

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - MAY 7, 2007**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:13 p.m. in the City Hall Council Chamber, 100 N. Fifth Ave, Ann Arbor, Michigan.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Ronald Suarez, Robert M. Johnson, Stephen Kunselman, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 9.

ABSENT : Councilmembers Joan Lowenstein, Stephen Rapundalo, 2.

APPROVAL OF AGENDA

AGENDA APPROVED AS PRESENTED

Councilmember Woods moved, seconded by Councilmember Higgins, that the agenda be approved as presented.

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

INTRODUCTIONS

HISTORIC DISTRICT COMMISSION HISTORIC PRESERVATION AWARDS

Susan Weinberg, Chair of the Historic District Commission, presented the Historic Preservation Awards to citizens and business owners in Ann Arbor. Historic Preservation is celebrated throughout the United States in the month of May. A list of recipients and award types are on file in the City Clerk's Office.

PROCLAMATION: LIVESTRONG DAY – MAY 16, 2007

Mayor Hieftje read a proclamation honoring May 16, 2007 as Livestrong Day. Ray Fullerton representing Livestrong accepted the proclamation. Livestrong Day exemplifies the spirit of people affected by cancer-survivors, caregivers, friends, family, physicians, nurses, social workers and researchers throughout Michigan. A copy of the proclamation is on file in the City Clerk's Office.

PUBLIC COMMENTARY - RESERVED TIME

JUNE RUSTEN – DRINKING TAP WATER IS THINKING GREEN

June Rusten, 1733 Dunmore, spoke in support of the Resolution to Drink Tap Water and Think Green. Ms. Rusten gave additional information on bottled water consumption and the negative impacts to the environment versus drinking tap water.

FARMERS MARKET RENOVATION & EXPANSION PROJECT

The following people spoke in opposition of the proposed Farmers Market Renovation and expansion project:

Glen Thompson, 100 Longman Circle
Michele Hannoosh, 2112 Devonshire Road
Richard Janko, 2112 Devonshire Road

JIM MOGENSEN – NIXON ROAD & HURON PARKWAY ROUNDABOUT

Jim Mogensen, 3780 Green Brier, expressed concern with the roundabout proposed at Nixon Road and Huron Parkway.

THOMAS PARTRIDGE – ENDING GOVERNMENT CRISES IN ANN ARBOR AND LANSING. WHA WOULD JESUS ADVISE?

Thomas Partridge, 4220 Eyrie Dr., addressed Council regarding the budget crisis affecting the city, school district, and other local municipalities across the state.

JEFFREY MASTERS – AT&T UTILITY BOXES

Jeffrey Masters, 1101 Pauline Boulevard, addressed Council regarding an AT&T Utility box in the public right-of-way on Pauline Street. He said that noise coming from the box has been continuous and very disruptive. He added that there may be similar boxes around Ann Arbor that are also disruptive to the public.

PUBLIC HEARINGS

ZARAGON PLACE SITE PLAN AND DEVELOPMENT AGREEMENT

A public hearing was conducted on the proposed Resolution to approve the Zaragon Place

Site Plan and Development Agreement, 0.35 acre, located at 619 East University Avenue. Notice of public hearing was published May 1, 2007.

There being no one present for comment, the Mayor declared the hearing continued until June 4, 2007, at which time the resolution would be acted upon.

EASY STREET SIDEWALK PROJECT

A public hearing was conducted on the proposed Resolution to approve the Easy Street Sidewalk Project. Notice of public hearing was published April 22, 2007.

A resident on Easy Street spoke in support of the proposed Easy Street Sidewalk Project and said that the project is a good compromise for all residents.

Katlin Rowe, 2578 Easy Street, spoke in support of the proposed Easy Street Sidewalk Project for the west side of the street.

Pam Silva, 2830 Easy Street, spoke in support of the project, but expressed concerns about the shared assessment and the limitations that would place on future sidewalks on the east side of the street.

Thomas Partridge, 4220 Eyrie Dr., expressed concern with the elderly and low income population being assessed for the project.

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

FISCAL YEAR 2007-2008 FEE ADJUSTMENTS FOR SAFETY SERVICES AREA

A public hearing was conducted on the proposed Fiscal Year 2007-2008 Fee adjustments for Safety Services Area. Notice of public hearing was published May 6, 2007.

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

FISCAL YEAR 2007-2008 FEE ADJUSTMENTS FOR THE CITY CLERK'S OFFICE

A public hearing was conducted on the proposed Fiscal Year 2007-2008 Fee Adjustments for the City Clerk's Office. Notice of public hearing was published May 6, 2007.

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

FISCAL YEAR 2007-2008 FEE ADJUSTMENTS FOR THE COMMUNITY SERVICES AREA

A public hearing was conducted on the proposed Fiscal Year 2007-2008 Fee adjustments for the Community Services Area. Notice of public hearing was published May 6, 2007.

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

FISCAL YEAR 2007-2008 FEE ADJUSTMENTS FOR PUBLIC SERVICES AREA

A public hearing was conducted on the proposed Fiscal Year 2007-2008 Fee Adjustments for Public Services Area – Fleet & Facilities, Project Management, Customer Service and Field Operations. Notice of public hearing was published May 6, 2007.

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

PROPOSED 2007-2008 CITY OF ANN ARBOR BUDGET RECOMMENDATIONS

A public hearing was conducted on the proposed 2007-2008 City of Ann Arbor Budget Recommendations and Property Tax Millage Rates. Notice of public hearing was published April 29, 2007.

The following people spoke in opposition of the removal of funding for the Community Action Network:

Lisa Ferguson, resident of the Hikone Community
Betty Jones, resident of Hikone
Marita Englehardt
Joan Dowdy, Community Action Network
Ann Marie Byers, board member of Community Action Network

Jim Mogensen, 3780 Green Brier, said that public sector funding for Human Services is important.

Margo Mehringer, 1277 Bird Rd., spoke in support of the park ranger program.

Karen Sidney, 100 Longman Circle, addressed Council regarding concerns with the proposed City budget.

Kent Baumkel, grant writer for the Ann Arbor Police Department, spoke in opposition of the proposed cut to the grant writing position within the Police Department.

Dan Booker, Ann Arbor Park Ranger, spoke in opposition of the cutting of the Park

Ranger position from the City budget.

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

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER SUAREZ

Councilmember Suarez reported on the Cool Cities Task Force. Councilmember Suarez stated that fundraising occurred for the Arts and that good things are still happening despite the State budget cuts.

REPORTS FROM COUNCIL COMMITTEES

None.

APPROVAL OF COUNCIL MINUTES

MINUTES OF APRIL 9 AND APRIL 16, 2006 APPROVED

Councilmember Higgins moved, seconded by Councilmember Teall, that the working session minutes of April 9, 2007 and the regular session minutes of April 16, 2007 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 Transfer Delinquent Sidewalk Improvement Charges to the 2007 City Tax Roll) (Public Services - Sue F. McCormick, Area Administrator)

(Resolution to Approve an Agreement between Complete Corporate Solutions, Inc. and the City Information Technology Services Unit for the Development of Applications Permitting Public and 3rd Party Access to 15th Judicial District Court Case Record Data (\$57,200.00)) (15th District Court - Keith Zeisloft, Court Administrator)

CONSENT AGENDA ITEMS APPROVED

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

R-160-5-07 APPROVED

RESOLUTION TO AUTHORIZE THE PURCHASE OF AN ATOMIC ABSORPTION SPECTROMETER WITH AUTOSAMPLER (BID NO. 3828) FROM SHIMADZU SCIENTIFIC INSTRUMENTS

Whereas, The federal and state regulations require that the concentrations of metals in the drinking water and the wastewater effluent be measured;

Whereas, The environmental laboratory in the Public Services Area uses atomic absorption spectrometer to performs the necessary analyses to comply with the federal and state regulations;

Whereas, The existing atomic absorption spectrometer is nearing its service life and is not supported by its manufacturer any more;

Whereas, It is cost effective in the long run to replace the existing atomic absorption spectrometer with a new one based on the estimated payback period of 5 years;

Whereas, Of the three bids received in January 2007 under bid no 3828, Shimadzu Scientific Instruments' submitted the lowest responsible bid in the amount of \$30,847.60 to furnish one atomic absorption spectrometer with autosampler; and

Whereas, Shimadzu Scientific Instruments received Human Rights approval on February 9, 2007 and meets the Ann Arbor Living Wage Ordinance;

RESOLVED, That Shimadzu Scientific Instruments' bid in the amount of \$30,847.60 to furnish one atomic absorption spectrometer is accepted;

RESOLVED, That the City Administrator is authorized to issue a purchase order in the

amount of \$30,847.60 to Shimadzu Scientific Instruments to furnish one atomic absorption spectrometer;

RESOLVED, That this purchase is funded from the approved FY07 Operation and Maintenance Budget of Water Supply and Sewage Disposal Systems; and

RESOLVED, That the cost of this purchase is split equally between Operation and Maintenance Budgets of Water Supply and Sewage Disposal Systems and funds are available without regard to the fiscal year.

R-161-5-07 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER IMPROVEMENT CHARGES FOR SOUTH POND VILLAGE (48.49-ACRE PARCEL SOUTH OF EAST HURON RIVER DRIVE, WEST OF US-23, NORTH OF WASHTENAW AVENUE, AND EAST OF CHALMERS DRIVE)

Whereas, The City has previously constructed sanitary sewer improvements described as follows:

Parcel ID 09-09-35-400-047 (E Huron River Dr Vacant)

Sanitary Sewer:

42" Chalmers Drive Relief Sewer; Non-District Job No. 2509

Lateral: \$202.38/acre x 47.35 acres = \$ 9,582.69

Oversize: \$47.22/acre x 47.35 acres = \$ 2,235.87

GRAND TOTAL OF IMPROVEMENT CHARGES \$11,818.56;

Whereas, The owner of South Pond Village at E Huron River Dr Vacant has sanitary sewer service available;

Whereas, Practice in place at the time of annexation of the property at E Huron River Dr Vacant was to levy improvement charges immediately following annexation regardless of the status of utility connection; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following annexed property which is specifically benefited by the above improvements:

<u>Annexation Address from Ann Arbor Township:</u>	E Huron River Dr Vacant
<u>City Assessor Code:</u>	09-09-35-400-047
<u>Planning File No.:</u>	9354J15.1, .2 and .4

