

**ANN ARBOR CITY COUNCIL MINUTES  
REGULAR SESSION - JULY 3, 2006**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:12 p.m. in the City Hall Council Chamber, 100 N. Fifth Avenue, Ann Arbor.

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

ABSENT : 0.

**INTRODUCTIONS**

**CRIME STATISTICS PRESENTATION**

Ann Arbor Police Chief Barnett Jones gave a slide presentation to Council regarding crime statistics in the City of Ann Arbor for the past six months, as compared to other years. Many major crimes are currently below the numbers for 2004, which was a benchmark year. (A copy of the presentation is on file in the City Clerk's Office.)

**HURON RIVER DAY PROCLAMATION**

Mayor Hieftje read a proclamation proclaiming July 9, 2006 as Huron River Day. He invited residents of the community to spend the day at Gallup Park in celebration of the river. (A copy of the proclamation is on file in the City Clerk's Office.)

**STATEMENT BY CITY ATTORNEY STEPHEN K. POSTEMA**

City Attorney Stephen K. Postema, read a statement to the public regarding public speaking and conduct at City Council Meetings. A copy of the statement is on file in the City Clerk's Office.

## **PUBLIC COMMENTARY - RESERVED TIME**

### **RITA MITCHELL – DOWNTOWN DEVELOPMENT STRATEGIES IMPLEMENTATION WORK PLANS**

---

Rita Mitchell, 621 Fifth Street, expressed concern with the proposed downtown development strategies implementation work plans proposal being placed on the July 3, 2006 agenda, as the meeting takes place during a long holiday weekend. She asked that the item be postponed to a later date to allow for more public participation.

### **PARKING AND THE CALTHORPE PLAN**

The following people expressed concern with the implementation of the Calthorpe Plan:

Kathy Clark, 549 S. First, expressed concern with the streamlining process in the Calthorpe Plan, the planning process, 100-year flood plain issues, parking issues, and money spent on parking structures.

Michael Anglin, 549 S. First, urged council to continue looking at the greenway proposal.

### **PALESTINE**

The following people addressed council regarding Palestine:

Blaine Coleman, P. O. Box 7038, spoke about divestment from Palestine.

Mozhgan Savabieasfahni, 710 E. Ann, spoke about discontinuation of military aid to Israel.

Judy Bonnell, 2771 Braeburn Circle, spoke about the issues in Israel.

Henry Herskovitz, 404 Mark Hannah, spoke about the killing of Israeli people in Palestine.

Marcia Federbush, 2000 Anderson Court, spoke about the Human Rights resolution regarding Palestine.

### **DAVID BOYLE – DIVESTMENT FROM SUDAN**

David Boyle, member of the public, addressed Council regarding divestment from Sudan. Mr. Boyle also asked Council to consider holding an annual Arbor Day.

ANDREW NAZZARO – USING CITY PROPERTY NEXT TO MR. NAZZARO’S HOME

Andrew Nazzaro, 1599 Woodland, addressed Council regarding a piece of land next to his home. He expressed concern about the land becoming a play area for children and potential problems that may occur in the evening hours.

**PUBLIC HEARINGS**

DOLPH PARK ZONING (ORDINANCE NO. 28-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 18.75 acres from TWP (Township District) to PL (Public Land District), Dolph Park property, located on the north side of Liberty Road, west of Lakeview Avenue. Notice of public hearing was published June 19, 2006.

A resident of the Lakeview area expressed concern with the proposed Dolph Park rezoning and the potential for this formerly private beach site to become a public park with public access. She stated she wants the land to continue to be a private access point for residents of this area only.

A Lakeview resident expressed concern with the Dolph Park rezoning. He was concerned that the neighbors in this area will no longer have lake privileges if the parcel is turned into a public park. He also expressed concerns about additional traffic and possibly crime activity in the neighborhood if this land becomes public.

Mark Rundell expressed concerns with the proposed Dolph Park rezoning. He stated some residents on Lakeview have deeded access to the site.

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

SIGNS AND OUTDOOR ADVERTISING (ORDINANCE 34-06)

A public hearing was conducted on the proposed ordinance to amend Sections 5:06 and 509 of Chapter 61, Signs and Outdoor Advertising, of Title V of the Code of the City of Ann Arbor. Notice of public hearing was published July 2, 2006.

