



City of Ann Arbor

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

Meeting Agenda City Council

Monday, April 2, 2012

7:00 PM

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

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

APPROVAL OF AGENDA

INT INTRODUCTIONS

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. **Nancy Gerler - Medical Marijuana (DC-1)**
2. **Thomas Partridge - What would Jesus advocate? Improve public funding for transportation, healthcare, housing and drug prevention; or pursue selfish private interests? (DC-1)**
3. **Henry Herskovitz - AAPD (DS-3 and DS-4)**
4. **Luis Vasquez - Medical Marijuana (DC-1)**
5. **Jamie Lowell - Michigan Association of Compassion Center; Medical Marijuana (DC-1)**

6. Elizabeth Marshall - Medical Marijuana (DC-1)
7. Nancy Wright Maxwell - Medical Marijuana (DC-1)
8. Mitchell Elkiss - Dispensaries (DC-1)
9. Laurel Hufano - Dispensaries (DC-1)
10. Mary Hankins - Medical Marijuana (DC-1)

Alternates:

1. Jeff Auzreau - Medical Marijuana (DC-1)
2. Drew Driver - Medical Marijuana (DC-1)

COMMUNICATIONS FROM COUNCIL

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-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)
(Community Services - Sumedh Bahl, Area Administrator)
Attachments: 12-04 Briefed, 12-6-11 Ch 59 Ordinance, 12-6-11 Planning Staff Report, 12/6/11 CPC Minutes
(See B-1)
- PH-2 [12-0336](#) Resolution to Approve the Noodles and Company Site Plan, 2161 West Stadium (CPC Recommendation: Approval - 9 Yeas, 0 Nay)
(Community Services - Sumedh Bahl, Area Administrator)
Attachments: Planning Staff Report
(See DB-1)

- PH-3 [12-0363](#) Resolution to Approve Society of Les Voyageurs PUD Site Plan, 411 Long Shore Drive (CPC Recommendation: Approval - 9 Years and 0 Days)

(Community Services - Sumedh Bahl, Community Services Administrator)

Attachments: 1/19/12 Planning Staff Report - Society of Les Voyageurs, 10/29/11 Citizen Participation Report - Society of Les Voyageurs, 12/2/11 Proposed PUD Site Plan - Society of Les Voyageurs, 1/19/12 Commission Minutes.pdf

(See DB-2)

COMMUNICATIONS FROM COUNCIL

A APPROVAL OF COUNCIL MINUTES

- A-1 [12-0466](#) Regular Session Meeting Minutes of March 19, 2012

(City Clerk Services - Jacqueline Beaudry, City Clerk)

Attachments: 3-19-12 Draft Minutes.pdf, 3-19-12 Council Emails and Redaction List

CA CONSENT AGENDA

- CA-1 [12-0395](#) Resolution to Approve Second Amendment to License Agreement with New Cingular Wireless PCS, LLC, as Successor in Interest to AT&T Wireless PCS, Inc., to Erect and Use Telecommunications Equipment on the Plymouth Road Water Tower Site

(Public Services - Craig Hupy, Interim Publics Services Administrator)

B ORDINANCES - SECOND READING

- B-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 Years, 0 Days) (Ordinance No. ORD-12-04)

(Community Services - Sumedh Bahl, Area Administrator)

Attachments: 12-04 Briefed, 12-6-11 Ch 59 Ordinance, 12-6-11 Planning Staff Report, 12/6/11 CPC Minutes

(See PH-1)

C ORDINANCES - FIRST READING

- C-1 [12-0393](#) An Ordinance to Amend Section 10:1a, to Add a New Section 10:1b and to Renumber Current Section 10:1b of Chapter 126, Traffic, of Title X of the Code of the City of Ann Arbor
(City Attorney Services - Stephen K. Postema, City Attorney)
Attachments: BAC Ord Amendment.pdf
- C-2 [12-0432](#) An Ordinance to Amend Section 4:14 of Chapter 47, Streets and Sidewalks, of Title IV of the Code of the City of Ann Arbor
(City Attorney Services - Stephen K. Postema, City Attorney)
Attachments: Sidewalk Permit Ord Amendment.pdf
- C-3 [12-0434](#) An Ordinance to Amend Sections 1:552.1(2) and 1:564(2) of Chapter 18, Employees Retirement System, of Title I of Code of the City of Ann Arbor
(City Attorney Services - Stephen K. Postema, City Attorney)
Attachments: Ordinance Amend 15521 _1564 (2).pdf
- C-4 [12-0435](#) An Ordinance to Amend Sections 1:552.1, 1:561, 1:562, 1:565, 1:566, 1:567, 1:568, 1:572 and 1:592 of Chapter 18, Employees Retirement System, Title I of the Code of the City of Ann Arbor to Implement a "Pick-Up" Provision Allowed by Internal Revenue Code 414(h) for Members represented by the IAFF, Local 693 and the Command Officers Association, and Increase the Contribution Level for Members Represented by the Command Officers Association, and to Implement a HELPS provision for Eligible Retired Public Safety Officers, and to Implement an Other Qualified Adult Pop-Up Provision for Members represented by the Ann Arbor Police Officers Association, the Command Officers Association and AFSCME, and to Implement Other Collectively Bargained Changes for Members Represented by the IAFF, Local 693.
(City Attorney Services - Stephen K. Postema, City Attorney)
Attachments: Ord Am Chpt 18 _n
- C-5 [12-0436](#) An Ordinance to Amend Sections 1:700 and 1:704 of Chapter 21, Retiree Health Care Benefits Plan and Trust, Title I, of the Code of the City of Ann Arbor To Include Negotiated Changes for New Hires in Firefighters Collective Bargaining Unit
(City Attorney Services - Stephen K. Postema, City Attorney)
Attachments: Ord Am 1700_1704

