

City of Ann Arbor

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



Action Minutes

Monday, May 4, 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 7:07 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.

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 Higgins, that the Agenda be Approved with the following changes:

Move: Council Communications at the end of the Agenda to the end of Public Commentary time.

Remove from Consent Agenda: CA-8 and CA-9

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

INT INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

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

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

1. Andrew McGill - Budgetary Implications of Airport Runway Expansion

Andrew McGill, 5221 Crooked Stick Drive, addressed Council regarding the proposed runway expansion to the Ann Arbor Airport. He said that the current proposal is dangerous, deficient, and could have precarious budgetary implications down the road due to the airport's declining use.

2. Thomas Partridge - Ann Arbor - Washtenaw Master Plan to end discriminatory segregation in housing, public transportation, health care and education needed.

Thomas Partridge, 4220 Eyrie Dr. of Scio Township, addressed Council regarding the need for an Ann Arbor - Washtenaw Master Plan to end discriminatory segregation in housing, public transportation, health care and education.

3. Tom Whitaker - Moratorium on Development in R4C Districts

Tom Whitaker, 444 S. Fifth Avenue, addressed Council regarding concerns with the R4C zoning district. He said that he and his neighbors have uncovered many issues with the ordinance being exploited by developers. He asked that Council impose a moratorium on development in this district until the confusion with the zoning ordinance is corrected.

4. Karen Sidney - Early Retirements (C-3)

Karen Sidney, 100 Longman Lane, addressed Council with concerns regarding the proposed early retirement option proposed for the Ann Arbor Police Department. She said that the proposed program is fiscally irresponsible.

5. Arnold Goetzke - E. Stadium Bridge

Arnold Goetzke, 1504 Westminster Place, spoke in opposition of the proposed East Stadium Bridge reconstruction.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER HOHNKE

Councilmember Hohnke informed Council of an appointment to the Environmental Commission that was sent to Council via email in the form of a resume. Councilmember Hohnke would like to consider the appointment at the next regular session of Council on May 18, 2009.

COUNCILMEMBER TEALL

Councilmember Teall announced that an email was sent regarding a recommendation from the Environmental Commission on the passage of the Transportation Plan.

COUNCILMEMBER GREDEN

Councilmember Greden responded to a comment made during the Public Comment portion of the meeting regarding the Ann Arbor Airport. He said that nothing related to the airport is on the City Council agenda and there has been no discussion about having a vote on a runway expansion. There is not even a formal recommendation about the airport and so the issue is not being considered by the Council at this time.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 09-0325

Resolution to Approve City of Ann Arbor Transportation Master Plan Update (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve City of Ann Arbor Transportation Master Plan Update. Notice of public hearing was published May 3, 2009.

Jim Mogensen, 3780 Green Brier, expressed concern with the proposed Ann Arbor Transportation Master Plan. He said that transportation is a huge issue in the City and it needs to be addressed.

Thomas Partridge, of Scio Township, spoke in support of providing connectors to adjacent townships with the bus system.

LuAnne Bullington, 1801 South Blvd., expressed concern with the non-motorized portion of the transportation plan, particularly sidewalks. She would like to see a non-motorized transportation section added to the plan.

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

PH-2 09-0288

Resolution to Approve Fiscal Years 2010 and 2011 Fee Adjustments for the Community Services Area

A public hearing was conducted on the proposed Resolution to Approve Fiscal Years 2010 and 2011 Fee Adjustments for the Community Services Area. Notice of public hearing was published May 3, 2009.

Karen Sidney, 100 Longman Lane, asked that Council reject the back-door tax increase and focus on getting city costs under control.

Glen Thompson, 100 Longman Lane, spoke in opposition of the proposed fee adjustments to the Community Services Area.

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

PH-3 09-0302

Resolution to Approve Fiscal Year 2010 Fee Adjustments for Public Services Project Management, Customer Service, Systems Planning and Field Operations Units

A public hearing was conducted on the proposed Resolution to Approve Fiscal Year 2010 Fee Adjustments for Public Services Project Management, Customer Service, Systems Planning and Field Operations Units. Notice of public hearing was published May 3, 2009.

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

PH-4 09-0375

Resolution to Adopt the Proposed Ann Arbor City Budget and Related Property Tax Millage Rates for Fiscal Year 2010

A public hearing was conducted on the proposed Resolution to Adopt the Proposed Ann Arbor City Budget and Related Property Tax Millage Rates for Fiscal Year 2010. Notice of public hearing was published April 26, 2009.