COM AT THE SE COR OF SEC 35 T2S R6E TH N 89 DEG 38' 00" W 721.20 FT ALONG THE S LINE OF SD SEC 35 FOR A POB TH CONT N 89 DEG 38' 00" W 602.75 FT ALONG SD S LINE TH N 01 DEG 05' 30" E 2001.50 FT ALONG THE W LINE OF THE E 1/2 OF THE SE 1/4 OF SD SEC 35 AND THE E LINE OF WASHTENAW HILLS ESTATES NO 1 TH N 22 DEG 06' 30" E 144.54 FT TH N 42 DEG 21' 00" E 244.81 FT TH N 01 DEG 05' 30" E 3.26 FT TH ALONG THE CL OF HURON RIVER DR (66 FT WIDE) THE FOLLOWING 3 COURSES: 229.99 FT ALONG THE ARC OF A 757.97 FT RAD CIRCULAR CURVE TO THE LT HAVING A CHORD WHICH BEARS S 76 DEG 03' 51" E 229.11 FT 198.79 FT ALONG THE ARC OF A 802.10 FT RAD COMPOUND CURVE TO THE LT HAVING A CHORD WHICH BEARS N 88 DEG 08' 36" E 198.28 FT AND N 81 DEG 02' 00" E 61.15 FT TH ALONG THE WLY AND SOUTHERLY BOUNDARY OF HURON FARMS COMPANY THE FOLLOWING 3 COURSES: S 02 DEG 36' 00" E 347.46 FT S 62 DEG 59' 30" E 470.75 FT AND N 88 DEG 04' 00" E 181.43 FT TH S 01 DEG 01' 29" W 456.43 FT ALONG THE E LINE OF SD SEC 35 TH ALONG THE WLY ROW OF US-23 THE FOLLOWING 2 COURSES: S 47 DEG 15' 15" W 135.20 FT AND 1369.52 FT ALONG THE ARC OF A 2106.85 FT RAD CIRCULAR CURVE TO THE LT HAVING A CHORD WHICH BEARS S 28 DEG 37' 57" W 1345.53 FT TO THE POB BEING A PT OF THE EAST 1/2 OF THE SE 1/4 OF SD SEC 35 CONTAINING 48.49 ACRES +/-, BEING SUBJECT TO A HWY EASE ALSO SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied be \$11,818.56;
3. That this improvement charge be divided into 10 equal installments; the first to be due on June 21, 2007, and the 9 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the

improvement charge to bear interest at the rate of 6.6% per annum commencing June 21, 2007;

- 4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
- 5. That this levied improvement charge be invoiced to the owner, Peters Building Co., 172 S. Industrial Drive, PO Box 577, Saline, MI 48176, Attn: James G. Haeussler, President, of the property known as South Pond Village, E Huron River Dr Vacant, City of Ann Arbor, Washtenaw County, Michigan 48104, and to be credited in the amount of \$11,818.56 to Fund 0043-073-8000-7151.

R-162-5-07 APPROVED

RESOLUTION AUTHORIZING SIDEWALK IMPROVEMENT CHARGES FOR VACANT PARCELS LOCATED NORTH OF 5 RIDGEMOR ON W. LIBERTY

Whereas, The City has previously constructed sidewalk and curb & gutter improvements described as follows:

Parcel ID 09-30-420-027 (Ridgemor Dr Vacant)
 W Liberty Reconstruction Project; File No. 98071; District No. 26
 Constructed in 2002; Curb & Gutter; Sidewalk \$1,219.94

Parcel ID 09-30-420-028 (Ridgemor Dr Vacant)
 W Liberty Reconstruction Project; File No. 98071; District No. 26
 Constructed in 2002; Curb & Gutter; Sidewalk \$1,351.89

TOTAL IMPROVEMENT CHARGES: \$2,571.83

Whereas, The two vacant parcels located on W Liberty, north of 5 Ridgemor annexed into the City of Ann Arbor on September 28, 2005, as notified by the State of Michigan;

Whereas, The parcels located on W. Liberty, north of 5 Ridgemor, were included as part of the West Liberty Road Reconstruction Project constructed in 2002/03; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following annexed property which is specifically benefited by the above improvements:

Annexation Address:	Ridgemor Dr Vacant
City Assessor Code:	09-30-420-027 & -028
Planning File No.:	File No. 9304P7.1 and .2

Parcel 09-30-420-027 (Ridgemor Dr Vacant): OWNER REQUEST PCL " B " COM AT NW COR OF EBERWHITE FIRST ADD'N A RECORDED PLAT, TH S 75-28-00 W 558.94 FT TO POB, TH S 75-28-00 W 86.24 FT, TH S 06-57-15 E 148.39 FT, TH N 41-52-40 E 117.24 FT, TH N 49-17-00 W 3.50 FT, TH N 07-15-00 W 80.00 FT TO POB. PT OF SE 1/4 SEC 30, T2S-R6E. Split on 11/18/1998 from I -09-30-461-012; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

Parcel 09-30-042-028 (Ridgemor Dr Vacant): OWNER REQUEST PCL " A " COM AT NW COR OF EBERWHITE FIRST ADD'N A RECORDED PLAT, TH S 75-28-00 W 645.18 FT TO POB, TH S 75-28-00 W 86.25 FT, TH S 00-05-00 W 112.78 FT, TH S 73-49-02 E 108.00 FT, TH N 06-57-15 W 165.74 FT TO POB. PT OF SE 1/4 SEC 30, T2S-R6E. SPLIT ON 11/18/1998 FROM I -09-30-461-012; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied be \$2,571.83;
3. That this improvement charge be divided into 3 equal installments, the first to be due on June 21, 2007, and the 2 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 7% per annum commencing June 21, 2007;
4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
5. That this levied improvement charge be invoiced to the owners, William & Marianne Staples (husband & wife), at 5 Ridgemor Drive, City of Ann Arbor, Washtenaw County, Michigan 48103, and to be credited in the amount of \$2,571.83 to Fund 0062-040-9692-7151.

R-163-5-07 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER, WATER, AND STORM SEWER IMPROVEMENT CHARGES FOR 2655 PACKARD ROAD

Whereas, The City has previously constructed sanitary sewer, water main, and storm sewer improvements described as follows:

Parcel ID 09-12-03-300-028 (2655 Packard Road)

8” Sanitary Sewer in Packard Road:

District No. 395; Constructed in 1968	
\$936.36/lot * 1 lot =	\$ 936.36
4” Lead Stubbed to Property; File No. 86051; Constructed in 1986	
\$4207.85/lead * 1 lead =	\$ 4,207.85
	\$ 5,144.21

12” Water Main in Packard Road:

Job No. A-220; Constructed in 1964 =	\$ 583.82
1” Lead Stubbed to Property; File No. 86051; Constructed in 1986	
\$4207.85/lead * 1 lead =	\$ 4,207.85
	\$ 4,791.67

36” Storm Sewer in Packard Road:

District No. 58; Job No. 3653-R; Constructed in 1968;	
Cost Fwd Factor = 5.94	
\$0.0850700687/SF x 27,000 SF x 5.94 =	\$13,643.54
Sub-Main Sewer on Packard; District 58; Job No. 3653-R	
Constructed in 1968; Cost Fwd Factor = 5.94	
\$0.005619489/SF x 47,322 SF x 5.94 =	\$ 1,579.60
Oversize Sewer on Packard; District 58; Job No. 3653-R	
Constructed in 1968; Cost Fwd Factor = 5.94	
\$0.007471315/SF x 20,322 SF x 5.94 =	\$ 901.88
Trunkline Charge Storm Outlet Sewer; District 44	
Job No. 3071-R; Constructed in 1964; Cost Fwd Factor = 7.33	
\$0.0047854578/SF x 47,322 SF x 7.33 =	\$ 1,659.93
	\$17,784.95

GRAND TOTAL OF IMPROVEMENT CHARGES \$27,720.83;

Whereas, The property at 2655 Packard Road annexed to the City of Ann Arbor on February 18, 2005;

Whereas, The property at 2655 Packard Road is active for sanitary sewer and water service; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following annexed property which is specifically benefited by the above improvements:

<u>Annexation Address from Scio Township:</u>	2655 Packard Rd
<u>City Assessor Code:</u>	09-12-03-300-028
<u>Planning File No.:</u>	12033E6

COM AT SW COR OF LOT 1 KIMBERLEY HILLS TH S 1 DEG 06' 30" W 300 FT FOR A POB TH S 1 DEG 06' 30" W 176.80 FT TH S 50 DEG 18' E 378.34 FT TH N 0 DEG 58' 30" E 419.15 FT TH S 89 DEG 52' 30" W 294.81 FT TO THE POB EXC THE W 150 FT IN WIDTH THEREOF BEING A PART OF THE W 1/2 OF SW 1/4 OF SEC 3, T3S R6E; previously Pittsfield Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied be \$27,720.44;
3. That this improvement charge be divided into 15 equal installments; the first to be due on June 21, 2007, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 5.43% per annum commencing June 21, 2007;
4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
5. That this levied improvement charge be invoiced to the owner, Linda L. Grant, 2655 Packard Road, Ann Arbor, MI 48104, City of Ann Arbor, Washtenaw County, Michigan 48104, and to be credited in the amount of \$5,144.21 to Fund 0043-073-

8000-7151; \$4,791.67 to Fund 0042-073-8000-7151; \$17,784.95 to Fund 0069-073-8000-7151.

R-164-5-07 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER AND WATER IMPROVEMENT CHARGES FOR 1990 UPLAND

Whereas, The City has previously constructed improvements described as follows:

Parcel ID 09-09-22-201-024 (1990 Upland Dr)

Sanitary Sewer:

Constructed in 1981; District No. 431; File No. 81043	
\$1,980.17/acre & 0.92 acre =	\$1,821.76
District No. 376 Trunkline, \$205.26/acre * 0.92 acre =	\$188.84
Sanitary Sewer Improvement Charges =	\$2,010.60

Water Main:

Constructed in 1988, File No. 87073	
\$32.63/frontage foot * 132.6 ft =	<u>\$4,326.74</u>

GRAND TOTAL OF IMPROVEMENT CHARGES	\$6,337.34;
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Whereas, The owner of 1990 Upland annexed to the City of Ann Arbor effective November 6, 2002;

Whereas, The owner of 1990 Upland is active for both sanitary sewer and water service;

Whereas, Practice in place at the time of annexation of the property was to levy improvement charges immediately following annexation; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following annexed property which is specifically benefited by the above improvements:

<u>Annexation Address from Ann Arbor Township:</u>	1990 Upland Dr
<u>City Assessor Code:</u>	09-09-22-201-024
<u>Planning File No.:</u>	9222Y2

LOT 1 THE UPLANDS SUB; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied be \$6,337.34;
3. That this improvement charge be divided into 6 equal installments; the first to be due on June 21, 2007, and the 5 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 8.64% per annum commencing June 21, 2007;
4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
5. That this levied improvement charge be invoiced to the owners, Cecelia Ellen Ober & Eric P Lormand, of the property known as 1990 Upland Drive, City of Ann Arbor, Washtenaw County, Michigan 48105, and to be credited in the amount of \$2,010.60 to Fund 0043-073-8000-7151; \$4,326.74 to Fund 0042-073-8000-7151.

