

City of Ann Arbor

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



Action Minutes

Monday, April 20, 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 7:05 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 Briere, seconded by Councilmember Higgins, that the Agenda be approved with the following changes:

Add: DC-2 Resolution to Approve Amendment No. 2 to Lease Agreement between Panzada, Inc. and the City of Ann Arbor, Assignee to the Lease Agreement between Panzada, Inc. and Dean Zahn Properties, L.L.C. (8 Votes Required)

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

INT INTRODUCTIONS

- INT-1 09-0247** Presentation of the LDFA Annual Report and Budget Proposal by Chairman Richard King
- Richard King gave an update to City Council on the 2008 LDFA Annual Report and Budget Proposal for the period of July 1, 2007 through June 30, 2008. The LDFA is responsible for overseeing the Ann Arbor/Ypsilanti Smart Zone. The Smart Zones was created in 2001 by the MEDC. The purpose of the Smart Zone is to help generate technology-based businesses in the Smart Zone areas. A copy of the report is on file in the City Clerk's Office.*

INT-2 09-0297 City Administrator's FY 2010 Budget Presentation

City Administrator Roger Fraser gave a slide presentation of the proposed FY 2009-2010 City Budget to Council. Mr. Fraser explained the recommended budget and the second year of the two-year plan, addresses the current proposed budget plan for FY 2011. The budget is based on the two-year fiscal plan approved by Council last year with adjustments to reflect new information. The two-year fiscal plan projects the anticipated revenue receipts over two years and includes expenditure reduction strategies to establish an operating fiscal plan that is balanced with the projected revenues. A copy of the proposed budget is on file in the City Clerk's Office.

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. Jim Mogensen - Allocations to Nonprofit Entities for Human Services (DS-1)

Jim Mogensen, 3780 Green Brier, addressed Council regarding allocations to nonprofit entities for Human Services. He presented a red ribbon chart that depicted the amounts of money spent on Human Services Allocations, the Attorney's Office, Finance and the General Fund. He said that all the things that influence the City budget also influence the nonprofits raising money. The nonprofits are going to have a hard time making up the 20% loss of funding. If they are not able to raise enough money, they may have a problem fulfilling contracts.

2. Karen Sidney - City Budget (INT-1)

Karen Sidney, 100 Longman Lane, addressed Council regarding the City Budget. She said that the proposed budget for FY 2010 and 2011 claims to save money by cutting 41 positions in the Police and Fire Departments. Instead of paying salaries and benefits to the 41 individuals to protect the City, the City will be paying a pension and lifetime healthcare benefits for them to retire. Paying people not to work is not a cost-cutting strategy. She added that the problem is that the City has promised generous retiree healthcare benefits and failed to set aside money to pay for it. She said that it is time to bring the public into the discussion, since the public is paying the bill.

3. Thomas Partridge

Thomas Partridge, 4220 Eyrie Dr., addressed Council regarding non-discriminatory fair affordable housing ordinances needed to assure access to housing, transportation, health care, and education. Require all zoning and site plan approvals in housing to be on the basis of affordability for Ann Arbor and Washtenaw County residents.

4. Bob Galardi - Art in Public

Bob Galardi, 315 Second Street, said that our government facilities are important public assets. One of the joys about the future of public construction in Ann Arbor is the new Percent for Art Program. The establishment of the public arts project in our community is wise and forward thinking. Mr. Galardi spoke in support of the proposed rain garden portion of the City Hall expansion. He added that the Driesital project is most appropriate for this City which prides itself on being green. Ann Arbor must remain a progressive community and help lead southeastern Michigan in the quality of life.

5. Mark Tucker - Public Sculpture at City Hall

Mark Tucker, 1716 Shadford, spoke in support of the public artwork slated for installation in the new City Hall complex. Mr. Tucker read a statement supporting the artwork. He asked that everyone unite in supporting what is the beginning of many more wonderful and engaging traditions to the City of Ann Arbor.

6. Tamara Real - Percent for Art

Tamara Real, 411 Fountain, spoke in support of the Percent for Art Program in the City. There are 350 communities that have percent for art programs. The program will help the City compete on a level that it has not been able to do in the past. Ms. Real urged Council to support the program.

7. Arnold Goetzke - East Stadium Bridge

Arnold Goetzke, 1504 Westminster, addressed Council regarding the East Stadium Bridge. He asked Council to consider not having the bridge at all. Instead, he suggested replacing the bridge with a standard stop light and an at-grade rail crossing. Tearing down the bridge would provide the most rapid path to current traffic problems, he said. He asked that before Council execute the \$30 million expenditure, that they study the issue more carefully.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**PH-1 09-0271**

Resolution to Approve Zahn Medical Office Building Site Plan, 0.42 Acre, 2207 Jackson Avenue (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to approve the Zahn Medical Office Building Site Plan, 0.42 acre, located at 2207 Jackson Avenue. Notice of public hearing was published April 12, 2009.

