

City of Ann Arbor

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



Action Minutes

Monday, January 4, 2010

7:00 PM

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

City Council

CALL TO ORDER

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

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

Present: 11 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, 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 Teall, that the agenda be approved as presented. On a voice vote, the Mayor declared the motion carried.

INT INTRODUCTIONS

INT-1 10-0001 Snow Removal and Ice Control

Craig Hupy, Interim Field Operations Manager, gave a slide presentation of snow removal and ice control procedures for Ann Arbor. He stated that the winter maintenance goal is to provide passable roadways free from drifts, snow ridges, and as much ice and snow pack as is practical so that the roads can be traveled on safely at reasonable speeds (This may not be bare pavement). A copy of the slide presentation is on file in the City Clerk's Office.

INT-2 RFP Library Parking Lot

Mayor Hieftje addressed the public regarding the Library Lot RFP process. He stated many residents have expressed concerns about the RFP process for the Library Parking Lot. Mayor Hieftje stated he had spoken with Councilmembers Teall and Rapundalo regarding the process and they indicated that the committee decided unanimously to reject two of the proposals because they felt that they did not meet the criteria of the RFP. The Mayor stated that councilmembers have indicated they are not adverse to the idea of taking the rejected proposals back to the committee for further consideration because the community feels those proposals may have merit. The committee will meet again this Friday, January 8, 2009 and will discuss the process again at that time.

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. Thomas Partridge - Ann Arbor and Washtenaw County cooperation needed to create a combined public schools educational promise foundation (CA-1)**

Thomas Partridge, Scio Township resident, addressed Council regarding cooperation with Ann Arbor and Washtenaw County to create a combined public schools educational promise foundation.

- 2. Libby Hunter - Proposals Submitted in Response to the RFP Involving the Library Lot (DC-3)**

Libby Hunter, 827 Bruce, serenaded councilmembers regarding proposals submitted in response to the RFP involving the Library Lot.

- 3. James D-Amour - F.I.T.S.**

James D'Amour, a Sierra Club member, addressed Council regarding F.I.T.S. He spoke in opposition of the proposed parking lot being built on City park property on Fuller Road, stating that this violates the spirit, if not the legal definition of the City's Charter.

- 4. Henry Herskovitz - Palestine**

Henry Herskovitz, 409 Mark Hannah, addressed Council regarding Palestine.

- 5. John Eaton - Proposals Submitted in Response to the RFP Involving the Library Lot (DC-3)**

John Eaton, 1606 Dicken, addressed Council regarding the proposals submitted in response to the RFP involving the Library Lot. He encouraged Council to ask the committee to consider all six proposals that were submitted.

- 6. Lily Au - Suggestion about Library Lot (DC-3)**

Lily Au, 682 Peninsula Court, addressed Council regarding the Library Lot. She suggested using the lot to provide shelter to the homeless before building a hotel or other business on the lot. As a permanent solution, she also suggested using the lot as a community center for the public.

7. Alan Haber - Proposals Submitted in Response to the RFP Involving the Library Lot (DC-3)

Alan Haber, Ann Arbor resident, addressed Council regarding the proposals submitted in response to the RFP involving the Library Lot and asked that Council consider ideas like those presented by Lily Au for the site.

8. John Floyd - Vision for City

John Floyd, 519 Sunset Road, addressed Council regarding its vision for the City of Ann Arbor. He asked for Council to provide specific examples regarding their comments about being more like cities like Seattle and Portland.

9. Charlie Cavell - Allmendinger Park

Charlie Cavell, 1200 Prescott, spoke in opposition of making Allmendinger Park a parking lot on football Saturdays. He provided a petition to Council of neighbor objections to football parking at the park.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER RAPUNDALO

Councilmember Rapundalo inquired the increase in deer/vehicle accidents within the City in the last few years.

City Administrator Roger Fraser said he had looked into this issue and reported that in 2008 there were 31 accidents, and in 2009 there were 34.

COUNCILMEMBER HIGGINS

Councilmember Higgins responded to the petition regarding Parking in Allmendinger Park. She said that residents do not want to see the park used for parking and she stated she is not in support of a resolution that would allow football parking at the park.

MAYOR HIEFTJE

Mayor Hieftje thanked the member from the public who presented a petition to not allow football parking in Allmendinger Park.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Roger Fraser reported that a Council Work Session has been scheduled for January 11, 2009 to discuss operations with the Housing Authority.

Mr. Fraser announced that Community Services Area Administrator Jayne Miller was leaving the City to accept a position with the Huron Metro Parks as the executive director. Jayne Miller will leave the City in mid-February.

Mr. Fraser announced that City officials were planning a meeting for all City employees on January 12 at the Michigan Theatre to discuss the budget and the current economic situation. Most City offices would close from 9:30 a.m. to 12:30 p.m. to allow all employees to attend.