R-165-5-07 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER, WATER, AND STORM SEWER IMPROVEMENT CHARGES FOR 1175 ARLINGTON BOULEVARD

Whereas, The City has previously constructed improvements described as follows:

Parcel ID 09-09-34-108-026 (1175 Arlington Blvd.)

Sanitary Sewer:

8" Sanitary Sewer in Arlington; Constructed in 1989

8" Sanitary Sewer in Heather Way; Constructed in 1969

Fixed Improvement Charge in Place on 8/29/2006 =

\$17,877.00

Water Main:

6" Water Main in Heather Way; Constructed in 1961	
6" and 12" Water Mains in Arlington; Constructed in 1955 and 1966	
Fixed Improvement Charge in Place on 8/29/2006 =	\$11,194.00

Storm Sewer:

12" Storm Sewer in Arlington; Constructed in Approx. 1960	
Job 2157; District 27	
\$0.02341893138/SF x 52,714 SF x 8.95 cost fwd factor =	\$11,048.82
Storm Sewer Trunkline Charge; District 22	
\$0.01130341791/SF x 52,714 x 8.95 cost fwd factor =	<u>\$ 5,332.86</u>
	<u>\$16,381.68</u>

TOTAL OF IMPROVEMENT CHARGES	\$45,452.68;
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Whereas, The property at 1175 Arlington Boulevard annexed to the City of Ann Arbor on July 22, 2005;

Whereas, The property connected to sanitary sewer and water on August 29, 2006; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following annexed property which is specifically benefited by the above improvements:

<u>Annexation Address:</u>	1175 Arlington Blvd
<u>City Assessor Code:</u>	09-09-34-108-026
<u>Planning File No.:</u>	9341F12

COM NE COR OF SEC 34 TH W 498.71 FT TH S 33 DEG 47' W 101.53 FT TH S 34 DEG 47' W 265.29 FT TH S 44 DEG 48' 30" W 224.67 FT TH S 48 DEG 18' 30" W 359.18 FT TH S 2 DEG 28' 30" E 1196.1 FT TH S 0 DEG 55' 30" W 26.22 FT TH 48.51 FT ALG CURVE LEFT RAD 157.81 FT CH S 34 DEG 16' 25" W 48.3 FT TO POB TH N 66 DEG 0' 30" W 100.55 FT TH S 85 DEG 16' 27" W 287.25 FT TH 96.98 FT ALG CURVE RIGHT RAD 281.24 FT CH S 16 DEG 59' 30" W 96.5 FT TH S 27 DEG 3' 34" W 16.55 FT TH 24.43 FT ALG CURVE LEFT RAD 368.06 FT CH S 24 DEG 49' 16" W 24.42 FT TH S 89 DEG 7' 50" E 407.86 FT TH N 1 DEG 12' 29" E 53.9 FT TH 66.54 ALG CURVE RIGHT RAD 157.81 FT CH N 13 DEG 17' 12" E

66.05 FT TO POB PART NE 1/4 SEC 34 T2S R6E 1.26 AC +/-; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

- 2. That the improvement charge levied be \$45,452.68;
- 3. That this improvement charge is divided into 15 equal installments; the first to be due on June 21, 2007, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 5.13% per annum commencing June 21, 2007;
- 4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
- 5. That this levied improvement charge be invoiced to the owner, Arthur Tai & Joan Keiser of the property known as 1175 Arlington Boulevard, City of Ann Arbor, Washtenaw County, Michigan 48104, and to be credited in the amount of \$17,877.00 to Fund 0043-073-8000-7151; \$11,194.00 to Fund 0042-073-8000-7151; \$16,381.68 to Fund 0069-073-8000-7151.

R-166-5-07 APPROVED

RESOLUTION AUTHORIZING WATER IMPROVEMENT CHARGES FOR 184 ORCHARD HILLS COURT

Whereas, The City has previously constructed water improvements described as follows:

Parcel ID 09-09-27-301-060 (184 Orchard Hills Court)

Sanitary Sewer privately constructed to serve this lot, no improvement charge due.

8" Water Main in Orchard Hills Drive: File No. 89044; District no. 89044
 Constructed in 1989
 \$8,578.22/connection * 1 connection = \$8,578.22

GRAND TOTAL OF IMPROVEMENT CHARGES \$8,578.22;

Whereas, The owner of 184 Orchard Hills Court is being furnished water and sanitary sewer service;

Whereas, Practice in place at the time of annexation of the property at 184 Orchard Hills Court was to levy improvement charges immediately following annexation regardless of the status of utility connection; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following annexed property which is specifically benefited by the above improvements:

<u>Annexation Address from Scio Township:</u>	184 Orchard Hills
<u>City Assessor Code:</u>	09-09-27-301-060
<u>Planning File No.:</u>	9273V18.1

LOT 68 HILLWOOD SUB NO. 5 ALSO PRT OF LOT 67 OF SAID SUB DESCRIBED AS BEG AT SE COR LOT 68 HILLWOOD #5; TH S 79 DEG 22' 40" E .75 FT; TH S 02 DEG 26' 20" W 42.08 FT; TH S 8 DEG 40' W 215.05 FT; TH 22.93 FT ALONG THE ARC OF A CURV LEFT, RAD 60FT, CH BEARS N 21 DEG 35' 04" 22.80 FT; TH S 79 DEG 22' 40" E 267.19 FT TO POB; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied be \$8,578.22;
3. That this improvement charge be divided into 8 equal installments; the first to be due on June 21, 2007, and the 7 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 7.2% per annum commencing June 21, 2007;
4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
5. That this levied improvement charge be invoiced to the owner, Sotirios Roumanis Trust, of the property known as 184 Orchard Hills Court, City of Ann Arbor, Washtenaw County, Michigan 48104, and to be credited in the amount of \$8,578.22 to Fund 0042-073-8000-7151.

R-167-5-07 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER AND WATER IMPROVEMENT CHARGES FOR 2610 DEXTER ROAD

Whereas, The City has previously constructed improvements described as follows:

Parcel ID 09-08-24-421-026 (2610 Dexter Road)

Sanitary Sewer:

8" Sanitary Sewer in Dexter Road; Constructed in 1968

District No. 430; Job No. 31-700

\$379.73/connection x 1 connection = \$ 379.73

Trunkline Charges (District Nos. 359 & 326, Job No. 3127) = \$ 106.46

\$ 486.19

Water Main:

16" Water Main in Dexter Road; Constructed in 1982

Non-District; Job No. A-168

\$4,583.41/connection (oversize) x 1 connection = \$4,583.41

GRAND TOTAL OF IMPROVEMENT CHARGES \$5,069.60;

Whereas, The owner of 2610 Dexter Road is active for sanitary sewer and water service;

Whereas, Practice in place at the time of annexation of the property at 2610 Dexter Road was to levy improvement charges immediately following annexation; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following annexed property which is specifically benefited by the above improvements:

<u>Annexation Address from Scio Township:</u>	2610 Dexter Road
<u>City Assessor Code:</u>	09-08-24-421-026
<u>Planning File No.:</u>	8244D18.1 and .2

Lot 248 Scioto Hills Sub No. 1; previously Scio Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied be \$5,069.60;
3. That this improvement charge divided into 5 equal installments; the first to be due on June 21, 2007, and the 4 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 8% per annum commencing June 21, 2007;
4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
5. That this levied improvement charge be invoiced to the owner, Mr. Scott Pawlowski, of the property known as 2610 Dexter Road, City of Ann Arbor, Washtenaw County, Michigan 48103, and to be credited in the amount of \$486.19 to Fund 0043-073-8000-7151 and \$4,583.41 to Fund 0042-073-8000-7151.

R-168-5-07 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER, WATER, AND STORM SEWER IMPROVEMENT CHARGES FOR 2540 MILLER AND 1577 N. MAPLE

Whereas, The City has previously constructed improvements described as follows:

Parcel ID 09-08-24-107-009 (2540 Miller and 1577 N. Maple)

Sanitary Sewer:

(2540 Miller Avenue)

- 8” Sanitary Sewer in Miller Avenue; Constructed in 1985

District No. 438; File No. 84027	
\$7,469.39/connection * 2 connections =	\$14,938.78
• Trunkline Charge;	
Northside Interceptor \$92.50/acre & 0.94 Acres =	\$ 86.95
• Trunkline Charge;	
Depot Interceptor \$109.00/acre * 0.94 Acres =	\$ 102.46
(1577 N Maple Road)	
• 10" Sanitary Sewer in Maple Road;	
No Improvement Charge at this time	
• Trunkline Charge;	
Northside Interceptor \$92.50/acre * 0.69 Acres =	\$ 63.83
• Trunkline Charge;	
Depot Interceptor \$109.00/acre * 0.69 Acres =	\$ 75.21
	<u>\$15,267.23</u>
<u>Water Main:</u>	
(2540 Miller Avenue)	
12" Water Main in Miller Avenue; Constructed in 1990;	
District No. 89078; File No. 89078	
\$4,554.60/connection * 3 connections =	\$13,663.80
(1577 N. Maple Road)	
20" Water Main in Maple Road; Non-District Job No. A-226W	
\$5.80/front ft * 160.94 front ft =	\$ 933.45
	<u>\$14,597.25</u>
<u>Storm Sewer:</u>	
(2540 Miller Avenue)	
Miller Avenue Storm Sewer; Constructed in 1964;	
District No. 46; Job No. 3136; \$0.0135/SF * 41,035 SF =	\$ 553.97
(1577 N. Maple Road)	
Miller Avenue Storm Sewer; Constructed in 1964;	
District No. 46; Job No. 3136; \$0.0135/SF * 30,058 SF =	\$ 405.78
	\$ 959.75
GRAND TOTAL OF IMPROVEMENT CHARGES	\$30,824.23;

Whereas, The owner of 2540 Miller and 1577 N. Maple has sanitary sewer, water, and storm sewer service available;

Whereas, Practice in place at the time of annexation of the property was to levy improvement charges immediately following annexation regardless of the status of connection; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following annexed property which is specifically benefited by the above improvements:

<u>Annexation Address from Scio Township:</u>	2540 Miller and 1577 N. Maple
<u>City Assessor Code:</u>	09-08-24-107-009
<u>Planning File No.:</u>	8241K21