Mayor Hieftje noted that the Council is nearing the end of the budget process, which started this past winter when the city administrator and his staff began to work on the proposed budget. Mayor Hieftje noted that this is a particularly difficult budget year all across the State. Ann Arbor is experiencing a decline in property values, and has been impacted as well by the University of Michigan in the takeover of the Pfizer property, reducing the tax revenue by 4.5%.

Mayor Hieftje stated that he and other councilmembers have received many comments and feedback from City residents concerning the budget and some of the proposed cuts in the Administrator's proposal. The Mayor stated he would be surprised if Mack Pool and Leslie Science Center were not funded during the Council approval of the budget. He stated Council will do their very best to fill other gaps in the budget and in those areas that mean a great deal to citizens. The Mayor stated that he appreciates all of the work that staff and others have put into this budget process. He also noted that residents are communicating with Council at an almost unprecedented level this budget year and he has heard their concerns.

Sheri Repucci, 2642 Fenwick Ct., spoke on support of funding Project Grow. She said that cutting the funding for Project Grow will put at risk senior citizens, children and those with physical handicaps at a time when growing fresh food is extremely important.

LuAnne Bullington, 1801 South Blvd., spoke in support of funding Project Grow. She added that she would like to see areas of Ann Arbor parks that could dedicate portions for growing food for those in need. She stated many of Project Grow's beds are designed for people with disabilities.

Adela Pinch, 1305 Broadway, spoke in support of the Leslie Science and Nature Center.

Paul Lambert, 201 W. William, spoke in opposition of reducing funding for the Human Services section of the budget.

Eleanor Pollack, 515 Detroit Street, spoke in support of the Leslie Science and Nature Center and urged Council to maintain the current level of support and find ways to increase funding as well.

Matt West, Ypsilanti resident, spoke in support of keeping Mack Pool open long term and maintaining current hours and availability of the pool.

Malloria Miller, 1124 N. Maple Road, spoke in support of Mack Pool.

A resident of Miller Manor, spoke in support of keeping Mack Pool open, noting that Mack Pool is accessible for people with disabilities.

Ryan Shay, student at Community High School, spoke in support of the Leslie Science and Nature Center.

Margaret Leslie, 2876 Sorrento, spoke in opposition of the closing of the Senior

Center and asked that it continue to operate after June 30, 2011.

Mark Smith, 412 Wesley Avenue, on behalf of the National Wildlife Federation, expressed concern with the cuts to Leslie Science Center.

Francis Wong spoke in support of keeping Leslie Science Center open.

Kristin Burgard, 400 Mapleridge, spoke in support of keeping Mack Pool open.

Paul Bancel, 1115 Kuehnle, expressed concern with certain boards and commissions that are not televised on CTN, in particular the Ann Arbor District library, the Public Arts Commission and the DDA. He said that taxpayers should be able to view these meetings to see how government conducts business.

James D'Amour, 2771 Maplewood Avenue, spoke in support of keeping Mack Pool open.

Jim Mogensen, 2780 Green Brier, asked that Council think about how to operate the budget without offending people.

Ed Sketch, 634 Brooks, spoke in support of keeping Mack Pool open.

Karen Sidney, 100 Longman Lane, said that cost cutting programs are not producing the promised cost savings and the public needs to understand why.

Joe Riley, 2458 Arrowwood Trail, spoke in support of the Leslie Science and Nature Center.

Thomas Partridge, 4220 Eyrie Dr., said that a proposal for funding an advance study, political and social research center should be added to the budget. The budget lacks a focus and a priority for affordable housing for people of all ages.

Kyle Mazurek, Vice President of Government Affairs at the Ann Arbor Chamber of Commerce, expressed concern with the projected numbers in terms of the decline in commercial property values, the proposal to reduce community service officers, personnel costs relative to the revenue that they generate through ticketing and also expressed concerns in regard to the elimination of the downtown beat police officers.

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

PH-5 09-0408

Resolution to Approve Fees for the Recovery of the City's Costs from Ann Arbor Public Schools for Ball Field Usage and Services

Sponsors: Taylor

A public hearing was conducted on the proposed Resolution to Approve Fees for the Recovery of the City's Costs from Ann Arbor Public Schools for Ball Field Usage and Services. Notice of public hearing was published May 3, 2009.