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

## APPROVAL OF AGENDA

### AGENDA APPROVED WITH CHANGES

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

### INTRODUCTIONS

Add: Intro-2 Huron River Day – Mayor Hieftje **(Added 7/3/06)**

### CONSENT AGENDA

Delete: ~~Resolution to Approve a Caretaker Contract with David Russell for Maintenance of Leslie Science Center Property (Parks and Recreation – Jayne Miller, Community Services Administrator)~~ **(Deleted 7/3/06)**

### MOTIONS AND RESOLUTIONS

Revise: Resolution to Approve Downtown Development Strategies Implementation Work Plans (Planning and Development Services - Jayne Miller, Community Services Administrator) **(Revised 7/3/06)**

Add: Resolution to Close E. Washington Street between Fletcher Street and S. Thayer Street from 8:00 a.m. to midnight on Monday, July 17, 2006 for the Original Townie Street Party (Planning and Development Services - Jayne Miller, Community Services Administrator) **(Added 6/26/06)**

Add: Resolution to Confirm a Member of the Ann Arbor Environmental Commission (Councilmembers Woods and Teall) **(Added 6/27/06)**

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

**APPROVAL OF COUNCIL MINUTES**

MINUTES OF JUNE 12 AND 19, 2006 APPROVED

Councilmember Rapundalo moved, seconded by Councilmember Greden, that the working session minutes of June 12, 2006 and the regular session minutes of June 19, 2006 be approved as presented.

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

**CONSENT AGENDA**

CONSENT AGENDA ITEMS APPROVED

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

**R-308-7-06 APPROVED**

**RESOLUTION TO GRANT SEWER SERVICE  
OUTSIDE CITY LIMITS TO 1615 CHALMERS DRIVE**

Whereas, A. Brooks Hughes and Caroline K. Hughes (husband & wife) the owners of the property at 1615 Chalmers Drive on May 12, 2005, have 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; and

Whereas, The owners desire to enter into an agreement with the City to provide an equitable method of obtaining City services outside of its corporate boundaries;

RESOLVED, That the Mayor and Clerk are authorized and requested to sign the agreement to allow City sewer service to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area record the agreement in the office of the Register of Deeds of Washtenaw County, Michigan, and send an approved copy of this resolution and an executed copy of the agreement to the owners.

\*\*\*\*\*

R-309-7-06 APPROVED

RESOLUTION TO GRANT SEWER SERVICE  
OUTSIDE CITY LIMITS TO 1395 CHALMERS DRIVE

Whereas, Benjamin T. Hourani the owner of the property at 1395 Chalmers Drive on May 30, 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; and

Whereas, The owner desires to enter into an agreement with the City to provide an equitable method of obtaining City services outside of its corporate boundaries;

RESOLVED, That the Mayor and Clerk are authorized and requested to sign the agreement to allow City sewer service to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area record the agreement in the office of the Register of Deeds of Washtenaw County, Michigan, and send an approved copy of this resolution and an executed copy of the agreement to the owner.

\*\*\*\*\*

R-310-7-06 APPROVED

RESOLUTION TO GRANT SEWER SERVICE  
OUTSIDE CITY LIMITS TO 1365 CHALMERS DRIVER

Whereas, Steven E Gerber and Joyce Gerber the owners of the property at 1365 Chalmers Drive on April 30, 2005, have 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; and

Whereas, The owners desire to enter into an agreement with the City to provide an equitable method of obtaining City services outside of its corporate boundaries;

RESOLVED, That the Mayor and Clerk are authorized and requested to sign the agreement to allow City sewer service to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area record the agreement in the office of the Register of Deeds of Washtenaw County, Michigan, and send an approved copy of this resolution and an executed copy of the agreement to the owners.

\*\*\*\*\*

R-311-7-06 APPROVED

RESOLUTION TO GRANT SEWER SERVICE  
OUTSIDE CITY LIMITS TO 1455 CHALMERS DRIVE

Whereas, Morris Katz and Evelyn Katz (husband & wife) the owners of the property at 1455 Chalmers Drive on May 2, 2005, have 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; and

Whereas, The owners desire to enter into an agreement with the City to provide an equitable method of obtaining City services outside of its corporate boundaries;

RESOLVED, That the Mayor and Clerk are authorized and requested to sign the agreement to allow City sewer service to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area record the agreement in the office of the Register of Deeds of Washtenaw County, Michigan, and send an approved copy of this resolution and an executed copy of the agreement to the owners.