LOT 32 AND PRT OF LOT 30 & 31, GARDEN HOMES SUB, UNRECORDED, DESCRIBED AS; COM AT THE NW COR OF THE E1/2 OF THE NE 1/4 OF SEC 24; TH S 86 DEG 56' 20" E 1023 FT; TH S 01 DEG 33' 40" W 1485 FT FOR A POB; TH S 86 DEG 56' 20" E 184.54 FT; TH S 02 DEG 47' 10" W 173.71 FT; TH N 86 DEG 37' 20" W 167.14 FT; TH N 50 DEG 14' 50" W 17.50 FT; TH N 50 DEG 17' 38" W 254.35 FT; TH N 33 DEG 45' 15" E 144.24 FT; TH S 87 DEG 00' 00" E 123.20 FT; TH S 01 DEG 33' 20" W 112.08 FT TO THE POB, EXCEPT THE E 7 FT TAKEN FOR ROW, CONTIANING 1.5 ACRES OF LAND +-, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY; previously Scio Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

- 2 That the improvement charge levied be \$30,824.23;
- 3 That this improvement charge be divided into 15 equal installments; the first to be due on June 21, 2007, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 8% per annum commencing June 21, 2007;
- 4 That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
- 5 That this levied improvement charge is to be invoiced to the owner, Mr. Ismat Hamid, 3251 N. Maple Road, Ann Arbor, MI 48103, of the property known as 2540 Miller Avenue and 1577 N. Maple Road, City of Ann Arbor, Washtenaw County, Michigan 48103, and to be credited in the amount of \$15,267.23 to Fund 0043-073-

8000-7151; \$14,597.25 to Fund 0042-073-8000-7151; \$959.75 to Fund 0069-073-8000-7151.

R-169-5-07 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER, WATER, AND STORM SEWER IMPROVEMENT CHARGES FOR LOT 2 UPLANDS SUBDIVISION

Whereas, The City has previously constructed improvements described as follows:

Parcel ID 09-09-22-201-026 (1954 Upland)
Parcel ID 09-09-22-201-025 (1974 Upland)

Sanitary Sewer:

8" Sanitary Sewer in Upland Drive; Constructed in 1964
District No. 431; Trunkline District No. 376:

Sanitary Sewer Improvement Charge:	
\$1980.17/acre * 0.92 acres =	\$1,821.76
Trunkline Improvement Charge:	
\$205.26/acre * 0.92 acres =	<u>\$ 188.84</u>
	\$2,010.60

Water Main:

4" Water Main in Upland Drive; Constructed in 1987;
File No. 87073; Job No. 3163
Improvement Charge = \$32.63/front-foot * 132.6 front feet = \$4,326.74

Storm Sewer:

12" Storm Sewer in Upland Drive; Constructed in 1964
District No. 60;
Improvement Charge = \$568.49/acre & 0.92 acres = \$ 523.01

GRAND TOTAL OF IMPROVEMENT CHARGES \$6,860.35;

Whereas, The owner of Lot 2 Uplands Subdivision has sanitary sewer, water, and storm sewer service available;

Whereas, Practice in place at the time of annexation of the property was to levy improvement charges immediately following annexation regardless of the status of connection; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following annexed property which is specifically benefited by the above improvements:

<u>Annexation Address from Ann Arbor Township:</u>	1954 Upland/1974 Upland
<u>City Assessor Code:</u>	09-09-22-201-025 & -026
<u>Planning File No.:</u>	9222X5.1

1954 Upland: THE S 1/2 OF LOT 2 UPLANDS SUB Split on 12-29-03 into 09-22-201-025 & -026; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan; and

1974 Upland: THE N 1/2 OF LOT 2 UPLANDS SUB Split on 12-29-03 into 09-22-201-025 & -026; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied be \$6,860.35;
3. That this improvement charge that was originally to be assessed to Lot 2 Uplands Sub be equally split between the newly created parcels and divided into 6 equal installments; the first to be due on June 21, 2007, and the 5 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 8.35% per annum commencing June 21, 2007;
4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
5. That this levied improvement charge be invoiced to the owner, Prabjot Nanua & Saloni of 1954 Upland Drive, Ann Arbor, MI 48105, and Prabjot Nanua & Arius Akasheh of 1954 Upland Drive, Ann Arbor, MI 48105, of the property known as 1954 Upland and 1974 Upland, respectively, City of Ann Arbor, Washtenaw County, Michigan 48105, and to be credited in the amount of \$2,010.60 to Fund 0043-073-

8000-7151; \$4,326.74 to Fund 0042-073-8000-7151; \$523.01 to Fund 0069-073-8000-7151.

R-170-5-07 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER, WATER, STORM SEWER, AND CURB & GUTTER IMPROVEMENT CHARGES FOR 451 BROOKSIDE

Whereas, The City has previously constructed improvements described as follows:

Parcel ID 09-09-16-307-014 (451 Brookside)

Sanitary Sewer:

8" Sanitary Sewer in Brookside Drive; District 290;
Job No. 1869; Constructed in 1952;
\$402.45/connection x 1 connection = \$ 402.45

Water Main:

6" Water Main in Brookside Drive; Non-District Project;
Constructed in 1966;
\$6.00/front foot x 75 front feet = \$ 450.00

Storm Sewer:

Huron River Hills Storm Sewer & Trunkline; District 32;
Constructed in 1961
Trunkline Charges: \$325.51/acre x 0.258 acre = \$ 83.98
Lateral Charges: \$1,474.09/acre x 0.258 acre = \$ 380.31
\$ 464.29

Curb & Gutter:

Curb & Gutter on Brookside Drive; District No. 467;
Job No. 3191; Constructed in 1965:
Curb & Gutter: \$3.06941/front foot x 75 front feet = \$ 230.21
Drive Approach: \$0.70/SF x 114 SF = \$ 79.80
\$ 310.01

GRAND TOTAL OF IMPROVEMENT CHARGES \$1,626.75;

Whereas, The owner of 451 Brookside has sanitary sewer and water service available;

Whereas, Practice in place at the time of annexation of the property was to levy improvement charges immediately following annexation regardless of the status of connection; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following annexed property which is specifically benefited by the above improvements:

<u>Annexation Address from Ann Arbor Township:</u>	451 Brookside
<u>City Assessor Code:</u>	09-09-16-307-014
<u>Planning File No.:</u>	9163H10.1 and .2

LOT 80 HURON RIVER HILLS; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied be \$1,626.75;
3. That this improvement charge be divided into 2 equal installments; the first to be due on June 21, 2007, and the 1 subsequent installment to be due on June 1 of the year thereafter, with the deferred installment of the improvement charge to bear interest at the rate of 4.33% per annum commencing June 21, 2007;
4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
5. That this levied improvement charge be invoiced to the owner, Mr. Donald Whitacre, of the property known as 451 Brookside Dr, City of Ann Arbor, Washtenaw County, Michigan 48103, and to be credited in the amount of \$402.45 to Fund 0043-073-8000-7151; \$450.00 to Fund 0042-073-8000-7151; \$464.29 to Fund 0069-073-8000-7151; and \$310.01 to Fund 0062-040-1000-7151.

R-171-5-07 APPROVED

RESOLUTION CONFIRMING AN EMERGENCY CONTRACT AND PURCHASE ORDER TO UTILITY SERVICES AUTHORITY, LLC

Whereas, Public Services staff has identified a sewer pipe failure in a section of the city sewer main located beneath the University of Michigan Stadium;

Whereas, The City Administrator authorized an emergency contract for services due to the identified existing condition of the sanitary sewer pipe and the timing in relation to the renovations in progress at the stadium;

Whereas, The discovered conditions warranted installation of a cured-in-place-pipe (CIPP) liner in approximately 838 feet of 10-inch sanitary sewer pipe located below the University of Michigan Stadium;

Whereas, Funds for the contracted repairs are available in the FY07 Sewage Disposal System Operating Budget;

Whereas, Utility Services Authority, LLC provided a bid proposal with the necessary scope and reasonable costs to accomplish the tasks required;

Whereas, Utility Services Authority, LLC received human rights approval on March 15, 2007; and

Whereas, The total payment request from Utility Services Authority, LLC for the completed project was \$69,096.00.

RESOLVED, That the City Council confirms and approves the emergency contract and purchase order in the amount of \$74,021.00 to Utility Services Authority, LLC for installing a CIPP liner in the city sewer main located beneath the University of Michigan Stadium;

RESOLVED, That the completed project amount of \$69,096.00 be to be financed from available funds in the approved FY07 Sewage Disposal System Operating Budget; and

RESOLVED, That the City Council authorize the City Administrator to take necessary actions to implement this resolution and finalize contract actions for this project.

R-172-5-07 APPROVED

RESOLUTION TO APPROVE FIRST AMENDMENT TO LICENSE AGREEMENT WITH NEW PAR, D/B/A VERIZON WIRELESS FOR THE INSTALLATION OF AN ANTENNA ATOP THE FOREST AVENUE PARKING STRUCTURE

Whereas, On September 18, 2006, by Resolution #R-414-9-06, City Council approved a license agreement with New Par, d/b/a Verizon Wireless, for an antenna atop the Forest Avenue parking structure and the license agreement was finalized and entered into on December 7, 2006; and

Whereas, For internal administrative reasons, New Par has requested changes to the license agreement to facilitative compliance with the payment terms of the license agreement;

RESOLVED, That City Council approves the First Amendment to the License Agreement with New Par, d/b/a Verizon Wireless, for the antenna atop the Forest Avenue parking structure; and

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

R-173-5-07 APPROVED

RESOLUTION TO APPROVE A PURCHASE ORDER CONTRACT WITH AT&T FOR WIRELESS DATA SERVICES FOR THE SAFETY SERVICES AREA FOR THE PERIOD MARCH 1, 2007 – JUNE 30, 2007

Whereas, Municipal governments across the United States have joined in a collaborative purchasing agreement to obtain wireless data services at the most cost effective pricing from competitive bidding;

Whereas, The City of Ann Arbor is currently a participating member in the Western States Contracting Alliance (WSCA) and receive wireless data services under a WSCA Collaborative Agreement approved by City Council Resolution R-225-6-04;

Whereas, Continued participation in the collaborative purchasing consortium under current terms of the Collaborative Agreement is recommended for the purchase of wireless data services for the remainder of the FY06/07 fiscal year;

Whereas, The WSCA selected vendor, AT&T Wireless can and is providing the Safety Services Area with higher performance wireless data services at a significantly lower cost;

Whereas, Expenditures to date for wireless services exceeded \$25,000 effective March 1, 2007 and payment for continued service requires City Council approval;

