

# City of Ann Arbor

100 N. Fifth Avenue  
Ann Arbor, MI 48104  
[www.a2gov.org](http://www.a2gov.org)



## Action Minutes

Monday, June 15, 2009

7:00 PM

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

City Council

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:22 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:** 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

**APPROVAL OF AGENDA**

**A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the Agenda be Approved with the following changes:**

**Move COMMUNICATIONS FROM COUNCIL (Consider after Public Comment)**

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

**INT INTRODUCTIONS**

**INT-1 09-0577** Proclamation Relay for Life Days June 20 & 21, 2009

*Mayor Hieftje read a proclamation proclaiming Saturday, June 20 & Sunday, June 21, 2009 as Relay For Life Days, recognizing the important efforts of the American Cancer Society. The Mayor encouraged all citizens to actively participate in the Relay For Life of Ann Arbor at Concordia University as a show of support to fight the disease, to increase awareness, and to honor cancer survivors. A copy of the proclamation is on file in the City Clerk's Office.*

**INT-2 09-0576** Proclamation Recognizing Torture Awareness Month June 15, 2009

*Mayor Hieftje read a proclamation proclaiming June as Torture Awareness Month in the City of Ann Arbor. This month will recognize the struggles of those who fight against torture and work to help the victims of torture. A copy of the proclamation is on file in the City Clerk'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**

1. Gwen Nystuen - Parking meters in residential neighborhoods

*Gwen Nystuen, 1016 Olivia, representing the North Burns Park Association Advisory Board, spoke in support of the resolution to open the budget process so that the \$380,000.00 in revenue proposed to be obtained by the installation of parking meters in residential neighborhoods adjacent to downtown can be replaced with other sources of revenue.*

2. John Hilton - Parking meter proposal

*John Hilton, 701 N. Fourth Ave., representing the North Central Property Owners Association, spoke in support of the resolution to install parking metering equipment at limited locations in neighborhoods near the downtown area.*

3. Robert Snyder - Parking meters in residential neighborhoods

*Robert Snyder, 2511 Elm St., representing the South University Neighborhood Association, spoke in opposition of the city's proposed plan to install parking meters in residential neighborhoods surrounding and adjacent to the University Medical Center and the central downtown business districts.*

4. Ann Schriber - Parking meters in residential neighborhoods

*Ann Schriber, 2116 Dorset, speaking on behalf of the Oxford Neighborhood Association, read a letter from the association expressing their opposition to the installation of parking meters in neighborhoods near the downtown area.*

5. Thomas Partridge

*Tom Partridge, 4220 Eyrie Dr., said that Ann Arbor's Master Plan must assure affordable housing on a non-discriminatory basis throughout the City. The plan must assure equal access to transportation throughout the City, County, and the region.*

6. Jim Mogensen - City Council Electronic Communication

*Jim Mogensen, 3780 Green Brier, addressed Council regarding City Council communication. He encouraged Council to refrain from electronic communications during meetings if they do not want their messages to be displayed on the front page of the News.*

## 7. Phelps Connell - Airport Expansion

*Phelps Connell, 1696 Ct., spoke in opposition of the proposed expansion of the Ann Arbor Airport.*

## 8. Henry Herskovitz - Palestine

*Henry Herskovitz, 404 Mark Hannah Place, addressed Council regarding Palestine.*

## 9. Ed Fontanive - E. Huron St.

*Ed Fontanive, 505 E. Huron St. spoke in support of the proposed zoning of E. Huron St. from D-1 to D-2.*

## 10. John Floyd - Shared high level vision of the future of Ann Arbor

*John Floyd, 519 Sunset Rd., addressed Council regarding a shared high level vision of the future of Ann Arbor.*

**COMMUNICATIONS FROM COUNCIL****MAYOR HIEFTJE**

*Mayor Hieftje clarified that there is not a growing budget deficit in the City. The Mayor noted that the City will end this budget year with a surplus and that City staff have taken action during the budget process to ensure that there will not be a budget deficit next year. The budget year starting in July 2010 will be a difficult budget to prepare and the public will see City staff begin this process soon.*

**COUNCILMEMBER ANGLIN**

*Councilmember Anglin said the Council will face decisions tonight and in the future about the zoning in the City. Councilmember Anglin discussed the importance of the A2D2 zoning decisions and their impact on the future of the City. Councilmember Anglin encouraged his colleagues on Council to spend more time on issues that affect the quality of life of Ann Arbor residents.*

