

City of Ann Arbor

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



Action Minutes

Monday, November 15, 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 7:06 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 - 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

ADMINISTRATION OF OATH OF OFFICE OF NEWLY ELECTED COUNCILMEMBERS

City Clerk Jacqueline Beaudry administered the Oath of Office to newly re-elected Councilmembers Sandi Smith, Tony Derezinski, Christopher Taylor, Margie Teall and Mayor Hieftje.

10-1214 Resolution Appointing Mayor Pro-Tem and Establishing the Order of Succession for Acting Mayor

Sponsors: Rapundalo

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

Enactment No: R-10-400

10-1211 Proposed Changes to Council Rules

Sponsors: Higgins and Rapundalo

A motion was made by Councilmember Briere, seconded by Councilmember Higgins, that the Rules of Council be adopted.

A motion was made by Councilmember Higgins, seconded by Councilmember Taylor, that the Council Rules be postponed until 12/6/2010. On a voice vote, the Mayor declared the motion carried.

10-1210 Resolution to Establish 2011 City Council Calendar

Sponsors: Higgins and Rapundalo

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the 2011 Council Calendar be approved.

Enactment No: R-10-419

A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the 2011 Council Calendar be amended as follows:

[July 5, 2011] JULY 11, 2011

[July 18, 2011] JULY 25, 2011

Note: Brackets [] indicate deleted language.

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

Yeas: 5 - Councilmember Teall, Councilmember Anglin, Councilmember Smith, Councilmember Derezinski and Councilmember Hohnke

Nays: 6 - Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Briere and Councilmember Taylor

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the 2011 Council Calendar be amended as follows:

[August 2, 2011] AUGUST 4, 2011

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

10-1210 Resolution to Establish 2011 City Council Calendar

Sponsors: Higgins and Rapundalo

The question being the motion made by Councilmember Briere, seconded by Councilmember Teall, that the Resolution be approved as amended. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-419

10-1213 2011 City Council Committee Appointments

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

APPROVAL OF AGENDA

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Agenda be approved with the following changes:

Add: DC-3 Resolution to Extend the Temporary Moratorium on the Use of Property and Structures in the City for Dispensing and Cultivating Marihuana (Consider before B-2)

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

INT INTRODUCTIONS

INT-1 10-1146 Proclamation in Appreciation of Chuck Warpehoski and Nancy Shore November 4, 2010

Mayor Hieftje read a proclamation honoring the personal and volunteer endeavors of Chuck Warpehoski and Nancy Shore for their work to improve the Winewood Thaler Park by organizing neighborhood events to remove invasive plants and clean up litter in the park. 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 HAVE BEEN MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

1. Thomas Partridge - Fair and equitable zoning and housing ordinances needed (B-1, DS-1 & I-1)

Thomas Partridge, 2020 Pauline, addressed Council regarding the need for fair and equitable zoning and housing ordinances.

2. Susan Morrison - Huron Hills Parkland (H-3)

Susan Morrison, 1124 Brooks, legal counsel representing the Ann Arbor Parks Preservation Association, said that the association members are concerned about preserving Huron Hills Golf Course as public parkland and as an 18-hole golf course and preventing its commercialization. She urged Council to reject the current proposal from Miles of Golf regarding Huron Hills Golf Course.

3. Julie Grand - Argo Dam Reconstruction (DS-12)

Julie Grand, 1601 Brooklyn, chair of the Park Advisory Commission, spoke in support of Argo Dam reconstruction. She said that there are a number of reasons why the reconstruction would benefit the City. One benefit is that if the portage was removed, canoeing on the river would be easier for many people. The City would likely receive more revenue for canoeing activities with the removal of the portage.

4. Laura Rubin - Argo Dam and Drinking Water Fund (DC-1)

Laura Rubin, 625 Fountain, Executive Director of the Huron River Watershed Council, spoke in support of the Resolution directing the City Administrator to remove costs for recreational facilities from the City's Drinking Water Fund and said that its time to implement the Source Water Protection Plan.