\*\*\*\*\*

R-312-7-06 APPROVED

RESOLUTION TO GRANT SEWER SERVICE  
OUTSIDE CITY LIMITS TO 1675 CHALMERS DRIVE

Whereas, Stephen F. Barnes and Rebecca Susan Barnes (husband & wife) the owners of the property at 1675 Chalmers Drive on May 30, 2005, have 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;

Whereas, The owners desire to enter into an agreement with the City to provide an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, The owners desire to pay the improvement charge of \$350.00 installments;

RESOLVED, That the Mayor and Clerk are authorized and requested to sign the agreement to allow City sewer service to the land during the time it is still outside of the Corporate City Limits;

RESOLVED, That Mayor and Clerk approve payment of the improvement charge in installments over a 1-year period, with interest at the rate of 5% per annum, to be billed and paid quarterly on their sewer utility bill; and

RESOLVED, That the Public Services Area record the agreement in the office of the Register of Deeds of Washtenaw County, Michigan, and send an approved copy of this resolution and an executed copy of the agreement to the owner.

\*\*\*\*\*

R-313-7-06 APPROVED

RESOLUTION TO APPROVE PAYMENT OF IMPROVEMENT CHARGES IN  
INSTALLMENTS FOR 750 ARLINGTON BOULEVARD

Whereas, J. Kevin Vasconi and Lisa Marie Vasconi, the owners of the property at 750 Arlington Boulevard, have 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;

Whereas, The owners have entered into an agreement with the City to provide an equitable method of obtaining City water and sewer services outside of its corporate boundaries;

Whereas, The owners have paid applicable connection charges and are being furnished City water and sewer service as of July 1, 2005;

Whereas, The owners request to pay the historic sewer improvement charge of \$947.68 and the historic water improvement charge of \$120.00 for a total improvement charge of \$1,067.68 in payments and Section 1:278 of the City Code authorizes the City Council to approve installment payments of improvement charges;

Whereas, As part of this agreement, the owner shall diligently pursue all actions necessary to bring about the annexation no later than December 31, 2007; and

Whereas, Mayor and Council approved Resolution R-381-9-05 on September 6, 2005, to grant water and sewer service to this property and the resolutions did not include payment terms;

RESOLVED, That the Mayor and Council approve payment of the sanitary sewer and water improvement charges totaling \$1,067.68 over a 1-year period, to be billed and paid quarterly on the property owner's water bill, at a 5% interest rate per annum;

RESOLVED, That the City Administrator be authorized to take any other necessary administrative actions to implement this resolution; and

RESOLVED, That the Public Services Area promptly record the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an approved copy of the resolution and an executed copy of the agreements to the owner.

\*\*\*\*\*

R-314-7-06 APPROVED

RESOLUTION TO APPROVE AMENDMENT NO. 2  
TO THE AGREEMENT FOR PROFESSIONAL SERVICES WITH  
ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC.

Whereas, Arthur J. Gallagher Risk Management Services, Inc. is the City's current insurance broker and co-ordinates the City's risk management loss prevention and control services;

Whereas, Arthur J. Gallagher's insurance brokerage services under the terms of the current contract expire at the end of FY2005-2006 but their risk management loss prevention and control services expire at the end of FY2006-2007;

Whereas, Reorganization of City services has resulted in staffing changes that would allow the City to bring in-house certain components of the risk management loss prevention and control program currently managed by Arthur J. Gallagher;

Whereas, Arthur J. Gallagher is willing to amend its contract with the City to provide brokerage services through FY2006-2007 and support services for the in-house components of the City's loss prevention program and continue to manage those components of the risk management loss prevention and control program not being transferred in-house;

Whereas, The parties have negotiated an amendment to the contract which clarifies and defines the essential duties and responsibilities of Arthur J. Gallagher and the City for the remainder of the contract term and established appropriate fees for services;

Whereas, Arthur J. Gallagher received Human Rights approval on August 25, 2005 and complies with the City’s living wage ordinance; and

Whereas, Funds for the remainder of the contract are available in the Insurance Fund;

RESOLVED, That City Council approve Amendment No. 2 to the Agreement for Professional Services with Arthur J. Gallagher Risk Management Services, Inc.; and

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

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

\*\*\*\*\*

R-315-7-06 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES CONTRACT WITH JIM SHARPE FOR INFORMATION TECHNOLOGY PROJECT MANAGEMENT SERVICES

Whereas, The Information Technology Service Unit requires the development and deployment of end-user management reporting and asset management services;

Whereas, The Information technology Service Unit requires updates to the city’s personal computer fleet resulting in a standard hardware and software configuration for all City desktops and laptops;