**COUNCILMEMBER HIGGINS**

*Councilmember Higgins forwarded copies of zoning area height and placement maps and asked councilmembers to assist in getting this information out to constituents and to encourage residents to attend the upcoming Ward Meetings. Ward 2 will meet this week, Ward 3 is scheduled for July, Ward 4 will be in late July and Ward 5 is scheduled for early August.*

**COUNCILMEMBER RAPUNDALO**

*Councilmember Rapundalo announced that the Ward 2 meeting is this June 17, 2009 at 6:30 p.m. at the Traverwood Library Branch.*

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

**PH-1 09-0518**

An Ordinance to Amend the Code of the City of Ann Arbor by Amending Section 1:552 adding New Subsection 1:552(28), 1:552(29) and 1:552(30), and adding New Sections which New Sections shall be Designated as Sections 1:595 and 1:596 of Chapter 18, Employees Retirement System, of Title I of the Code of the City Of Ann Arbor (Ordinance No. ORD-09-20)

*A public hearing was conducted on the proposed amendment to Section 1:552 adding New Subsection 1:552(28), 1:552(29) and 1:552(30), and adding New Sections which New Sections shall be Designated as Sections 1:595 and 1:596 of Chapter 18, Employees Retirement System, of Title I of the Code of the City of Ann Arbor. Notice of public hearing was published June 14, 2009.*

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

**PH-2 09-0519**

An Ordinance to Amend Section 1:734 of Chapter 21, Retiree Health Care Benefits Plan and Trust, of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-09-21)

*A public hearing was conducted on the proposed amendment to Section 1:734 of Chapter 21, Retiree Health Care Benefits Plan and Trust, of Title I of the Code of the City of Ann Arbor. Notice of public hearing was published June 14, 2009.*

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

**PH-3 09-0420**

Resolution Returning City Place Site Plan to Planning Commission

*A public hearing was continued from June 1, 2009 on the proposed Resolution to Approve City Place Site Plan and Development Agreement, 1.23 acres, 407-437 South Fifth Avenue. Notice of public hearing was published May 24, 2009.*

*Jim Mogensen, 3780 Green Brier, stated this is a "by right" project and represents a failure of the community. He urged Council to correct the zoning problems for the future.*

*Tom Luczak, S. Fifth Avenue, thanked Council for reviewing the R4C zoning. He encouraged Council to place a moratorium on development in this zoning classification until the zoning could be reviewed.*

*Alex de Perry, project owner, explained the project to Council, stating that they have met all of the City's code and zoning requirements. He was also available to answer questions of Council.*

*John Floyd, 516 Sunset Road, encouraged Council to follow a process for approval of projects.*

*Scott Munzel, representing the applicant, reminded Council that the existing units are already apartments, not single-family homes. He stated this area is not an historic district.*

*Fred Beal, 112 S. Main St., stated the project is beneficial to the downtown and more residents are needed in this area.*

*Brad Moor, architect for the project, spoke about the meetings the development team has had with City staff. He asked that Council apply the same standards to this project as past projects.*

*An unidentified First Ward resident stated he wants to live in a city that has cultural and historical significance.*

*Ray Detter, 120 N. Division, Apt. 1, spoke in opposition to the proposed plan. He stated it is not consistent with the downtown plan.*

*Lou Glorie, 827 Brooks Street, spoke in opposition of the proposed City Place Site Plan.*

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

**PH-4 09-0502**

Resolution to Approve Downtown Plan Amendments (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

*A public hearing was conducted on the proposed Resolution to Approve Downtown Plan Amendments. Notice of public hearing was published June 14, 2009.*

*Elizabeth Walker, 505 E Huron St., expressed concerns about Huron being zoned D-1 between State and Division. She stated a transition zoning is needed.*

*Hugh Sonk, 505 E. Huron, spoke about the D-1 zoning of Huron Street, expressing concerns about building heights and traffic.*

*John Etter, attorney for Sloan Plaza, encouraged Council to consider a D-2 zoning for Huron Street. He provided City Council with a letter from the Michigan Department of Transportation regarding their concerns about the proposed rezoning of Huron Street.*