Tom Partridge, 4220 Eyrie Dr., spoke in opposition of the proposed Medical Office Site Plan.

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

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER HOHNKE*

Councilmember Hohnke briefed Council regarding the Greenbelt Advisory Commission's (GAC) Strategic Plan. The plan was updated to reflect the importance of local food production in the community and the broader greenbelt area. They also recently deployed an RFP to try to take advantage of the current economic conditions and try to establish opportunities to purchase development rights. There will be a presentation by GAC to Council some time in June.

MAYOR HIEFTJE

Mayor Hieftje asked Tom Crawford, CFO, to explain the upcoming proposal for early retirements in the Police Department and whether the retirements would have a negative effect on the Pension system.

Mr. Crawford explained that the proposal the Administrator recommended as the cost of the early-out program for police officers will be funded through a one-time transfer this year. Any impact on the pension system would be prepaid by the General Fund.

COUNCILMEMBER HIGGINS

Councilmember Higgins announced that Lodi Farms has donated a tree to be planted in honor of Earth Day at Dicken School. A celebration is scheduled for April 24, 2009 at 12:30 p.m. for the tree planting.

COUNCILMEMBER ANGLIN

Councilmember Anglin said that discussions took place regarding the purpose of Council's caucus meetings. He asked for clarification of the caucuses. He stated that he finds this to be a time where people can come in and talk to councilmembers informally and exchange ideas.

Councilmember Higgins explained that the reason the caucus was cancelled this past Sunday was because at least eight councilmembers could not attend and that would not be fair to the public to hold a caucus with so few members present. When the public comes to talk, they expect to see more than one or two councilmembers. Cancelling the caucus informed the public that there would not be enough councilmembers present for the caucus. She stated it was a one-time cancellation.

A APPROVAL OF COUNCIL MINUTES

A-1 09-0335 Working Session of March 9, 2009 and Regular Session of April 6, 2009

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

CA CONSENT AGENDA

Passed on consent agenda

A motion was made by Councilmember Rapundalo, 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 09-0184** Resolution to Approve Professional Service Agreement with EQ Industrial Services, Inc. for Emergency Spill Response Services (Not to Exceed \$50,000.00)
Enactment No: R-09-128
- CA-2 09-0206** Resolution to Increase the Service Order Funding the Collaboration with Washtenaw County Water Resources Commissioner (\$27,970.00/Annually)
Enactment No: R-09-129
- CA-3 09-0213** Resolution Rescinding Resolution R-08-318 and Authorizing Sanitary Sewer Improvement Charges for 2053 Newport Road (\$17,877.00)
Enactment No: R-09-130
- CA-4 09-0245** Resolution to Approve Replacement Sub-Grants from the Michigan Department of Transportation for Biofuel Station Construction
Enactment No: R-09-131
- CA-5 09-0253** Resolution to Approve a Professional Services Agreement for Construction Materials Testing with TES Consultants, P.C. for the 2009 Major Street Resurfacing Project (RFP No. 721, \$43,425.00)
Enactment No: R-09-132
- CA-6 09-0270** Resolution to Transfer Delinquent Alarm Fees to the 2009 City Tax Roll
Enactment No: R-09-133
- CA-7 09-0293** Resolution Ratifying the Issuance of an Emergency Purchase Order to Amerinet Inc. for the Purchase of Electronic Multiplexing Equipment by the City Administrator and Authorizing the City Administrator to take all Necessary Actions for the Relocation of City 911 Dispatching Services (\$50,496.90)
Enactment No: R-09-134
- CA-8 09-0311** Resolution Recognizing Anchors Unlimited Science Fun, Inc. as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License
Enactment No: R-09-135

B ORDINANCES - SECOND READING**C ORDINANCES - FIRST READING**

- C-1 09-0273** An Ordinance to Amend Section 5:92 of Chapter 55 (Zoning) Of Title V and Section 5:122 of Chapter 57 (Subdivision and land Use Control) of Title V of the Code of the City of Ann Arbor Regarding Commercial Recycling (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

A motion was made by Councilmember Teall, seconded by Councilmember Taylor, that the Ordinance be approved on First Reading to the City Council and should be returned by 6/1/2009. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-09-13

