to enable us to finalize the agreements; and

Whereas, Council approval of this resolution results in amendment of the previous resolutions so that the resolution numbers assigned and the approval date do not change;

RESOLVED, That Council amend resolution R-361-8-05 approved on August 15, 2005, as follows:

- (Title) RESOLUTION TO GRANT WATER AND SEWER SERVICES OUTSIDE CITY LIMITS TO [ ]3300 DEXTER ROAD
- (First) Whereas, On February 28, 2005, the owner of the property at [ ]3300 Dexter Road requested that the City extend public water and sewer service to their property in Scio Township prior to the completion of the annexation process;

RESOLVED, That Council amend resolution R-395-9-05 approved on September 6, 2005, as follows:

- (Title) RESOLUTION TO GRANT [ ]SEWER SERVICE OUTSIDE CITY LIMITS TO 3575 EAST HURON RIVER DRIVE
- (First) Whereas, Myra Larson the owner of the property at [ ]3575 East Huron River Drive on May 9, 2005 has requested that the City extend public sewer service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 and the Amendment of October 22, 2004 between the City of Ann Arbor and Ann Arbor Township;

RESOLVED, That Council amend resolution R-454-9-05 approved on September 6, 2005, as follows:

- (Title) RESOLUTION TO GRANT SEWER SERVICE OUTSIDE CITY LIMITS TO 186 RIVERVIEW COURT
- (First) Whereas, Irving T. Salmeen Trust and Gertrude Salmeen Trust (tenants in common, each to an undivided one-half interest in the real property) of the property at 186 Riverview Court on March 31, 2005 has requested that the City extend public sewer service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 and the Amendment of October 22, 2004 between the City of Ann Arbor and Ann Arbor Township.

RESOLVED, That Council amend resolution R-449-9-05 approved on September 6, 2005, as follows:

- (First) Whereas, John Morey the owner of the property at 2012 Pontiac Trail on May 31, 2005 has requested that the City extend public water and sewer service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 and the Amendment of October 22, 2004 between the City of Ann Arbor and Ann Arbor Township.

RESOLVED, That Council amend resolution R-588-11-05 approved on November 21, 2005, as follows:

- (Third) Whereas, On September 30, 2005, the owner petitioned the City for annexation for the one property under Planning Department file number 8253S1.1 and 8253S1.2;

RESOLVED, That Council amend resolution R-360-8-05 approved on August 15, 2005, as follows:

- (Memo Subject) Resolution to Grant Water Service Outside City Limits to 3328 Dexter Road
- (Title) Resolution to Grant Water Service Outside City Limits to 3328 Dexter Road
- (First) Whereas, On March 4, 2005, the owner of the property at 3328 Dexter Road requested that the City extend public water service to their property in Scio Township prior to the completion of the annexation process
- (Second) Whereas, The owner desires to enter into the standard agreement with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and
- (First) RESOLVED, That the Mayor and Clerk are authorized and requested to sign the agreement to allow City water service to the land during the time it is still outside of the Corporate City Limits; and
- (Second) RESOLVED, That the Public Services Area promptly record this resolution and the agreement in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreement to the

owners.

RESOLVED That Council amend resolution R-387-9-05 approved on September 6, 2005, as follows:

- (First) RESOLVED, That Mayor and Clerk are authorized and requested to sign the agreement to allow City [water] service to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the City Clerk is directed to make all necessary changes in the minutes and resolutions in accordance with this resolution.