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

COMMUNICATIONS FROM COUNCIL*MAYOR HIEFTJE*

Mayor Hieftje noted that there is no cut in the Human Services Budget for FY 2010, as was stated by a speaker at the public hearing.

COUNCILMEMBER TAYLOR

Councilmember Taylor acknowledged the hard work of the Park Advisory Commission and thanked them for an affirmative recommendation with respect to Mack Pool and other programs.

COUNCILMEMBER HIGGINS

Councilmember Higgins asked for clarification of the Mack Pool portion of the budget. She questioned whether PAC's recommendation was part of the budget proposal.

City Administrator Fraser said that the recommendation in the budget proposal is for Mack Pool to close for the summer while other pools are open and then re-open Mack Pool in the fall.

COUNCILMEMBER HOHNKE

Councilmember Hohnke thanked Councilmembers Taylor and Higgins for their comments, as well as the citizens for speaking tonight regarding Mack Pool. He looks forward to identifying a long-term solution to keep this resource available to the community.

Councilmember Hohnke stated that the Ann Arbor Skate Park location has been identified at Vets Park. The skate park has established a funding mechanism and is beginning to fundraise in order to build the park. They will hold their first fundraiser on May 15, 2009, downtown at the Vault of Midnight Comic Book Store at 7 p.m. More info can be found at www.a2skatepark.com.

COUNCILMEMBER ANGLIN

Councilmember Anglin thanked PAC for working diligently to make recommendations to Council regarding the Parks budget. He expressed concerns about the direction of certain recommendations in the City budget and stated Ann Arbor needs to be a healthy city and do healthy things for the residents. He noted that most of the public comments tonight centered around healthy living options.

COUNCILMEMBER HIGGINS

Councilmember Higgins announced that the Friends of Dicken Woods had planted 275 trees in the park. She wanted to acknowledge that and thank the Friends of Dicken Woods for their work. She also informed everyone that the Friends of Greenview Park had their spring clean-up over the past weekend and she extended thanks to them as well.

MAYOR HIEFTJE

Mayor Hieftje followed up on Councilmember Anglin's comments. He appreciates Councilmember Anglin's focus on keeping this a healthy city. Mayor Hieftje noted that the AARP magazine recognized Ann Arbor as the healthiest city in the United States

of America.

09-0423 Resolution to Appoint John W. Koupal as a Member of the City of Ann Arbor Environmental Commission

Sponsors: Hohnke

This matter was Referred to the City Council, due back on 5/18/2009.

A APPROVAL OF COUNCIL MINUTES

A-1 09-0380 Working Session of April 13, 2009 and Regular Session Minutes of April 20, 2009

A motion was made by Councilmember Greden, seconded by Councilmember Smith, that the Minutes of April 13 and April 20, 2009 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-8 Resolution to Approve Amended and Restated Partnership Agreement between City of Ann Arbor and Leslie Science and Nature Center

CA-9 Resolution to Approve a Contract with Hart Carpentry in the Amount of \$46,335.00 to Construct Shade Structures at Fuller Pool, per Bid #4012, and to Establish a Total Construction Project Budget of \$50,969.00

Passed on consent agenda

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

CA-1 09-0263 Resolution to Approve a Sole Source Purchase Order to Gray Matter Systems for Control System Software Update and 1-yr Maintenance and Support (\$44,721.16)

Enactment No: R-09-151

CA-2 09-0284 Resolution to Decertify and Remove Briarcliff Drive (East of Prairie Street), and Thaler Avenue (East of Garden Circle) from the Act 51 Street System

Enactment No: R-09-152

CA-3 09-0285 Resolution to Accept the Right-of-Ways of Vine Court, Oakbrook Drive, and Carrot Way, and to Dedicate them as Public Streets in the Act 51 Street System

Enactment No: R-09-153

CA-4 09-0299 Resolution to Transfer Delinquent Sidewalk Maintenance Charges to the 2009 City Tax Roll