*Laser Greenfield, stated D-2 is the preferable zoning for Huron Street.*

*Maurice Binkow, 505 E. Huron, prefers D-2 zoning for the Huron Street area.*

*Kerry Wiesner, 2790 Kimberly Road, stated she is a Huron Street property owner and she is not asking for any change. D-1 zoning protects her existing property rights.*

*Rita Mitchell, 621 Fifth St., expressed concern about the Downtown Plan coming after A2D2. She stated this plan should be the City's vision and should have been in place before the work was done on A2D2.*

*Margaret Wong, 418 S. First St., spoke in opposition to the proposed downtown plan amendments. She asked that Council not be quick to vote on the proposal tonight.*

*Judy Swass, 625 Church St. property owner, stated the amendments to the plan impact her property.*

*Dan Kaplan, 625 Church St. owner, spoke in opposition to the amendments to the Plan.*

*Joe O'Neil, 1920 Scottwood, expressed concern that the Allen Creek Greenway non-profit organization was not contacted for input into this process.*

*Khamis Ziadeh, 633 Church, stated the D-1 zoning is needed.*

*Mark Zahn, 6431 Marshall Rd., on behalf of father at 401 E. Huron and 110 N. Division, spoke in support of the proposed D-1 zoning.*

*Bruce Thompson, 2682 Whiteoak Dr., spoke in support of the D-1 zoning.*

*Ray Detter, Downtown Citizens Advisory Council, stated all of their members reviewed the Plan. He spoke in opposition.*

*Maggie Ladd, Director of South University Area Association, spoke in support of the Plan amendments.*

*Grace Singleton, 422 Detroit St., encouraged Council to zone all of the Zingerman's properties in this area as D-2.*

*Ray Fullerton, 505 E. Huron, spoke in support of the D-2 zoning for E. Huron Street.*

*Ken Klein, architect representing Zingerman's, urged Council to approve the plan. He stated it is not perfect, but is a good framework.*

*Jerry Peters, employee in the downtown area, encouraged Council to continue to think about density and low-income housing options in the downtown.*

*Alice Ralph, 1607 E. Stadium Blvd., expressed concerns about the process.*

*Thomas Partridge, 4220 Eyrie Dr., asked Council to consider State and world issues, not just local ones.*

*John Floyd, 519 Sunset, stated he is waiting to hear about Council's high level vision and would like the Council to share it with the public as promised after last year's elections.*

*David Doyle asked Council to consider the community's visions.*

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

**PH-5 09-0525**

Resolution to Apply for, Accept, Approve and Appropriate the 2009 Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice - Office of Justice Programs - Bureau of Justice Assistance to the Police Department (8 Votes Required)

*A public hearing was conducted on the proposed Resolution to Apply for, Accept, Approve and Appropriate the 2009 Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice - Office of Justice Programs - Bureau of Justice Assistance to the Police Department. Notice of public hearing was published on May 31, 2009.*

*Jim Mogensen, 3780 Green Brier, spoke about the grant.*

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

**COMMUNICATIONS FROM COUNCIL**

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

**Add Item to Agenda**

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezinski, that the agenda be amended to include the following item:**

**Add: DC-11 Resolution to Reaffirm the City of Ann Arbor's Approval of the FY2010 Ann Arbor/Ypsilanti SmartZone Budget As Amended and the Restrictions on the Expenditures of Funds Within the SmartZone District (Place at the end of the DC Section.)**

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

**RECESS**

**The Mayor declared a recess at 9:27 P.M.**

**The meeting reconvened at 9:40 P.M.**

**A APPROVAL OF COUNCIL MINUTES**

**A-1 09-0551** City Council Minutes of June 1, 2009

**A motion was made by Councilmember Briere, seconded by Councilmember Hohnke, that the Minutes of June 1, 2009, 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 Higgins, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**

**CA-1 09-0401** Resolution to Approve Exercising the Purchase Option of the City's Lease Agreement with Leica Geosystems, Inc. to Purchase TCRP1203 R1000 Robotic Total Station for Surveying (\$24,999.25)

Enactment No: R-09-221

**CA-2 09-0413** Resolution to Approve a Contract with Rauhorn Electric, Inc. for the Arbor Landing Lift Station Generator Installation and Electrical Improvements for Wastewater Treatment Services, ITB 4009 (\$79,494.00)

Enactment No: R-09-222

**CA-3 09-0457** Resolution to Approve Purchase of Carbon Dioxide (CO2) for Water Treatment from Pain Enterprises, Bid No ITB-4022 (\$59.50/ton, estimated \$30,000.00/yr)