Whereas, The anticipated transition to CLEMIS and its data services will not occur until FY07/08 necessitating the increase in and authorization for additional payment to AT&T Wireless for the remainder of FY 06/07;

Whereas, Funding for wireless data services is available in the approved FY 06/07 Police Department General Fund budget; and

Whereas, AT&T Wireless received Human Rights approval on August 22, 2006;

RESOLVED, That City Council approve a purchase order contract with AT&T in the amount of \$12,000.00 for wireless data services for the period March 1, 2007 through June 30, 2007; and

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

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

R-174-5-07 APPROVED

RESOLUTION TO TRANSFER DELINQUENT SIDEWALK IMPROVEMENT CHARGES TO THE 2007 CITY TAX ROLL

Whereas, On January 29, 2007, there were unpaid charges for sidewalk maintenance to properties within the City;

Whereas, Section 1:292 of the Ann Arbor City Code provides for assessment upon the tax roll for the respective lot or tax parcel for charges which have not been paid in full;

Whereas, Owners of the respective lots or tax parcels, having been previously invoiced and the charges remaining unpaid, were mailed a certified notice that the City Treasurer would request City Council to adopt a resolution placing a special assessment upon the lot or tax parcel for the delinquent sidewalk maintenance charges unless the delinquent charges were paid in full by February 28, 2007; and

Whereas, The notice period specified by City Code has lapsed and a list of the remaining unpaid charges has been filed with the City Clerk, a copy of which is attached to and incorporated in this resolution as Schedule A;

RESOLVED, That City Council approve a levy as a special assessment against each lot or tax parcel listed on Schedule A. The unpaid charge for sidewalk maintenance charges together with a penalty of ten percent (10%) of the amounts, against the lots or tax parcels chargeable on the tax roll, subject to the following in accordance with Section 1:292 of the Ann Arbor City Code:

1. The City Treasurer shall confirm that the unpaid charges on Schedule A remain outstanding as of the date of adoption of this resolution, and if necessary make revisions to Schedule A to reflect any payments made between the notice deadline and the date of adoption of this resolution.
2. The City Clerk shall publish in a newspaper of general circulation or send notice by first class mail stating the basis of the assessment, the amount to be assessed against each lot or tax parcel on Schedule A, and a time, not less than 30 days within which payment shall be made to the City Treasurer;
3. The City Treasurer shall, after the lapse of the time specified in item 2 above, the charge for each lot or tax parcel, the delinquent amount, and the penalty on the 2007 City tax roll to be collected in the same manner as general City taxes; and

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

**Schedule A
2007
Taxes**

Assessor Code	Property Address	Invoice Amount	Invoice Number	Date	Bal. Due With 10% Penalty	Property Owner
09-33-101-007	900 Lincoln Ave	\$437.00	33745	11/17/06	\$480.70	Cathy Jo Donnell
09-33-104-008	1057 Martin Pl	\$774.20	33741	11/17/06	\$851.62	Steven & Lori Stein
09-33-117-003	1938 Washtenaw	\$1,987.95	33342	10/23/06	\$2,186.75	Gregory & Leslie Eliot
09-33-225-006	1415 Cambridge	\$4,251.40	33545	11/02/06	\$4,676.54	Beta Lambda Alumni
09-33-104-010	1119 Martin Pl	\$713.40	33740	11/17/06	\$784.74	Peter & Maya Savarino
09-33-213014	944 Woodlawn	\$882.60	33731	11/17/06	\$970.86	Pearlene Sullivan
09-33-216-024	828 Brookwood	\$963.00	33729	11/17/06	\$1,059.30	Mark Pfaff
09-33-213-017	1000 Woodlawn	\$1,578.30	33540	11/02/06	\$1,736.13	Lucile Porter
09-28-412-019	1522 Geddes	\$608.25	33302	10/19/06	\$669.08	Thomas & Elizabeth Allmand
09-33-217-009	839 Brookwood	\$407.00	33251	10/18/06	\$447.70	David Lau
09-28-416-001	2100 Hill	\$3,118.20	32966	10/04/06	\$3,430.02	Perry Innes
09-28-413-012	1605 S University	\$487.00	33071	10/09/06	\$535.70	Stephen & Glenda Andre
09-34-210-003	809 Berkshire	\$1,247.50	32973	10/04/06	\$1,372.25	Dale & Mari Ann Apley
09-33-213-015	948 Woodlawn	\$791.00	33730	11/17/06	\$870.10	Loren Jackson & Mary Hampton
09-33-425-010	1605 Brooklyn	\$679.63	33718	11/17/06	\$747.59	Oliver Edel Trust
09-28-412-020	1516 Geddes	<u>\$1,361.75</u>	33148	10/17/06	<u>\$1,497.93</u>	Bill Loy
TOTAL		\$20,288.18			\$22,317.00	

Councilmember Higgins moved, supported by Councilmember Johnson that the resolution be adopted.

- Request for staff to provide a report explaining current inspection program deadlines for city completion of sidewalk repair work.

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

R-175-5-07 APPROVED

RESOLUTION TO APPROVE AN AGREEMENT BETWEEN COMPLETE CORPORATE SOLUTIONS, INC. AND THE CITY INFORMATION TECHNOLOGY SERVICES UNIT FOR THE DEVELOPMENT OF APPLICATIONS PERMITTING PUBLIC AND 3RD PARTY ACCESS TO 15TH JUDICIAL DISTRICT COURT CASE RECORD DATA

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

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

10-07 APPROVED

FEES AND BONDS REQUIRED

An Ordinance to Amend Section 7:33 of Chapter 77 (Fees and Bonds Required) of Title VII of the Code of the City of Ann Arbor

(The complete text of Ordinance 10-07 is on file in the City Clerk's Office.)

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

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

11-07 APPROVED

ZONING LIBERTY PLACE CONDOMINIUMS
(NORTHEAST CORNER OF WEST LIBERTY ROAD AND I-94)

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

This ordinance would change the zoning of 4.65 acres, located on the northeast corner of West Liberty Road and I-94, from UNZ (Unzoned) to R4B (Multiple-Family Dwelling District). (The complete text of Ordinance 11-07 is on file in the City Clerk's Office.)

Councilmember Woods moved, seconded by Councilmember Easthope, that the ordinance be approved at first reading.

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

12-07 APPROVED

ZONING
REGARDING REGULATIONS FOR SPECIAL EVENTS
TEMPORARY OUTDOOR SALES

An Ordinance to Amend Sections 5:10.12 and 5:10.15 of Chapter 55
of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 12-07 is on file in the City Clerk's Office.)

Councilmember Woods 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-176-5-07 APPROVED

RESOLUTION FOR COMMUNITY EVENTS FUND DISBURSEMENTS
FROM THE 2006/2007 BUDGET

Whereas, The Ann Arbor City Council wishes to support activities that promote or bring the

community together in its richness;

Whereas, The Ann Arbor Community Events Committee met and reviewed funding requests from community groups; and

Whereas, The Committee recommends the following allocations:

- 1) Ann Arbor Film Festival – Film Festival – March 20, 2007 - \$2,000.00 in support of dispersing free tickets to underserved community members;
- 2) Conor O’Neills – Shamrocks & Shenanigans – March 11, 2007 - up to \$500.00 to cover expenses related to city services;
- 3) Ann Arbor Book Festival – Book Festival – May 17-20, 2007 – up to \$1,000.00 to cover expenses related to city services;
- 4) Community Leaning Post – African American Festival – June 1 & 2, 2007 - up to \$1,000.00 to cover expenses related to city services;
- 5) Main Street Area Association- Taste of Ann Arbor – June 3, 2007 – up to \$1,100.00 to cover expenses related to city services;

RESOLVED, That the Ann Arbor City Council approve the recommended allocations from the 2006/2007 Community Events Fund.

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

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

POSTPONED

RESOLUTION: DRINKING TAP WATER IS THINKING GREEN

Whereas, Buying bottled water undermines confidence in city tap water and means paying twice for our water, which arrives at our home through pipes; and

Whereas, Manufacturing new plastic bottles uses crude oil and energy and disposal of bottles harms the environment; and

Whereas, The trucking of bottled water to market uses millions of gallons of fossil fuel,

which emits greenhouse gasses polluting our air; and

Whereas, The withdrawal of Michigan water from streams and wells to bottle it, is ecologically dangerous and depletes wetlands, streams, lakes and underground, finite water resources; and

Whereas, Buying bottled water reinforces the view that water is a commodity to be privatized and sold for profit, instead of the principle that water is a public resource- a common good; and

Whereas, Big water bottling companies are one of the fastest growing and least regulated industries, buying up fresh water rights and depleting crucial and limited water resources with the result that water may become a necessity only the wealthy will be able to afford; and

Whereas, Water is a finite and irreplaceable resource necessary for all life, therefore the welfare of all living things must be the guiding principles for the use of the Great Lakes water resources; and

Whereas, Michigan's water resources are a basic asset, a public trust that must not be subordinated to the principle of the marketplace; and

Whereas, Local citizens are the front-line "Keepers" of the rivers, lakes, streams, wetlands and underground water systems; and

Whereas, Continuing to bottle water from non-renewable sources is dangerous to Michigan's ecology and counter to the principles of a Green Society; and

RESOLVED, That the Ann Arbor City Council will neither buy nor serve commercial bottled water at any functions. And will continue our example of promoting "A2 H2O City of Ann Arbor Public Services Drinking water."

RESOLVED, That the City of Ann Arbor educate and inform citizens about the ecological dangers of buying bottled water and to stress the convenience of carrying a bottle of tap water; and

RESOLVED that Michigan citizens are the stewards of this public trust and common good—our Great Lakes waters, which we must protect for future generations.

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

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

postponed until June 4, 2007.

- City Administrator to report to council on the pros and cons of bottling City water for public consumption versus providing water coolers, including at major city events.

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

The Mayor declared a recess at 8:57 p.m. and reconvened the meeting at 9:11 p.m.

R-177-5-07 APPROVED

RESOLUTION TO APPROVE STREET CLOSINGS FOR THE 2007 "TASTE OF ANN ARBOR" SPECIAL EVENT – SUNDAY, JUNE 3, 2007

Whereas, The Main Street Area Association will be sponsoring the annual "Taste of Ann Arbor" special event on Sunday, June 3, 2007;

Whereas, It is necessary to close the following City streets from 8:00 A.M. to 6:00 P.M. to facilitate a successful event:

- E. Washington Street from S. Main Street to the alley
- S. Main Street from Washington Street to William Street
- Liberty Street from S. Ashley Street to S. Fourth Avenue

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

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

Whereas, The Main Street Area Association agrees to defend and indemnify and save the City harmless against any claim arising from their sponsorship of this event; and

Whereas, The sponsor will provide written notice to all affected religious institutions not less than 15 days prior to the event;

RESOLVED, That City Council authorize the closing of certain City streets on Sunday, June

3, 2007 for the "Taste of Ann Arbor" special event from 8:00 A.M. to 6:00 P.M.