Enactment No: R-09-154

- CA-5 09-0307** Resolution to Transfer Delinquent Solid Waste Charges to the July 2009 City Tax Roll
Enactment No: R-09-155
- CA-6 09-0308** Resolution to Place Delinquent Water Utilities Charges on the July 2009 Tax Roll (\$69,341.96)
Enactment No: R-09-156
- CA-7 09-0338** Resolution to Transfer Delinquent Board Up, Clean Up, Vacant Property Inspection and Housing Inspection Fees to the Summer 2009 City Tax Roll
Enactment No: R-09-157
- CA-8 09-0324** Resolution to Approve Amended and Restated Partnership Agreement between City of Ann Arbor and Leslie Science and Nature Center
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-09-158
- CA-9 09-0333** Resolution to Approve a Contract with Hart Carpentry in the Amount of \$46,335.00 to Construct Shade Structures at Fuller Pool, per Bid #4012, and to Establish a Total Construction Project Budget of \$50,969.00
A motion was made by Councilmember Smith, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-09-159

B ORDINANCES - SECOND READING

None.

C ORDINANCES - FIRST READING

- C-1 09-0331** An Ordinance to Amend Section 1:17 of Chapter 1 (Adoption, Contents, and Interpretation) of Title I of the Code of the City of Ann Arbor for the Public Services Field Operations Solid Waste Unit (Ordinance No. ORD-09-15)
A motion was made by Councilmember Greden, seconded by Councilmember Teall, that the Ordinance be approved on First Reading, due on 5/18/2009 for Second Reading. On a voice vote, the Mayor declared the motion carried.
Enactment No: ORD-09-15

C-2 09-0370 An Ordinance to Amend Sections 1:312, 1:313 and 1:314 of Chapter 14, Purchasing, Contracting, and Selling Procedure, of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-09-16)

A motion was made by Councilmember Teall, seconded by Councilmember Derezinski, that the Ordinance be approved on First Reading, due back on 5/18/2009 for Second Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-09-16

C-3 09-0407 An Ordinance to Amend Sections 1:552, 1:561, 1:562, 1:563, and 1:564 of Chapter 18 (Employees Retirement System) of Title I of the Code of the City of Ann Arbor (to Add the early retirement option Program for Ann Arbor Police Officers Association and the Command Officers Association of Michigan) (Ordinance No. ORD-09-17)

Sponsors: Greden, Hieftje, Higgins, Rapundalo and Teall

A motion was made by Councilmember Rapundalo, seconded by Councilmember Teall, that the Ordinance be approved on First Reading, due back on 5/18/2009 for Second Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-09-17

C-4 09-0409 An Ordinance to Repeal Chapter 109, Liquor, of Title IX of the Code of the City of Ann Arbor in its Entirety and Add a New Chapter 109, Liquor, Title IX of said Code (Ordinance No. ORD-09-18)

Sponsors: Council Liquor License Review Committee

The Mayor declared a recess at 9:06 p.m. and reconvened the meeting at 9:24 p.m.

A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezinski, that the Ordinance be approved on First Reading, due back on 5/18/2009 for Second Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-09-18

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

RECESS

The Mayor declared a recess at 9:06 p.m. and reconvened the meeting at 9:24 p.m.

DC-1 09-0398 Resolution to Approve a Lease Agreement with the Ann Arbor Public Schools for Eberbach Cultural Arts Building (8 Votes Required)

Sponsors: Taylor

A motion was made by Councilmember Taylor, seconded by Councilmember Teall, that the Resolution be approved. On 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-09-160

DC-2 09-0408

Resolution to Approve Fees for the Recovery of the City's Costs from Ann Arbor Public Schools for Ball Field Usage and Services

Sponsors: Taylor

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

Enactment No: R-09-161

DC-3 09-0405

Resolution to Approve the 2006-2009 Ann Arbor Police Officers Association Collective Bargaining Agreement (8 Votes Required)

Sponsors: Greden, Hieftje, Higgins, Rapundalo and Teall

A motion was made by Councilmember Higgins, seconded by Councilmember Derezinski, that the Resolution be approved. On 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-09-162

DC-4 09-0352

Resolution to Approve the Request to Transfer Ownership of a 2008 Class C Liquor Licensed Business with a Dance-Entertainment Permit, Located at 625 Hilton from W Tres MX, Inc. to El Camino Real, LLC - D/B/A El Camino Real

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-09-163

DC-5 09-0419

Resolution Recognizing Jewish Federation of Greater Ann Arbor as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Sponsors: Derezinski

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-09-164

DB New Business - Boards and Commissions:

