

City of Ann Arbor

301 E. Huron Street
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>



Action Minutes

Monday, March 5, 2012

7:00 PM

City Council meets in caucus the Sunday prior to each regular session at 7 p.m. in the Council Chamber.
City Hall, 301 E. Huron Street, Council Chamber, 2nd Floor

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:08 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron St.

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 Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, Councilmember Carsten Hohnke and Councilmember Jane Lumm

APPROVAL OF AGENDA

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

INT INTRODUCTIONS

INT-1 12-0346 Proclamation honoring Shirley Axon

Mayor Hieftje read a proclamation recognizing Shirley Axon for her significant contributions to Ann Arbor, bringing vision and enthusiasm to our community. She served on the Huron River Watershed Council board and executive committee, on SEMCOG's Environmental Policy Action Committee and various other boards in Ann Arbor. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

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

*** ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

1. Elizabeth Donoghue Colvin - 4-Party Agreement / Fuller Road (DC-1)

Elizabeth Donoghue Colvin, 1053 Maiden Lane, addressed Council regarding the proposed Fuller Road Station. She said that she supports a transit station at that location. She also supports the expansion of transit countywide. Ms. Colvin expressed concern with the funding proposal for the proposed AATA 4-Party Agreement; however, she urged Council to move forward with the plan.

2. Thomas Partridge - The freedom and progress initiative; give priority to accessible, and affordable transportation. Approve the 4-Party County-wide Transportation Agreement (DC-1)

Thomas Partridge, Ann Arbor resident, addressed Council regarding accessible and affordable transportation for residents countywide and encouraged Council to approve the proposed 4-Party AATA Transportation Agreement.

3. Carolyn Grawi - 4-Party Agreement (DC-1)

Carolyn Grawi, 1490 Northbrook, Director of Advocacy and Education for the Ann Arbor Center for Independent Living, spoke in support of the proposed 4-Party Agreement. She said that 86% of the people surveyed by the AATA talked about the need for transportation services for people with disabilities and seniors. She stated there is a need countywide for door-to-door service. She encouraged the AATA and the City to look into those needs and how they can be met.

4. Christine Green - 4-Party Agreement (DC-1)

Christine Green, representing the Michigan League of Conservation Voters, spoke in support of the proposed 4-Party Agreement. She said that the League has worked for many years to support similar initiatives in Michigan. The League supports regional transit for a number of reasons; one being public health; public transportation systems improve the health of users and of residents in their communities by decreasing carbon emissions.

5. Lawrence Baird - 4-Party Agreement (DC-1)

Lawrence Baird, 1770 Riverwood, addressed Council regarding the proposed 4-Party Agreement. He said that the debate is not about the city's core values or the value of public transportation; rather it is about this proposal. He added that there are very few residents against mass transit.

6. Paul Schreiber - 4-Party Agreement (DC-1)

Paul Schreiber, 922 Pleasant Drive, Mayor of the City of Ypsilanti, said that the residents of Ypsilanti appreciate the services that they have received from AATA. He stated that Ypsilanti residents have overwhelming supported transportation in a public vote. He encouraged Council to pass the proposed 4-Party Agreement.

7. Orlan Zakai - Planning Commission - Affordable Housing (I-1)

Orlan Zakai, 222 N. First St. Apt. B3, addressed Council regarding affordable housing. She expressed concern with the City and the Washtenaw Housing Alliance not working together to provide the 100 units of affordable housing that was promised after the old YMCA was demolished. She said that the Washtenaw Housing Alliance also has not supported the efforts of citizens to create a warming shelter.

8. Henry Herskovitz - Carts and Horses

Henry Herskovitz, 404 Mark Hannah, addressed Council regarding events in Palestine and the massacre of innocent Palestinians by Zionists.

9. Alan Haber - 721 N. Main Warming Center

Alan Haber, 531 Third St., addressed Council regarding a proposed warming center. He suggested that the City rent his group the City-owned building at 721 N. Main. He urged Council to allow this rental for one year to allow a warm place to stay for those in need. He stated his organization would take care of insurance and the necessary repairs needed to occupy the building.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER DEREZINSKI**

Councilmember Derezinski said the Ann Arbor Public Art Commission recently held a retreat and discussed procedures and goals for the coming year, including the formation of a master plan for the arts. They also discussed possible art projects for the future.