Layoffs in the Fire Department have been postponed pending the ratification of a tentative contract agreement. If the union ratifies the agreement, approval would likely come to City Council on January 19.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 09-1245 Resolution to Approve a Business Improvement Zone and Zone Plan for South Main Street between Huron and William

Sponsors: Taylor, Rapundalo, Derezhinski, Smith, Briere, Kunselman and Teall

A public hearing was conducted on the proposed Resolution to Approve a Business Improvement Zone and Zone Plan for South Main Street between Huron and William Streets. Notice of public hearing was published December 17, 2009.

Thomas Partridge, Scio Township Resident, stated a regional business improvement zone is needed.

Lou Glorie, 827 Brooks, asked questions of Council regarding the Business Improvement Zone.

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

PH-2 09-1189 Resolution to Approve Fiscal Year 2010 Additional Loading Zone Fees

A public hearing was conducted on the proposed Resolution to Approve Fiscal Year 2010 Additional Loading Zone Fees. Notice of public hearing was published December 31, 2009.

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

- PH-3 09-1264** Resolution to Establish an Annual \$50.00 Renewal Fee for On-Premise Liquor Licensed Establishments Pursuant to Chapter 109 of the City Code
- Sponsors:** Council Liquor License Review Committee
- A public hearing was conducted on the proposed Resolution to Establish an Annual \$50.00 Renewal Fee for On-Premise Liquor Licensed Establishments Pursuant to Chapter 109 of the City Code. Notice of public hearing was published December 31, 2009.*
- Thomas Partridge, Scio Township resident, encouraged Council to charge businesses a higher fee than \$50.00 for liquor licenses.*
- There being no further comment, the Mayor declared the hearing closed.*

COMMUNICATIONS FROM COUNCIL

A APPROVAL OF COUNCIL MINUTES

- A-1 09-1246** December 5 Working Session and December 21 Regular Session

A motion was made by Councilmember Rapundalo, seconded by Councilmember Hohnke, that the work session minutes of December 5 and regular session minutes of December 21, 2009 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

- CA-1 09-1250** Resolution Recognizing Ann Arbor Public Schools Educational Foundation as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

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-10-001

B ORDINANCES - SECOND READING

None.

C ORDINANCES - FIRST READING

- C-1 09-0775** An Ordinance to Amend Chapter 127 (Bicyclists) and Chapter 126 (Traffic) of the City Code (Bicycle Safety; Pedestrian Rights and Responsibilities) (Ordinance No. ORD-10-01)
- Councilmember Higgins requested that staff consider including information regarding Motor Vehicle Code in the ordinance so that all of the necessary information can be located in one place.*
- A motion was made by Councilmember Hohnke, seconded by Councilmember Anglin, that the Ordinance be approved on First Reading and should be returned by 1/19/2010. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-10-01
- C-2 09-0785** An Ordinance to Amend Section 10:162 of Chapter 127 of the City Code (Bicyclists - Registration Procedure) (Ordinance No. ORD-10-02)
- A motion was made by Councilmember Hohnke, seconded by Councilmember Kunselman, that the Ordinance be approved on First Reading to the City Council and should be returned by 1/19/2010. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-10-02
- C-3 09-1254** An Ordinance to Amend Section 10:77 (Parking Fines) of Chapter 126, Traffic, of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-10-03)
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Teall, that the Ordinance be approved on First Reading to the City Council and should be returned by 1/19/2010. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-10-03

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 09-1245** Resolution to Approve a Business Improvement Zone and Zone Plan for South Main Street between Huron and William
- Sponsors:** Taylor, Rapundalo, Derezinski, Smith, Briere, Kunselman and Teall
- A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-10-002
- DC-2 09-1264** Resolution to Establish an Annual \$50.00 Renewal Fee for On-Premise Liquor Licensed Establishments Pursuant to Chapter 109 of the City Code
- 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-10-003

RECESS

The Mayor declared a recess at 9:15 p.m. and reconvened the meeting at 9:29 p.m.

DC-3 09-1276

Proposals Submitted in Response to the RFP Involving the Library Lot

Sponsors: Briere

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

Councilmember Taylor proposed a friendly amendment as follows:

Amend Second Resolved Clause:

RESOLVED, That City Council requests that any proposers eliminated...

The motion was considered friendly.

SUSPENSION OF COUNCIL RULES

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, to suspend Council Rules in order to allow additional Council speaking times. On a voice vote, the Mayor declared the motion carried.

09-1276

Proposals Submitted in Response to the RFP Involving the Library Lot

Sponsors: Briere

A motion was made by Councilmember Higgins to call the question. On a voice vote, the Mayor declared the motion carried.