- C-6 [12-0471](#) An Ordinance to Amend Sections 7:502, 7:504, 7:505 and 7:506 of Chapter 95 of Title VII (Businesses and Trades) of the Code of the City of Ann Arbor
- (Medical Marijuana Licensing Board)
- Sponsors:** Briere
- Attachments:** Medical Marijuana Licenses Ordinance

D MOTIONS AND RESOLUTIONS

DC Old Business - Council:

- DC-1 [12-0319](#) Resolution to Delay Certain Enforcement Activities against Medical Marijuana Dispensaries and Cultivation Facilities
- (Medical Marijuana License Review Board)
- Sponsors:** Briere
- (Postponed from the 3/5/12 and 3/19/12 regular sessions)*

DC New Business - Council:

- DC-2 [12-0487](#) Resolution to Direct Planning Commission and Planning and Development Services Staff to Revise the Zoning Ordinance Requirements for Medical Marijuana Dispensaries and Cultivation Facilities
- (Medical Marijuana Licensing Board)
- Sponsors:** Briere
- Attachments:** Medical Use of Marijuana Zoning Ordinance draft 1-18-12
- (Added 3/29/12)*
- DC-3 [12-0492](#) Resolution Requiring Review of Downtown Development Authority FY13 Tax Increment Finance Calculation and Capture
- (City Council)
- Sponsors:** Kunselman
- (Added 3/30/12)*
- DC-4 [12-0494](#) Resolution Requiring City Attorney Written Opinion on Legality of Transferring Voter Approved Street Millage Funds to Public Art Fund
- (City Council)
- Sponsors:** Kunselman and Briere
- (Added 3/30/12)*

DB New Business - Boards and Commissions:

- DB-1 [12-0336](#) Resolution to Approve the Noodles and Company Site Plan, 2161 West Stadium (CPC Recommendation: Approval - 9 Yeas, 0 Nay)
(Community Services - Sumedh Bahl, Area Administrator)
Attachments: Planning Staff Report
(See PH-1)
- DB-2 [12-0363](#) Resolution to Approve Society of Les Voyageurs PUD Site Plan, 411 Long Shore Drive (CPC Recommendation: Approval - 9 Yeas and 0 Nays)
(Community Services - Sumedh Bahl, Community Services Administrator)
Attachments: 1/19/12 Planning Staff Report - Society of Les Voyageurs, 10/29/11 Citizen Participation Report - Society of Les Voyageurs, 12/2/11 Proposed PUD Site Plan - Society of Les Voyageurs, 1/19/12 Commission Minutes.pdf
(See PH-2)
- DS **New Business - Staff:**
- DS-1 [12-0338](#) Resolution to Award a Construction Contract to Barrett Paving Materials, Inc. (ITB. 4204, \$3,647,344.36) for the 2012 Street Resurfacing Project - Program A
(Project Management Services - Craig Hupy, Interim Public Services Administrator)
Attachments: Tentative Schedule and Bid Tab - Program A.pdf, Street Locations - Program A.pdf
- DS-2 [12-0142](#) Resolution to Approve Professional Services Agreement With Ed Carpenter to Design, Fabricate and Install Public Art for the Ann Arbor Justice Center Lobby (\$150,000.00)
(Public Services - Craig Hupy, Interim Public Services Administrator)
Attachments: Carpenter Proposal.pdf, Contract Justice Center Art Final.pdf
- DS-3 [12-0344](#) Resolution to Approve the Purchase of One Police Detective Vehicle from Red Holman Buick/GMC (State of Michigan Bid \$28,620.00)
(Fleet & Facilities Services - Craig Hupy, P.E. Interim Public Services Administrator)
- DS-4 [12-0345](#) Resolution to Approve the Purchase of Three Police Detective Vehicles from Signature Ford (Macomb County Bid \$68,763.00)
(Fleet & Facilities Services - Craig Hupy, Interim Public Services Administrator)