- E. Washington Street from S. Main Street to the alley
- S. Main Street from Washington Street to William Street
- Liberty Street from S. Ashley Street to S. Fourth Avenue.

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

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

R-178-5-07 APPROVED AS AMENDED

RESOLUTION TO CLOSE N. FOURTH AVENUE AND E. ANN STREET FOR THE 12TH ANNUAL AFRICAN-AMERICAN DOWNTOWN FESTIVAL, FRIDAY, JUNE 1, 2007 TO SATURDAY, JUNE 2, 2007

Whereas, The Community Leaning Post, a local service organization, wishes to hold the 12th Annual African-American Downtown Festival to commemorate and celebrate the contributions of local African-Americans in the development of both the community and the City;

Whereas, The Community Leaning Post wishes to hold the event in the East Ann Street – North Fourth Avenue area, which was formerly the center of the African-American business district in the City;

Whereas, This will require the closing of East Ann Street from North Main Street to the Hands On Museum driveway near North Fifth Avenue (local traffic access maintained) and North Fourth Avenue from East Huron Street to Catherine Street from 6:00 P.M. on Friday, June 1, 2007 to 9:30 P.M. on Saturday, June 2, 2007;

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

Whereas, The Community Leaning Post will provide written notice to all persons and/or properties within a two-block radius of the event not less than 15 days prior to the event;

Whereas, The Community Leaning Post agrees to defend and indemnify and save the City harmless against any claim arising from their sponsorship of this event;

RESOLVED, That the Mayor and City Council hereby approve the closing of East Ann Street from North Main Street to the Hands On Museum driveway near North Fifth Avenue and North Fourth Avenue from Catherine Street to East Huron from 6:00 P.M. on Friday, June 1, 2007 to 9:30 P.M. on Saturday, June 2, 2007 Street for the 12th Annual African-American Downtown Festival as requested by the sponsor, and

RESOLVED, That the City shall waive all fees associated with the event:

	<u>Estimated Costs</u>
Electrical hookup	\$300.00
Barricades	\$300.00
Street occupancy fees for vendors	<u>\$150.00</u>
Total	\$750.00

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

It was agreed that staff would make an administrative amendment to this resolution removing the Whereas Clause in the resolution relating to funding of the event.

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

R-179-5-07 APPROVED

RESOLUTION TO APPROVE THE CONSOLIDATED STRATEGY
AND PLAN FY 2007-08 ONE-YEAR ACTION PLAN TO
THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Whereas, The City of Ann Arbor is applying for Federal Entitlement funds from the US Department of Housing and Urban Development in the amounts of \$1,099,691.00 in Community Development Block Grant Funds and \$945,410.00 of HOME Program Funds for FY 2007-08; and

Whereas, The Office of Community Development has prepared the FY 2005-2009 Consolidated Strategy and Plan for the period July 1, 2005 through June 30, 2010; and

Whereas, The Office of Community Development has prepared the FY 2007-08 One-Year Action Plan for the period July 1, 2007 through June 30, 2008; and

Whereas, Public hearings and citizen participation committee meetings have been held to

solicit the views of Ann Arbor residents interested in the City’s programs;

RESOLVED, That City Council approve the Consolidated Strategy and Plan FY 2007-08 One-Year Action Plan substantially in the form on file in the Office of the City Clerk for submission to the US Department of Housing and Urban Development (HUD); and

RESOLVED, That City Council authorize the Mayor and City Clerk to execute any required program documents upon approval by HUD, and that City Council accepts the FY 2007-08 allocation in the amounts of \$1,099,691.00 in Community Development Block Grant Funds and \$945,410.00 of HOME Program Funds to be available until expended without regard to fiscal year; and

RESOLVED, That City Council approve the Community Development Block Grant and HOME Funds and that the City Administrator or his designee, are authorized to take all necessary administrative actions to execute any documents necessary to complete this transaction and to implement this resolution including negotiating contractual agreements with subgrantees for subsequent City Council review and approval.

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

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

POSTPONED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES CONTRACT WITH BECKETT & RAEDER, INC. IN THE AMOUNT OF \$99,440.00 FOR THE FARMERS MARKET RENOVATION AND EXPANSION PER RFP NO. 652, ESTABLISH A TOTAL PROJECT BUDGET OF \$109,384.00, ACCEPT A \$36,461.33 GRANT FROM THE DDA TO THE PARK REHABILITATION AND DEVELOPMENT MILLAGE BUDGET, TRANSFER \$36,461.33 FROM THE MARKET FUND FUND BALANCE TO THE PARK REHABILITATION AND DEVELOPMENT MILLAGE BUDGET, AND APPROPRIATE \$109,384.00 FROM THE PARK REHABILITATION AND DEVELOPMENT MILLAGE BUDGET TO THE FARMERS MARKET MASTER PLAN PROJECT BUDGET

Whereas, In January 2006, City Council approved a Master Plan document to redevelop and enhance the Market facility;

Whereas, The Parks and Recreation Services Unit and the Downtown Development Authority (DDA) agreed to partner in undertaking these improvements;

Whereas, A selection committee of Parks and Recreation Services staff and the DDA Director evaluated nine proposals and determined that Beckett & Raeder, Inc. was the firm most capable to prepare contract documents and provide construction administration for implementation of the Farmer's Market Master Plan;

Whereas, Funds for the project are included in the approved FY 2006-2007 Park Rehabilitation and Development Millage budget in the Farmer's Market Master Plan Project Budget and Market Fund Fund Balance;

Whereas, The Downtown Development Authority Board of Directors agrees to supplement the City's funds for the Farmer's Market Master Plan implementation in the amount of \$296,300.00; and

Whereas, Beckett and Raeder, Inc. received Human Rights and Living Wage approval on February 12, 2007 and complies with these requirements;

RESOLVED, That City Council approve a professional services contract, per the requirements of RFP No. 652, with Beckett & Raeder, Inc. in the amount of \$99,440.00 for contract document preparation and construction administration for implementation of the Farmers Market Master Plan renovations and expansion;

RESOLVED, That City Council approve a contingency in the amount of \$9,944.00 (10%) to cover potential contract change orders to be approved by the City Administrator, and approve a total project budget of \$109,384.00 for the life of the project without regard to fiscal year;

RESOLVED, That City Council transfer \$36,461.33 from the Market Fund Fund Balance to the FY 06-07 Park Rehabilitation and Development Millage budget;

RESOLVED, That City Council accept a grant from the Downtown Development Authority in the amount of \$36,461.33 to the FY 06-07 Park Rehabilitation and Development Millage budget;

RESOLVED, That City Council allocate the \$72,922.66, provided by the DDA grant and the Market Fund Fund Balance, from the FY 06-07 Park Rehabilitation and Development Millage budget to the Farmers Market Master Plan Project Budget in the Park Rehabilitation and Development Millage budget, with the already existing \$36,461.34 in the Farmers Market Master Plan Project Budget in the Park Rehabilitation and Development Millage Budget, to create a total project budget of \$109,384;

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

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

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

- Staff to provide information regarding replacing lighting units with energy efficient ones.
- Staff to provide information as to why Farmers Market is under the operation of the Parks and Recreation Service Unit.

Councilmember Higgins moved, seconded by Councilmember Teall, to postpone the resolution until June 4, 2007.

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

R-180-5-07 APPROVED

RESOLUTION TO APPROVE AN AGREEMENT WITH
 THE MICHIGAN DEPARTMENT OF TRANSPORTATION (\$227,600.00) AND
 APPROPRIATE FUNDS AND ESTABLISH THE PROJECT BUDGET FOR THE PLATT
 ROAD IMPROVEMENTS PROJECT AND THE PLATT ROAD - LORRAINE STREET
 TRAFFIC SIGNAL PROJECT

Whereas, The Federal Highway Administration has allocated funds for the resurfacing of Platt Road between Packard Road and the I-94 bridge and also for the installation of a traffic signal at the Platt Road and Lorraine Street intersection;

Whereas, Platt Road is in poor condition and must be resurfaced;

Whereas, A traffic signal at the intersection of Platt Road-Lorraine Street will address safety deficiencies at the intersection; and

Whereas, These projects have also been included in the 2008-2013 City Capital Improvements Plan approved by the City Council on February 20, 2007.

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute contract number 07-5078 with the Michigan Department of Transportation for the Platt Road Improvements and Platt Road-Lorraine Street Traffic Signal projects for \$227,600.00, substantially in the form on file with the City Clerk, following approval as to substance by the City Administrator, and approval as to form by the City Attorney;

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

Section I, Revenue

\$531,200.00	Street Resurfacing Millage, Fund 0062 (To be appropriated from fund balance)
<u>\$36,400.00</u>	Major Street Fund, Fund 0021 (To be appropriated from fund balance)
\$576,600.00	Total

RESOLVED, That a contingency amount of \$85,000.00 be established within the project budget and the City Administrator be authorized to approve additional construction expenditures to the Michigan Department of Transportation to cover the cost of required changes to the project's construction;

RESOLVED, That an amount of \$36,400.00 be established within the project budget to cover the costs associated with the construction of the proposed traffic signal at the intersection of Platt Road and Lorraine Street by City of Ann Arbor forces;

RESOLVED, That the City Council authorize the City Administrator to issue the necessary Traffic Control Orders for the installation of a traffic signal at the intersection of Platt Road-Lorraine Street;

RESOLVED, That the City Council authorize the City Administrator to take all administrative actions needed to provide the traffic signal, including issuing the necessary purchase orders for materials, supplies, and contracted services, provided all relevant procurement procedures are followed and Human Rights approvals are obtained; and

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

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

On roll call, the vote was as follows:

Yeas, Councilmembers Kunselman, Greden, Teall, Higgins, Easthope, Woods, Suarez, Johnson, Mayor Hieftje, 9;

Nays, 0.

The Mayor declared the motion carried, thus satisfying the eight-vote requirement.

R-181-5-07 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH PROFESSIONAL SERVICES INDUSTRIES, INC. (\$35,680.00) FOR THE PLATT ROAD IMPROVEMENTS PROJECT MATERIAL TESTING SERVICES

Whereas, It is necessary to retain a qualified testing firm to perform testing services for the Platt Road Improvements Project;

Whereas, Proposals for the testing services were received and evaluated by the Project Management Services Unit;

Whereas, Professional Services Industries of Plymouth, Michigan has submitted to the City a proposal for the necessary services, setting forth the services to be performed by said firm and the payments to be made by the City therefore, all of which are agreeable to the City;

Whereas, Professional Services Industries received Human Rights and Living Wage approval on December 5, 2006; and

Whereas, Sufficient funds for the above services are included in the approved Platt Road Improvements project budget.