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman said that the City's current AATA Agreement states that the AATA will submit reports to City Council, including budget and audit information. Some reports are due to the City quarterly. Councilmember Kunselman stated he requested some of this information at the last Council meeting and he is still waiting to receive it.

COUNCILMEMBER SMITH

Councilmember Smith said that she, Councilmember Briere, and City Staff would be at Forsythe Middle School on March 15, 2012 from 6:30 p.m. to 8:00 p.m. to discuss the Newport Road improvement project. She encouraged residents to attend the meeting and give their input on the project.

COUNCILMEMBER TAYLOR

Councilmember Taylor announced that the Park Advisory Commission is putting together a parks millage proposal and presentation to address the currently expiring millage and the City's plans for renewal. PAC will also make a presentation to Council at the next Work Session. There are three items on the agenda tonight that are related to park improvements, CA-1, DS-5 and DS-6. They are improvements to softball fields at Buhr/Cobblestone and at Vets Park. PAC has reviewed presentations regarding these proposed improvements and recommends their approval.

COUNCILMEMBER TEALL

Councilmember Teall announced that Jennifer Hall is the new Ann Arbor Housing Commission Director. Ms. Hall brings a lot of new energy and great ideas to the Housing Commission.

She also announced that the Festifools celebration is coming up at the beginning of April. The public is invited to come to the Festifools studio on Kipke Dr. to assist with puppet making. The workshops are Saturdays and Sundays from 10 a.m. to 5 p.m. this month. Fool Moon is being held the Friday before Festifools which is scheduled to be held on April 1 at 4 p.m. Fool Moon is also having workshops at Work-n-Tile. There is a \$10.00 suggested donation. You can make your own Fool Moon luminary with the donation.

COUNCILMEMBER BRIERE

Councilmember Briere announced that the Zoning Board and Housing Board of Appeals have vacancies on their boards. Other boards and commissions that have vacancies are Housing and Human Services Board, Local Officers Compensation Commission and the Historic District Commission. She extended an invitation for the public to apply for any of these boards.

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman announced two vacancies on the Taxicab Board.

COUNCILMEMBER ANGLIN

Councilmember Anglin noted staff's participation with the community on the Dexter Avenue Improvements project. He stated this was a great example of staff working collaboratively with the community on a project.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

POLICE CHIEF JONES RETIREMENT

City Administrator Steve Powers announced that Police Chief Barnett Jones submitted his retirement notice effective March 31, 2012. Chief Jones will continue to work until that time. Mr. Powers encouraged Council to thank Chief Jones for his five years of service to the City of Ann Arbor and over 38 years of public safety service in the state of Michigan. Mr. Powers stated he will provide additional information regarding an Interim Police Chief/Safety Services Area Administrator at a later date.

SUSTAINABLE ANN ARBOR

Mr. Powers said that the Sustainable Ann Arbor Series continues. A meeting has been arranged for Thursday, March 8, 2012 at the Downtown Library. The upcoming session would be on climate and energy. Last month's forum on land use and access had over 90 attendees. He advised people to come early this Thursday, as seats go fast.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 12-0016

An Ordinance to Amend Section 8:101, to Add a New Section 8:105, and to Renumber Sections 8:105 through 8:121 of Chapter 100 - Construction Code - of Title V of the Code of the City of Ann Arbor (Ordinance No. ORD-12-02)

A public hearing was conducted on the proposed Ordinance to amend Section 8:101, to add a new Section 8:105, and to renumber Sections 8:105 through 8:121 of Chapter 100, Construction Code, of Title V of the Code of the City of Ann Arbor. Notice of public hearing was published March 1, 2012.

Tom Partridge, City resident, addressed Council regarding the proposed Construction Code Ordinance.

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

Held and Closed

Enactment No: ORD-12-02

COMMUNICATIONS FROM COUNCIL

None.