Enactment No: R-09-223

**CA-4 09-0522** Resolution to Approve City of Ann Arbor and County of Washtenaw Operational Agreement for the Office of Community Development

Enactment No: R-09-224

**CA-5 09-0486** Resolution to Approve a Contract with Governmental Consultant Services Inc. for Lobbying Services (\$48,000.00)

Enactment No: R-09-225

**CA-6 09-0382** Resolution to Approve Amendment to Personal Services Agreement with Steven Yaffee to Facilitate the Huron River and Impoundment Management Plan Committee Effort (\$8,000.00)

Enactment No: R-09-226

**CA-7 09-0537** Resolution Recognizing the Greenview Hepatitis C Fund as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Enactment No: R-09-227

## **B ORDINANCES - SECOND READING**

**B-1 09-0518** An Ordinance to Amend the Code of the City of Ann Arbor by Amending Section 1:552 adding New Subsection 1:552(28), 1:552(29) and 1:552(30), and adding New Sections which New Sections shall be Designated as Sections 1:595 and 1:596 of Chapter 18, Employees Retirement System, of Title I of the Code of the City Of Ann Arbor (Ordinance No. ORD-09-20)

**A motion was made by Councilmember Greden, seconded by Councilmember Rapundalo, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**

**DS-1 09-0527** Resolution Authorizing Summary Publication Of Ordinance No. 09-20 Amending Section 1:552 And Adding New Sections Which New Sections Shall Be Designated As Sections 1:595 And 1:596 Of Chapter 18, Employees Retirement System, Of Title I Of The Code Of The City Of Ann Arbor

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

Enactment No: R-09-228

**B-2 09-0519** An Ordinance to Amend Section 1:734 of Chapter 21, Retiree Health Care Benefits Plan and Trust, of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-09-21)

**A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**

**DS-2 09-0528** Resolution Authorizing Summary Publication Of Ordinance No. 09-21 Amending Section 1:734 Of Chapter 21, Retiree Health Care Benefits Plan and Trust, Of Title I Of The Code Of The City Of Ann Arbor

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

Enactment No: R-09-229

## **C ORDINANCES - FIRST READING**

None.

## D MOTIONS AND RESOLUTIONS

### DC New Business - Council:

DC-1 09-0543 Resolution: Support for Non-motorized Safety Education Outreach Campaign

Sponsors: Hieftje and Hohnke

*Councilmembers requested that staff provide Council with copies of the brochures produced for this campaign.*

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

Enactment No: R-09-261

DC-2 09-0511 Resolution to Approve the Transfer of Stock in a 2008 Class C Liquor Licensed Business with a Dance-Entertainment Permit, located at 1220 S. University, Suite 109 - D/B/A Touchdown Café/Blue Leprechaun

Sponsors: Council Liquor License Review Committee

**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-09-230

### Added After Newspaper Deadline:

DC-3 09-0546 Resolution to Establish an Application Fee and License Fee Schedule for New Small Distiller, Micro Brewer, Small Wine Maker and Brandy Manufacturer Licenses

Sponsors: Council Liquor License Review Committee

**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-09-231

- DC-4 09-0571** Resolution to Approve Extension of the Interim Use of 415 W. Washington as a Temporary Public Parking Lot, Continue the DDA/City Partnership Agreement for Operation and Management of the Temporary Lot, Increase Parking Rates at the Temporary Lot and Utilize Net Revenues to Offset FY2010 Budget Revenues Anticipated from New City Parking Meter Installations
- Sponsors:** Anglin, Briere, Hohnke and Smith
- A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-232
- DC-5 09-0572** Resolution to Authorize the City Administrator to Proceed with Installation of Parking Metering Equipment at Limited Locations, Create a Parking Metering Council Committee and to Provide for Installation of Parking Metering Equipment at Remaining Locations Identified During the FY2010 Budget Process
- Sponsors:** Anglin, Briere, Hohnke and Smith
- A motion was made by Councilmember Smith, seconded by Councilmember Hohnke, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-233
- DC-6 09-0573** Resolution Establishing a Site Development Committee to Initiate a Search for a Private Development Partner for the S. Fifth Avenue Parking Structure Site
- Sponsors:** Smith
- A motion was made by Councilmember Smith, seconded by Councilmember Derezinski, that the resolution be adopted.**
- A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Resolution be postponed to the City Council until 7/6/2009. On a voice vote, the Mayor declared the motion carried with one no-vote by Councilmember Smith.**
- DC-7 09-0567** Resolution to Approve a Professional Services Agreement with Winter & Company for the Ann Arbor Discovering Downtown (A2D2) Design Guidelines Revision Project (\$34,230)
- Sponsors:** Higgins
- 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-09-234
- DC-8 09-0574** Resolution Appointing Senior Center Task Force Members
- Sponsors:** Teall
- A motion was made by Councilmember Teall, seconded by Councilmember Taylor, that the Resolution be approved.**