The question being the motion made by Councilmember Briere, seconded by Councilmember Taylor, that the Resolution be approved, on a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 4 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere and Councilmember Taylor

Nays: 7 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Higgins, Councilmember Teall, Councilmember Smith, Councilmember Derezinski and Councilmember Hohnke

DC-4 10-0002

Resolution to Re-Appoint Member to the City Environmental Commission

Sponsors: Hohnke and Teall

A motion was made by Councilmember Hohnke, seconded by Councilmember Teall, that the Resolution be Approved in a one-step process. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-009

DC-5 10-0005

Resolution in Opposition to House Bill 5345 of the 95th Michigan Legislature

Sponsors: Higgins, Teall and Rapundalo

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

Mayor Hieftje proposed the following friendly amendment:

Delete the following four Whereas Clauses:

Whereas, Government-run health plans in other states have failed to reduce health care costs and have also required huge taxpayer bailouts, such as the \$658 million deficit the mandatory North Carolina state health plan incurred this year;

Whereas, The City Council of the City of Ann Arbor believes that creating a mandatory state government-run health plan is an unnecessary and expensive expansion of state government by the Legislature;

Whereas, Given the state Legislature's annual experience in trying to balance the state budget on the backs of local governments, forcing these same local governments into a mandatory state health plan governed by a board of 13 political appointees subject to Legislative power and influence seems to be certain financial disaster in the making; and

Whereas, A mandatory state-run health plan would surely put the taxpayers of local government units at great financial risk for a government bailout that would be none of their doing, none of their responsibility and out of their control;

The amendment was considered friendly.

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

Enactment No: R-10-004

DB New Business - Boards and Commissions:

DS New Business - Staff:

DS-1 09-1229

Resolution to Approve Contract with Beckett and Raeder, Incorporated for \$192,032.00 to Implement Construction Phase of West Park Construction Improvement Project

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-10-005

DS-2 09-1241 Resolution to Approve a Purchase Order to Washtenaw County for City's FY2010 Portion of Shared Technology Services (\$102,130.00)

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.

Enactment No: R-10-006

DS-3 09-1189 Resolution to Approve Fiscal Year 2010 Additional Loading Zone Fees

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

Enactment No: R-10-007

DS-4 09-1257 Resolution Accepting Utility Easement from Mercedes-Benz Research & Development North America, Inc. 3953 Research Park Drive (8 Votes Required)

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-10-008

E COMMUNICATIONS FROM THE MAYOR

E-1 09-1256 Appointments - Confirmations

APPROVED:

Huron River Watershed Council Liaisons

*Molly Wade (Appoint as Alternate)
Water Treatment Plant, Water Quality Mgr.
919 Sunset
Ann Arbor, MI 48103
Term: January 4, 2010-December 21, 2011*

*Cheryl Darnton (Appoint as Alternate)
601 Eberwhite
Ann Arbor, MI 48104
Term: January 4, 2010-December 21, 2011*

*Zoning Board of Appeals
Candice Briere (Re-Appointment)
3029 Forest Creek Ct.
Ann Arbor, MI 48108
Term January 4, 2010 - January 4, 2013*

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

E-2 10-0004 1/04/10 Appointments & Nominations

APPROVED:

Main Street Business Improvement Zone & Zone Plan

*Joan Lowenstein
502 Burson Pl.
Ann Arbor, MI 48104
Term: January 4, 2010 - June 30, 2011*

A motion was made by Councilmember Teall, seconded by Councilmember Higgins, that the appointment proposed by the Mayor be approved in a one-step process. On a voice vote, the Mayor declared the motion carried.

COMMUNICATIONS FROM COUNCIL

None.

F COMMUNICATIONS FROM THE CITY ATTORNEY

None.

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

G The following communications were referred as indicated:

Passed on consent agenda

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

G-1 09-1278 Communication from the Department of Energy, Labor, and Economic Growth Bureau of Construction Codes Regarding a Notice of Public Hearing on January 20, 2010

G-2 09-1279 Communication from The Detroit Edison Company Regarding a Public Hearing on January 12, 2010 to Discuss New Depreciation Accrual Rates

H The following minutes were received for file:

H-1 09-1191 Environmental Commission - September 24, 2009

H-2 09-1261 Park Advisory Commission Minutes - November 17, 2009

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Vivienne Armentrout - bicycling

Vivienne Armentrout, 920 Vesper, spoke about bicycling in the City and the registration process.

Kathy Griswold - crosswalks

Kathy Griswold, 3565 Fox Hunt Drive, spoke about the sidewalk crosswalk near King Elementary School. She expressed concerns about the potential safety risks of the current situation and expressed frustration regarding the City's response. Ms. Griswold also spoke in support of bicycle safety improvements.

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

None.

ADJOURNMENT

A motion was made by Councilmember Higgins, seconded by Councilmember Anglin, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:44 p.m.

10-0036

City Council Emails - January 4, 2010

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, JANUARY 4, 2010

REPLAYS: TUESDAY, JANUARY 5, 2010 10:00 A.M. AND FRIDAY, JANUARY 8, 2010 7:30 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office by telephone at 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.