- DS-5 [12-0364](#) Resolution to Approve the Submittal of a Request to Michigan Department of Transportation for Converting I-94BL (Jackson Road) from 4 to 3 Traffic Lanes from East of Maple Road to S. Revena Blvd.
(Project Management Services - Craig Hupy, Interim Public Services Administrator)
Attachments: Summary of Comments for Proposed 4 to 3 Lane Conversion3_5_12.pdf, 875213lanenocap2_16_12 Presentation.log
- DS-6 [12-0342](#) Resolution to Approve Arbor Hills Crossing Revised Elevations, 3100 Washtenaw Avenue
(Community Services - Sumedh Bahl, Area Administrator)
Attachments: Memorandum Describing Changes.pdf, Approved Elevations.pdf, Revised Elevations.pdf
- DS-7 [12-0343](#) Resolution to Establish a Contribution In Lieu of Required Parking Policy as Part of the 2009 Downtown Off-Street Parking Amendments
(Community Services - Sumedh Bahl, Community Services Administrator)
Attachments: Parking CIL Policy.docx
- DS-8 [12-0354](#) Resolution to Approve Street Closings for the UA Block Party - Monday, August 13, 2012
(Community Services - Sumedh Bahl, Community Services Administrator)
Attachments: UA Block Party Map.pdf

E COMMUNICATIONS FROM THE MAYOR

- E-1 [12-0431](#) Appointments and Nominations
(Mayor's Office)

COMMUNICATIONS FROM COUNCIL**F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

- F-1 [12-0371](#) Sidewalk Occupancy Permits and Peddler's Licenses for April 7, 2012
(Community Services - Sumedh Bahl, Community Services Administrator)
Attachments: Hash Bash 2012 Map.pdf

G COMMUNICATIONS FROM THE CITY ATTORNEY**H & I CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**

- H The following communications were referred as indicated:

- H-1 [12-0397](#) Ann Arbor Public Art Commission Planning Retreat - February 26, 2012
(Public Services - Craig Hupy, Interim Public Services Administrator)

Attachments: AAPAC Retreat Feb 26 2012.pdf

- H-2 [12-0441](#) Communication from the Department of Environment Quality regarding
MDEQ Permit No. 11-81-0026-P, a request from Ronald Cavallero, of
OHM, requesting a revision for want authorized by the MDEQ - File
(City Clerk Services)

Attachments: deq communication

I The following minutes were received for file:

- I-1 [12-0173](#) Planning Commission Meeting Minutes of January 19, 2012
(Planning and Development Services)

Attachments: 1-19-2012 CPC Approved Minutes

- I-2 [12-0182](#) Historic District Commission Meeting Minutes of the January 12, 2012
(Planning and Development Services)

Attachments: 1-12-2012 HDC Approved Minutes.pdf

- I-3 [12-0409](#) Ann Arbor Employees' Retirement System Minutes for the Regular
Meeting - February 16, 2012

(Employees' Retirement System Board of Trustees - Nancy Walker, Director)

Attachments: Retirement System Minutes 2/16/12.pdf

- I-4 [12-0411](#) Ann Arbor Retiree Health Care Benefit Plan & Trust Board of Trustees
Minutes of Regular Board Meeting - February 16, 2012

(Employees' Retirement System Board of Trustees - Nancy Walker, Director)

Attachments: VEBA Bd Minutes 2/16/12.pdf

- I-5 [12-0418](#) Downtown Area Citizens Advisory Council Minutes - March 6, 2012

(Downtown Development Authority - Susan Pollay, Executive Director)

Attachments: Downtown Area Citizens Advisory Council Meeting Minutes 030612.pdf

- I-6 [12-0417](#) Ann Arbor Downtown Development Authority Meeting Minutes -
February 1, 2012

(Downtown Development Authority - Susan Pollay, Executive Director)

Attachments: DDA Minutes 20112.pdf

- I-7 [12-0414](#) Ann Arbor Transportation Authority Board Meeting Minutes of February 16, 2012
Attachments: AATA Board Meeting Minutes_2.16.12_Approved
- I-8 [12-0452](#) Washtenaw Area Transportation Study (W.A.T.S.) Committee Meeting Minutes of February 15, 2012
Attachments: W.A.T.S. February 2012 Policy Committee minutes

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

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

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, APRIL 2, 2012, 7:00 P.M.

REPLAYS: TUESDAY, APRIL 3, 2012, 10:00 A.M. AND FRIDAY, APRIL 6, 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/Vid eoOnDemand.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.