**A motion was made by Councilmember Teall, seconded by Councilmember Higgins, that the Resolution be Postponed to the City Council until 7/6/2009. On a voice vote, the Mayor declared the motion carried.**

**DC-9 09-0579**

Resolution for Community Events Fund Disbursements from the FY 09 Budget

**Sponsors:** Higgins and Teall

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

**With unanimous consent of council the resolution was amended administratively as follows:**

**Art Fair: \$442**

**Community Learning Center: \$4200**

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

Enactment No: R-09-235

**DC-10 09-0580**

Resolution to Amend the SmartZone LDFA Budget Increasing the Total Budget by \$25,000.00 (8 Votes Required)

**Sponsors:** Rapundalo and Higgins

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Higgins, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

Enactment No: R-09-236

**DC-11 09-0581**

Resolution to Reaffirm the City of Ann Arbor's Approval of the FY2010 Ann Arbor/Ypsilanti SmartZone Budget As Amended and the Restrictions on the Expenditures of Funds Within the SmartZone District

**Sponsors:** Higgins and Rapundalo

**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-09-237

**DB Old Business - Boards and Communications:**

**DB-1 09-0420**

Resolution Returning City Place Site Plan to Planning Commission

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

Enactment No: R-09-238

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

**RESOLUTION RETURNING CITY PLACE SITE PLAN TO PLANNING COMMISSION**

WHEREAS, IMMEDIATELY PRIOR TO ITS MEETING AND CONSIDERATION OF THE CITY PLACE SITE PLAN ON JUNE 1, 2009 CITY COUNCIL DETERMINED THAT SOME OF THE SITE PLAN DOCUMENTS WERE INCORRECT, AND POSTPONED CONSIDERATION UNTIL JUNE 15, 2009;

WHEREAS, UPON INVESTIGATION, CITY STAFF HAVE DETERMINED THAT THERE WERE ERRORS AND INCONSISTENCIES IN SITE PLAN DOCUMENTS PRESENTED TO THE CITY PLANNING COMMISSION AND AVAILABLE TO THE PUBLIC FOR REVIEW PRIOR TO, DURING AND AFTER THE PLANNING COMMISSION'S CONSIDERATION OF THE CITY PLACE SITE PLAN ON APRIL 21, 2009; AND

WHEREAS, CITY COUNCIL HAS A RESPONSIBILITY TO ITS CITIZENS TO ENSURE THAT THE ENTIRE SITE PLAN REVIEW, RECOMMENDATION, AND APPROVAL PROCESS ARE IN COMPLIANCE WITH PROCEDURES PROVIDED BY CITY ORDINANCE AND STATE LAW;

RESOLVED, THAT THE CITY PLACE SITE PLAN BE RETURNED TO THE CITY PLANNING COMMISSION, SO THAT THE PLANNING COMMISSION CAN PROVIDE A RECOMMENDATION TO THE COUNCIL BASED ON ACCURATE AND CONSISTENT PLANS FOR THE PROJECT, AND SO THAT THE CITY CAN PROVIDE THE PUBLIC WITH PROPER NOTICE, AND FURTHER COMPLY WITH ALL REQUIRED CITY ORDINANCES AND PROCEDURES IN ITS CONSIDERATION OF THE SITE PLAN;

RESOLVED, THAT THE PLANNING COMMISSION BE DIRECTED TO HOLD THE REQUIRED PUBLIC HEARING AND TO PROVIDE A RECOMMENDATION ON THE SITE PLAN AT THE EARLIEST POSSIBLE MEETING DATE AFTER PROVIDING REQUIRED NOTICE, WHICH IS JULY 7TH, 2009, AND THAT THE CITY PLACE SITE PLAN BE BROUGHT BACK TO COUNCIL ON JULY 20TH FOR FINAL CONSIDERATION; AND

RESOLVED, THAT CITY COUNCIL EXTEND THE REQUIRED TIME LIMITS FOR CONSIDERATION OF THE SITE PLAN, WHICH HAVE PREVIOUSLY BEEN EXTENDED TO JUNE 31ST, FOR AN ADDITIONAL 30 DAYS, IF ANY EXTENSION IS DEEMED NECESSARY.