Whereas, There are sufficient funds in the 2006-07 Information Technology Budget to fund these services; and

Whereas, Jim Sharpe is a qualified candidate for providing this service;

RESOLVED, That City Council approve issuance of a professional services contract with Jim Sharpe for the aforementioned projects, not to exceed \$25,000.00; and

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

\*\*\*\*\*

R-316-7-06 APPROVED

RESOLUTION TO APPROVE AMENDMENT NO. 1  
TO CONTRACT WITH PC HELPS SUPPORT, INC. FOR  
THE PROVISION OF EMPLOYEE COMPUTER SOFTWARE SUPPORT

Whereas, On May 5, 2005, City Council approved a usage-based service agreement with PC Helps Support, Inc., which provides telephone support to City employees on troubleshooting and advance feature function use on various office productivity software used by the City;

Whereas, A survey conducted in 2005 by PC Helps of City employees who used their services, reports an average of 2.6 hours being saved per call by the assistance PC Helps provides;

Whereas, Continuation of the contract term for an additional year will allow the City to efficiently manage user support consistent with ITSD's strategic planning initiative and current staffing levels;

Whereas, ITSD has negotiated an \$8,000.00 reduction in the yearly fee for support for the FY06-07 Fiscal Year; and

Whereas, PC Help Support, Inc. has received Human Rights approval on 2006;

RESOLVED, That City Council approve Amendment No. 1 to the contract with PC Helps Support, Inc. for an additional year of usage-based employee computer software support in the amount of \$30,000.00; and

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

\*\*\*\*\*

## R-317-7-06 APPROVED

RESOLUTION TO APPROVE PUBLIC FACILITY CONTRACT  
WITH OZONE HOUSE INC. FOR 1705 WASHTENAW AVENUE

Whereas, An application was received from Ozone House Inc. for rehabilitation assistance for the shelter located at 1705 Washtenaw Avenue;

Whereas, Ozone House Inc. meets the City's criteria for participation in the Public Facilities Program; and

Whereas, Two bids were received on March 23, 2006, and Ozone House Inc. will be executing an agreement with S. L. Hayes & Associates, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the Public Facility Contract with Ozone House Inc. in the amount of \$33,028.00 in CDBG Funds as a grant;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute a Public Facility Contract with Ozone House Inc. consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available without regard to fiscal year; and

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

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

**ORDINANCES - SECOND READING**

28-06 POSTPONED

**DOLPH PARK ZONING  
(NORTH SIDE OF LIBERTY ROAD,  
WEST OF LAKEVIEW AVENUE)**

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

This ordinance would change the zoning of 18.75 acres, located on the north side of Liberty Road, west of Lakeview Avenue, from TWP (Township District) to PL (Public Land District). (The complete text of Ordinance 28-06 is on file in the City Clerk's Office.)

Councilmember Woods moved, seconded by Councilmember Easthope, that the ordinance be adopted at second reading.

Councilmember Woods moved, seconded by Councilmember Easthope, to postpone the second reading of the ordinance until July 17, 2006.

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

\*\*\*\*\*

34-06 APPROVED

**SIGNS AND OUTDOOR ADVERTISING**

An Ordinance to Amend Sections 5:506 and 508  
of Chapter 61, Signs and Outdoor Advertising,  
of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 34-06 is on file in the City Clerk's Office.)

Councilmember Higgins moved, seconded by Councilmember Easthope, that the ordinance be adopted at second reading.

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

**ORDINANCES - FIRST READING**

36-06 APPROVED

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

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

This ordinance would change the zoning of 7.28 acres, located on the east side of Pontiac Trail, south of Dhu Varren Road, from TWP (Township District) to R4A (Multiple-Family Dwelling District). (The complete text of Ordinance 38-06 is on file in the City Clerk's Office.)

Councilmember Roberts moved, seconded by Councilmember Teall, that the ordinance be approved at first reading.