- C-2 09-0274** An Ordinance to Amend the Zoning Map of Section 5:4 of Chapter 55 of Title V of the Code of the City of Ann Arbor to Rezone 11 Park Properties (Argo Nature Area, Brookside Park, Cranbrook Park, Devonshire Park, Dolph Nature Area, Foxfire South Park, Lakewood Nature Area, Mary Beth Doyle Park, Oakridge Nature Area, Riverwood Nature Area, and West Park) from M1 (Limited Industrial District), PUD (Planned Unit Development District), R1A, R4A, R4C (Multiple-Family Dwelling District), R1C (Single-Family Dwelling), and R3 (Townhouse Dwelling Unit) to PL (Public Land District) (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the Ordinance be Approved on First Reading to the City Council and should be returned by 6/1/2009. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-09-14

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

Added After Newspaper Deadline:

- DC-1 09-0362** Resolution to Withdraw City of Ann Arbor Approval of the Application and Award of a New Full-Year Class C Quota License to HBSP Holdings, Corp. d/b/a Salsarita's Fresh Cantina at 401 E. Liberty, Suite #2, in the City of Ann Arbor

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-09-136

- DC-2 09-0367** Resolution to Approve Amendment No. 2 to Lease Agreement between Panzada, Inc. and the City of Ann Arbor, Assignee to the Lease Agreement between Panzada, Inc. and Dean Zahn Properties, L.L.C. (8 Votes Required)

Sponsors: Higgins, Teall, Greden and Rapundalo

A motion was made by Councilmember Higgins, seconded by Councilmember Greden, 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-09-137

DB New Business - Boards and Commissions:

- DB-1 09-0271** Resolution to Approve Zahn Medical Office Building Site Plan, 0.42 Acre, 2207 Jackson Avenue (CPC Recommendation: Approval - 7 Yeas and 0 Nays)
- A motion was made by Councilmember Hohnke, seconded by Councilmember Teall, that the Resolution/Public Hearing be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-138
- DB-2 09-0272** Resolution to Approve Narrow Gauge Property Annexation, 12.24 Acres, South Side of Narrow Gauge Way (CPC Recommendation: Approval - 7 Yeas and 0 Nays)
- 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-09-139
- DB-3 09-0275** Resolution to Approve Downtown Plan Amendments (CPC Recommendation: Approval - 7 Yeas and 0 Nays)
- City Council recommends that the Planning Commission revise the Plan to include the following:*
- Add height limits to the Downtown Core district with a maximum height of between 14-18 stories; Revise the South University Area zoning outside the DDA boundary to the downtown Interface Zoning District, consistent with the Council's discussion held on April 6, 2009; Extend the Downtown Interface Zoning District to include 332 E. Kingsley; divide the Huron Overlay District into two separate districts, consistent with Council's discussion held on April 6, 2009.*
- It was discussed that the defeat of this resolution would change the timelines for the entire A2D2 zoning proposal. It was noted that Council expects to receive a new Downtown Plan from the City Planning Commission on June 15 and the Second Reading of the A2D2 Ordinance would be on July 6.*
- A motion was made by Councilmember Higgins, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion defeated.**
- Enactment No:
- DS New Business - Staff:**
- DS-1 09-0296** Resolution to Approve FY 10 Allocations to Nonprofit Entities for Human Services - \$1,275,744.00 (General Fund)
- A motion was made by Councilmember Hohnke, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-140

- DS-2 09-0305** Resolution to Approve Street Closings for the 2009 Ann Arbor Art Fair - July 14, 2009 at 7:00 A.M. Through July 19, 2009 at 12:00 P.M.
- A motion was made by Councilmember Smith, seconded by Councilmember Derezhinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-141
- DS-3 09-0238** Resolution to Award a Construction Contract to Bricco Excavating Company, L.L.C. (\$482,069.50; Bid No. ITB-3992) for the S. Ashley, S. Main & Londonderry Water Main Project
- A motion was made by Councilmember Teall, seconded by Councilmember Hohnke, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-142
- DS-4 09-0237** Resolution to Award a Construction Contract to Dunigan Brothers, Inc. for the Stadium and Iroquois Water Main Replacement Project (\$462,458.00; Bid No. ITB-3998)
- 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-09-143
- DS-5 09-0226** Resolution to Approve Purchase of Granular Activated Carbon (GAC) for Water Treatment from Norit Americas Inc, Bid No ITB-3976 (\$51.00/cubic foot, estimated \$183,600.00/yr)
- A motion was made by Councilmember Briere, seconded by Councilmember Greden, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-144
- DS-6 09-0294** Resolution to Adopt the 2009 Drinking Water Revolving Fund and Clean Water State Revolving Fund Project Plans for Water and Sanitary System Improvements
- 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-09-145
- DS-7 09-0312** Resolution to Authorize the Project Management Services Unit to oversee the Proposed Traffic Control Plan for the University of Michigan Construction Project at S. Main Street
- A motion was made by Councilmember Higgins, seconded by Councilmember Derezhinski, that the resolution be approved.**
- Enactment No: R-09-146