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

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

Enactment No: R-09-238

**DB New Business - Boards and Commissions:**

**DB-2 09-0502**

Resolution to Approve Downtown Plan Amendments (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

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

Enactment No: R-09-260

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

**Add a RESOLVED Clause:**

**RESOLVED, THAT CITY COUNCIL DIRECT STAFF TO REVISE PROPOSED DOWNTOWN ZONING MAP TO BE CONSISTENT WITH DOWNTOWN PLAN AND MAP ALONG WITH ZONING ORDINANCES SCHEDULED FOR SECOND READING ON JULY 6 BE BROUGHT BACK TO CITY COUNCIL FOR A FIRST READING ON THAT DATE.**

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

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

**Yeas:** 9 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Smith, Councilmember Derezinski, and Councilmember Hohnke

**Nays:** 2 - Councilmember Briere, and Councilmember Taylor

Enactment No: R-09-260

## **SUSPENSION OF COUNCIL RULES**

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Taylor, that the rules of the Council be suspended in order to go into Closed Session after 11 p.m. On a voice vote, the Mayor declared the motion carried.**

## **RECESS**

**Mayor Hieftje declared a recess at 10:56 P.M. and reconvened the meeting at 11:04 P.M.**

## **D Old Business - Staff:**

**DS-3 09-0240** Resolution to Approve a Memorandum of Understanding with the City of Ann Arbor, Ann Arbor Transportation Authority, Ann Arbor Downtown Development Authority, and the University of Michigan to Conduct the Ann Arbor Connector Feasibility Study and Appropriate \$80,000.00 from the General Fund for the City Share of the Study (\$80,000.00) (8 Votes Required)

**A motion was made by Councilmember Derezinski, seconded by Councilmember Hohnke, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

Enactment No: R-09-239

**DS New Business - Staff:**

**DS-4 09-0517** Resolution to Approve Amendment #2 to the Contract with Bostwick Company and Increase the Purchase Order for the Street Repairs Program from \$177,925.00 to \$262,925.00 (Bid No. 3700)

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

Enactment No: R-09-240

**DS-5 09-0495** Resolution to Appropriate and Establish a Project Account to Plant Trees Utilizing Tree Mitigation Funds (\$234,906.00) (8 Votes Required)

**A motion was made by Councilmember Derezinski, seconded by Councilmember Hohnke, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

Enactment No: R-09-241

**DS-6 09-0458** Resolution to Approve an Agreement with the Michigan Department of Transportation for the Citywide Pedestrian Safety Improvement Project (\$195,300.00)

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

Enactment No: R-09-242

**DS-7 09-0442** Resolution to Approve an Amendment to the Professional Services Agreement With Midwestern Consulting, L.L.C. (\$111,870.00) for the Washtenaw Avenue Non-Motorized Path Project for Engineering Design and Construction Services

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

Enactment No: R-09-243

- DS-8 09-0447** Resolution to Approve the Purchase of Two Commercial Mower/Snow Broom combination units from Spartan Distributors (State of Michigan Contract #71B7200194) for \$84,130.00
- A motion was made by Councilmember Greden, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-244
- DS-9 09-0488** Resolution to Approve a Contract with Ann Arbor SPARK for Business Support Services (\$75,000.00)
- 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-09-245
- DS-10 09-0468** Resolution to Approve Temporary Outdoor Sales, Service and Consumption of Alcoholic Beverages during the 2009 Ann Arbor Art Fair
- A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-246
- DS-11 09-0525** Resolution to Apply for, Accept, Approve and Appropriate the 2009 Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice - Office of Justice Programs - Bureau of Justice Assistance to the Police Department (8 Votes Required)
- A motion was made by Councilmember Teall, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-09-247
- DS-12 09-0526** Resolution to Establish Project Budget Using Existing Funds for the Centralized Dispatching Project in the Amount of \$ 89,018.00 to be Expended without Regard to Fiscal Year and Approve Issuance of Purchase Orders for Acquisition of Project Component Equipment, Software and Licenses
- A motion was made by Councilmember Greden, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-248
- DS-13 09-0476** Resolution to Allocate \$20,000.00 in HOME Funds to Avalon Second Nonprofit Housing Corporation for the Acquisition and Rehabilitation of 1675-1677 Broadway and Amend the Housing Affordability Agreement (\$20,000.00 HOME Funds)
- A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-249