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

#### POSTPONED

#### RESOLUTION TO CLOSE SOUTH FOURTH AVENUE FOR THE ARENA'S "NCAA BASKETBALL TOURNAMENT CELEBRATION" ON FRIDAY AND SATURDAY, MARCH 17 AND 18, 2006

Whereas, The City has received a request from The Arena Restaurant of Champions to close South Fourth Avenue between East Huron Street and East Washington Street from 7:00 A.M. on Friday, March 17, 2006 to midnight on Saturday, March 18, 2006;

Whereas, The closing will be to accommodate the Arena's excess patrons for the NCAA Basketball tournament; and

Whereas, The sponsors of the event will obtain all necessary permits, provide evidence of proper liability insurance and comply with all procedures, rules and regulations for closing the street including payment of all fees associated with their sponsorship of this event;

RESOLVED, That the Mayor and Council approve the closing of South Fourth Avenue between East Huron Street and East Washington Street from 7:00 A.M. on Friday, March 17, 2006 to midnight on Saturday, March 18, 2006 contingent upon approval of the special liquor license from the State of Michigan.

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

Councilmember Easthope moved, seconded by Councilmember Higgins, to postpone the

resolution until January 23, 2006.

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

\*\*\*\*\*

POSTPONED

RESOLUTION NO. 1, WASHTENAW AVENUE  
NON-MOTORIZED PATH PROJECT

Whereas, The City Council through the Resolution R-176-5-03 has established a policy direction to establish a connected network of bicycle lanes along main commuter routes within ten years;

Whereas, The construction of a Non-motorized Path along Washtenaw Avenue in the right-of-way from Tuomy Road to Glenwood Road will provide City properties along Washtenaw Avenue with a safe non-motorized facility and benefit those City properties consistent with Resolution R-176-5-03;

Whereas, Michigan Department of Transportation has selected the Washtenaw Ave non-motorized path from Tuomy Road to Glenwood Road for \$357,500.00 of Federal Funding from the State’s Transportation Enhancement Grant Fund;

Whereas, The Transportation Enhancement Grant requires the City of Ann Arbor to complete planning and design processes and provide a local financial commitment to match the Transportation Enhancement funds for the construction of the project; and

Whereas, City Council deems it necessary to construct these improvements;

RESOLVED, That the City Administrator be directed to prepare plans and specifications for the Washtenaw Avenue project, and develop an estimate of the cost of the improvements;

RESOLVED, That the City Administrator be directed to file a report with the City Clerk, including a recommendation as to what proportion of the cost of the Washtenaw Avenue project should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessments may be paid; and the land which should be included in the special assessment district;

RESOLVED, That the City Clerk shall present said report to the Council and make it available for public examination;

RESOLVED, That Council declares its intent to use General Fund unobligated fund balance, pending sale of special assessment bonds, to pay all or part of the City's cost of the Washtenaw Avenue non-motorized Path project;

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

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

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

Councilmember Rapundalo moved, seconded by Councilmember Teall, to postpone the resolution until February 6, 2006.

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

## **ORDINANCES - SECOND READING**

52-05 POSTPONED

### **ANN ARBOR REGISTER OF HISTORIC PLACES (LOWER TOWN HISTORIC DISTRICT)**

An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Title XV to the Ann Arbor Register of Historic Places of Section 8:407 of Chapter 103 of Title VIII of the Code of the City of Ann Arbor

(The complete text of Ordinance 52-05 is on file in the City Clerk's Office.)

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

Councilmember Higgins moved, seconded by Councilmember Teall, to postpone the ordinance until May 15, 2006.

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Higgins, Easthope, Rapundalo, Mayor Hieftje, 7;

Nays, Councilmembers Lowenstein, Woods, Roberts, Johnson, 4.

The Mayor declared the motion carried.

\*\*\*\*\*

55-05 APPROVED

TAXICABS

An Ordinance to Amend Section 7:151 and 7:152  
of Chapter 85 of Title VII of the Code of the City Of Ann Arbor

(The complete text of Ordinance 55-05 is on file in the City Clerk's Office.)

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

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

**RECESS FOR CLOSED SESSION**

Councilmember Johnson moved, seconded by Councilmember Rapundalo, that the regular session of Council be recessed for a closed session to discuss land acquisition and pending litigation and attorney client privileged communication.

On roll call, the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 9:34 p.m.

The Mayor reconvened the meeting at 9:59 p.m.

**ORDINANCES - FIRST READING**

None.