5. Nicholas Nightwine - Compost Operations (DS-6)

Nicholas Nightwine, 2500 Packard, President of AFSCME Local 369, addressed Council regarding the contracting out of the Ann Arbor Compost Center. He said that the City would still take a loss if the work is contracted out. He urged Council to postpone action on this item until more information is available for them to make an informed decision.

6. Libby Hunter - Susan Morrison's Letter (H-3)

Libby Hunter, 827 Bruce, serenaded Council regarding Susan Morrison's letter concerning the Ann Arbor Parks Preservation / Huron Hills Parkland City of Ann Arbor RFP No. 762.

7. Ray Ayer - Compost Center (DS-6)

Ray Ayer, 1606 Longshore, spoke in opposition of the proposed changes to the Compost Center. He said that the RFP to give away the City's \$5 million award winning composting operation is ill-advised.

8. Henry Herskovitz - Palestine

Henry Herskovitz, 404 Mark Hannah, addressed Council regarding the issues in Palestine and asked Council to say no to a Jewish State in Palestine.

9. Thomas Mesko - Compost Operations Privatization (DS-6)

Thomas Mesko, 728 Brooks Street, spoke in opposition of the privatization of the Compost Center and urged Council to postpone the resolution and consider other possibilities with regard to the future of the City's composting operation.

Alternate:

1. Michael Psarouthakis - Argo Dam (DS-12)

Michael Psarouthakis, 1210 Morehead, representing the Ann Arbor Rowing Committee, spoke in support of the Argo Dam proposal.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER ANGLIN

Councilmember Anglin announced that Grace Lusac, a Pioneer High School graduate, just won a gold medal in the international rowing competition that took place in New Zealand. She and her team are now preparing for the Olympics. Councilmember Anglin stated that if anyone is interested in supporting her and the team, they may contact him via email for additional information.

COUNCILMEMBER BRIERE

Councilmember Briere said that Grace and her team also earned a gold medal in the recent World Cup.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR*DECEMBER 4, 2010 ANNUAL WORKSHOP*

City Administrator Fraser announced that the City Council Annual Retreat and Goal Setting Session is scheduled for Saturday, December 4, 2010. More details will follow.

HAWK TRAFFIC SIGNAL

A dedication to the City's Hawk Traffic Signal is scheduled for November 17, 2010 at the YMCA. Mr. Fraser encouraged everyone to attend.

WEST STADIUM BOULEVARD RECONSTRUCTION

West Stadium Boulevard reopened to traffic in both directions on November 5, 2010.

MILLER ROAD CONSTRUCTION

Construction continues on the south side of Miller Road. The base on the south side of the road is expected to be completed by November 18, 2010 and if weather allows it, the entire street will be paved during the week of November 22, 2010.

POLICE / COURT BUILDING MOVE-INS

Mr. Fraser updated Council regarding the relocation of staff to the new Police / Court Building. A schedule of police service locations and their moving schedule would be provided to Council electronically.

NO TRASH PICK-UP ON THANKSGIVING DAY

There will be no city trash, recycling or compost collection on Thanksgiving Day, November 24, 2010. Normal Thursday schedules will occur on Friday and the normal Friday collection will occur on Saturday.

SEASONAL CURB SIDE PICK-UPS

Seasonal curb side pick-up of compostable materials has been extended to December 10 to provide an additional two weeks for residents to collect fall leaves and other yard debris from the lawn extensions.

FISCAL YEAR 2012 - 2017 CIP

Mr. Fraser announced that residents can provide input on the Fiscal Year's 2012-2017 Capital Improvements Plan (CIP) by taking an anonymous online survey at www.surveymonkey.com/s/cip_survey.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 10-0949

An Ordinance to Add Section 5:50.1 of Chapter 55 (Zoning) of Title V of the Code of the City of Ann Arbor Regarding Regulations Concerning Medical Marijuana (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-10-37)

A public hearing was conducted on the proposed amendment to Chapter 55 - Zoning, adding Section 5:50.1 of Title V of the Code of the City of Ann Arbor, regarding regulations concerning Medical Marijuana. Notice of public hearing was published October 28, 2010.