- DS-14 09-0510** Resolution to Amend Ann Arbor City Budget for Fiscal Year 2009  
(8 Votes Required)  
**A motion was made by Councilmember Teall, seconded by Councilmember Higgins, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**  
Enactment No: R-09-250
- DS-15 09-0514** Resolution Setting a Public Hearing on July 6, 2009 to Receive Public Comment on the Proposed Industrial Development District No. 2009-030 (AVL Properties, Inc.)  
**A motion was made by Councilmember Higgins, seconded by Councilmember Hohnke, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**  
Enactment No: R-09-251
- DS-16 09-0389** Resolution to Approve E. Washington Street Closing, requested by Main Street Area Association, for Oktoberfest - September 18-20, 2009  
**A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried with one no-vote made by Councilmember Rapundalo.**  
Enactment No: R-09-252
- DS-17 09-0501** Resolution to Approve W. Washington Street Closing, requested by Grizzly Peak Brewing Company and the Blue Tractor, for Oktoberfest - September 18-20, 2009  
*Councilmember Greden moved, seconded by Councilmember Rapundalo, to recuse Councilmember Taylor from voting due to conflict of interest. The Council concurred.*  
**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 with one no-vote made by Councilmember Rapundalo and Councilmember Taylor recused.**  
Enactment No: R-09-253

**Passed on consent agenda**

- A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**
- DS-18 09-0504** Resolution to Approve Street Closing for the NJATC Welcome Reception/ Dinner - Sunday, August 2, 2009  
Enactment No: R-09-254
- DS-19 09-0503** Resolution to Approve Street Closing for the NTI Block Party - Wednesday, August 5, 2009  
Enactment No: R-09-255

- DS-20 09-0505** Resolution to Approve Street Closing for the NJATC Graduation Dinner - Thursday, August 6, 2009  
Enactment No: R-09-256
- DS-21 09-0507** Resolution to Close Street for the Townie Street Party - Monday, July 13, 2009  
Enactment No: R-09-257
- DS-22 09-0492** Resolution to Approve a Two-Year Service Agreement with Huron Valley Ambulance for Communication and Dispatching Services for the Ann Arbor Fire Department with the Right to Renew the Service Agreement for One Additional Year at the City's Option (\$99,420.00/FY 10 - \$109,620.00/FY 11)  
**A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**  
Enactment No: R-09-258
- DS-23 09-0523** Resolution Accepting Utility Easement from JAG EISENHOWER, L.L.C. 385 E. Eisenhower Parkway (8 Votes Required)  
**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 unanimously, thus satisfying the eight-vote requirement.**  
Enactment No: R-09-259

### Reconsideration of DS-10

- A motion was made by Councilmember Rapundalo, seconded by Councilmember Higgins, that the Resolution to Approve Temporary Outdoor Sales, Service and Consumption of Alcoholic Beverages during the 2009 Ann Arbor Art Fair (DS-10) be reconsidered. On a voice vote, the Mayor declared the motion carried.**
- DS-10 09-0468** Resolution to Approve Temporary Outdoor Sales, Service and Consumption of Alcoholic Beverages during the 2009 Ann Arbor Art Fair  
*Councilmember Rapundalo moved, seconded by Councilmember Higgins, that the Council recuse Councilmember Greden from voting due to conflict of interest. The Council concurred.*  
**A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried with Councilmember Greden recused from voting.**  
Enactment No: R-09-246

### E COMMUNICATIONS FROM THE MAYOR

E-1 09-0520 6/1/09 Appointments

*Approved:*

*Ann Arbor Housing Commission*

*Marta Manildi (Replacing- David Parent)  
1045 Cedar Bend Dr.  
Ann Arbor, MI 48105  
Term: June 15, 2009-May 5, 2014*