**MOTIONS AND RESOLUTIONS**

R-4-1-06 APPROVED

**RESOLUTION TO APPROVE THE COLLEGIAN PLANNED  
PROJECT SITE PLAN AND THIRD AMENDMENT TO AND  
RESTATEMENT OF DEVELOPMENT AGREEMENT**

Whereas, Lorne J. Darnell and Associates LLC has requested site plan approval in order to construct a three-story, 15,254-square foot addition above the existing Collegian building at 333 Maynard Street;

Whereas, Lorne J. Darnell and Associates LLC has also requested planned project modifications from the side setback requirements of Chapter 55 (Zoning);

Whereas, A development agreement has been prepared to address a park contribution, footing drain disconnections and off street parking;

Whereas, The Ann Arbor City Planning Commission, on November 15, 2005, recommended approval of said request;

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

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

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated December 28, 2005;

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

RESOLVED, That City Council approve The Collegian Site Plan and planned project modifications from the side setback requirements of Chapter 55, upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, (3) six footing drain disconnections are completed prior to the issuance of certificates of occupancy, and (4) 15 automobile parking spaces are provided.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed resolution to approve the Collegian Planned Project Site Plan and third amendment to and restatement of Development Agreement, 0.16 acre, located at 333 Maynard Street.

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

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

\*\*\*\*\*

R-5-1-06 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF  
ORDINANCE NO. 55-05 – AMENDING SECTIONS 7:151 AND 7:152  
OF CHAPTER 85 (TAXICABS) OF TITLE VII 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 55-05 shall be by the following summary:

Ordinance 55-05 revises Sections 7:151 and 7:152 of Chapter 85 (Taxicabs) to enable City Council to grant reciprocity for taxicab vehicles and drivers from other jurisdictions to operate in the City for a limited period of time during a special event.

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

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

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

\*\*\*\*\*

R-6-1-06 APPROVED

RESOLUTION GRANTING TAXICAB RECIPROCITY  
FOR SUPER BOWL XL

Whereas, City Council finds that Super Bowl XL, being held at Ford Field in the City of Detroit, on February 5, 2006, and the festivities surrounding Super Bowl from January 29, 2006, through Monday, February 6, 2006, constitute a public event that is specially organized by Detroit Super Bowl XL;

Whereas, The Host Committee of Detroit Super Bowl XL has formally requested that the City grant taxicab reciprocity during the period of the Super Bowl and related festivities and the City of Ann Arbor Taxicab Board has recommended that Council grant such reciprocity; and

Whereas, The City Council finds Super Bowl XL is a special event as defined in Chapter 85 (Taxicabs) that merits granting taxicab reciprocity to meet increased demands for taxicab service during the Super Bowl and related festivities;

RESOLVED That City Council grant reciprocity to taxicabs and drivers licensed under other jurisdictions but not by the City to operate in the City in the same manner as permitted for taxicab vehicles and drivers licensed under Chapter 85 (Taxicabs), but only from January 29, 2006, through Monday, February 6, 2006, and only if the jurisdiction under which the taxicab and driver are licensed has likewise granted reciprocity to the taxicabs and drivers licensed by the City to operate in that other jurisdiction.

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

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

\*\*\*\*\*

R-7-1-06 APPROVED

RESOLUTION TO APPROVE AGREEMENT TO ENLARGE THE GARDEN HOMES  
SUBDIVISION DRAIN DRAINAGE DISTRICT – MAPLE COVE SITE

Whereas, On August 1, 2005 the City Council approved the Maple Cove Site Plan and Development Agreement (R-342-8-05);

Whereas, A condition of this site plan is the connection of a private on-site storm water management system to the existing storm sewer fronting the site in North Maple Road;

Whereas, The existing storm sewer in North Maple Road is part of the Garden Homes Subdivision Drain Drainage District, under the jurisdiction of the Washtenaw County Drain Commissioner; and

Whereas, The Maple Cove parcel is not included within the boundary of the Garden Homes Subdivision Drain Drainage District;