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

Add a Whereas clause:

Whereas, Mitigating circumstances, presently unforeseen, may require modification or revocation of this traffic control plan; and

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

- 09-0312** Resolution to Authorize the Project Management Services Unit to oversee the Proposed Traffic Control Plan for the University of Michigan Construction Project at S. Main Street
- The question being, the resolution as amended, on a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-146
- DS-8 09-0291** Resolution to Accept Ann Arbor Building Authority Meeting Minutes of March 27, 2009
- 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.**
- Enactment No: R-09-147
- DS-9 09-0290** Resolution Approving the Refunding of Building Authority Bonds, Series 1998 (Roll Call Vote Required)
- A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Resolution be approved. On a 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-09-148
- DS-10 09-0303** Resolution to Approve a Renewal of a Three-year Enterprise Agreement with Microsoft, Inc. and Related Three-year Payment Plan with CDW-Government Inc. (\$626,105.25)
- 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.**
- Enactment No: R-09-149

Added After Newspaper Deadline:

- DS-11 09-0340** Resolution to Apply for the 2009 COPS Grant from the United States Department of Justice-Office of Community Oriented Policing
- 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-09-150

E COMMUNICATIONS FROM THE MAYOR

- E-1 09-0361** 4/20/09 Appointments - Confirmations
- Mayor Hieftje placed the following nomination on the table for approval at a later date:**
- Parks Advisory Commission**
- Gwen Nystuen (Re-Appointment)**
1016 Olivia Ave.
Ann Arbor, MI 48104
Term: May 4, 2009 - May 4, 2012

COMMUNICATIONS FROM COUNCIL

None.

F COMMUNICATIONS FROM THE CITY ADMINISTRATOR

- F-1 09-0286** Resolution Recommending that City Council Support the Great Lakes Safe Passage Days to Protect Night-Migrating Birds During the Spring and Fall Migration Seasons
- F-2 09-0313** Report on the Impact of Human Service Non-Profits in Ann Arbor and Washtenaw County

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 Greden, seconded by Councilmember Hohnke, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**
- H-1 09-0319** Communication from Washtenaw Area Transportation Study (W.A.T.S.) regarding the public involvement meetings to discuss the 2035 multi-modal transportation plan during June and early July.

- H-2 09-0320** Communication from Lawrence N. Lup, regarding spending tax dollars in Germany and in Pittsburg.
- I The following minutes were received for file:**
- I-1 09-0214** Greenbelt Advisory Commission Minutes of January 14, 2009
- I-2 09-0283** Greenbelt Advisory Commission Minutes of February 11, 2009 (Working and Special Sessions) and March 11, 2009 (Regular Session)
- I-3 09-0289** Recreation Advisory Commission Minutes - January 6, 2009; February 3, 2009
- I-4 09-0300** City of Ann Arbor Employees' Retirement System Minutes - February 19, 2009
- I-5 09-0301** City of Ann Arbor Retiree Health Care Benefit Plan & Trust Minutes - February 19, 2009
- I-6 09-0317** Ann Arbor Public Art Commission Minutes of January 13, February 10 and March 10, 2009
- I-7 09-0318** Washtenaw Area Transportation Study Commission (W.A.T.S.) Minutes of March 13, 2009

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Jim Mogensen -

Jim Mogensen followed up with Council regarding his concerns about Human Services funding.

Tom Partridge -

Thomas Partridge called upon local government and the region to give consideration to humanizing the stressful times that we live in, take cognizance of necessity of working in a humanistic way to better the lot of people needing jobs, housing, affordable health care, education, and access to public transportation throughout the city, the county, the region and the State.

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

A motion was made by Councilmember Teall, seconded by Councilmember Hohnke, that Council enter into Closed session to discuss land acquisition. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned at 9:33 p.m.:

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

MEETING RECONVENED

A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:40 p.m.

ADJOURNMENT

A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:40 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, APRIL 20, 2009, 7:00 P.M.

REPLAYS: TUESDAY, APRIL 21, 10:00 A.M. AND FRIDAY, APRIL 24, 2009, 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.