*Parks Advisory Commission*

*Samuel Offen  
1191 Boulder Dr.  
Ann Arbor, MI 48104  
Term: June 15, 2009-June 15, 2012*

**A motion was made by Councilmember Derezenski, seconded by Councilmember Hohnke, that that Council concur with the recommendations of the Mayor and approve the following appointments under a one step process:**

**Ann Arbor Public Art Commission**

**Margaret Parker (Re-Appointment)  
210 S. Ashley  
Ann Arbor, MI 48104  
Term: June 15, 2009 - December 31, 2012**

**U.S. Department of Energy's Energy Efficiency & Conservation Block Grant Program for the City of Ann Arbor**

**Andrew Brix (Appoint - as Coordinator)  
812 Hillcrest Dr.  
Ann Arbor, MI 48103  
Term: FY 2009-2010**

**Council Rules Committee**

**Councilmember Taylor**

**DDA Task Force**

**Councilmember Greden  
Councilmember Teall  
Councilmember Hohnke**

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

**A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Council concur with the recommendations of the Mayor to approve the following appointments that were placed on the table at the June 1, 2009 Regular Session:**

Approved:

**Ann Arbor Housing Commission**

**Marta Manildi (Replacing- David Parent)**  
1045 Cedar Bend Dr.  
Ann Arbor, MI 48105  
Term: June 15, 2009-May 5, 2014

**Parks Advisory Commission**

**Samuel Offen**  
1191 Boulder Dr.  
Ann Arbor, MI 48104  
Term: June 15, 2009-June 15, 2012

**On a voice vote, the motion carried.**

**E-2 09-0575**

Nominations and Appointments

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

*Planning Commission*

*Kirk Westphal (Re-Appointment)*  
690 Peninsula Ct.  
Ann Arbor, MI 48105  
Term: July 6, 2009- July 6, 2012

*Erica Briggs (Replacing-Ethel Potts)*  
300 Brookside Dr.  
Ann Arbor, MI 48105  
Term: July 6, 2009- July 6, 2012

*Zoning Board of Appeals*

*Jean Carlberg (Re-appt. as Planning Comm. Rep.)*  
1902 Independence Blvd.  
Ann Arbor, MI 48104  
Term: July 6, 2009-July 6, 2012

**COMMUNICATIONS FROM COUNCIL**

**COUNCILMEMBER GREDEN**

*Councilmember Greden announced that the DDA's new solar powered electronic parking meter program being installed as a pilot was featured on the Channel 4 News. Joe Morehouse from the DDA was interviewed as an individual from the public who expressed excitement about being able to phone in payments for parking and all other features that the proposed meters would accompany.*

**F COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

F-1 09-0466 Ann Arbor Connector Background Information

**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 Hohnke, 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 09-0516 Communication from Laura Satir regarding police officer position at Miller Manor - Safety Services

H-2 09-0533 Board of Canvassers Report for the May 5, 2009 General City Election - File

H-3 09-0534 Communication from Peggy Parker regarding rezoning of Mary Beth Doyle Park

H-4 09-0535 Communications from Comcast regarding digital entertainment to customers.

H-5 09-0536 Communication from Michigan Liquor Control Commission regarding denial of a request for a new Class C and SDM liquor licenses to HBSP Holdings Corp. located at 401 E. Liberty, Suite #2, dba Salsarita's - File

H-6 A2D2 Communications from area residents (See DB-2 for copy of letters.)

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

I-1 09-0493 Ann Arbor Downtown Development Authority Meeting Minutes - April 1, 2009

I-2 09-0494 Downtown Area Citizens Advisory Council Minutes - 4/1/09

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

*None.*

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

A motion was made by Councilmember Derezinski, seconded by Councilmember Hohnke, that the Council enter into Closed session. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 11:43 p.m.

**Yeas:** 9 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

**Nays:** 2 - Councilmember Higgins, and Councilmember Smith

**MEETING RECONVENED**

A motion was made by Councilmember Anglin, seconded by Councilmember Derezinski, that the meeting reconvene at 11:48 P.M. On a voice vote, the Mayor declared the motion carried.

**ADJOURNMENT**

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the meeting Adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:48 P.M.

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

**LIVE: MONDAY, JUNE 15, 2009; 7:00 PM**

**REPLAYS: TUESDAY, JUNE 16, 2009, 10:00 AM AND FRIDAY JUNE 19, 2009 7:30 PM**

**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.