RESOLVED, That a Professional Services Agreement with Professional Services Industries in the amount of \$35,680.00 be approved for construction testing services for the Platt Road Improvements project;

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

RESOLVED, That a contingency amount of \$3,500.00 be established within the project budget and that the City Administrator be authorized to approve additional change orders to the Professional Services Agreement with Professional Services Industries, not to exceed \$3,500.00 in order to satisfactorily complete this project;

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

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

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

R-182-5-07 APPROVED

RESOLUTION TO CONFIRM ASSESSMENT ROLL, APPROVE A BUYDOWN OF FIFTY-PERCENT OF THE SPECIAL ASSESSMENTS, APPROPRIATE FUNDING FOR CONSTRUCTION ON WEST SIDE OF EASY STREET AND ADD SIDEWALK CONSTRUCTION TO THE EASY STREET WATER MAIN AND ROAD RECONSTRUCTION PROJECT

Whereas, City Council, after due and legal notice, has met for the purpose of reviewing the Special Assessment roll prepared for the purpose of assessing the private property’s share of the cost of constructing a sidewalk described as follows:

Construction of sidewalk improvements on the west side of Easy Street between Packard Road and Towner Boulevard, District No. 37, File No. 2005-061;

Whereas, City Council has heard all persons interested in the necessity of the improvement or aggrieved by the Special Assessment Roll and has considered any and all objections thereto;

Whereas, City Council is satisfied with said Special Assessment Roll,

Whereas, Easy Street is located in a “Low-Moderate Income Area” as defined by the U.S. Department of Housing and Urban Development (HUD);

Whereas, City Council desires to reduce the payment obligation of the sidewalk special assessment for this Low-Moderate Income Area;

Whereas, Resolution R-120-4-07, approved by the City Council on April 3, 2007 stipulates that an amount of \$40,208.96 be paid by special assessment upon the properties especially benefited within the City;

Whereas, Resolution R-379-8-06 approved the award of a construction contract to Peter A. Basile Sons, Inc. and amendment of the project budget for the Easy Street Water Main and Road Replacement Project without inclusion of funding for sidewalk construction as part of the project; and

Whereas, The Easy Street Water Main and Road Replacement Project has not yet been completed and provides the opportunity to construct this sidewalk as described;

RESOLVED, That Easy Street Sidewalk Special Assessment Roll as directed by the City Council be hereby confirmed in the amount of \$40,208.96 and designated as Sidewalk Special Assessment District Number 37, File Number 2005-061;

RESOLVED, That Easy Street Sidewalk Special Assessment Roll be divided into ten (10) installments of equal principal, the first of which shall be due on June 1, 2007, and the second and subsequent installments to be due and payable on the next following June 1st of each year;

RESOLVED, That the deferred installments of said Special Assessment Roll bear interest at the rate of 1.0%, commencing June 1, 2007, said interest to be collected annually on the due date of the second and subsequent installments of said Special Assessment Roll;

RESOLVED, That the City approve a buydown of 50% of the special assessment against the properties in District Number 37, divide the total appropriation into forty-four equal shares and apply the pro-rata share of the total appropriation against the balance of the per parcel assessment;

RESOLVED, That the City Treasurer be directed to apply the appropriated funding and adjust the per parcel assessment balance on or before May 31, 2007; and

RESOLVED, That the City appropriate from the General Fund unobligated fund balance \$40,210.00 to be added to the Easy Street Water Main and Road Replacement Project budget for the construction of sidewalks on the west side of Easy Street between Packard Road and Towner Boulevard as part of the project.

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

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

R-183-5-07 APPROVED

RESOLUTION TO APPROVE A SERVICE AGREEMENT WITH
SYNAGRO CENTRAL, LLC FOR LAND APPLICATION OF MUNICIPAL
WASTEWATER BIOSOLIDS, RFP NO. 657

Whereas, During the months of April through December, the City’s Wastewater Treatment Plant (WWTP) utilizes contracted services for the application of stabilized biosolids to farmland as an agricultural soil supplement and during the balance of the year processes and disposes biosolids in a landfill;

Whereas, WWTP staff issued RFP No. 657 for the land application of municipal wastewater biosolids to continue this beneficial reuse of biosolids;

Whereas, Based on WWTP staff review of proposals from Synagro Central, LLC (Synagro) and Merrell Bros., Inc., Synagro was determined to have the most qualified and cost effective proposal to provide the requested services;

Whereas, On March 27, 2007, the Human Resources Department approved Synagro to perform work for the City and Synagro has signed the City’s “Notice of Intent to Comply with Living Wage Ordinance”; and

Whereas, Funds to finance these services in FY 07 are included in the FY 07 WWTP Operations and Maintenance budget for the Sewage Disposal System and funds to finance these services for the remaining two years of the contract are included in the WWTP’s FY 08 and FY 09 budget requests.

RESOLVED, The Council approves the service agreement with Synagro in the amount of \$0.0319 per gallon for land application of municipal wastewater biosolids and that on May 1st of every year starting May 1, 2008, an annual price adjustment equal to 80% of the Consumer Price Index will be made;

RESOLVED, That the service agreement with Synagro be for three years with the option for two one-year renewals to be approved by the City Administrator, contingent upon the inclusion in the contract terms of the City’s right to terminate the agreement at any point during the term should funds not be appropriated for these services as part of the budget process for the fiscal years following June 30, 2007;

RESOLVED, That the Mayor and the City Clerk be authorized to sign the service agreement approved as to substance by the City Administrator and as to form by the City Attorney; and

RESOLVED, That the services for the balance of FY 07 be funded from the approved FY 07 WWTP Operations and Maintenance (O&M) budget for the Sewage Disposal System and that the services for future years be funded from appropriate future WWTP O&M budgets for the Sewage Disposal System.

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

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

R-184-5-07 APPROVED

RESOLUTION APPROVING THE SALE OF THE CITY-OWNED MICHIGAN THEATER PROPERTY AT 603 EAST LIBERTY TO THE MICHIGAN THEATER FOUNDATION, INC.

Whereas, The City of Ann Arbor is the fee title owner of certain property, located at 603 East Liberty Street, in the City of Ann Arbor, Washtenaw County, State of Michigan, known as the Michigan Theater, and more fully described as follows:

Parcel 1

Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence North 41.75 feet along the east line of said section and the center line of State Street; thence N 85° 46' W 240.43 feet along the centerline of East Liberty Street; thence N 4° 14' E 33.0 feet for a PLACE OF BEGINNING; then N 85° 46' W 32.06 feet along the north line of East Liberty Street; thence N 4° 14' E 5.20 feet thence S 85° 46' E 0.65 feet; thence N 4° 15' E 52.92 feet; thence N 85° 48' 30" W 170.60 feet; thence N 3° 58' 30" E 74.82 feet along the west line of Lot 15 of Assessor's Plat No. 27 as recorded in Liber 9 of Plats, Page 18, Washtenaw County Records; thence S 85 ° 46' E 203.77 feet along the north line of said lot; thence S 4° 10 '30" W 75.00 feet; thence N 85° 46' W 0.81 feet; then S 4° 18' W 52.73 feet; thence N 85° 46' W 0.7 feet; thence S 4° 14' W 5.20 feet to the Place of Beginning.

Parcel 2

Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence North 41.75 feet along the east line of said section and the centerline of State Street; thence N 85° 46' W 240.43 feet along the centerline of

East Liberty Street; thence N 4° 14' E 33.0 feet; thence N 85° 46' W 32.06 feet; thence N 4° 14' E 5.20 feet; thence S 85° 46' E 0.65 feet; thence N 4° 15' E 43.82 feet for a PLACE OF BEGINNING; thence N 85° 48' 30" W 22.32 feet; thence N 4° 14' E 9.10 feet; thence S 85° 48' 30" E 22.32 feet; thence S 4° 15' W 9.10 feet to the Place of Beginning.

Parcel 3

Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence North 41.75 feet along the east line of said section and the centerline of North State Street; thence N 85° 46' W 240.43 feet along the centerline of East Liberty Street; thence N 4° 14' E 38.20 feet; thence S 85° 46' E 0.70 feet; thence N 4° 18' E 48.51 feet for a PLACE OF BEGINNING; thence N 4° 18' E 4.22 feet; thence S 85° 46' E 0.81 feet; thence N 4° 10' 30" E 0.68 feet; thence S 85° 46' E 4.39 feet; thence S 4° 18' W 4.90 feet; thence N 85° 46' W 5.20 feet to the Place of Beginning.

Parcel 4

Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor, Michigan; thence North 41.75 feet; thence N 85° 46' W 240.43 feet along the centerline of East Liberty Street; thence N 4° 14' E 33.00 feet for a PLACE OF BEGINNING; thence N 4° 14' E 5.2 feet; thence S 85° 46' E 0.70 feet; thence N 4° 18' E 52.73 feet; thence S 85° 46' E 0.81 feet; thence N 4° 10' 30" E 75.00 feet; thence S 85° 46' E 0.13 feet along the north line of said Lot 15; thence along the east line of said Lot 15, South 58.33 feet, S 85° 46' E 23.5 feet and South 75.00 feet; thence N 85° 46' W 34.77 feet along the north line of Liberty Street to the Place of Beginning. EXCEPTING the southerly 52.73 feet.

Granting an easement for ingress, egress and public utilities over the easterly 3.79 feet of the southerly 52.73 feet.

Parcel 5

ALSO granting an easement for entry and egress from the above described land as follows: Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence North 41.75 feet along the east line of said section and the centerline of State Street; thence N 85° 46' W 442.17 feet along the centerline of East Liberty Street; thence N 4° 14' E 33.0 feet; thence N 3° 56' 30" E 52.00 feet along the west line of Lot 15 of Assessor's Plat No. 27 as recorded in Liber 9 of Plats, Page 18, Washtenaw County Records for a PLACE OF BEGINNING; thence N 3° 58' 30" E 6.00 feet; thence S 85° 48' 30" E 148.28 feet; thence S 4° 14' W 6.00 feet; thence N 85° 48' 30" W 148.25 feet to the Place of Beginning.

