

City of Ann Arbor

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



Action Minutes

Monday, March 15, 2010

7:00 PM

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

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:09 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 100 N. Fifth Avenue.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

- Present:** 9 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Mike Anglin, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor and Councilmember Carsten Hohnke
- Absent:** 2 - Councilmember Margie Teall and Councilmember Sabra Briere

APPROVAL OF AGENDA

A motion was made by Councilmember Anglin, seconded by Councilmember Higgins, that the Agenda be approved with the following changes:

Move: DS-19 Resolution to Appoint Fire Chief (Move to consider under Communications from City Administrator)

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

INT INTRODUCTIONS

None.

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**

1. Andrew McGill - Environmental Assessment (DS-9)

Andrew McGill, 5221 Crooked Stick, spoke in opposition of the Environmental Assessment Study for the runway extension at the Ann Arbor Municipal Airport.

2. Libby Hunter - Budget, Annual Service Contract With RecycleRewards, Amendment with Recycle Ann Arbor, Contract with William R. Wheeler, Agreement with MDOT, and Environmental Assessment Study for Runway Extension at Ann Arbor Municipal Airport

Libby Hunter, 827 Bruce, serenaded Council on the process that the City uses to make spending decisions including the Budget, Annual Service Contract with RecycleRewards, the Amendment with Recycle Ann Arbor, the contract with William R. Wheeler, the Agreement with MDOT, and the Environmental Assessment Study for the Runway Extension at Ann Arbor Municipal Airport.

3. Kathy Boris - Single Stream Recycling (DS-5)

Kathy Boris, 1726 Charlton, addressed Council regarding single stream recycling. She said that the City already has a viable working system for recycling.

4. Rita Mitchell Contract with RecycleRewards and Contract Amendment with Recycle Ann Arbor (DS-4 & DS-5)

Rita Mitchell, 621 Fifth Street, asked Council to vote no on the contract with RecycleRewards and the contract amendment with Recycle Ann Arbor. She said that it would save up to \$6 million dollars in the budget if Council voted no on the two resolutions.

5. Glenn Thompson Contract Amendment with Recycle Ann Arbor (DS-5)

Glenn Thompson, 100 Longman Lane, spoke in opposition of the proposed contract amendment with Recycle Ann Arbor. He said that it is not a significant benefit to citizens.

6. Edward Shaffran - Main Street Biz (F-1)

Edward Shaffran, 209 S. Fourth Avenue, Suite 1C, thanked Council for their support of the Main Street Biz Initiative. There was a 95% consensus to approve the Main Street Biz Initiative. Mr. Shaffran also thanked the City Clerk, City Assessor and Assistant City Attorney Kevin McDonald for all of their help with the project.

7. Lou Glorie - Single Stream Recycling (DS-5)

Lou Glorie, 827 Brooks Street, spoke in opposition of the single stream recycling contract.

8. Lily Au - Neighborhood Stabilization Funds to Community Housing Alternatives (DS-17 and DS-18)

Lily Au, 682 Peninsula Court, spoke in support of the proposed resolutions regarding Neighborhood Stabilization Funds to Community Housing and Habitat for Humanity of Huron Valley. She asked for help with shelter for the homeless in Ann Arbor.

9. Marcia Federbush - Comments about a Human Rights Commission Member

Marcia Federbush, 2000 Anderson Court, expressed concern regarding the appointment of Neal Elyakin to the Human Rights Commission.

10. Henry Herskovitz - Iraq

Henry Herskovitz, 404 Mark Hannah, addressed Council regarding the issues going on in Iraq.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER SMITH

Councilmember Smith asked that Council consider moving its July 19, 2010 meeting to July 20, 2010 because July 19th is the date of the Townie Street party.

Councilmember Smith announced that the 2010 Census would be delivered to households this week. She said that it is crucial that everyone take the time to fill it out and return it so that Ann Arbor is properly counted.

COUNCILMEMBER ANGLIN

Councilmember Anglin addressed the public regarding Fire Services in the City. He said that he supports the Fire Department coming out to calls in the City that are not necessarily fire related, because they are helping to saving lives.

MAYOR HIEFTJE

Mayor Hieftje said that he attended the funeral services of former Mayor Samuel Eldersveld at St. Andrews Church. Mr. Eldersveld was Mayor of Ann Arbor from 1957 to 1959 and he had an excellent career at the University of Michigan.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

DS-19 10-0243 Resolution to Appoint Fire Chief

A motion was made by Councilmember Higgins, seconded by Councilmember Hohnke, that the Resolution be approved. On a voice vote, Mayor Hieftje declared the motion carried.