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

**MOTIONS AND RESOLUTIONS**

R-318-7-06 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH CROSS LAKE CONSTRUCTION, INC. FOR IMPROVEMENTS AT EVERGREEN PARK - BID #3777, APPROPRIATE \$28,000 FROM THE PARK REHABILITATION AND DEVELOPMENT MILLAGE FUND BALANCE AND TO ESTABLISH A TOTAL CONSTRUCTION PROJECT BUDGET OF \$61,429.00

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

Whereas, Neighborhood questionnaires and public meetings were administered to obtain input into the plan for improvements at the Evergreen Park;

Whereas, Competitive bids were sought by the Procurement Office with bids received on March 28, 2006 and Cross Lake Construction, Inc. was identified as the lowest responsible bidder;

Whereas, Funds for the Evergreen Park project are included in the approved FY 2005-2006 Park Rehabilitation and Development Millage budget and the additional \$28,000.00 exists in the Park Rehabilitation and Development Millage fund balance to provide for the added expenses for development of Evergreen Park; and

Whereas, Cross Lake Construction, Inc. received Human Rights approval on April 12, 2006 and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council approve a construction contract, per Bid #3777, with Cross Lake Construction, Inc. in the amount of \$55,844.00 for improvements at Evergreen Park;

RESOLVED, That City Council approve a construction contingency in the amount of \$5,585.00 (10%) to cover potential contract change orders and a total Project Budget of \$61,429.00 for the life of the project without regard to fiscal year;

RESOLVED, That City Council appropriate from the Park Rehabilitation and Development Millage fund balance funds in the amount of \$28,000.00 to the Project budget to supplement existing funds in the FY 05-06 budget;

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

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

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

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

\*\*\*\*\*

AMENDED AND POSTPONED

(RESOLUTION TO APPROVE DOWNTOWN DEVELOPMENT STRATEGIES  
IMPLEMENTATION WORK PLANS)

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

Councilmember Higgins moved, seconded by Councilmember Lowenstein, to postpone the section of the Downtown Development Strategies Implementation Work Plan, entitled "*Pursue a comprehensive transportation and parking strategy for Ann Arbor, focusing on the downtown*" until July 17, 2006.

On roll call, the vote was as follows:

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

Nays, Councilmembers Woods, Rapundalo, 2.

The Mayor declared the motion carried.

Councilmember Greden moved, seconded by Councilmember Carlberg, to amend the Downtown Development Strategies Implementation Work Plan as follows:

...Development Process Advisory Committee

3 City Staff

4 **3** Developers

1 Chamber Representative

1 Consultant

**1 CITIZEN AT LARGE**

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

Councilmember Rapundalo moved, seconded by Councilmember Woods, to postpone the resolution until July 17, 2006.

The Mayor declared a recess at 8:52 p.m. and reconvened the meeting at 9:00 p.m.

The question being the motion to postpone the resolution and the Implementation Work Plans as amended, on a voice vote, the Mayor declared the motion carried.

Councilmember Easthope requested the City Administrator provide Council with information regarding the amount of public funding that was provided by the DDA for the Liberty Lofts project.

The amended resolution reads as follows:

Whereas, On March 20, 2006, City Council adopted Resolution R-94-3-06 to approve the Implementation Plan for the Downtown Development Strategies Final Report;

Whereas, City Council directed staff to begin work on prioritized elements of the Implementation Plan;

Whereas, Staff has developed work plans for the four prioritized areas, plus clarifying the historic district criteria for development in the downtown; and

Whereas, The City and DDA are providing funding for these work efforts;

RESOLVED, That City Council approve the attached work plans dated June 19, 2006; and

RESOLVED, That City Council direct staff to provide a progress report on the status of the Implementation Plan in December 2006.

\*\*\*\*\*

R-319-7-06 APPROVED

RESOLUTION TO CLOSE DETROIT STREET FOR THE 2006 KERRYTOWN BOOKFEST – SUNDAY, SEPTEMBER 10, 2006

Whereas, The City has received a request from the Kerrytown Bookfest to close Detroit Street between Catherine Street and N. Fifth Avenue from 8:00 A.M. to 7:00 P.M. on Sunday, September 10, 2006;

Whereas, The closing is requested for events associated with the Kerrytown Bookfest;

Whereas, The sponsor will notify all affected religious institutions in writing not less than 15 days prior to the event, 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 Detroit Street between Catherine Street and N. Fifth Avenue from 8:00 A.M. to 7:00 P.M. on Sunday, September 10, 2006 as requested.