DB-1 09-0325 Resolution to Approve City of Ann Arbor Transportation Master Plan Update (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

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

Enactment No: R-09-165

A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the Resolution be postponed to the City Council until 5/18/2009. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 4 - Councilmember Higgins, Councilmember Teall, Councilmember Anglin, and Councilmember Smith

Nays: 7 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Briere, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

The question being the motion made by Councilmember Derezinski, seconded by Councilmember Hohnke, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-09-165

DS New Business - Staff:

DS-1 09-0332 Resolution to Approve a Contract with Jaran Construction, Inc. in the Amount of \$179,568.00 to Replace Pedestrian Bridges and a Cart Bridge, Repair Cart Bridges, and Renovate Cart Paths at the Leslie Park Golf Course, per Bid #4008 and to Establish a Total Construction Project Budget of \$197,525.00

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

Enactment No: R-09-166

DS-2 09-0334 Resolution to Allocate \$40,000.00 in HOME Funds to Avalon Second Nonprofit Housing Corporation for the Acquisition and Rehabilitation of 819 Third and Amend the Housing Affordability Agreement (\$40,000.00 HOME Funds)

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

Enactment No: R-09-167

DS-3 09-0344 Resolution to Close N. Fourth Avenue and E. Ann Street for the 14th Annual African-American Downtown Festival, Friday, June 5, 2009 to Saturday, June 6, 2009

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

Enactment No: R-09-168

DS-4 09-0345

Resolution to Approve Street Closings for the 2009 "Taste of Ann Arbor" Special Event - Sunday, May 31, 2009

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

Enactment No: R-09-169

DS-5 09-0346

Resolution to Approve Street Closings for the 2009 Ann Arbor Summer Festival's "Top of the Park" - June 8 through July 7, 2009

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

Enactment No: R-09-170

DS-6 09-0368

Resolution to Approve Street Closings for the Dexter-Ann Arbor Run (5K, 10K, and Half Marathon) on Sunday, May 31, 2009

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

Enactment No: R-09-171

DS-7 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 Smith, seconded by Councilmember Derezinski, that the resolution be approved.

A motion was made by Councilmember Smith, seconded by Councilmember Derezinski, that the Resolution be postponed to the City Council until 5/18/2009. On a voice vote, the Mayor declared the motion carried.

DS-8 09-0306

Resolution to Amend the FY 2009 Community Events Fund Disbursement and to Rescind in part the FY 2008 Event Fee Waivers for Festifools and for Taste of Ann Arbor (8 Votes Required)

(Deleted from Agenda on 4/30/09.)

Councilmember Higgins left at 10:43 p.m.

Present: 10 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Leigh Greden, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, and Councilmember Carsten Hohnke

Absent: 1 - Councilmember Marcia Higgins

DS-9 09-0350 Resolution to Submit Funding Applications under the State of Michigan Local Bridge Program for the Replacement of the E. Stadium Bridges

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

Enactment No: R-09-172

DS-10 09-0364 Resolution to Approve a Contract with the Azimuth Group, Inc. for a Needs Assessment for a Financial Management System for \$160,000.00

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-09-173

DS-11 09-0360 Resolution to Accept a 2007 Michigan Citizen Corps Program (MCCP) Pass-Through Grant Award, Approve the 2007 Michigan Citizen Corps Program Agreement with Washtenaw County and Appropriate the Funds to the Office of Emergency Management. (Not to Exceed \$14,464.49 for the Period October 1, 2008 to December 1, 2009) (8 Votes Required)

A motion was made by Councilmember Briere, 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-09-174

DS-12 09-0337 Resolution Accepting Utility Easement from Prescott A. Crisler 2999 Overridge Drive (8 Votes Required)

A motion was made by Councilmember Greden, 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-09-175

Councilmember Rapundalo left at 10:45 p.m.

Present: 9 - Mayor John Hieftje, Councilmember Leigh Greden, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, and Councilmember Carsten Hohnke

Absent: 2 - Councilmember Stephen Rapundalo, and Councilmember Marcia Higgins

DS-13 09-0369 Resolution Accepting Easement for Public Road Right-of-Way from 201 DEPOT, LLC 201 Depot Street) (8 Votes Required)

A motion was made by Councilmember Briere, seconded by Councilmember Hohnke, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously with 9 members voting, thus satisfying the eight-vote requirement.

