



# City of Ann Arbor

100 N. Fifth Avenue  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>

## Meeting Agenda

### City Council

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Monday, December 6, 2010

7:00 PM

G. C. Larcom, Jr. Municipal Building, 100 N.  
Fifth Avenue, 2nd Floor

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#### CALL TO ORDER

#### MOMENT OF SILENCE

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL OF COUNCIL

- 1     [10-1211](#)     Proposed Changes to Council Rules  
                  (City Council)
- Sponsors:     Higgins and Rapundalo
- Attachments:     2010 Council Rules  
                  *(Postponed from the 11/15/10 regular session.)*

#### APPROVAL OF AGENDA

#### INT    INTRODUCTIONS

- INT-1   [10-1064](#)     State of Michigan Budget Update - Kirk Profit, Governmental Consultant  
                  Services, Inc.  
                  (City Administrator - Roger Fraser)
- INT-2   [10-1175](#)     Ann Arbor Firefighter Recognition  
                  (City Administrator - Roger Fraser)
- INT-3   10-1283     The Pepsi Fresh Project Grant  
                  (City Administrator's Office)
- INT-4   [10-1247](#)     Presentation of Plaque to Mayor Hieftje  
                  (Mayor's Office)

- INT-5 [10-1256](#) Proclamation recognizing U of M's Men's Rugby Football Club and U-M's Women's Rugby Team as NAP Volunteers for the Month of December 2010  
(Mayor's Office)

**PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)**

**\* (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

**\* ACCOMMODATIONS HAVE BEEN MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

**COMMUNICATIONS FROM COUNCIL**

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

**PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**

- PH-1 [10-0879](#) An Ordinance to Amend Chapter 55, Rezoning of 6 Park Properties (Arbor Oaks Park, Berkshire Creek Nature Area, Bluffs Nature Area, Glacier Highlands Park, Mallets Creek Nature Area, Scheffler Park) from AG (Agriculture District), R1B and R1C (Single-Family Dwelling Districts), R4A and R4B (Multiple-Family Dwelling Districts), O (Office District), C1 (Local Business District) to PL (Public Land District) (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-10-38)  
(Community Services - Sumedh Bahl, Area Administrator)

**Attachments:** Park Rezoning ORD-10-38 Briefed, Park Rezoning Ordinance, Planning Staff Report March 16, 2010 - Group D Park Rezoning, 10-0879\_ParkRezoning\_3-16-10, ParkMaps pdf - Adobe Acrobat Standard, Scheffler Park Zoning Map, Opposition Email from Kyung Sun Kim Regarding Park Rezoning

(See B-2)

**COMMUNICATIONS FROM COUNCIL**

**A APPROVAL OF COUNCIL MINUTES**

- A-1 [10-1260](#) Working Sessions of November 4, 8, 15 and Regular Session of November 15, 2010

(City Clerk - Jacqueline Beaudry)

**Attachments:** 11-08-10 Meeting Minutes.pdf, 11-15-10 Work Session Minutes.pdf, 11-15-10 Draft Minutes.pdf, Council Emails & Redaction List.11-15-10.pdf

## CA CONSENT AGENDA

- CA-1 [10-1125](#) Resolution to Approve Amendment No. 3 to the Professional Services Agreement with CDM Michigan (CDM) (\$16,337.00) for Ann Arbor Stormwater Geographic Information System (GIS)Data Collection and Hydraulic Model Development

(Field Operations Services - Sue F. McCormick, Public Services Administrator)

- CA-2 [10-1129](#) Resolution Confirming an Emergency Purchase Order to E. T. MacKenzie Company for a Emergency Repairs to a Collapsed Sanitary Manhole on Packard Road - \$70,437.65

(Field Operations Services - Sue McCormick, Public Services Administrator)

- CA-3 [10-1191](#) Resolution to Ratify City Administrator Approval of Emergency PO with Delta Electrical Contractors of Lansing for Installation of Electrical Circuits and Infrastructure (\$40,354.00)

(Information Technology Services - Dan Rainey)

- CA-4 [10-1209](#) Resolution to Accept Board of Insurance Administration Meeting Minutes of October 28, 2010

(Financial and Administrative Services - Tom Crawford, CFO)