Enactment No: R-10-058

UPDATE ON CITY BUDGET

City Administrator Roger Fraser said that the budget would formally be presented to Council on April 19, 2010. Hard copies would be distributed at the first meeting in April and time would be reserved at the April 12, 2010 Working Session to walk through the content of the budget. Presentations from SPARK and the LDFA would also be given to Council at the April 12, 2010 Working Session.

REQUEST FOR INFORMATION TO GOOGLE

Mr. Fraser said that they are continuing to work on the application submittal to Google in response to the Request For Information (RFI). Mr. Fraser noted that the City has had interesting feedback from the community and participation and support in many different ways. The deadline for submittal to Google is March 26, 2010.

BOARD OF REVIEW

The Board of Review has begun their work on appeals of property tax assessments. The number of people who serve on the board was expanded this year due to the number of applications received last year. Numbers for this year will be reported to Council at a later date.

STREET SWEEPING RESUMED

Mr. Fraser said that street sweeping has resumed for the season.

WATERMAIN ON THE EAST SIDE OF TOWN

The watermain that serves Washtenaw Community College was taken out of service this past week. The watermain will be replaced, hopefully reducing the number of emergency calls the City receives in that area.

DEMOLITION OF THE BASEMENT OF CITY HALL

Demolition work in the basement of City Hall has caused some dust and smells in the building that have been difficult for people on the first floor. Temporary adjustments have been made for work locations of those employees. Construction will begin on the new elevator tower by the first of April.

CONTRACTING WITH MANPOWER

Mr. Fraser reported that as the number of temporary employees has reduced and as the budget has been reduced, it is no longer cost effective to continue the contract arrangement with Manpower for the recruitment of temporary employees. The City will take over hiring temporary work in-house within the next couple of months.

PARKS AND REC ACTIVITY GUIDE

A new Parks and Rec activity guide is now available. There are all sorts of activities available in the guide. Leslie Golf Course plans to open on March 25, 2010 and Huron Hills opened last week.

Swearing In of New Fire Chief

The new Fire Chief, Dominick Lanza, was not available to take the oath of office.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 10-0117 An Ordinance to Add a New Section 10:101a to Chapter 126 (Traffic - Restricting Cell Phone Use While Driving) of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-10-07)

Sponsors: Rapundalo

A public hearing was conducted on the proposed Ordinance to Add a New Section 10:101a to Chapter 126 (Traffic - Restricting Cell Phone Use While Driving) of Title X of the Code of the City of Ann Arbor. Notice of public hearing was published March 12, 2010. Mayor Hieftje announced that this item may be postponed to next month. In that event, people addressing Council tonight would not be able to speak on the hearing in the future, as it would be a continuation of this public hearing.

Ignacy Justyna, resident of the Arbor Hills subdivision, said that there are laws pending in the State legislature that are dealing with cell phone usage and it didn't make sense to create an ordinance for a six mile radius that would be different than laws and regulations in surrounding areas, in the State and other cities.

Nancy Merdzinski, executive officer for the Ann Arbor Area Board of Realtors, said that the Board took the position of opposition of the proposed ordinance. The issue should be handled at the State level for uniformity and enforcement throughout the State. A local ordinance is unfriendly and unwelcoming to the large number of out-of-town drivers attracted to the City.

There being no further comment, the Mayor declared the hearing continued until April 15, 2010.

PH-2 10-0219

Resolution to Urge the Selection of the City of Ann Arbor as a Google Fiber for Communities Trial Location

Sponsors: Taylor, Briere, Smith, Hohnke, Hieftje, Rapundalo, Teall, Anglin, Derezhinski and Kunselman

A public hearing was conducted on the proposed Resolution to Urge the Selection of the City of Ann Arbor as a Google Fiber for Communities Trial Location. Notice of public hearing was published March 12, 2010.

Steve Pierce, resident of Ypsilanti, and co-founder of Wireless Ypsi, stated he was excited that Ann Arbor was taking on the challenge of submitting the RFI proposal. It is great news not only for the City of Ann Arbor, but for the region. He stated the Wireless Ypsi group would lend their support to A2 Fiber and the Google Fiber RFI and encouraged residents from Ypsilanti and surrounding area to get involved in the project, by Twittering and putting videos on You Tube in support of the proposal.