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

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

\*\*\*\*\*

R-320-7-06 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM WASHTENAW AVENUE PAD SITE, LLC - HURON VILLAGE

Whereas, Washtenaw Avenue Pad Site, 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 Liber 4380, Page 204, recorded April 14, 2004;

Whereas, A Resolution of the Members of Washtenaw Avenue Pad Site, LLC, a Michigan limited liability company, dated May 3, 2006, 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, Washtenaw Avenue Pad Site, 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:

A 40-foot wide easement more particularly described as:

Part of the Northwest ¼ of Section 2, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan;

Commencing at the Northwest corner of Section 2, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S89°55'00"E 1331.30 feet along the North line of said Section 2 to the NW property corner and West ROW line of Huron Parkway (66.00 feet wide); thence along said ROW line of Huron Parkway S08°39'00"W 264.44 feet; thence the following five courses: N81°08'58"W 73.54 feet; thence S00°00'00"E 116.17 feet, N90°00'00"W 40.00 feet, N00°00'00"E 123.78 feet, N90°00'00"W 10.39 feet to the POINT OF BEGINNING;

Thence S00°00'00" E 184.66 feet;  
 Thence N90° 00'00" W 40.00 feet;  
 Thence N00°00'00" E 184.66 feet;  
 Thence N90°00'00" E 40.00 feet to the POINT OF BEGINNING.  
 Being a part of the NW ¼ of Section 2, T3S, R6E, City of Ann Arbor,  
 Washtenaw County, Michigan. Being subject to easements and restrictions  
 of record, if any;

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

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

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

\*\*\*\*\*

R-321-7-06 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO BIDIGARE CONTRACTORS, INC. FOR 2006 CURB DRAIN CONSTRUCTION PROJECT

Whereas, The City of Ann Arbor is required to remain in conformance with the Michigan Department of Environmental Quality, Natural Resources and Environmental Protection Act, 1994 PA 451, Part 31;

Whereas, On August 20, 2001, the City Council approved Ordinance No. 32-01, to provide for implementation of a citywide footing drain disconnection process;

Whereas, Approximately 30,000 feet of curb drain is needed to collect sump pump discharges from homes in Priority Phase 2A Areas of the program;

Whereas, On May 18, 2006, competitive bids were received by the Procurement Unit for the 2006 Curb Drain Construction Project and Bidigare Contractors, Inc. was the lowest responsible bidder at \$1,815,491.00;

Whereas, Bidigare Contractors, Inc. has received Living Wage and Human Rights approval on May 25, 2006;

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

Whereas, The City's adopted 2006/2007 Budget includes the project budget in an amount

of \$3,200,000.00;

Whereas, funds for the project will be advanced from the Sewer Operating Fund Balance pending the sale of Sewage Disposal System Bonds; and

Whereas, It is now necessary to enter into a Contract with Bidigare Contractors, Inc. for said construction project;

RESOLVED, That a contract in the amount of \$1,815,491.00 be awarded to Bidigare Contractors, Inc. for curb drain installation for the 2006 Curb Drain Construction Project (Bid No. 3786) to be expended without regard to fiscal year;

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

RESOLVED, That City Council authorize the City Administrator to approve change orders to the construction contract within the approved 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 expects 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 Rapundalo moved, seconded by Councilmember Woods, that the resolution be adopted.

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

\*\*\*\*\*

R-322-7-06 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARSONS-BRINCKERHOFF MICHIGAN, INC. (\$318,416.36) FOR THE BROADWAY BRIDGES RECONSTRUCTION PROJECT

Whereas, Parsons Brinckerhoff Michigan, Inc., (PBM) was awarded a contract on September 17, 2002 (R-403-9-02) in an amount of \$3,547,073.88 to provide professional construction engineering and project management services for the Broadway Bridges Reconstruction Project;

Whereas, Additional construction engineering and project management services are needed to close the project;

Whereas, It is necessary to amend PBM's existing professional services agreement to include the additional services in the amount of \$318,416.36 to assist with the project closure in accordance with City of Ann Arbor and Michigan Department of Transportation standards;

Whereas, Funds for the services are available from the project budget approved by Council on December 16, 2002; and

Whereas, PBM has received Human Rights approval on October 20, 2005, and pays its employees a living wage;

RESOLVED, That Council approves the Amendment to the Professional Services Agreement with Parsons Brinckerhoff Michigan, Inc. in the amount of \$318,416.36 for the Broadway Bridges Reconstruction Project;

RESOLVED, That a contingency amount of \$50,000 be established within the project budget for additional amendments and that the City Administrator is authorized to approve additional amendments to the professional services agreement, not to exceed \$ 50,000 in order to satisfactorily complete the project;

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

RESOLVED, That the City Administrator be authorized to take all 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-323-7-06 APPROVED

RESOLUTION TO APPROVE A PARTNERSHIP WITH WASHTENAW COUNTY FOR OFFICE OF COMMUNITY DEVELOPMENT

Whereas, In October, 2004, the City of Ann Arbor and Washtenaw County created a joint Office of Community Development (OCD);

Whereas, The City has a contract with Washtenaw County for management services to oversee the OCD;

Whereas, Since the creation of the joint office, it has become clear that many of the duties within the OCD should be shared between the City and the County staff;

Whereas, A partnership agreement between the City of Ann Arbor and Washtenaw County for the Office of Community Development will allow for further collaborative efforts between the two organizations;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to execute the partnership agreement with Washtenaw County for the Office of Community Development consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That the City Administrator be authorized to execute on behalf of the City any action necessary to implement this resolution.