## B ORDINANCES - SECOND READING

### Old Business:

- B-1 [10-0750](#) An Ordinance to Amend Chapter 55 (Zoning) and Chapter 59 (Off-Street Parking) of Title V of the Code of the City of Ann Arbor Regarding Revisions to Area, Height, and Placement Regulations (CPC Recommendation: Approval - 9 Yeas, 0 Nays) (Ordinance No. ORD-10-34)

(Community Services - Sumedh Bahl, Area Administrator)

**Attachments:** AHP Ordinance Briefed, AHP ORD 8-23.pdf, 11-6-09 AHP Summary - CPC, 7-8-10 AHP Staff Report – CPC, Memo to CPC and Council 5-17-10.pdf, Zoning District Maps -CPC, 7-28-10 Example Maps - CC, AHP\_Additional\_Information\_9-23-10

*(Postponed from the 10/4/10, 10/18/10 and 11/15/10 regular sessions.)*

- DS-1 [10-0748](#) Resolution Authorizing Summary Publication of Ordinance No. ORD 10-34 An Ordinance to Amend Chapter 55 (Zoning) and 59 (Off-street Parking) of Title V of the Code of the City of Ann Arbor, by adding amendments that primarily pertain to Area, Height, and Placement standards

(Community Services - Sumedh Bahl, Area Administrator)

*(Postponed from the 10/4/10, 10/18/10 and 11/15/10 regular sessions.)*

**New Business:**

- B-2 [10-0879](#) An Ordinance to Amend Chapter 55, Rezoning of 6 Park Properties (Arbor Oaks Park, Berkshire Creek Nature Area, Bluffs Nature Area, Glacier Highlands Park, Mallets Creek Nature Area, Scheffler Park) from AG (Agriculture District), R1B and R1C (Single-Family Dwelling Districts), R4A and R4B (Multiple-Family Dwelling Districts), O (Office District), C1 (Local Business District) to PL (Public Land District) (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-10-38)

(Community Services - Sumedh Bahl, Area Administrator)

**Attachments:** Park Rezoning ORD-10-38 Briefed, Park Rezoning Ordinance, Planning Staff Report March 16, 2010 - Group D Park Rezoning, 10-0879\_ParkRezoning\_3-16-10, ParkMaps pdf - Adobe Acrobat Standard, Scheffler Park Zoning Map, Opposition Email from Kyung Sun Kim Regarding Park Rezoning

*(See PH-1)*

- DS-17 [10-1239](#) Resolution Authorizing Summary Publication of Ordinance No. ORD 10-38, An Ordinance to Amend Chapter 55, Rezoning of 6 Park Properties (Arbor Oaks Park, Berkshire Creek Nature Area, Bluffs Nature Area, Glacier Highlands Park, Mallets Creek Nature Area, Scheffler Park) from AG (Agriculture District), R1B and R1C (Single-Family Dwelling Districts), R4A and R4B (Multiple-Family Dwelling Districts), O (Office District), C1 (Local Business District) to PL (Public Land District)

(Community Services - Sumedh Bahl, Area Administrator)

*(Added 12/2/10)*

**C ORDINANCES - FIRST READING**

- C-1 [10-1228](#) An Ordinance to Amend Section 10:1a of Chapter 126, Traffic (Adoption of Motor Vehicle Code and Uniform Traffic Code), of Title X of the Code of the City of Ann Arbor

(City Attorney Services - Stephen K. Postema, City Attorney)

**Attachments:** Section 10 1a Chapter 126 Amend

- C-2 [10-1249](#) An Ordinance to Add a New Chapter 71 to Title VI (Medical Marijuana Business and Home Occupation Licenses) of the Code of the City of Ann Arbor

(City Attorney Services - Stephen K. Postema)

**Attachments:** Ordinance - Chapter 71.pdf

## D MOTIONS AND RESOLUTIONS

### DC New Business - Council:

- DC-1 [10-1250](#) Motion to Suspend Council Rules in Order to Reconsider the Heritage Row PUD Zoning and Site Plan **(2/3 Vote of Councilmembers Present Required)**

(City Council)

**Sponsors:** Derezinski and Smith

**Attachments:** HeritageRowReconsider12-1, DeparryProposalFinal

- [10-1089](#) Resolution to Approve a Request to Transfer Ownership of a 2009 Class C Liquor Licensed Business Located at 401 E. Liberty, Suite 200, from Bar Louie Ann Arbor, Inc. to BL Restaurant Operations, LLC. - d/b/a Bar Louie

(City Clerk Services - Jacqueline Beaudry, City Clerk)