A APPROVAL OF COUNCIL MINUTES

A-1 12-0317 Working Session of February 13 and Regular Session of February 21, 2012

A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Work Session minutes of February 13 and the Regular Session minutes of February 21, 2012 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the end of same:

CA-1 Resolution to Approve a Contract with L.C. Construction LLC to Renovate the Restrooms at the Ann Arbor Senior Center (\$32,000.00)

CA -8 Resolution to Approve the Purchase of Water Meters and Water Meter Supplies from Midwest Municipal Instrumentation, Inc. (\$50,000.00)

Passed on consent agenda

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

CA-2 12-0186 Resolution to Approve Amendment No.1 to the Professional Services Agreement with The Understanding Group (Amendment \$38,500.00/Total Project NTE \$48,000.00)

Enactment No: R-12-070

CA-4 12-0262 Resolution to Accept Special Board of Insurance Administration Meeting Minutes for February 2, 2012

Enactment No: R-12-072

CA-5 12-0203 Resolution Recognizing the Food Gatherers as a Civic Nonprofit Organization Operating in the City of Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Enactment No: R-12-073

- CA-6 12-0260** Resolution Recognizing the Logan PTSO as a Civic Nonprofit Organization Operating in the City of Ann Arbor for the Purpose of Obtaining a Charitable Gaming License
Enactment No: R-12-074
- CA-7 12-0274** Resolution Recognizing the Ann Arbor Pioneer Booster Club as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License
Enactment No: R-12-075
- CA-1 12-0141** Resolution to Approve a Contract with L.C. Construction LLC to Renovate the Restrooms at the Ann Arbor Senior Center (\$32,000.00)
A motion was made by Councilmember Taylor, seconded by Councilmember Lumm, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-12-076
- CA-8 12-0172** Resolution to Approve the Purchase of Water Meters and Water Meter Supplies from Midwest Municipal Instrumentation, Inc. (\$50,000.00)
A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-12-077

Reconsider Consent Agenda

A motion was made by Councilmember Lumm, seconded by Councilmember Taylor, to reconsider the Consent Agenda. On a voice vote, the Mayor declared the motion carried.

Consent Agenda Approved

A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that Consent Items CA-2 and CA-4, CA-5, CA-6 and CA-7 be approved as presented. On a voice vote, the Mayor declared the motion carried.

- CA-3 12-0201** Resolution to Approve a Contract with Photo Science Geospatial Solutions to Update Geographic Information Data (NTE \$53,340.00)
A motion was made by Councilmember Lumm, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-12-071

B ORDINANCES - SECOND READING

- B-1 12-0016** An Ordinance to Amend Section 8:101, to Add a New Section 8:105, and to Renumber Sections 8:105 through 8:121 of Chapter 100 - Construction Code - of Title V of the Code of the City of Ann Arbor (Ordinance No. ORD-12-02)

(The complete text of ORD-12-02 is on file in the City Clerk's Office.)

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

Enactment No: ORD-12-02

C ORDINANCES - FIRST READING

- C-1 12-0042** An Ordinance to Amend Sections 5:168 and 5:169 of Chapter 59 (Off-street Parking) of Title V of the Code of the City of Ann Arbor to Revise Front Open Space Parking, Driveways Serving Drive-up Windows, and Special Parking District Options (CPC Recommendation: 8 Yeas, 0 Nays) (Ordinance No. ORD-12-04)

(The complete text of ORD-12-04 is on file in the City Clerk's Office.)

A motion was made by Councilmember Taylor, seconded by Councilmember Briere, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-12-04

- C-2 12-0044** An Ordinance to Amend Sections 5:602 and 5:603 of Chapters 62 (Landscaping and Screening) of Title V of the Code of the City of Ann Arbor to Revise Interior Landscaping and Conflicting Land Use Buffer Requirements (CPC Recommendation: 8 Yeas, 0 Nays)

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

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Ordinance be approved.

A motion was made by Councilmember Higgins, seconded by Councilmember Derezinski, that the Ordinance be Postponed until 3/19/2012. On a voice vote, the Mayor declared the motion carried.