RESOLVED, That City Council approve an agreement with the Garden Homes Subdivision Drain Drainage District and Maple Cove, LLC to enlarge the boundary of the Garden Homes Subdivision Drain Drainage District;

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 and the Public Services Administrator; and

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

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

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

\*\*\*\*\*

R-8-1-06 APPROVED

RESOLUTION TO AWARD CONTRACT FOR THE BARTON DAM IMPROVEMENTS TO D.N. WEST ENTERPRISES (\$25,000.00), ESTABLISH THE PROJECT BUDGET (\$35,000.00), AND APPROPRIATE HYDRO FUND BALANCE

Whereas, It is necessary to complete the Barton Dam Improvements to comply with the Federal Energy Regulatory Commission Part 12 Safety Inspection for Barton Dam (December 2003);

Whereas, Of the three bids received, D.N. West Enterprises furnished the lowest responsible bid in the amount of \$25,000.00, and was selected as the most qualified firm to provide the services requested at the lowest price; and

Whereas, D.N. West Enterprises has received Human Rights approval on November 22, 2005, and complies with the living wage ordinance;

RESOLVED, That Council accepts the proposal and awards a contract to D.N. West Enterprises in the amount of \$25,000.00 for the Barton Dam Improvements Project;

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

RESOLVED, That funds (\$35,000.00) be appropriated from the Operating Fund Balance of the Hydro System; and

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

Section I – Revenue

Hydro Fund Balance		<u>\$ 35,000.00</u>
	TOTAL	\$ 35,000.00

Section II – Expenses

Contract with D.N. West Enterprises		\$ 25,000.00
Project Management and Inspection Services by City Staff		\$ 7,000.00
Contingency to finance change orders to be approved by the City Administrator		<u>\$ 3,000.00</u>
	TOTAL	\$ 35,000.00

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

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

\*\*\*\*\*

POSTPONED

RESOLUTION TO ACCEPT GRANT AND APPROPRIATE FUNDS FROM THE MICHIGAN ENERGY OFFICE TO PROMOTE ENERGY STAR HOMES

Whereas, The City of Ann Arbor’s Energy Plan calls for the City to encourage energy efficient homes;

Whereas, Energy Efficient homes generate less green house gasses and therefore contribute to the City’s green house gas reduction goals;

Whereas, The City of Ann Arbor has been awarded a \$50,000.00 grant to promote Energy Star Homes in the Ann Arbor area;

Whereas, The City has executed sub-grantee agreements with its grant partners; Performance Systems Development, Q LTD and Recycle Ann Arbor’s EnHouse to assist in builder and homeowner training, publicity, graphics and workshops;

Whereas, The purpose of this grant is to increase the energy efficiency of homes in the Ann Arbor area as a demonstration of a program that can be expanded state wide; and

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

RESOLVED, That the City accept the Michigan Department of Labor and Economic Growth grant of \$50,000.00 to promote energy efficient homes;

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

RESOLVED, That the grant funds be appropriated to the FY 05-06 Energy Office Grant Fund for the life of the project, regardless of fiscal year.

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

Councilmember Carlberg moved, seconded by Councilmember Higgins, that the resolution be postponed until January 23, 2006.

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

\*\*\*\*\*

R-9-1-06 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM PARKE DAVIS & COMPANY, LLC, 2800 PLYMOUTH ROAD SANITARY SEWER RELOCATION

Whereas, Parke, Davis & Company LLC, a Michigan limited liability company, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at the following: Liber 775, Page 634, recorded February 26, 1957; Liber 1177, Page 89, recorded on September 29, 1966; Liber 2106, Page 845, recorded on January 5, 1987; Liber 2657, Page 877, recorded on July 29, 1992; Liber 3725, Page 754, recorded on July 31, 1998; and Liber 4115, Page 324, recorded on April 11, 2002;

Whereas, An Assistant Secretary’s Certificate for Parke, Davis & Company LLC, a Michigan limited liability company, dated August 26, 2005 has authorized the delivery of 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; and