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

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

\*\*\*\*\*

R-324-7-06 APPROVED

RESOLUTION TO APPROVE CONTRACT WITH WASHTENAW COUNTY FOR FINANCIAL SERVICES FOR THE OFFICE OF COMMUNITY DEVELOPMENT

Whereas, The City and County are committed to continuing to gain efficiencies and cost savings in their operations while improving delivery of services;

Whereas, In October, 2004 the City and County created a joint Office of Community Development;

Whereas, The City and County administer CDBG and HOME funds through the Office of

Community Development for their respective geographic areas and have responsibility for oversight of general fund grants to non-profit housing providers as well as managing human service funds that are allocated to non-profit providers;

Whereas, The City and County are extending the City and County’s efforts to maximize efficiencies in the joint City/County Office of Community Development through the hiring of a single individual to manage the City and County finances for the office; and

Whereas, In doing so, the Office will operate more efficiently and the resulting cost savings will assist both agencies in maximizing their capacity to provide funding for housing and human service needs in the community;

RESOLVED, That the Mayor and City Council approve the allocation of up to \$45,000.00 per year for FY 06-07 and FY 007-08 for the purpose of funding a joint Community Development Fiscal Analyst I/II position;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to execute the City of Ann Arbor and County of Washtenaw Community Development Fiscal Analyst I/II Service Agreement consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to execute on behalf of the City any action necessary to implement this resolution.

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

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

\*\*\*\*\*

R-325-7-06 APPROVED

RESOLUTION TO CLOSE E. WASHINGTON STREET BETWEEN FLETCHER STREET AND S. THAYER STREET FROM 8:00 A.M. TO MIDNIGHT ON MONDAY, JULY 17, 2006 FOR THE ORIGINAL TOWNIE STREET PARTY

Whereas, The Ann Arbor Street Art Fair will be holding the Original Townie Street Party on Monday, July 17, 2006 from 5:00 p.m. – 9:00 p.m. on E. Washington Street between Fletcher Street and S. Thayer Street;

Whereas, the sponsor is requesting the closure of E. Washington Street between Fletcher Street and S. Thayer Street from 8:00 a.m. to midnight to facilitate the set up and tear down of equipment for the event;

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

Whereas, The sponsor requires the approval of the Michigan Liquor Control Commission for a special outdoor liquor license, if required;

Whereas, The sponsor will obtain all necessary permits and comply with all procedures, rules and regulations required by the City to stage such an event; and

Whereas, The Ann Arbor Street Art Fair agrees to defend and indemnify and save the City harmless against any claim arising from their sponsorship of this event;

RESOLVED, That Mayor and City Council hereby approve the closing of E. Washington Street between Fletcher Street and S. Thayer Street from 8:00 a.m. to midnight on Monday, July 17, 2006 for set-up and tear down of the Original Townie Street Party.

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

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

\*\*\*\*\*

R-326-7-06 APPROVED

RESOLUTION TO CONFIRM A MEMBER OF THE ANN ARBOR ENVIRONMENTAL COMMISSION

Whereas, The appointment of members of the Environmental Commission is a prerogative of the City Council;

Whereas, John M. German has worked on vehicle fuel economy and environmental issues for almost 30 years and is eminently qualified to serve on the Environmental Commission;

Whereas, John M. German has worked with the Environmental Protection Agency as a senior technical advisor on greenhouse gas and fuel economy issues;

Whereas, John German has expressed an interest in serving on the Environmental Commission and would accept appointment; and

Whereas, City Council nominated John German to the Environmental Commission on June

19, 2006;

RESOLVED, That John German be appointed to serve as a member of the Environmental Commission for a term beginning July 3, 2006 to July 3, 2009.

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

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

## **REPORTS FROM COUNCIL COMMITTEES**

### **COMMERCIAL RECYCLING COMMITTEE**

Councilmember Teall announced that the Commercial Recycling Committee held their first meeting and will continue to meet once a month and give Council a final report in January 2007.