- C-3 12-0209** An Ordinance Authorizing the Issuance and Sale of Sewage Disposal System Revenue Bonds to the Michigan Finance Authority for Waste Water Treatment Plant Project (Roll Call Vote Required - One Reading)

(The complete text of ORD-12-05 is on file in the City Clerk's Office.)

A motion was made by Councilmember Anglin, seconded by Councilmember Teall, that the Ordinance be approved on First Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 0

Enactment No: ORD-12-05

RECESS

Mayor Hieftje declared a recess at 8:22 p.m. and reconvened the meeting at 8:43 p.m.

D MOTIONS AND RESOLUTIONS

DC Old Business - Council:

DC-1 12-0040 Resolution to Approve 4-Party Public Transportation Agreement for Creation of a New Countywide Public Transportation System

Sponsors: Hieftje

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

Enactment No: R-12-078

A motion was made by Councilmember Lumm that the Resolution be amended as follows:

Amend Section 8(d)(iii):

Add the following to the end of the existing language:

SAID DESIGNATION SHALL NOT BECOME EFFECTIVE UNTIL AATA HAS SUBMITTED SATISFACTORY EVIDENCE, WHICH THE CITY HAS INDEPENDENTLY CONFIRMED, THAT THE COST OF THE MINIMUM LEVEL OF SERVICE TO THE CITY UNDER THE NEW TA IS EQUAL TO OR GREATER THAN TO THE AMOUNT OF MILLAGE FUNDS LEVIED AND ASSIGNED TO THE NEW TA UNDER THIS ARTICLE. AFTER SUCCESSION TO THE AATA, THE NEW TA SHALL BE REQUIRED TO MAINTAIN THIS LEVEL OF SERVICES TO MILLAGE FUNDS RELATIONSHIP AS A CONDITION OF CONTINUED ASSIGNMENT OF THE CITY TAX LEVY. ...

Note: All CAPS indicates new language. Brackets [] Indicate deleted language.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 5 - Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere and Councilmember Lumm

Nays: 6 - Mayor Hieftje, Councilmember Teall, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Enactment No: R-12-078

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

Amend by adding new Article 12(d):

...d. REGIONAL TRANSIT AUTHORITY, CONTINUATION OF AGREEMENT. THE GENERAL PURPOSE OF THE 4-PARTY AGREEMENT IS TO ADDRESS FUTURE GOVERNANCE, MANAGEMENT, OPERATIONS, AND FINANCIAL OBLIGATION BEFORE, DURING AND AT DATE OF TRANSITION ("TRANSITION PERIOD") FROM THE EXISTING SERVICES PROVIDED BY AATA TO A ACT 196 NEW TA PROVIDING AUTHORITY-WIDE PUBLIC TRANSPORTATION SERVICES. THE PARTIES ACKNOWLEDGE THAT REGIONAL TRANSPORTATION AUTHORITY (RTA) LEGISLATION MAY BE ADOPTED DURING THIS TRANSITION PERIOD WHICH MAY SUGGEST THAT CHANGES TO CERTAIN PROVISIONS OF THIS AGREEMENT ARE NECESSARY OR DESIRABLE TO EFFECTUATE THE PURPOSES OF THE AGREEMENT OR THAT TERMINATION OF THE AGREEMENT IS APPROPRIATE. THE PARTIES AGREE THAT SHOULD RTA LEGISLATION BE ADOPTED PRIOR TO THE COMPLETION OF THE TRANSITION TO A NEW TA (E.G CLOSING) THEY WILL, BEFORE THE EFFECTIVE DATE OF ANY RTA LEGISLATION, JOINTLY REVIEW THE PROVISIONS OF THIS AGREEMENT AND MUTUALLY DETERMINE WHETHER MODIFICATIONS ARE NECESSARY OR APPROPRIATE OR IT SHOULD BE TERMINATED. ...

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 3 - Councilmember Kunselman, Councilmember Anglin and Councilmember Lumm

Nays: 8 - Mayor Hieftje, Councilmember Higgins, Councilmember Teall, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Enactment No: R-12-078

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

Amend to add new Article 8(g):

...g. A MINIMUM PARTICIPATION LEVEL IN THE NEW TA OF FIFTY PERCENT (50%) OF THE JURISDICTIONS WITHIN WASHTENAW COUNTY. ...