Parcel 6

ALSO granting an easement for entry and egress through that space lying above elevation 872.49 feet Ann Arbor City Datum and below elevation 886.53 feet Ann Arbor City Datum bounded as follows:

Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor,

Washtenaw County, Michigan; thence North 41.75 feet along the east line of said section and the centerline of State Street; thence N 85 ° 46' W 442.17 feet; thence N 4° 14' E 33.00 feet for a PLACE OF BEGINNING; thence N 3 ° 56' 30" E 52.00 feet; thence S 85 ° 48' 30" E 11.40 feet; thence S 3 ° 54' 30" W 52.00 feet; thence N 85 ° 46' W 11.43 feet along the north line of East Liberty Street to the Place of Beginning, all being part of Lot 15 of the Assessor's Plat No. 27.

Parcel 7

ALSO granting an easement for ingress and egress over Lot 9, Assessor's Plat No. 27, City of Ann Arbor, as recorded in Liber 9 of Plats Page 18, Washtenaw County Records.

Parcel 8

The southerly 20-feet of Lot 9, Assessor's Plat No. 27, City of Ann Arbor, as recorded in Liber 9 of Plats, Page 18, Washtenaw County Records.

Whereas, The City of Ann Arbor and the Michigan Theater Foundation, Inc., have worked together since the City's purchase of the building in 1982 to 1) maintain the Michigan Theater building as an historic landmark; 2) cooperatively assure that the Michigan Theater building be operated as a specialty film, exhibition venue and community performing arts center for the good of the community; and 3) support and assist one another in fulfilling these purposes for the good of the community;

Whereas, The property is currently under long-term lease to the Michigan Theater Foundation, Inc., a Michigan nonprofit corporation, and that the Foundation, has a leasehold investment valued at \$7,791,125.00;

Whereas, The Michigan Theater Foundation, Inc., has requested that the ownership of the property be transferred to the Michigan Theater Foundation, Inc., in order to improve the financial flexibility of the organization;

Whereas, City Council has determined that the property is no longer needed for corporate or public purposes, as the Michigan Theater Foundation, Inc. will continue to operate a nonprofit film venue and community performing arts center on this property for the good of the community; and

Whereas, Frisbie Appraisal Service provided a Real Estate Consultation that analyzed the value of the property given the use restrictions to be placed on the property and concluded that the property will have a nominal value of between \$10.00 and \$20,000.00;

RESOLVED, That City Council direct the City Attorney to transfer title to the property described above, by quit claim deed, to the Michigan Theater Foundation, Inc. for the sum of one dollar, reserving exceptions of easements and restrictions of record;

RESOLVED, That the quit claim deed contain terms and covenants that restrict the use of the property to the operation of a nonprofit film venue and community performing arts center by the Michigan Theater Foundation, Inc., or ownership of the property shall revert back to the City of Ann Arbor;

RESOLVED, That the quit claim deed require that the Michigan Theater Foundation, Inc., at the City's request, permit the City use of the Theater as a site of public safety for emergency management purposes, and to also allow use of the Theater as a meeting facility to be used by the City up to twelve times annually at no charge;

RESOLVED, That City Council finds, upon the recommendation of the City Administrator, that the Real Estate Consultation completed by Frisbie Appraisal Service is a reasonable method of ascertaining value given the uniqueness of the property and the restrictive covenants being placed on the property and, therefore it is unnecessary for the City to complete an appraisal to determine value.

RESOLVED, That prior to the transfer of title, the Michigan Theater Foundation, Inc. shall reimburse the City in the amount of \$7,500.00 for the cost of the Real Estate Consultation;

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the quit claim deed and any other transfer documents necessary to implement this resolution; and

RESOLVED, That the City Administrator be authorized to take any necessary administrative actions to complete this transaction.

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

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

R-185-5-07 APPROVED

RESOLUTION TO APPROVE FIRST AMENDMENT TO LEGAL SERVICES
CONTRACT WITH BUTZEL LONG AND TO APPROPRIATE FUNDS PAYABLE BY
THE DEVELOPER FOR REIMBURSEMENT OF LEGAL SERVICES FEES IN
CONNECTION WITH WILLIAM STREET STATION DEVELOPMENT

Whereas, Section 5.2(c) of the Ann Arbor City Charter authorizes City Council, on the recommendation of the City Attorney, to retain special legal counsel to assist the City Attorney;

Whereas, Representation by the firm of Butzel Long relating to matters involving the Broadway Village at Lower Town project is in the best interests of the City at this time based on James C. Adams' expertise in development matters;

Whereas, The cost of services rendered by Butzel Long will be reimbursed to the City of Ann Arbor by the Developer;

Whereas, Butzel Long received Human Rights and Living Wage approval on March 14, 2007; and

Whereas, The Developer has agreed to reimburse the City for past outside counsel fees in connection with this project;

RESOLVED, That City Council approve an appropriation, as funds are received, to the revenue budget for reimbursement of legal services performed by Butzel Long in connection with the William Street Station project to be paid for by the Developer;

RESOLVED, That the City Council approve the increase, as funds are received, of the revenue and expenditures budget in the General Fund Attorney Services budget in the amount of reimbursement from the Developer for previously City incurred legal services fees under a contract with Ufer and Spaniola in connection with the William Street Station project (\$20,120.00) and legal services fees under a contract with Butzel Long (not to exceed \$75,000.00);

RESOLVED, That the City Council approve the First Amendment to the contract for legal services with the law firm of Butzel Long in a total amount of \$75,000.00, without regard to fiscal year; and

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

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

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

R-186-5-07 APPROVED

RESOLUTION TO APPROVE FIRST AMENDMENT TO LEGAL SERVICES CONTRACT WITH BUTZEL LONG IN CONNECTION WITH BROADWAY LOWER TOWN AND APPROPRIATE FUNDS PAYABLE BY THE DEVELOPER FOR REIMBURSEMENT OF LEGAL SERVICES FEES UNDER THE CONTRACT

Whereas, Section 5.2(c) of the Ann Arbor City Charter authorizes City Council, on the recommendation of the City Attorney, to retain special legal counsel to assist the City Attorney;

Whereas, Representation by the firm of Butzel Long relating to matters involving the Broadway Village at Lower Town project is in the best interests of the City at this time based on James C. Adams' expertise in development matters;

Whereas, The cost of services rendered by Butzel Long will be reimbursed to the City of Ann Arbor by the developer; and

Whereas, Butzel Long received Human Rights and Living Wage approval on March 14, 2007;

RESOLVED, That City Council approve an appropriation, as funds are received, to the revenue budget for reimbursement of legal services performed by Butzel Long in connection with the Broadway Village at Lower Town project to be paid for by the developer;

RESOLVED, That the City Council approve the increase, as funds are received, of the revenue and expenditures budget in the General Fund Attorney Services budget in the amount of reimbursement from the developer;

RESOLVED, That the City Council approve the First Amendment to the contract for legal services with the law firm of Butzel Long in a total amount of \$150,000.00, without regard to fiscal year; and

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

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

Councilmember Greden recused himself from voting and discussion on this resolution.

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

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the April 16, 2007 regular session of Council:

City Market Commission

James Dwyer (Re-Appointment)
3225 Farmbrook
Ann Arbor, MI 48108
Term: May 7, 2007-May 7, 2010

Councilmember Johnson moved, seconded by Councilmember Woods, 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:

Parks Advisory Commission

Alexander D. Sulzer (Replacing-John Satarino)
1033 Pomona
Ann Arbor, MI 48103
Term: May 21, 2007- June 30, 2010

Planning Commission

Evan Pratt (Re-Appointment)
1626 Harbal Dr.
Ann Arbor, MI 48105
Term: May 21, 2007-June 30, 2010

Eric Lipson (Re-Appointment)
1318 Rosewood
Ann Arbor, MI 48104
Term: May 21, 2007-June 30, 2010

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Roger Fraser stated he was due to report on other alternatives for Police and Court facilities that had not been previously considered up to this point. Mr. Fraser stated he did not have any further recommendations based upon an analysis of what is currently available on the market.

The City Administrator reminded Council of a work session to discuss the proposed City budget scheduled for May 14, 2007.

REPORTS SUBMITTED

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

1. March 2007 Investment Portfolio Report (Financial and Administrative Services)
2. Citywide Phone System Replacement (Financial and Administrative Services)

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from S.E.M.C.O.G. regarding its Regional Update Publications for April 9 and April 23, 2007

2. Communication from Washtenaw County Public health regarding Michigan celebrates National Public Health Week April 16-20, 2007
3. Communication from Dept. of Labor & Economic Growth Bureau of Construction Codes regarding a public hearing notice scheduled for May 31, 2007 – Planning and Development Services
4. Communication from The Partners for Social Justice of Washtenaw regarding a proposed Resolution “Drinking Tap Water is Thinking Green!”
5. Communication from the Department of Environmental Quality regarding renewal of a Clean Corporate Citizen (C3) for Kaiser Optical Systems, Inc. being approved – Environmental
6. Communication from the State of Michigan Public Service Commission regarding notice of public hearing for the Electric Customers of the Detroit Edison Company scheduled for May 10, 2007
7. Communication from Scio Township regarding a Zoning Board of Appeals public hearing notice scheduled for May 17, 2007
8. Communication from Roger F. Hewitt regarding support of the proposed Galileo Associates, LLC – Site Plan Application – Planning and Development Services **(Added 5/3/07)**
9. Communications from neighbors in opposition of the proposed Easy Street Sidewalk Project **(Added 5/7/07)**

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

The following minutes were received for the file:

1. Ann Arbor Downtown Development Authority – March 7, 2007
2. Washtenaw Area Transportation Study – March 21, 2007
3. Downtown Area Citizens Advisory Council – April 3, 2007
4. Community Development Executive Committee – February 15, 2007

5. Community Development Executive Committee (Health & Youth Subcommittee) – March 15, and 23, 2007
6. Community Development Executive Committee (Housing & Economic Stability Subcommittee) – March 13, 16, 21 and 23, 2007
7. Ann Arbor Housing Commission – March 21, 2007
8. City Council-Michigan Student Assembly Committee – March 15 and 28, 2007
9. Ann Arbor Transportation Authority Board – March 21, 2007
10. Taxicab Board – December 7, 2006
11. City of Ann Arbor Employees' Retirement System Board – March 15, 2007
12. City of Ann Arbor Retiree Health Care Benefit Plan & Trust Board Of Trustees - March 15, 2007
13. Recreation Advisory Commission – March 7, 2007

Councilmember Woods moved, seconded by Councilmember Teall, that the Clerk's Report be accepted.

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

PUBLIC COMMENTARY - GENERAL

None.

RECESS FOR CLOSED SESSION

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

On roll call, the vote was as follows:

Yeas, Councilmembers Kunselman, Greden, Teall, Higgins, Easthope, Woods, Suarez, Johnson, Mayor Hieftje, 9;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 9:57 p.m.

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

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:15 p.m.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:15 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary