

City of Ann Arbor

100 N. Fifth Avenue
Ann Arbor, MI 48104
www.a2gov.org



Action Minutes

Monday, November 17, 2008

7:00 PM

G. C. Larcom, Jr. Municipal Bldg. 2nd Flr.

City Council

CALL TO ORDER

Mayor Hieftje called the regular session meeting of the Ann Arbor City Council to order at 7:07 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.

ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBERS

City Clerk Jacqueline Beaudry administered the Oath of Office to the newly elected Councilmembers and the Mayor.

ROLL CALL OF COUNCIL

Present: 11 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, and Councilmember Carsten Hohnke

ORGANIZATION OF NEW COUNCIL

1. Election of Mayor Pro Tem

A motion was made by Councilmember Greden, seconded by Councilmember Rapundalo, that Councilmember Marcia Higgins be elected Mayor Pro Tem. On a voice vote, the Mayor declared the motion carried.

2. **08-1042** Appointment of Council Committees

A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Appointment of Council Committees be approved as presented. On a voice vote, the Mayor declared the motion carried.

3. **08-1041** Adoption of Council Rules

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Council Rules be adopted as presented. Councilmember Higgins also proposed an Ad-Hoc Rules Committee be appointed to review the Rules and recommend changes in January 2009. Committee members are Councilmembers Higgins, Briere and Derezinski. On a voice vote, the Mayor declared the motion carried.

APPROVAL OF AGENDA

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Agenda be approved with changes. On a voice vote, the Mayor declared the motion carried. The changes were as follows:

Move: Closed Session to Discuss Attorney/Client Privileged Communication (Move before DC-1).

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. Tom Partridge - An open letter to the Ann Arbor City Council, Michigan Congressional Delegation, President George Bush, and President-Elect Barack Obama: Access to Michigan jobs, health care, transportation, and education must be protected.

Tom Partridge of Scio Township spoke about changes needed in Michigan and called on all newly elected candidates to provide change.

2. Glenn Thompson - Stormwater Controls at the Farmers Market (DS-2)

Glenn Thompson, 100 Longman Lane, spoke in opposition to the use of water runoff from the Farmer's Market roof in a water landscape feature. He expressed concerns about contaminated water being used in a food sales environment.

3. Jim Northrup - Fresnel Screens for Solar Experiments

Jim Northrup requested that the City of Ann Arbor allow him to utilize equipment from old televisions for a solar experiment.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER GREDEN - MSA COMMITTEE

Councilmember Greden announced that the Council Student Relations committee was meeting on Wednesday, November 19 at 4:15 p.m. to discuss a possible streetlight special assessment district in the Tappan area.

Councilmember Greden also thanked City staff for their efforts putting together a welcome reception for the newly elected councilmembers. He stated the reception was very well attended and a success.

COUNCILMEMBER DEREZINSKI - COUNCIL ORIENTATION

Councilmember Derezinski thanked the City Administrator, city staff and senior councilmembers for their efforts in providing new Council orientation prior to the actual

first meeting. He stated this was very helpful.

COUNCILMEMBER HIGGINS - SNOW PLOW BUDGET

Councilmember Higgins asked the City Administrator to clarify a comment that was made by a City employee in the Ann Arbor News. Councilmember Higgins stated the article was related to the State budget and the reduction in snow plow service.

Mr. Fraser, City Administrator, clarified that the City would continue to make snow plow a priority on City streets.

A APPROVAL OF COUNCIL MINUTES

A-1 08-1030 City Council Minutes of November 6, 2008

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Minutes be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

Passed on consent agenda

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

CA-1 08-0997 Resolution to Approve Service Purchase Orders for Uniform Laundry and Rental services, Floor Mat Rental Services and a Managed Clothing Purchasing, ITB # 3909 - Maurer's Textile (\$35,906.00) and Tyndale Company, Inc. (\$27,750.00)

Enactment No: R-08-462

CA-2 08-1007 Resolution to Approve a Drug Court Grant Program Contract with the Michigan Supreme Court State Court Administrative Office and to Accept and Expend Grant Funds Pursuant to that Contract (\$45,000.00)

Enactment No: R-08-463

CA-3 08-1009 Resolution to Accept Board of Insurance Administration Meeting Minutes of October 24, 2008

Enactment No: R-08-464

CA-4 08-1019 Resolution to Approve First Amendment to License Agreement with New Cingular Wireless PCS, LLC, as Successor in interest to AT&T Wireless PCS, Inc., to Erect and Use Telecommunications Equipment on the Manchester Water Tower Site

Enactment No: R-08-465

B ORDINANCE - SECOND READING

None.

C ORDINANCE - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

CLOSED SESSION TO DISCUSS ATTORNEY/CLIENT PRIVILEGED COMMUNICATION

A motion was made by Councilmember Higgins, seconded by Councilmember Anglin, that Council enter into Closed Session to discuss attorney/client privileged communication. On roll call, the vote was as follows, with the Mayor declaring the motion carried and the meeting recessed at 7:28 p.m.

Yeas: 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

Nays: 0

MEETING RECONVENED

A motion was made by Councilmember Briere, seconded by Councilmember Hohnke, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 7:45 p.m.

D Old Business - Council:

DC-1 08-0766 Resolution to Approve the Transfer of Ownership of a 2008 Class C Liquor Licensed Business, Located in Escrow at 327 Braun, from Eguchi Corporation to KVA, LLC and to Transfer the Location to 800 S. State and a Request for an Outdoor Service Area on a City Sidewalk - D/B/A Quickie Burger

A motion was made by Councilmember Rapundalo, seconded by Councilmember Teall, that the Resolution be approved.

Enactment No: R-08-466

08-0766 Resolution to Approve the Transfer of Ownership of a 2008 Class C Liquor Licensed Business, Located in Escrow at 327 Braun, from Eguchi Corporation to KVA, LLC and to Transfer the Location to 800 S. State and a Request for an Outdoor Service Area on a City Sidewalk - D/B/A Quickie Burger

A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Resolution be amended as follows. On a voice vote, the Mayor declared the motion carried.

Delete Last RESOLVED Clause.

Add new second RESOLVED Clause:

RESOLVED, THAT THE OUTDOOR SERVICE PERMIT FOR LIQUOR BE LIMITED TO THE AREA CURRENTLY APPROVED BY THE CITY FOR OUTDOOR FOOD SERVICE ON CITY SIDEWALKS. THIS RESTRICTION WILL BE FURTHER ADDRESSED BY LANGUAGE ADDED ADMINISTRATIVELY AS NECESSARY.

The question being, the resolution as amended, on a voice vote, the Mayor declared the motion carried.

DC New Business - Council:

DC-2 08-0982 Resolution Establishing 2009 City Council Calendar

Sponsors: Greden and Higgins

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

Note: This resolution was administratively amended to include January 10, 2008 - Council Retreat as part of the official schedule.

Enactment No: R-08-467

DC-3 08-1033 Resolution Establishing the Order of Succession for Acting Mayor

Sponsors: Greden, Higgins, Teall and Rapundalo

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

Enactment No: R-08-468

Added After Newspaper Deadline:

DC-4 08-1036 Resolution Appointing Councilmember Carsten Hohnke to Greenbelt Advisory Commission

Sponsors: Greden and Higgins

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

Enactment No: R-08-472

DC-5 08-1039 Resolution to Appoint Councilmember Tony Derezinski to the City Planning Commission

Sponsors: Greden, Higgins, Rapundalo and Teall

A motion was made by Councilmember Rapundalo, seconded by Councilmember Greden, that the Resolution be approved. On a voice vote, the

Mayor declared the motion carried.

Enactment No: R-08-469

DC-6 08-1040

Resolution to Appoint Council Members to the Environmental Commission

Sponsors: Higgins and Rapundalo

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

Enactment No: R-08-470

DC-7 08-1043

Resolution to Appoint a Member to the Local Development Financing Authority

Sponsors: Rapundalo

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-08-471

DB New Business - Boards and Commissions:

DS New Business - Staff:

DS-1 08-1001

Resolution to Petition the Washtenaw County Drain Commissioner to Design and Construct a Stormwater Detention System in the Allen Creek Drainage District on the Pioneer High School Grounds to Reduce Downstream Flooding and Improve Water Quality (\$4,414,300.00 Project Amount; \$4,211,242.00 City Share) (Roll Call Vote Required)

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried.