The following people spoke in support of the proposed ordinance regarding regulations concerning Medical Marijuana:

Charmie Gholson

The following people spoke in opposition of the proposed ordinance regarding regulations concerning Medical Marijuana:

Thomas Partridge

There being no further comment, the Mayor declared the hearing continued until December 20, 2010.

Held and Continued until 12/20/2010

COMMUNICATIONS FROM COUNCIL

None.

A APPROVAL OF COUNCIL MINUTES

A-1 10-1196 Regular Session Minutes of November 4, 2010

A motion was made by Councilmember Hohnke, seconded by Councilmember Taylor, that the regular session minutes of November 4, 2010 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

CONSENT AGENDA ITEM 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 Professional Services Agreement with JJR, LLC (\$56,260.00) for Public Engagement and Meeting Facilitation Services to Support the Development of the Urban Forest Management Plan

CA-2 10-1082

Resolution to Approve the Final Balancing Change Order with Site Development Inc. for the Steere Farm Well Field Raw Water Main Replacement Project (\$66,617.00)

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-10-401

- CA-1 10-0998** Resolution to Approve Professional Services Agreement with JJR, LLC (\$56,260.00) for Public Engagement and Meeting Facilitation Services to Support the Development of the Urban Forest Management Plan

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Resolution be laid on the table. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

Old Business:

- B-1 10-0750** An Ordinance to Amend Chapter 55 (Zoning) and Chapter 59 (Off-Street Parking) of Title V of the Code of the City of Ann Arbor Regarding Revisions to Area, Height, and Placement Regulations (CPC Recommendation: Approval - 9 Yeas, 0 Nays) (Ordinance No. ORD-10-34)

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the ordinance be adopted at second reading.

Enactment No: ORD-10-34

A motion was made by Councilmember Higgins, seconded by Councilmember Taylor, that the Ordinance be postponed until 12/6/2010. On a voice vote, the Mayor declared the motion carried.

- DS-1 10-0748** Resolution Authorizing Summary Publication of Ordinance No. ORD 10-34 An Ordinance to Amend Chapter 55 (Zoning) and 59 (Off-street Parking) of Title V of the Code of the City of Ann Arbor, by adding amendments that primarily pertain to Area, Height, and Placement standards

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

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Resolution be postponed until 12/6/2010. On a voice vote, the Mayor declared the motion carried.

New Business:

- DC-3 10-1215** Resolution to Extend the Temporary Moratorium on the Use of Property and Structures in the City for Dispensing and Cultivating Marihuana

Sponsors: Higgins

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

Enactment No: R-10-402

- B-2 10-0949** An Ordinance to Add Section 5:50.1 of Chapter 55 (Zoning) of Title V of the Code of the City of Ann Arbor Regarding Regulations Concerning Medical Marijuana (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-10-37)
- A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the ordinance be adopted at second reading.**
- Enactment No: ORD-10-37
- A motion was made by Councilmember Higgins, seconded by Councilmember Smith, that the Ordinance be postponed until 12/20/2010. On a voice vote, the Mayor declared the motion carried.**
- CA-1 10-0998** Resolution to Approve Professional Services Agreement with JJR, LLC (\$56,260.00) for Public Engagement and Meeting Facilitation Services to Support the Development of the Urban Forest Management Plan
- A motion was made by Councilmember Higgins, seconded by Councilmember Hohnke, that the Resolution be taken off the table. On a voice vote, the Mayor declared the motion carried.**
- The question being, the motion made by Councilmember Higgins, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-10-403

RECESS

Mayor Hieftje declared a recess at 8:28 p.m. and reconvened the meeting at 8:36 p.m.