Enactment No: R-09-176

E COMMUNICATIONS FROM THE MAYOR

Mayor Hieftje requested that staff provide an update to Council regarding police activity relating to the Studio Four nightclub.

Mayor Hieftje announced that he and Councilmember Hohnke went on a bicycle ride of the best and worst roads in Ann Arbor.

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the April 20, 2009 regular session of Council:

Parks Advisory Commission

*Gwen Nystuen (Re-Appointment)
1016 Olivia Ave.
Ann Arbor, MI 48104
Term: May 4, 2009 - May 4, 2012*

E-1 09-0361 4/20/09 Appointments - Confirmations

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

F COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator informed Council that the Working Session scheduled for May 11, 2009 would be dedicated to questions regarding the proposed FY 2010 budget.

F-1 09-0323 Final Report of the Commercial Solid Waste Rate Schedule Oversight Committee

F-2 09-0353 First Quarter 2009 Investment Portfolio Report

F-3 09-0322 Solid Waste Regulation Amendments

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

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- H-1 09-0357 Communication from Chester S. Ricker, Vice President and CFO of AVL Powertrain Engineering, Inc., regarding a Request for an Industrial Development District at 1801 E. Ellsworth cc: City Assessor
- H-2 09-0377 Communication from The Village Cooperative, Inc. regarding notice of proposed conversion condominium project by The Village Cooperative, Inc. of Pittsfield Village Condominium
- H-3 09-0378 Communication from the State of Michigan regarding a notice of hearing for Electric Customers of the Detroit Edison Company, Case No. U-15417-R, scheduled for May 6, 2009
- H-4 09-0387 Communication from Donald Scavia, director of the Graham Environmental Sustainability of the University of Michigan regarding public lecture and conference on Urban-Rural Connections: Sustainability in a Volatile World scheduled for May 12 and 13, 2009
- H-5 09-0390 Communication from the State of Michigan regarding approval of the City of Ann Arbor's request to revoke the real and personal property component(s) of Industrial Facilities Exemption Certificate number 2002-015 - File
- H-6 09-0393 Communication from an Eberwhite Elementary School parent, expressing concern with a proposed illegal restaurant located at 722 Soule Blvd. as well as a chicken pen and coop located in the front yard of the residence - Planning and Development Services
- H-7 09-0416 Communication from Barbara J. Fitzgerald regarding opposition of closing the Senior Center
- H-8 09-0417 Communication from Christine Schopieray and Robert Kelley regarding concerns with the proposed Near North Project to be considered by the Planning Commission - Planning and Development Services
- H-9 Resolution in Support of the Draft City of Ann Arbor Transportation Plan Update from Planning Commission (See DB-1 for copy of resolution.)

Received and filed.

I The following minutes were received for file:

- I-1 09-0314 Recreation Advisory Commission Minutes - March 3, 2009
- I-2 09-0347 City Election Commission - February 26, 2009
- I-3 09-0351 Taxicab Board Meeting Minutes - August 8, 2008
- I-4 09-0355 City of Ann Arbor Employees' Retirement System - March 19, 2009
- I-5 09-0356 City of Ann Arbor Retiree Health Care Benefit Plan & Trust Minutes - March 19, 2009

- I-6 09-0366 Board of Review Minutes - March 2009
- I-7 09-0372 Historic District Commission Minutes - January 8, 2009 Special Session; January 8, 2009 Regular Session

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

None.

- Present:** 8 - Mayor John Hieftje, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, and Councilmember Carsten Hohnke
- Absent:** 3 - Councilmember Stephen Rapundalo, Councilmember Leigh Greden, and Councilmember Marcia Higgins

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

A motion was made by Councilmember Taylor, seconded by Councilmember Briere, that 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 10:51 p.m.

- Yeas:** 8 - Mayor Hieftje, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke
- Nays:** 0
- Absent:** 3 - Councilmember Rapundalo, Councilmember Greden, and Councilmember Higgins

MEETING RECONVENED

A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:53 p.m.

ADJOURNMENT

A motion was made by Councilmember Derezinski, seconded by Councilmember Hohnke, that the meeting Adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:53 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, MAY 4, 2009; 7:00 PM

REPLAYS: TUESDAY, MAY 5, 2009 10:00 AM AND FRIDAY, MAY 8, 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.