Amin Ladha, Chief Information Officer of Washtenaw Community College, applauded the City for responding to the RFI. He stated that the project would absolutely benefit the community and it would bring and encourage businesses to come into the area. His office and Washtenaw Community College stand behind this effort and are willing to do anything to help.

Wes Vivian, 3875 E. Huron River Drive, said that he was in favor of the City working with Google. He said that the City should consider installing the fiber even if they do not get the money to do so from Google.

Dominic Serra, of Internet 123, said that he supports Ann Arbor's efforts with Google's RFI, and his company is in full support and willing to do whatever they needed to show their support.

Brian Robb, Ypsilanti resident and Councilmember for the City of Ypsilanti, said that he would be offering a resolution in support of the Ann Arbor Google project at this week's Ypsilanti City Council meeting. Councilmember Robb stated this would be great not only for the City of Ann Arbor, but for the entire region.

Amy M., resident of Ann Arbor, said that she was excited about Google possibly providing this service. She added that the excitement was not just hers, but of friends not living in Ann Arbor.

Chris Leher, student at the University of Michigan, said that there is a great deal of excitement in the University in support of the Google fiber measure. The University students are behind it, the Facebook group is growing to show support for it, and he encouraged the University to work with the City to help promote it.

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

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER RAPUNDALO*

Councilmember Rapundalo announced that Terumo Cardiovascular Systems is unveiling their recently completed state-of-the-art manufacturing plant on March 19, 2010 at 9:00. He encouraged councilmembers to RSVP to the event and attend. The Governor is expected to attend along with senior executives of the Michigan Economic Development Corporation.

COUNCILMEMBER DEREZINSKI

Councilmember Derezinski noted that one of the speakers, Wes Vivian, a former United States Representative in Congress, adds a lot of credibility to the City application to Google, and thanked him for coming out and showing his support.

A APPROVAL OF COUNCIL MINUTES

A-1 10-0238 City Council Working Session of February 22, 2010 and Regular Session of March 1, 2010

A motion was made by Councilmember Smith, seconded by Councilmember Derezinski, that the Minutes be approved. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA**Passed on consent agenda**

A motion was made by Councilmember Smith, seconded by Councilmember Anglin, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA-1 10-0161 Resolution to Accept the Right-of-Ways of Redland Ct., Hickory Pointe Dr., Woodhaven Ct., Indian Creek Cir. and the unnamed Service Drive between E. Stadium and Washtenaw Rd. and to dedicate them as Public Streets in the Act 51 Street System

Enactment No: R-10-059

CA-2 10-0103 Resolution for Approval of Amendment No. 2 to the Professional Services Agreement with CDM Michigan Inc. for the Lime Feed System Improvements Project (\$99,580.00)

Enactment No: R-10-060

CA-3 10-0146 Resolution to Approve Professional Services Agreement for Construction Materials Testing with CTI & Associates, Inc. for the West Stadium (Suffolk to Hutchins) Improvements Project (RFP No. 757; \$47,420.00)

Enactment No: R-10-061

B ORDINANCES - SECOND READING

- B-1 10-0117** An Ordinance to Add a New Section 10:101a to Chapter 126 (Traffic - Restricting Cell Phone Use While Driving) of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-10-07)

Sponsors: Rapundalo

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

A motion was made by Councilmember Derezinski, seconded by Councilmember Rapundalo, that the ordinance be adopted.

Enactment No: ORD-10-07

A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the Ordinance be postponed until 4/5/10. On a voice vote, the Mayor declared the motion carried, with one no-vote by Councilmember Higgins.

- DS-1 10-0187** Resolution Authorizing Summary Publication of Ordinance No. ORD-10-07 to Add a New Section 10:101a to Chapter 126, Title X (Traffic) of the Code of the City of Ann Arbor

A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the Resolution be approved.

A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezinski, that the Resolution be postponed until 4/5/2010. On a voice vote, the Mayor declared the motion carried.

C ORDINANCES - FIRST READING

- C-1 10-0175** An Ordinance Authorizing the Issuance and Sale of Sewage Disposal System Revenue Bonds, Series 2010-A to the Michigan Municipal Bond Authority (\$1,320,000) (Roll Call Vote Required - One Reading)

(The complete text of ORD-10-11 is on file in the City Clerk's Office.)