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS**DC New Business - Council:**

- DC-1 10-1190** Resolution to Fund Argo Dam Embankment and Headrace Reconstruction with Funds Other Than Drinking Water Fund and Directing City Administrator to Fund Costs for Argo and Geddes Dams with Funds Other Than the Water Supply System Fund
- Sponsors:** Hohnke and Teall
- A motion was made by Councilmember Hohnke, seconded by Councilmember Teall, that the Resolution be approved.**
- Enactment No: R-10-404

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

[RESOLVED, That City Council direct the City Administrator to identify funding for the Argo Dam embankment and headrace reconstruction project that does not include funding from the Water Supply System Fund;]

Note: Brackets [] indicate deleted language.

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

Yeas: 8 - Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski and Councilmember Taylor

Nays: 3 - Hieftje, Councilmember Teall and Councilmember Hohnke

10-1190

Resolution to Fund Argo Dam Embankment and Headrace Reconstruction with Funds Other Than Drinking Water Fund and Directing City Administrator to Fund Costs for Argo and Geddes Dams with Funds Other Than the Water Supply System Fund

Sponsors: Hohnke and Teall

The question being, the motion made by Councilmember Hohnke, seconded by Councilmember Teall, that the Resolution be approved as amended. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 10 - Hieftje, Councilmember Rapundalo, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Nays: 1 - Councilmember Kunselman

Enactment No: R-10-404

DC-2 10-1199

Resolution to Extend Deadline for the Design Guidelines Recommendation

Sponsors: Higgins

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

Enactment No: R-10-405

DB New Business - Boards and Commissions:

DB-1 10-1068 Resolution to Approve Participation Agreement with Webster Township for the Purchase of Development Rights on the Norman Ledwidge Farm and Appropriate Funds, Not to Exceed the Amount of \$179,025.00 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-10-406

DB-2 10-1100 Resolution to Approve Purchase of Development Rights on Bradley D. and Mary J. Clark Farm, and Appropriate \$182,939.00 from Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)

A motion was made by Councilmember Hohnke, seconded by Councilmember Derezenski, 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-10-407

DB-3 10-1101 Resolution to Approve Participation Agreement with Ann Arbor Township for the Purchase of Development Rights on the Edward C. and Muriel Pardon Farm and Appropriate Funds, in the Amount of \$145,154.50 from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)

A motion was made by Councilmember Hohnke, seconded by Councilmember Teall, 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-10-408

Old Business - Staff:

DS-2 10-0975 Resolution to Approve a Purchase Order to ISCG, Inc. For Furnishings & Equipment for the 15th Judicial District Court and to Approve a Budget Amendment for that Purpose (\$36,000.00) (8 Votes Required)

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, 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-10-409

DS New Business - Staff:

DS-3 10-1133 Resolution to Approve Amendment No.1 to SunTel/Mitel Contract (\$90,765.00) and Amend Project Budget by \$57,950 (to \$837,020.00) (8 Votes Required)

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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-10-410

RE-OPEN AGENDA

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Agenda be reopened. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 6 - Hieftje, Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Derezinski and Councilmember Taylor

Nays: 5 - Councilmember Rapundalo, Councilmember Higgins, Councilmember Teall, Councilmember Smith and Councilmember Hohnke

Move DS-12 to be considered after DS-4

A motion was made by Councilmember Briere that DS-12 be moved before DS-4. On roll call, the vote was as follows, with the Mayor declaring the motion defeated without 2/3 vote of Council (Note: It was later determined that Rule 3 (3/4 vote to add agenda items) did not apply in this case.):

Yeas: 7 - Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Derezinski and Councilmember Taylor

Nays: 4 - Councilmember Rapundalo, Councilmember Higgins, Councilmember Smith and Councilmember Hohnke