On a roll call, the vote was as follows, with the Mayor declaring the motion defeated:

Yeas: 4 - Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin and Councilmember Lumm

Nays: 7 - Mayor Hieftje, Councilmember Teall, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Enactment No: R-12-078

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

Amend Article 8(d):

Agreement

d.In exchange for the mayor's nomination with council confirmation of [seven] EIGHT directors of New TA's board, and annual submission to Ann Arbor of the AATA's proposed budget and yearly audit and the New TA's agreement to apprise Ann Arbor City Council and solicit Council's advise prior to making major long-term policy actions concerning mass transportation services, Ann Arbor's agreement to (i) take such necessary actions by its governing body to terminate its operational agreement with AATA effective at closing; (ii) take such necessary actions by its governing body to authorize the execution of delivery of this Agreement and all documents and instruments contemplated by this Agreement, and the performance by Ann Arbor of the obligations to be performed by it hereunder; and (iii) designate the new TA, as successor to AATA, as the contracting agency for use of the 2.5 mills tax levy under Section 8.18 of the Ann Arbor City Charter and allocated the tax levy in its entirety to AATA at the 2012 millage rate or as adjusted by State of Michigan statute less a municipal service charge of one percent (1%) of the annual millage at the time of the collection of taxes, upon transfer from an Act 55 to an Act 196 authority. ...

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 3 - Councilmember Kunselman, Councilmember Anglin and Councilmember Lumm

Nays: 8 - Mayor Hieftje, Councilmember Higgins, Councilmember Teall, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Enactment No: R-12-078

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

Paragraph 7 of Agreement

...7. Full Faith and Credit. The parties agree that Washtenaw County DOES NOT by virtue of its action in creating the New TA [to] provide its full faith and credit for any project undertaken by the New TA. The parties further agree that the Cities of Ann Arbor and Ypsilanti [shall not be required to, and] do not by virtue of execution of this Agreement, pledge their respective full faith and credit for any project assumed by the NEW TA at Closing or undertaken by the New TA thereafter when operational. ...

On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 0

Enactment No: R-12-078

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

Amend paragraph 9:

... 9. Ann Arbor Approval. Notwithstanding anything in this Agreement to the contrary, if voters in the City of Ann Arbor fail to approve the NEW TA Act 196 funding source AT ANY INTERIM VOTE PRIOR TO DECEMBER 31, 2014, regardless of whether it is approved or not by the other voting jurisdictions, then the City shall have the right to, BUT IS NOT REQUIRED TO (i) withdraw from this agreement without penalty; (ii) veto any attempted termination by AATA of the AATA-City operation agreement; and (iii) refuse to designate and/or assign its millage under Section 3(a). IF ANN ARBOR VOTERS FAIL TO APPROVE THE NEW TA ACT 196 FUNDING SOURCE BEFORE DECEMBER 31, 2014, REGARDLESS OF WHETHER IT IS APPROVED OR NOT BY THE OTHER VOTING JURISDICTIONS, THEN THE CITY SHALL WITHDRAW FROM THIS AGREEMENT WITHOUT PENALTY, SHALL VETO ANY ATTEMPTED TERMINATION BY AATA OF THE AATA-CITY OPERATION AGREEMENT, AND SHALL REFUSE TO DESIGNATE AND/OR ASSIGN ITS MILLAGE UNDER SECTION 3(A). ...

On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 9 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Taylor, Councilmember Hohnke and Councilmember Lumm

Nays: 2 - Councilmember Teall and Councilmember Derezinski

Enactment No: R-12-078

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

Amend as follows:

... 9. Ann Arbor Approval. [Notwithstanding anything in this Agreement to the contrary.] ...

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 3 - Councilmember Kunselman, Councilmember Higgins and Councilmember Teall

Nays: 8 - Mayor Hieftje, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, Councilmember Hohnke and Councilmember Lumm

Enactment No: R-12-078

The question being the Resolution as amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 7 - Mayor Hieftje, Councilmember Teall, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Nays: 4 - Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin and Councilmember Lumm

Enactment No: R-12-078

RECESS

Mayor Hieftje declared a recess at 12:16 a.m. and reconvened the meeting at 12:26 a.m.