Councilmembers requested an update regarding the status of the City's footing drain disconnect program.

A motion was made by Councilmember Taylor, seconded by Councilmember Rapundalo, that the Ordinance be adopted. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 9 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Nays: 0

Absent: 2 - Councilmember Teall and Councilmember Briere

Enactment No: ORD-10-11

- C-2 10-0195** An Ordinance to Amend Chapter 55, Rezoning of 0.5 Acre from C1 (Local Business) to C2B (Business Service), Gallup One Stop Gas Station, 2955 Packard Road (CPC Recommendation: Approval - 8 Ayes and 0 Nays)

(The complete text of ORD-10-12 is on file in the City Clerk's Office.)

A motion was made by Councilmember Kunselman, seconded by Councilmember Taylor, that the Ordinance be Approved on First Reading and should be returned for Second Reading on 4/19/2010. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-10-12

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 10-0219** Resolution to Urge the Selection of the City of Ann Arbor as a Google Fiber for Communities Trial Location

Sponsors: Taylor, Briere, Smith, Hohnke, Hieftje, Rapundalo, Teall, Anglin, Derezhinski and Kunselman

A motion was made by Councilmember Taylor, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously.

Enactment No: R-10-062

- DC-2 10-0256** Resolution Recognizing Fresh Start Clubhouse as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Sponsors: Briere

A motion was made by Councilmember Smith, seconded by Councilmember Derezhinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-063

- DC-3 10-0205** Resolution to Transfer all Rights to Renewal of a 2009 Resort Class C Liquor Licensed Business Located in Escrow at 575 Briarwood Circle, from The Sweet Onion, Inc. to Fast Casual, L.L.C.

Sponsors: Council Liquor License Review Committee

A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezhinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-064

DC-4 10-0257 Resolution to Reaffirm prior Recommendation of Approval of Issuance of a Downtown Development District Liquor License to Trifecta Productions, LLC (d/b/a Tomukun Noodle Bar)

Sponsors: Council Liquor License Review Committee

A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-065

DC-5 10-0261 Resolution to Renew Mandate and Appoint Members of the Golf Courses Advisory Task Force

Sponsors: Rapundalo

A motion was made by Councilmember Rapundalo, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-066

DC-6 10-0262 Resolution to Replace the Ann Arbor Housing Commission Board of Commissioners

Sponsors: Derezinski

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-067

RECESS

The Mayor declared a recess at 8:47 p.m. and reconvened the meeting at 9:07 p.m.

Swearing In of New Fire Chief

City Clerk Jacqueline Beaudry gave the oath of office to newly appointed fire chief Dominick Lanza.

DB New Business - Boards and Commissions:

None.

DS New Business - Staff:

- DS-2 10-0086** Resolution to Amend the Professional Services Agreement with Northwest Consultants, Inc. for the E. Stadium Boulevard Bridges Replacement Project (\$249,157.00)
- A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-10-068

- DS-3 10-0090** Resolution to Retroactively Approve a Construction Contract with the Anlaan Corporation for the Partial Demolition of the E. Stadium Boulevard Bridge over S. State Street (\$65,976.08)
- A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-10-069

- DS-4 10-0101** Resolution to Authorize an Annual Service Contract with RecycleRewards (not to exceed \$227,400.00 in FY11)
- A motion was made by Councilmember Hohnke, seconded by Councilmember Taylor, that the Resolution be approved.**

Enactment No: R-10-070

A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Resolution be amended as follows:

Add RESOLVED Clause:

RESOLVED, THAT THREE YEARS AFTER THE DATE OF THE CONTRACT IMPLEMENTATION, THE CITY ADMINISTRATOR WILL REPORT BACK TO THE CITY COUNCIL ON THE EFFECTIVENESS OF THE RECYCLE BANK BENEFITS PROGRAM.

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

Note: All CAPS indicate new language.

- 10-0101** Resolution to Authorize an Annual Service Contract with RecycleRewards (not to exceed \$227,400.00 in FY11)
- The question being the motion as amended, on a voice vote, the Mayor declared the motion carried with a no-vote by Councilmember Kunselman.**

Enactment No: R-10-070

- DS-5 10-0102** Resolution to Authorize a Contract Amendment with Recycle Ann Arbor for Single Stream Collection
- A motion was made by Councilmember Hohnke, seconded by Councilmember Derezhinski, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-10-071

Councilmember Hohnke left the meeting at 10:16 p.m.