*(Added 12/3/10)*

### DB New Business - Boards and Commissions:

- DB-1 [10-1123](#) Resolution to Approve Participation Agreement with Webster Township for the Purchase of Development Rights on the Whitney Farm

(Community Services - Sumedh Bahl, Area Administrator)

**Attachments:** Whitney Map.pdf

- DB-2 [10-1132](#) Resolution to Approve Distribution of the City of Ann Arbor Draft 2011-2015 Parks and Recreation Open Space Plan (CPC Recommendation: Approval - 6 Years, 0 Nays)  
(Community Services - Sumedh Bahl, Area Administrator)  
**Attachments:** Notice to plan master plan dist staff report 11-1-2010.pdf, Draft Pros Plan.pdf
- DS **Old Business - Staff:**
- DS-2 [10-1097](#) Resolution to Approve Contract With WeCare Organics for Operating the Ann Arbor Compost Facility (not to exceed \$200,000.00 annually)  
(Systems Planning Services - Sue F. McCormick, Public Services Administrator)  
**Attachments:** Attachment A - Current Compost Operations.pdf, Attachment B.pdf, Attachment C - Proposed Compost Oper WeCare.pdf  
(Postponed from the 11/15/10 regular session.)
- DS **New Business - Staff:**
- DS-3 [10-1164](#) ~~Resolution to Petition the Washtenaw County Water Resources Commissioner to Improve the Malletts Ellsworth Basin in the Malletts Creek Drainage District (\$2,430,000.00 Total; \$1,813,752.00 City Share) (Roll Call Vote Required)~~  
(Systems Planning Unit - Sue F. McCormick, Public Services Administrator)  
**Attachments:** Petition\_Malletts Ellsworth Basin.pdf, map\_ellsworth.pdf  
(Deleted from agenda on 11/30/10)
- DS-4 [10-1165](#) Resolution to Petition the Washtenaw County Water Resources Commissioner for the Burns Park Porous Alley in the Malletts Creek Drainage District (\$200,000.00 Total; \$149,280.00 City Share) **(Roll Call Vote Required)**  
(Systems Planning Unit - Sue F. McCormick, Public Services Administrator)  
**Attachments:** Malletts Burns Park Porous Alley\_Petition.pdf, map\_burns.pdf
- DS-5 [10-1166](#) Resolution to Petition the Washtenaw County Water Resources Commissioner for Malletts Creek Stream Bank Stabilization in the Malletts Creek Drainage District (\$5,140,000.00 Total Project Amount; \$2,010,000.00 Project Amount (2011); \$1,500,264.00 City Share (2011)) **(Roll Call Vote Required)**  
(Systems Planning Unit - Sue F. McCormick, Public Services Administrator)  
**Attachments:** Petition\_Malletts Streambank Stabilization\_ver2.pdf, map\_malletts.pdf

- DS-6 [10-1167](#) Resolution to Petition the Washtenaw County Water Resources Commissioner for Streambank Stabilization in the Traver Creek Drainage District (\$650,000.00 Project Total; \$559,715.00 City Share) **(Roll Call Vote Required)**  
(Systems Planning Unit - Sue F. McCormick, Public Services Administrator)  
**Attachments:** Petition\_Traver Bank Stabilization.pdf, map\_traver.pdf
- DS-7 [10-1168](#) Resolution to Petition the Washtenaw County Water Resources Commissioner for Cistern Installations/Downspout Disconnects/Tree Planting Project in the Swift Run Drain, Traver Creek, Malletts Creek and Allen Creek Drainage Districts (\$915,000.00 Project Amount; \$879,315.00 City Share) **(Roll Call Vote Required)**  
(Systems Planning Unit - Sue F. McCormick, Public Services Administrator)  
**Attachments:** Petition\_Allen Creek Cisterns Disconnects Trees.pdf, Petition\_Malletts Cisterns Disconnects Trees.pdf, Petition\_Swift Run Cisterns Disconnects Trees.pdf, Petition\_Traver Cisterns Disconnects Trees.pdf
- DS-8 [10-1237](#) Resolution to Petition the Washtenaw County Water Resources Commissioner for Streambank Stabilization in the County Farm Drain Drainage District (\$2,110,000.00 Project Amount; \$2,046,700.00 City Share) **(Roll Call Vote Required)**  
(Systems Planning Unit - Cresson Slotten, Senior Project Manager)  
**Attachments:** Petition\_County Farm Park Streambank Stabilization.pdf, map\_countyfarm.pdf
- DS-9 [10-1115](#) Resolution to Approve an Agreement with the Michigan Department of Transportation for the Washtenaw Avenue Non-Motorized Path Project  
(Public Services - Sue F. McCormick, Area Administrator)  
**Attachments:** WANMP Estimated Costs.pdf, WANMP location map.pdf
- DS-10 [10-1225](#) Resolution Accepting Easement for Non-motorized Public Access from Ann Arbor Assembly of God Church for the Washtenaw Avenue Non-Motorized Pathway Project **(8 Votes Required)**  
(City Attorney Services - Stephen K. Postema, City Attorney)  
**Attachments:** Assy of God Survey.pdf
- DS-11 [10-1173](#) Resolution Setting a Public Hearing on Edwards Brothers Inc. Application for an Industrial Facilities Exemption Certificate in Industrial Development District No. 2007-010  
(Financial and Administrative Services - Tom Crawford, CFO)  
**Attachments:** edward bros 2010 ift.pdf