DS-4 10-1080

Resolution to Approve Amendment #1 with Quinn Evans Architects (QEA) to Complete the Fabrication and Installation of the Herbert Dreiseitl Exterior Artwork at the Ann Arbor Municipal Center (\$553,320.00)

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 8 - Hieftje, Councilmember Rapundalo, Councilmember Teall, Councilmember Anglin, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Nays: 3 - Councilmember Kunselman, Councilmember Higgins and Councilmember Briere

Enactment No: R-10-411

Present: 10 - John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Christopher Taylor and Councilmember Carsten Hohnke

Absent: 1 - Councilmember Tony Derezinski

DS-5 10-1066 Resolution to Accept Grant and Appropriate Funds from the Federal Emergency Management Agency for Purchase and Demolition at 215 & 219 W. Kingsley Street (\$216,723.00) (8 Votes Required)

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 with ten members of Council voting, thus satisfying the eight-vote requirement.

Enactment No: R-10-412

Present: 11 - 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

DS-6 10-1097 Resolution to Approve Contract With WeCare Organics for Operating the Ann Arbor Compost Facility (not to exceed \$200,000.00 annually)

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

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be postponed until 12/6/2010. On a voice vote, the Mayor declared the motion carried.

DS-7 10-1028 Resolution to Authorize Commercial Activities and Set Parking and Permit Limitations for the December 11, 2010 University of Michigan "Big Chill" Hockey Game

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

Enactment No: R-10-413

DS-8 10-1053 Resolution to Accept and Allocate Michigan Supreme Court State Court Administrative Office DWI Drug Treatment Court Program Grant and Approve Grant Contract (\$70,000.00) (8 Votes Required)

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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-10-414

DS-9 10-1074 Resolution to Accept and Allocate Michigan Supreme Court State Court Administrative Office Michigan Drug Court Grant Program Grant and Approve Grant Contract (\$60,000.00) (8 Votes Required)

A motion was made by Councilmember Anglin, seconded by Councilmember Teall, 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-10-415

DS-10 10-1139 Resolution Granting Joint Easement for Permanent Drainage into the S. Fifth Avenue Underground Parking Structure from the City of Ann Arbor to 330 East Liberty, LLC and 320 South Division LLC (8 Votes Required)

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

Enactment No: R-10-416

DS-11 10-1051 Resolution to Amend a Contract with MSU Extension for \$75,000.00 in Ann Arbor Housing Trust Funds to Change the Vendor to Washtenaw County

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

Enactment No: R-10-417

DS-12 10-1144 Resolution to Authorize a Contract with TSP Environmental to Design and Construct a By-Pass Channel in the Argo Dam Headrace (\$1,168,170.00) and Appropriate Funds (8 Votes Required)

A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the Resolution be approved using Option 3 as provided by staff.

Enactment No: R-10-418

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

Delete the following from the Resolution:

[[Option 4] RESOLVED, That City Council authorizes the appropriation of \$155,170.00 from General Fund Reserves to the project budget;]

[[Option 1]]

[[Option 2]

- Rehabilitation and Development Millage fund balance - \$683,000
- Parks Capital Existing River Parks Project - \$195,000.00
- Parks Additional Capital Funds from Savings on Existing Projects - \$135,000.00
- Parks Forestry Funding - \$155,170.00
- Total - \$1,168,170.00

[Option 3]

- Rehabilitation and Development Millage fund balance - \$683,000
- Parks Capital Existing River Parks Project - \$195,000.00
- Parks Additional Capital Funds from Savings on Existing Projects - \$135,000.00
- Parks Capital Existing Recreation Facility Updates - \$155,170.00
- Total - \$1,168,170.00

[Option 4]

- Rehabilitation and Development Millage fund balance - \$683,000.00
- Parks Capital Existing River Parks Project - \$195,000.00
- Parks Additional Capital Funds from Savings on Existing Projects - \$135,000.00
- General Fund Reserves - \$155,170.00
- Total - \$1,168,170.00]

Note: Brackets [] indicate deleted language.