DC New Business - Council:

DC-2 12-0185 Resolution to Approve a Request to Transfer Ownership of a 2011 Class C Liquor Licensed Business with a Dance Permit, Located at 312 S. Main, from 314 S. Main, L.L.C. to Mélange Bistro LLC, d/b/a Mélange Bistro

Sponsors: Council Liquor License Review Committee

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-12-079

DC-3 12-0310 Resolution to Approve the Purchase of Property at 215 and 219 W. Kingsley St., Ann Arbor in Fee Title for \$185,000.00 (8 Votes Required)

Sponsors: 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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-12-080

DC-4 12-0319 Resolution to Delay Certain Enforcement Activities Against Medical Marijuana Dispensaries and Cultivation Facilities

Sponsors: Briere

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

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be postponed until 3/19/2012. On a voice vote, the Mayor declared the motion carried.

- DC-5 12-0349** Resolution Accepting Annual Renewal Recommendation of the Council Liquor License Review Committee
- Sponsors:** Council Liquor License Review Committee
- A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-12-081
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- DB New Business - Boards and Commissions:**
- DB-1 12-0207** Resolution to Approve Participation Agreement with Ann Arbor Township for the Purchase of Development Rights on the Newton Farm Property in Ann Arbor Township, and Appropriate Funds, Not to Exceed \$85,726.00 from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)
- 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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-12-082
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- DS New Business - Staff:**
- DS-1 12-0202** Resolution to Approve Amendment No. 2 with Lazer Technologies, Inc. for Telecommunications Systems Technical Support (\$216,000.00/\$447,480.00)
- 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-12-083
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- DS-2 12-0188** Resolution to Approve an Agreement with the Michigan Department of Transportation for the Dexter Avenue Improvements Project (\$2,353,425.00)
- A motion was made by Councilmember Hohnke, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-12-084
-
- DS-3 12-0199** Resolution to Manage Floodplain Development for the National Flood Insurance Program
- A motion was made by Councilmember Teall, seconded by Councilmember Hohnke, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-12-085

DS-4 12-0122 Resolution to Accept the Federal Aviation Administration's Terms and Conditions of Airport Improvement Program Grants for Future Grant Agreements

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

Enactment No: R-12-086

DS-5 12-0187 Resolution to Recommend Approval of a Contract with RMD Holdings to Renovate Softball and Baseball Fields at Veterans Memorial Park, Southeast Area Park, and West Park (\$893,030.55) and Appropriate Funds (8 Votes Required)

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, thus satisfying the eight-vote requirement.

Enactment No: R-12-087

DS-6 12-0148 Resolution to Approve a Contract with Fonson, Inc. to Renovate Roads and Parking Lots, Construct Pathways and Improve Stormwater Management at Buhr Park and Cobblestone Farm (\$786,536.00)

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

Enactment No: R-12-088

Passed on consent agenda

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

DS-7 12-0150 Resolution to Approve Street Closing for the NTI Block Party - Wednesday, August 1, 2012

Enactment No: R-12-089

DS-8 12-0159 Resolution to Approve Street Closing for the NJATC Opening Ceremony Dinner - Sunday, July 29, 2012

Enactment No: R-12-090

DS-9 12-0217 Resolution to Approve an Additional Street Closing for the 2012 FoolMoon Event - Friday, March 30, 2012

Enactment No: R-12-091

E COMMUNICATIONS FROM THE MAYOR

Mayor Hieftje reported out regarding the study group on the 415 W. Washington site. He said a report is coming soon to Council.

Mayor Hieftje addressed a public comment that was made at the beginning of the meeting regarding the 100 units of affordable housing. He stated that while the units are not all together, many of the units have been replaced in locations throughout the City. The mayor also stated that a meeting is taking place between City staff, Washtenaw County, and other agencies regarding a possible warming center in the City. The meeting will take place Friday, March 9.