Whereas, Parke, Davis & Company 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:

Legal Description of Variable Width Sanitary Sewer Easement:

Part of the NE ¼ of Section 22, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, being more particularly described as:

COMMENCING AT THE N 1/4 CORNER OF SECTION 22, T2S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN; THENCE N88°11'00" E 840.26 FEET ALONG THE N LINE OF SAID SECTION 22;

THENCE S01°49'00" E, 45.47 FEET TO A POINT OF THE SOUTHERLY LINE OF PLYMOUTH ROAD(100' WIDE); THENCE ALONG SAID ROW LINE, N 88°02'34" E, 111.27 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID ROW LINE, N88°02'34" E, 30.23 FEET; THENCE S05°05'55" W, 38.47 FEET; THENCE S04°16'48" E, 139.40 FEET; THENCE S34°19'49" W, 152.71 FEET; THENCE S05°15'58" W, 260.31 FEET; THENCE S31°51'33" E, 127.96 FEET; THENCE S00°06'41" E, 259.63 FEET; THENCE S89°44'30" E, 101.17 FEET; THENCE S89°56'20" E, 96.56 FEET; THENCE N87°36'05" E, 26.11 FEET; THENCE S00°00'00" E, 153.50 FEET; THENCE N90°00'00" E, 4.96 FEET; THENCE S01°46'44" E, 122.24 FEET; THENCE S00°14'32" W, 161.84 FEET; THENCE S00°06'05" E, 116.44 FEET; THENCE S59°50'19" W, 8.18 FEET; THENCE S00°00'00" E, 247.00 FEET; THENCE N90°00'00" E, 170.99 FEET; THENCE N00°00'00" E, 283.87 FEET; THENCE S89°58'14" E, 70.08 FEET; THENCE S00°00'00" E, 10.31 FEET; THENCE N90°00'00" E, 121.85 FEET; THENCE N00°01'46" E, 10.25 FEET; THENCE S89°58'14" E, 452.72 FEET; THENCE S89°26'36" E, 47.72 FEET TO A NON-TANGENTIAL CURVE; THENCE 30.03 FEET ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 716.46, WITH AN INTERIOR ANGLE OF 02°24'06", AND A CHORD BEARING S03°06'21" W, 30.03 FEET; THENCE N89°26'36" W, 46.25 FEET; THENCE N89°58'14" W, 604.50 FEET; THENCE S00°00'00" E, 293.85 FEET; THENCE N 90°00'00" W, 250.99 FEET; THENCE N00°00'00" W, 310.02 FEET; THENCE N59°50'19" E, 19.68 FEET; THENCE N00°06'05" W, 87.68 FEET; THENCE N00°14'32" E, 161.40 FEET; THENCE N01°46'44" W, 245.11 FEET; THENCE N89°56'20" W, 93.87 FEET; THENCE N89°44'30" W, 131.03 FEET; THENCE N00°06'41" W, 280.91 FEET; THENCE N31°51'33" W, 129.51 FEET; THENCE N05°15'58" E, 278.16 FEET; THENCE N34°19'49" E, 149.97 FEET; THENCE N04°16'48" W, 131.35 FEET; THENCE N05°05'55" E, 37.21 FEET TO THE POINT OF BEGINNING; CONTAINING 102,432.89 SQ. FT., OR 2.352 ACRES. SUBJECT TO OTHER EASEMENTS, RIGHT-OF-WAYS OR RESTRICTIONS OF RECORD, IF ANY.