- DS-12 [10-1205](#) Resolution Partially Accepting Easement for Public Utilities from Boardwalk Commerce Associates Limited Partnership **(8 Votes Required)**  
(City Attorney Services - Stephen K. Postema)  
**Attachments:** Recorded survey - easements to be accepted.pdf
- DS-13 [10-1206](#) Resolution Partially Vacating Easement from Boardwalk Commerce Associates Limited Partnership **(8 Votes Required)**  
(City Attorney Services - Stephen K. Postema, City Attorney)  
**Attachments:** Recorded survey - easements to be vacated.pdf
- DS-14 [10-1216](#) Resolution to Approve a Purchase Order to Kentwood Office Furniture LLC for Refurbished Furnishings & Equipment for the 15th Judicial District Court and to Approve a Budget Amendment for that Purpose (\$39,000.00) **(8 Votes Required)**  
(Fifteenth District Court Services - Keith Zeisloft, Court Administrator)  
**Attachments:** Council Memorandum re F & E-AAMC 15 Nov 10
- DS-15 [10-1222](#) Resolution Accepting Easement for Non-Exclusive Pedestrian Access from the Eve L. Matusow Michigan Trust **(8 Votes Required)**  
(City Attorney Services - Stephen K. Postema, City Attorney)  
**Attachments:** Walgreen's sidewalk survey.pdf
- DS-16 [10-1128](#) Resolution to Approve the Subordination of the City's Mortgage Lien to the Bank of Ann Arbor's Federal Home Loan Bank Mortgage on Avalon Housing's Properties at 518, 520 and 522 S. Division and to Approve an Intercreditor Agreement with Washtenaw County  
(Community Services - Sumedh Bahl, Area Administrator)

**E COMMUNICATIONS FROM THE MAYOR**

- E-1 [10-1212](#) Appointments & Nominations  
(Mayor's Office)

**COMMUNICATIONS FROM COUNCIL****F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR**



- F-1     [10-1141](#)     Annual Survey of Traffic Calming Projects Constructed in 2009  
(Project Management Services - Sue F. McCormick, Public Services Administrator)

**Attachments:**    09 Post - Attachment A.pdf, evett email Memo Style.pdf

- F-2     [10-1227](#)     Communication from Ann Arbor Public Art Commission (AAPAC)  
regarding the West Park Art Sculpture  
(Public Services - Sue F. McCormick, Public Svices Administrator)

- F-3     [10-1170](#)     Solid Waste Regulations for Christmas Trees  
(Systems Planning Services - Sue F. McCormick, Public Services Administrator)

**Attachments:**    Chapter 26 Regulations - 12-6-10.pdf  
(Added 12/6/10)

## G     COMMUNICATIONS FROM THE CITY ATTORNEY

## H & I    CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

### H     The following communications were referred as indicated:

- H-1     [10-1230](#)     Communication from the State of Michigan Public Service Commission  
regarding notice of hearing for the Electric Customers of the Detroit  
Edison Company, Case No. U-16434, scheduled for December 2, 2010  
- File  
(City Clerk Services)

**Attachments:**    dte communication

- H-2     [10-1233](#)     Communication from the State of Michigan Public Services Commission  
regarding notice of hearing for the Electric Customers of the Detroit  
Edison Company, Case No. U-15806 scheduled for December 14, 2010  
- File  
(City Clerk Services)

**Attachments:**    dte communication 12-14-10

- H-3     [10-1240](#)     Communication from Peter A. Long, regarding the 2010 Annual Report  
of the Economic Development Corporation of the City of Ann Arbor  
(City Clerk Services)

**Attachments:**    Economic Development Corp. Communication

### H-4     **Opposition Email from Kyung Sun Kim Regarding Park Rezonings**

(See B-2 for copy of email.)