Present: 8 - Mayor John Hiefert, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Mike Anglin, Councilmember Sandi Smith, Councilmember Tony Derezinski and Councilmember Christopher Taylor

Absent: 3 - Councilmember Margie Teall, Councilmember Sabra Briere and Councilmember Carsten Hohnke

DS-6 10-0126

Resolution to Approve an Employment Contract with William R. Wheeler as the Municipal Center Project Manager (\$126,000.00)

A motion was made by Councilmember Taylor, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-072

DS-7 10-0129

Resolution to Approve Agreement with the Michigan Department of Transportation for the Non Motorized System Expansion Project (\$250,000.00)

Council requested a map highlighting the affected streets.

A motion was made by Councilmember Higgins, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-074

DS-8 10-0164

Resolution to Accept Road Certifications from Washtenaw County

A motion was made by Councilmember Derezinski, seconded by Councilmember Kunselman, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-073

DS-9 10-0169

Resolution to Approve a Grant with the Michigan Department of Transportation for work on the Environmental Assessment Study for the Runway Extension at the Ann Arbor Municipal Airport (\$55,000.00)

A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-075

DS-10 10-0183

Resolution to Approve Street Closings for the Burns Park Run - Sunday, May 2, 2010

A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-076

DS-11 10-0199

Resolution to Approve Street Closings for the Box Cart Race/Soap Box Derby - Saturday, March 20, 2010

A motion was made by Councilmember Anglin, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-077

DS-12 10-0208

Resolution to Approve Street Closings for the 2010 Take Back The Night (Rally and March) - Thursday, April 8, 2010

A motion was made by Councilmember Higgins, seconded by Councilmember Smith, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-078

DS-13 10-0209

Resolution to Approve the Closing of Monroe Street for the Monroe Street Fair, Saturday, April 3, 2010

A motion was made by Councilmember Smith, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-079

DS-14 10-0212

Resolution to Close N. Fourth Avenue and E. Ann Street for the 15th Annual African-American Downtown Festival, Friday, June 4, 2010 to Saturday, June 5, 2010

A motion was made by Councilmember Smith, seconded by Councilmember Derezinski, that the Resolution be approved.

Enactment No: R-10-080

A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Resolution be amended as follows:

RESOLVED, That the [City] APPLICANT shall [waive all] APPLY FOR A CITY COMMUNITY EVENTS GRANT TO COVER THE COST FOR AND OBTAINING THE FOLLOWING fees associated with the event:

Estimated Costs

Electrical hookup - \$300.00

Barricades - \$1,372.96

Street occupancy fees for vendors - \$150.00

Total - \$1,822.96

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

****Note: [] Brackets indicate deleted language. All CAPS indicate new language.**

- 10-0212** Resolution to Close N. Fourth Avenue and E. Ann Street for the 15th Annual African-American Downtown Festival, Friday, June 4, 2010 to Saturday, June 5, 2010
- The question being the Resolution as amended, on a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-10-080
- DS-15 10-0182** Resolution to Approve Street Closings for FestiFools - Sunday, April 11, 2010
- A motion was made by Councilmember Derezinski, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-10-081
- DS-16 10-0147** Resolution to Award Construction Contract to Dan's Excavating, Inc. d/b/a Dan's Excavating and Pamar Enterprises, Inc., a Joint Venture (Bid No. 4063, \$527,042.50) for the Yost Parkwood/Wildwood Sanitary Sewer Project
- A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-10-082
- DS-17 10-0255** Resolution to Amend Resolution R-09-425 to Allocate \$245,000 in Neighborhood Stabilization Funds to Community Housing Alternatives (\$245,000 NSP Funds)
- A motion was made by Councilmember Smith, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-10-083
- DS-18 10-0247** Resolution to Amend Resolution R-09-393 to Allocate \$245,000 in Neighborhood Stabilization Funds to Habitat for Humanity of Huron Valley (\$245,000 NSP Funds)
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-10-084

E COMMUNICATIONS FROM THE MAYOR

E-1 10-0211 Appointment - Confirmation

Approved:

Taxi Cab Board

*Tom Oldakowski (Replacing & serving out term for- Charles Snider)
404 West Davis
Ann Arbor, MI 48103
Term: March 15, 2010 - April 9, 2012*

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that Council concur with the recommendations of the Mayor. On a voice vote, the Mayor declared the motion carried.