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

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

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

\*\*\*\*\*

R-10-1-06 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM  
ANN ARBOR ASSEMBLY OF GOD CHURCH, 2455 WASHTENAW AVENUE

Whereas, The Ann Arbor Assembly of God Church, a Michigan ecclesiastical corporation, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 1145, Pages 644 thru 656;

Whereas, A Resolution of the Board of Deacons of the Ann Arbor Assembly of God Church, a Michigan ecclesiastical corporation, dated December 19, 2005, authorized the delivery of 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; and

Whereas, The Ann Arbor Assembly of God Church, a Michigan ecclesiastical corporation, 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:

Description of a variable width water main easement

Part of Lots 25, 26 and 27 of Cornelius W. Tuomy Subdivision, as recorded in Liber 15 of Plats, Page 49-50, Washtenaw County Records, commencing at the Southeast corner of said Lot 27; thence N00°01'00"W 53.04 feet along the East line of said Lot to the PLACE OF BEGINNING of a variable width water main easement whose perimeter is described as: thence N89°32'08"W 85.32 feet; thence N00°27'52"E 40.00 feet; thence S89°32'08"E 8.74 feet; thence N00°14'51"E 82.57 feet; thence N44°45'26"W 173.20 feet; thence N00°00'00"E 21.18 feet; thence N43°35'00"E 65.51 feet along the North line of said Lot 25 to the Northernmost corner of Lot 25; thence 21.26 feet along a 293.38 foot radius non-tangential circular curve to the left, whose chord bears S54°30'19"E 21.25 feet along said North line; thence S42°47'56"W 33.06 feet; thence S00°00'00"E 15.56 feet; thence S44°45'26"E 173.30 feet; thence S00°14'51"W 99.30 feet; thence S89°32'08"E 36.25 to the East line of said Lot 27; thence S00°01'00"E 40.00 feet on said East line to the Place of Beginning, containing 0.36 acres of land, more or less, and being a part of the Southwest ¼ of Section 34, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan.

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

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

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

\*\*\*\*\*

POSTPONED

RESOLUTION TO APPROVE THE REQUEST FOR PROPOSALS FOR THE SALE AND REDEVELOPMENT OF CITY-OWNED PROPERTY LOCATED AT FIRST AND WASHINGTON STREETS

Whereas, City Council approved "Resolution Requesting Preparation of Requests for Proposals for The Redevelopment of City-Owned Properties" (R-346-8-05) on August 1, 2005, which set forward goals for the redevelopment of the Kline Lot and First & Washington;

Whereas, This resolution requested that a DDA/City Council subcommittee prepare a Request for Proposals (RFP) for Council approval to encourage the redevelopment of First & Washington with a new development to include market-rate and/or affordable housing; and public and/or private parking;

Whereas, The DDA/City Partnerships Committee has met weekly for several months and has formulated an RFP that would meet Council's goals; and

Whereas, The Partnerships Committee presented the contents of the RFP to City Council at a work session on December 12, 2005;

RESOLVED, That City Council approves the issuance of the Request for Proposals for the Sale and Redevelopment of City-Owned Property Located at First and Washington Streets;

RESOLVED, That the City Administrator and the Financial and Administrative Services Area be authorized and directed to coordinate the proposal review process consistent with this resolution and the terms of the Request for Proposals; and

RESOLVED, That the City Administrator is authorized to take all necessary administrative actions to implement this resolution including modification of the terms of the Request for

Proposals if addendum(s) to the document are required to clarify specific provisions after approval as to form by the City Attorney.

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

Councilmember Greden moved, seconded by Councilmember Easthope, to postpone the January 23, 2006.

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

\*\*\*\*\*

R-11-1-06 APPROVED

RESOLUTION TO INCREASE THE TEMPORARY HOUSING PROJECT BUDGET TO \$1,079,600.00 AND APPROPRIATE THE NECESSARY FUNDS

Whereas, The City Administrator determined that conditions existed on October 20, 2005, at 350 South Fifth Avenue (old YMCA residential tower), which necessitated the emergency relocation of the residents to temporary housing;

Whereas, On November 10, 2005, City Council approved a Temporary Housing Project Budget of \$159,500.00 and purchase order contracts with three motels, to provide short-term temporary housing and ancillary services through January 1, 2006 (R-580-11-05, R-581-11-05, and R-582-11-05);

Whereas, On December 19, 2005, City Council approved a revised Temporary Housing Budget of \$480,500.00 and purchase order contract with Motel 6 to provide short-term temporary housing and ancillary services through April 1, 2006 (R-641-12-05);