## **COUNCIL PROPOSED BUSINESS**

### **COUNCILMEMBER EASTHOPE**

Councilmember Easthope said that the taskforce Council approved to look at the Court and Police Facilities has asked for a short extension until October 2006 to be sure that their job is complete and that they answer all of the questions set out in the resolution.

## **COMMUNICATIONS FROM THE MAYOR**

### **APPOINTMENTS APPROVED**

Mayor Hieftje recommended the following appointments at the June 19, 2006 regular session of Council:

Airport Advisory Committee

Christopher Ballard (Filling Vacancy- General member)  
3199 Bluett Rd.  
Ann Arbor, MI 48105  
Term: July 3, 2006- July 3, 2009

Ann Arbor Energy Commission

Charles Hookham (Replacing Yoshiko Hill)  
2902 Eisenhower Parkway  
Ann Arbor, MI 48108  
Term: July 3, 2006- July 3, 2009

Downtown Area Citizens Advisory Council

Ray Fullerton Filling Vacancy  
505 E. Huron St. Unit 606  
Ann Arbor, MI 48104  
Term: July 3, 2006-July 3, 2009

Joan French Filling Vacancy  
505 E. Huron St. Unit 606  
Ann Arbor, MI 48104  
Term: July 3, 2006- July 3, 2009

Planning Commission

Craig Borum (Replacing -Jennifer Hall)  
918 N. Main St.  
Ann Arbor, MI 48104  
Term: July 1, 2006- June 30, 2009

Ann Arbor Senior Center Advisory Board

Cecile T. Frogh (Re-Appointment)  
2423 Nottingham Rd.  
Ann Arbor, MI 48104  
Term: July 3, 2006-July 3, 2009

Taxicab Board

Barbara T. Krick (Re-Appointment)  
2345 Delaware Dr.  
Ann Arbor, MI 48103  
Term: July 3, 2006-April 7, 2009

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

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

NOMINATIONS PLACED ON TABLE

Mayor Hieftje placed the following nominations on the table for approval at a later date:

Downtown Development Authority

Jennifer Hall (Replacing- Ron Dankert)  
1402 Culver Rd.  
Ann Arbor, MI 48103  
Term: 8/1/06- 7/31/10

Parks Advisory Commission

Brigit Macomber Re-appointment  
2036 Delafield Dr.  
Ann Arbor, MI 48105  
Term: 7/17/06- 7/17/09

Zoning Board of Appeals

Ron Eamus Replacing-Peter Falkenstein  
2503 Hampshire Rd.  
Ann Arbor, MI 48104  
Term: 7/17/06- 7/17/09

## **COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

### **REPORTS SUBMITTED**

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

1. May 2006 Investment Portfolio Report – Financial and Administrative Services - Tom Crawford, Chief Financial Officer
2. Fourth & Washington Parking Structure Addition - Downtown Development Authority - Susan Pollay, Executive Director

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

## **COMMUNICATIONS FROM THE CITY ATTORNEY**

### **REPORT ON COMPLETED ANNEXATIONS**

City Attorney Stephen Postema submitted report on the following completed annexation:

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

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

## **COMMUNICATIONS FROM COUNCIL**

### **COUNCILMEMBER HIGGINS**

Councilmember Higgins advised the City Clerk that Kathryn Loomis' term of office is incorrect in the Boards and Commissions Book. She also advised that another Zoning Board of Appeals member's term would be expiring soon.

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

The following communications were referred as indicated:

1. Communication from State Representative Chris Kolb regarding the Ann Arbor City's Council's resolution supporting a renewable portfolio standard

The following minutes were received for file:

1. Parks Advisory Commission – March 21, April 18 and May 16, 2006
2. Historic District Commission – March 9, April 11 and April 27, 2006
3. Employees' Retirement System Board – May 18, 2006
4. Retiree Health Care Board of Trustees – May 18, 2006
5. City Market Commission – March 16, April 20, and May 19, 2006
6. Zoning Board of Appeals – March 22, 2006
7. Cable Commissions – March 28, 2006
8. Ann Arbor Transportation Authority Board – May 25, 2006

Councilmember Greden moved, seconded by Councilmember Easthope, that the Clerk's Report be accepted.

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

#### **PUBLIC COMMENTARY - GENERAL**

None.

#### **RECESS FOR CLOSED SESSION**

None.

**ADJOURNMENT**

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:10 p.m.

Jacqueline Beaudry  
Clerk of the Council

Anissa R. King  
Recording Secretary