E-2 10-0263 3/15/10 Nominations and Appointments

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

Cable Communications Commission

*Roger Sutton (Re-Appointment)
764 Watersedge Dr.
Ann Arbor, MI 48105
Term: April 5, 2010-April 5, 2015*

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER HIGGINS

Councilmember Higgins noted that Councilmember Hohnke had to leave the meeting due to a family illness.

COUNCILMEMBER SMITH

Councilmember Smith said that she attended the Transportation Seminar that the U of M held last week. She said that it was entertaining and enlightening to see the plans for the Fuller Road Station. She added that it would be a signature piece that would go through the town.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

F-1 10-0221 Main Street Business Improvement Zone Election Results

Filed.

G COMMUNICATIONS FROM THE CITY ATTORNEY

None.

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

H The following communications were referred as indicated:**Passed on consent agenda**

A motion was made by Councilmember Higgins, seconded by Councilmember Derezinski, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- H-1 10-0201** Notice from the State of Michigan Department of Natural Resources and Environment, Land and Water Management Division
- H-2 10-0222** Retirement System & VEBA FY 2009 Reports
- H-3 10-0223** Communication from Janis A. Bobrin, regarding notice of hearing of Necessity Allen Creek Sylvan Avenue Storm Water Controls Drain Project scheduled for March 18, 2010 - Public Services
- H-4 10-0224** Communication from Sandra Sorini Elser of Bodman Attorneys & Counselors regarding Notice of Intent to Establish a Condominium Project in the City of Ann Arbor named Summit Heights 3 - Planning and Development Services
- H-5 10-0225** Communication from Comcast regarding notice of an additional their video service offerings - CTN
- H-6 10-0228** Department of Energy, Labor & Economic Growth Bureau of Construction Codes Notice of Public Hearing
- H-7 10-0260** Communication from the State of Michigan Regarding Notice of Hearing for Customers of Consumers Energy Company and the Detroit Edison Company Case No. U-16055
- H-8 10-0264** Communication from Michigan Department of Transportation regarding Bicycle and Pedestrian Program - Community/Regional Training Opportunities
Filed.

I The following minutes were received for file:

- I-1 10-0185** Ann Arbor Housing Commission Regular Board Meeting Minutes - January 20, 2010
- I-2 10-0186** Ann Arbor Transportation Authority Board meeting minutes of January 20, 2010
- I-3 10-0189** Housing and Human Services Advisory Board meeting minutes of January 12, 2010
- I-4 10-0207** City Council Budget Committee - February 16, 2010

I-5 10-0232 Council Rules Committee Meeting Minutes of February 6 and 13, 2010

Filed

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

1. Kathy Griswold - Crosswalk at King School

Kathy Griswold requested that the City move forward with plans to relocate the crosswalk at King Elementary School. She stated other neighbors have begun questioning her regarding the City's plans.

2. Brad Mikas - Pension Report and AR Agenda Report from the Data Catalog

Brad Mikas, Ann Arbor resident, addressed Council regarding the Pension Report which he said had an \$80 million dollar loss. He asked how the City could put 10% of the retirement into hedge funds, timber and high yield fixed income instruments, which are considered by definition, junk bonds. He also questioned the fact that very old receivables are still on the City's books, according to the online data catalog.

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).

A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the regular session of Council be recessed for a Closed session to discuss pending litigation. On roll call, the vote was as follows, with the Mayor declaring the motion carried and the meeting recessed at 10:51 p.m.:

Yeas: 8 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Smith, Councilmember Derezinski and Councilmember Taylor

Nays: 0

Absent: 3 - Councilmember Teall, Councilmember Briere and Councilmember Hohnke

MEETING RECONVENED

A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 11:07 p.m.

10-0266 Resolution Directing City Attorney in the matter of Musicraft, et al v. City of Ann Arbor, Case No. 09-945CZ

A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-085

ADJOURNMENT

A motion was made by Councilmember Kunselman, seconded by Councilmember Rapundalo, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:08 p.m.

10-0302 Council Emails from March 15, 2010

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, MARCH 15, 2010 AT 7:00 P.M.

REPLAYS: TUESDAY, MARCH 16, 2010 AT 10:30 A.M. AND FRIDAY, MARCH 19, 2010 AT 7:00 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.