E-1 12-0263 Appointments - Confirmations**APPOINTMENTS APPROVED**

Mayor Hieftje recommended the following appointments at the February 21, 2012 regular session of Council:

Board of Review

*Doris Preston (Re-Appointment)
428 Sunset
Ann Arbor, MI 48103
Term: March 5, 2012-January 31, 2015*

Housing & Human Services Advisory Board

*Gary Hayden (Filling Vacancy)
1453 Macgregor Ln.
Ann Arbor, MI 48105
Term: March 5, 2012-March 5, 2015*

Huron River Watershed Council

*Cheryl Darnton (Replacing-Shirley Axon)
601 Eberwhite Blvd.
Ann Arbor, MI 48103
Term: March 5, 2012-March 5, 2014*

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

Councilmember Higgins asked that the appointment of Susan Gott to the Ann Arbor Transportation Authority Board be separated for a roll call vote.

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the February 21, 2012 regular session of Council:

Ann Arbor Transportation Authority Board

Susan Gott (Replacing Richard Robben)
2661 Essex Rd.
Ann Arbor, MI 48104
Term: March 5, 2012-May 2, 2016

A motion was made by Councilmember Higgins, seconded by Councilmember Taylor, that Council concur with the recommendations of the Mayor. On a roll call, the vote was as follows with the Mayor declaring the motion carried unanimously:

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

Nays: 0

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER HIGGINS**

Councilmember Higgins responded to a question from Councilmember Kunselman regarding Council Speaking times. She said the limitations, including time, on Council speaking was addressed in Rule 8 (3) of the Council Rules.

COUNCILMEMBER SMITH

Councilmember Smith said that there is survey on the Ann Arbor DDA website, www.a2dda.org, that is seeking public input for the connecting William Street Project. She encouraged residents to participate and provide their input.

COUNCILMEMBER LUMM

Councilmember Lumm said that the Housing and Human Services Advisory Board received the DDA survey. She encouraged other boards and committees to take the survey as well.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

None.

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

H-1 12-0275 Communication from Alan Israel, Clerk of Pittsfield Charter Township regarding a hearing notice regarding Conditional Use Permit #12-01 Zingtrain scheduled for March 1, 2012 at 6:30 p.m. - Planning and Development Services

H-2 12-0276 Communications from Janis Bobrin, of the Washtenaw County Drainage Board regarding public hearing notices scheduled for February 23, 2012

H-3 12-0280 Communication from Diane Keller, President & CEO of Ann Arbor / Ypsilanti Regional Chamber regarding support of the Fuller Road Station - File

H-4 Communication from Richard Sheridan regarding support of the proposed 4-Party Agreement for the AATA

H-5 Communication from Rita Mitchell regarding the proposed 4-Party Agreement for the AATA

I The following minutes were received for file:

I-1 12-0033 Historic District Commission Meeting Minutes of the December 8, 2011

I-2 12-0078 City Planning Commission Meeting Minutes of December 6, 2011

I-3 12-0079 City Planning Commission Minutes of December 20, 2011

I-4 12-0216 Ann Arbor - Ypsilanti SmartZone LDFA Board Meeting Minutes - September 20, 2011

I-5 12-0219 Council Labor Committee Meeting Minutes of February 6, and February 13, 2012

I-6 12-0265 City of Ann Arbor Employees' Retirement System Minutes for the Regular Meeting - January 19, 2012

I-7 12-0269 City of Ann Arbor Retiree Health Care Benefit Plan & Trust Minutes for Regular Board Meeting - January 19, 2012

I-8 12-0270 Ann Arbor Transportation Authority Board Meeting Minutes of January 19, 2012

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Tom Partridge addressed Council regarding the need for government services in the community.

Michael Benson, City resident and president of the Graduate Student Association at the University, addressed Council regarding Council Rule 4 and made suggestions regarding public speaking times.

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

ADJOURNMENT

A motion was made by Councilmember Teall, seconded by Councilmember Anglin, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 1:06 a.m.

12-0412 City Council Emails - March 5, 2012

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, MARCH 5, 2012, 7:00 P.M.

REPLAYS: TUESDAY, MARCH 6, 2012, 10:00 A.M. AND FRIDAY, MARCH 9, 2012, 7:30 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- Video on Demand: Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx
- Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

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.