Whereas, City Council recognizes that the City is not legally obligated to provide housing or human services for the former YMCA residents, but is committed to the City’s guiding principles to provide support to at-risk residents by continuing to provide housing and human services for this low-income and vulnerable population;

Whereas, City staff has negotiated a one-year lease for up to 44 apartments at Tuscan Creek Apartments in Ypsilanti Township which will provide better living conditions and social supports than those previously provided at the YMCA; and

Whereas, Funding must be re-appropriated in the current budget to address the costs associated with the longer-term housing option for participants in the City Temporary Housing Program;

RESOLVED, That City Council appropriate an additional \$599,100.00 from the current General Fund Balance for the life of the project, without regard to fiscal year, for a total of \$1,079,600.00 to be available as indicated:

❑ Temporary Housing Costs	\$ 265,000.00
❑ Transportation/Moving	\$ 31,000.00
❑ On-Site Management	\$ 320,000.00
❑ Miscellaneous Related Expenses	\$ 8,000.00
❑ Lease	\$ 226,800.00
❑ Damages	\$ 50,000.00
❑ Transition Assistance	\$ 5,000.00
❑ Special Needs	\$ 26,000.00
❑ Furnishings	\$ 50,000.00
❑ Utilities	\$ 52,800.00
❑ Moving	\$ 10,000.00
❑ Contingency	\$ 35,000.00

Total Temporary Housing Project Budget      \$1,079,600.00; and

RESOLVED, That the City Administrator be authorized and directed to take all necessary actions to implement this Resolution, including re-allocation of funds between categories within the approved Project Budget if deemed necessary.

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

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

\*\*\*\*\*

R-12-1-06 APPROVED

**RESOLUTION TO AUTHORIZE A ONE-YEAR LEASE FOR UP TO 44 APARTMENTS  
AT TUSCAN CREEK APARTMENTS TO PROVIDE HOUSING FOR ELIGIBLE LOW-  
INCOME PARTICIPANTS IN CITY TEMPORARY HOUSING PROGRAM**

Whereas, The City Administrator determined that conditions existed on October 20, 2005, at 350 South Fifth Avenue (old YMCA residential tower), which necessitated the emergency relocation of the residents to temporary housing;

Whereas, On November 10, 2005, City Council approved a Temporary Housing Project Budget of \$159,500.00 and purchase order contracts with three motels, to provide short-

term temporary housing and ancillary services through January 1, 2006 (R-580-11-05, R-581-11-05, and R-582-11-05);

Whereas, On December 19, 2005, City Council approved a revised Temporary Housing Budget of \$480,500.00 and purchase order contract with Motel 6 to provide short-term temporary housing and ancillary services through April 1, 2006 (R-641-12-05);

Whereas, City Council recognizes that the City is not legally obligated to provide housing or human services for the former YMCA residents, but is committed to the City's guiding principles to provide support to at-risk residents by continuing to provide housing and human services for this low-income and vulnerable population;

Whereas, City staff has negotiated a one-year lease for up to 44 apartments at Tuscan Creek Apartments in Ypsilanti Township which will provide better living conditions and social supports than those previously provided at the YMCA; and

Whereas, City staff recommends that funding be re-appropriated in the current budget to address the costs associated with the Tuscan Creek Apartments housing option for eligible low-income participants in the City Temporary Housing Program;

RESOLVED, That City Council approve, without regard to fiscal year for the life of the project, a one-year lease with Tuscan Creek Apartments, located at 212 Stevens Drive, Ypsilanti Township, for the rental of up to 44 apartments for an amount not to exceed \$226,800.00, to provide housing for eligible low-income participants in the City Temporary Housing Program to address the closure of the old YMCA residential tower to residential occupation;

RESOLVED, That the Mayor and City Clerk be authorized to sign the lease 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 and directed to take all necessary actions to implement this Resolution.

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

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

\*\*\*\*\*