It was considered friendly to add the words "up to" before \$300,000 in the 4th Resolved Clause.

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

Yeas: 6 - Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere and Councilmember Smith

Nays: 5 - Hieftje, Councilmember Teall, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

10-1144 Resolution to Authorize a Contract with TSP Environmental to Design and Construct a By-Pass Channel in the Argo Dam Headrace (\$1,168,170.00) and Appropriate Funds (8 Votes Required)

The question being the motion made by Councilmember Taylor, seconded by Councilmember Derezinski, that the Resolution be approved as amended. On a roll call, the vote was as follows with the Mayor declaring the motion carried, thus satisfying the eight-vote requirement:

Yeas: 10 - Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski and Councilmember Taylor

Nays: 1 - Councilmember Hohnke

Enactment No: R-10-418

E COMMUNICATIONS FROM THE MAYOR

E-1 10-1163 Appointment - Confirmation

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the November 4, 2010 regular session of Council:

Human Rights Commission

Mohamad Issa (Filling Vacancy)

3551 Packard Rd.

Ann Arbor, MI 48108

Term: November 15, 2010-October 31, 2013

A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that Council concur with the recommendation of the Mayor. On a voice vote, the Mayor declared the motion carried.

E-2 10-1212 Appointments - Confirmations

NOMINATIONS

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

*Historic District Commission
Benjamin L. Bushkuhl (Replacing -Diane Giannola)
3186 Bolgos Circle
Ann Arbor, MI 48105
Term: December 6, 2010- December 6, 2013*

*Human Rights Commission
Linda Winkler (Re-Appointment)
625 Second St.
Ann arbor, MI 48103
Term: November 15, 2010-October 31, 2013*

Referred to the City Council due back on 12/6/2010

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER SMITH

Councilmember Smith inquired about City staff support for the Human Rights Commission.

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman thanked city employees for fixing the watermain break in his neighborhood.

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 Briere, seconded by Councilmember Derezinski, that the following items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- H-1 10-1143** Communication from Janis A Bobrin, Chair of the Washtenaw County Drainage Board regarding notice of hearing of necessity for the Allen Creek West Park Fairgrounds Drain Project scheduled for November 18, 2010 at the office of Washtenaw County Water Resources Commissioner, Western County Service Center, 705 N. Zeeb Rd.
- H-2 10-1172** Communication from the Department of Energy, Labor & Economic Growth Public Service Commission regarding the Uniform video Services Local Franchise Act - CTN
- H-3 10-1200** Communication from Susan Morrison regarding Ann Arbor Parks Preservation / Huron Hills Parkland City of Ann Arbor RFP No. 762

I The following minutes were received for file:

- I-1 10-1114** Ann Arbor Housing Commission Regular Board Meeting Minutes - September 15, 2010
- I-2 10-1117** City of Ann Arbor Retiree Health Care Benefit Plan & Trust Board Meeting Minutes - September 16, 2010
- I-3 10-1119** City of Ann Arbor Employees' Retirement System Minutes - September 16, 2010
- I-4 10-1126** Zoning Board of Appeals Minutes - January 27, 2010; March 24, 2010; April 28, 2010; June 23, 2010; and June 23, 2010 Organizational Meeting
- I-5 10-1138** Taxicab Board Meeting Minutes - August 26, 2010
- I-6 10-1149** Council Liquor License Review Committee - September 17 and 24, 2010
- I-7 10-0963** Council Liquor License Review Committee - August 13, 2010

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Tom Partridge expressed concerns with the agenda format and Argo Dam.

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).

None.

ADJOURNMENT

A motion was made by Councilmember Kunselman, seconded by Councilmember Taylor, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:20 p.m..

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, NOVEMBER 15, 2010, 7:00 P.M.

**REPLAYS: TUESDAY, NOVEMBER 16, 2010, 10:00 A.M. AND FRIDAY,
NOVEMBER 19, 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.