**I The following minutes were received for file:**

- I-1 [10-1084](#) Ann Arbor Public Art Commission Minutes - October 12, 2010  
(Public Services - Sue F. McCormick, Public Services Administrator)  
**Attachments:** 101210 Meeting Minutes.pdf
- I-2 [10-0939](#) Airport Advisory Committee Minutes - July 21, 2010  
(Fleet & Facilities Services - Matthew J. Kulhanek)  
**Attachments:** AAC minutes 072110
- I-3 [10-1120](#) Historic District Commission Meeting Minutes of the July 8, 2010  
(Planning and Development Services)  
**Attachments:** 7-8-2010 HDC minutes
- I-4 [10-1130](#) September 21, 2010 City Planning Commission Meeting Minutes  
(Planning and Development Services - Sumedh Bahl, Area Administrator)  
**Attachments:** CPC Approved 9-21-2010 Meeting Minutes
- I-5 [10-1134](#) Historic District Commission Meeting Minutes of Oct 14, 2010  
(Planning and Development Services - Sumedh Bahl, Area Administrator)  
**Attachments:** 10-14-2010 HDC Minutes
- I-6 [10-1145](#) Recreation Advisory Commission Minutes - October 5, 2010  
(Community Services - Sumedh Bahl, Area Administrator)  
**Attachments:** RAC Minutes 10-10.pdf
- I-7 [10-1151](#) Human Rights Commission Minutes - September 15, 2010  
(Human Resources - Robyn Wilkerson, Director)  
**Attachments:** 09-15-10 Humnan Rights Commission Minutes
- I-8 [10-1160](#) Commission on Disability Issues Minutes - August 18, 2010  
(Human Resources - Robyn Wilkerson, Director)  
**Attachments:** 08-18-10 Disabilities Commission Minutes
- I-9 [10-1161](#) Historic District Commission Meeting Minutes of the September 9, 2010  
(Planning and Development Services - Sumedh Bah, Area Administrator)  
**Attachments:** 9-9-2010 HDC Minutes

- I-10    [10-1176](#)    Ann Arbor Downtown Development Authority Meeting Minutes - October 6, 2010  
(Downtown Development Authority - Susan Pollay, Executive Director)  
**Attachments:**    DDA minutes 10-6-10
- I-11    [10-1177](#)    Downtown Area Citizen Advisory Council Minutes - October 6, 2010  
(Downtown Development Authority - Susan Pollay, Executive Director)  
**Attachments:**    CAC Minutes 10-6-10
- I-12    [10-1183](#)    Park Advisory Commission Minutes - September 21, 2010  
(Community Services - Sumedh Bahl, Area Administrator)  
**Attachments:**    PAC Minutes - 9-21-10.pdf
- I-13    [10-1220](#)    Ann Arbor Housing Commission Board Meeting Minutes - October 20, 2010, November 3, 2010  
(Housing Services - Marge Novka)  
**Attachments:**    AAHC Board Minutes October 2010, AAHC Board Minutes Special Nov 3 2010
- I-14    [10-1223](#)    Washtenaw Area Transportation Study (W.A.T.S.) Meeting Minutes of October 13, 2010  
(City Clerk Services)  
**Attachments:**    W.A.T.S. 10-3-10 Policy Minutes

**PUBLIC COMMENT - GENERAL (3 MINUTES EACH)**

**CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (E), AND (H).**

**ADJOURNMENT**

**COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:**

**LIVE: MONDAY, DECEMBER 6, 2010, 7:00 P.M.**

**REPLAYS: TUESDAY, DECEMBER 7, 2010, 10:00 A.M. AND FRIDAY, DECEMBER 10, 2010, 7:30 P.M.**

**REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office by telephone at 734-794-6140 or by written request addressed to the City Clerk's Office, 100 N. Fifth Ave., Ann Arbor, MI 48104, at least 24 hours in advance.

A hard copy of this Council packet can be viewed at the front counter of the City Clerk's office.