Yeas: 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

Nays: 0

Enactment No: R-08-473

DS-2 08-1002

Resolution to Petition the Washtenaw County Drain Commissioner to Design and Construct Stormwater Controls in the Allen Creek Drainage District at the Ann Arbor Farmers Market to Reduce Downstream Flooding and Improve Water Quality and to Appropriate Funds for these Stormwater Management Improvements (\$599,600.00 Project Amount; \$572,018.00 City Share) **(8 Votes Required) (Roll Call Vote)**

Required)

A motion was made by Councilmember Greden, seconded by Councilmember Smith, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried.

Yeas: 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

Nays: 0

Enactment No: R-08-474

DS-3 08-1003

Resolution to Petition the Washtenaw County Drain Commissioner to Design and Construct Stormwater Controls in the Allen Creek Drainage District along Stadium Boulevard to Reduce Downstream Flooding and Improve Water Quality (\$736,200.00 Project Amount; \$702,335.00 City Share) **(Roll Call Vote Required)**

A motion was made by Councilmember Teall, seconded by Councilmember Hohnke, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried.

Yeas: 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

Nays: 0

Enactment No: R-08-475

DS-4 08-1012

Resolution to Approve a Sobriety Court Grant Program Contract with Dawn Farm, Inc. to Provide In-patient and Out-patient Drug Abuse Counseling and Rehabilitation Services to 15th Judicial District Court Defendants (\$101,050.00)

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

Enactment No: R-08-476

E COMMUNICATIONS FROM THE MAYOR

E-1 08-1024 Nominations & Appointments - Confirmations

ANNOUNCEMENT

Mayor Hieftje announced that he would be visiting the City of Lansing next week and meeting with the Mayor of Lansing.

APPOINTMENTS - APPROVED

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER HIGGINS - UM TREE UNIVERSITY AND ORDINANCE CHANGES*

Councilmember Higgins reported that the University of Michigan was the first university awarded the Arbor Foundation's Tree University distinction. She noted that the University's efforts to plant over 100 trees dovetail nicely with the City's replanting program.

Councilmember Higgins stated the City has had to make changes or "bend the rules" regarding the Living Wage Ordinance and non-profit organizations on a number of occasions. She stated the new Council may want to consider revisiting this ordinance language.

F COMMUNICATIONS FROM CITY ADMINISTRATOR

City Administrator Roger Fraser wished Council a happy Thanksgiving Day holiday.

G COMMUNICATIONS FROM CITY ATTORNEY

- G-1 08-1006** Annexation of the Mucha Property, 3094 Newcastle, in Ann Arbor Township

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 Taylor, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- H-1 08-1020** Communication from Nes Rentals Holdings, Inc. regarding the construction project known as Ann Ashley Parking Deck located at 120 W. Ann Street - Assessor
- H-2 08-1021** Communication from the Washtenaw County Historical Society regarding their October 2008 publication of Impressions - Washtenaw County Historical Society Newsletter - File
- H-3 08-1022** Communication from Comcast regarding price adjustments for Comcast customers beginning December 2008 - CTN
- H-4 08-1023** Communication from the Congress of the United States House of Representatives John Dingell, regarding the \$3.92 billion Congress appropriated for the Neighborhood Stabilization Program (NSP) - File

I The following minutes were received for file:

- I-1 08-0999 City Planning Commission Minutes of September 16, 2008
- I-2 08-0996 Zoning Board of Appeals Minutes - August 27, 2008; September 24, 2008
- I-3 08-1014 October 1 and October 2, 2008 GAC Minutes
- I-4 08-1011 LDFA Board Meeting Minutes 9/23/08
- I-5 08-1013 Park Advisory Commission Minutes of September 16, 2008

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

**CLOSED SESSION TO DISCUSS PENDING LITIGATION AND ATTORNEY / CLIENT
PRIVILEGED COMMUNICATION AND/OR LAND ACQUISITION**

None.

ADJOURNMENT

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:45 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, NOVEMBER 17, 2008, 7:00 P.M.

REPLAYS: FRIDAY, NOVEMBER 21, 2008, 10:00 A.M. AND 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 994-2725 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.

**Jacqueline Beaudry
Clerk of the Council**

**Anissa R. Bowden
Recording Secretary**