

City of Ann Arbor

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



Action Minutes

Tuesday, January 19, 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 7:11 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 Anglin, that the Agenda be approved with changes. On a voice vote, the Mayor declared the motion carried.

INT INTRODUCTIONS

INT-1 10-0010 Legislative Report from Rep. Pam Byrnes

State Representative Pam Byrnes gave a slide presentation on the State Budget. She said that approximately \$850 million would be cut from the State's budget. A copy of the slide presentation 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. Thomas Partridge - Honor Rev. King's mission. Consolidate public service County-wide: Business, Health Care, Housing, Emergency Dispatch. (DS-3)**

Thomas Partridge, 4220 Eyrie Drive in Scio Township, addressed Council regarding consolidating the following public services county-wide: Business, Health Care, Housing, Emergency Dispatch.

2. Blaine Coleman - Gaza Massacre

Blaine Coleman, Ann Arbor Resident, addressed Council regarding the Massacre of Gaza one year ago.

3. Mozhgan Savabieasa - Gaza Massacre

Mozhgan Savabieasa, Ann Arbor Resident, addressed Council regarding the Gaza Massacre.

4. Lily Au - Emergency Housing and Affordable Housing

Lily Au, 682 Peninsula, addressed Council regarding the lack of emergency and affordable housing in the City.

5. Karen Sidney - Financial return to the City

Karen Sidney, 100 Longman Lane, addressed Council regarding the financial return to the City concerning the Library Lot RFP.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER SMITH**

Councilmember Smith explained she would be proposing that the Public Hearing, the Ordinance and the Resolution pertaining to parking fines be postponed until April 19, 2010 to coincide with the Downtown Development Authority work plan.

COUNCILMEMBER RAPUNDALO

Councilmember Rapundalo said that he read a report from the Container Recycling Institute, which dealt with single stream recycling. It brought up a number of challenges to the economic assumptions that surround the concept of single stream recycling. He asked that staff provide information as to what the City is planning to do in regards to single stream recycling.

Roger Fraser, City Administrator, said that a response had been written by Tom McMurtrie, Systems Planning staff, and was emailed earlier today. Mr. Fraser stated he would provide a copy to Councilmembers if they had not received the response.

Councilmember Rapundalo also asked that police personnel provide crime statistics in the area of Hill, Packard and State Streets, to further review the proposed Liquor License Transfer Application of BW&R GoBlue LLC that was pulled from tonight's agenda. He asked that the information be made available by the February 5, 2010 Liquor Committee meeting.

COUNCILMEMBER DEREZINSKI

Councilmember Derezinski announced that the R4CR2A Committee will meet on January 21, 2010 at 6 p.m. in the 6th Floor Conference Room of City Hall.

COUNCILMEMBER TEALL

Councilmember Teall announced that an open house has been scheduled for January 20, 2010 from 6-9 p.m. for the responders to the Library Lot RFP. Interviews were also conducted for the first two proposals and three more interviews are scheduled to begin at 9 a.m. on January 20, 2010.

COUNCILMEMBER HOHNKE

Councilmember Hohnke noted that the 2009 State of the Environment Report was on the agenda tonight. The report is available for viewing on the City's website as well. He encouraged the public to take a look at the report online. He thanked Commissioner Bean and Matt Naud for their hard work in repairing the report.

COUNCILMEMBER ANGLIN

Councilmember Anglin thanked city staff for responding quickly and efficiently to requests made by constituents in his Ward, and for starting off the new year on a good note.

Mr. Anglin also said that the Park Advisory Commission is engaging in something different this year. They have created subcommittees of the commission. A list of the subcommittees is on the City's website, and citizens may apply to serve on a subcommittee. PAC will review the applications and select people to serve on the subcommittees.

He asked that staff provide more information regarding the HRIMP report to the commission.

MAYOR HIEFTJE

Mayor Hieftje said that he had previously challenged city employees to take a 3% pay-cut. The challenge was given to all employees, including bargaining units, as well as City Council. The Local Officer's Compensation Committee, which determines and recommends salary changes for City Council, only meets every 2 years for this purpose. Since the committee will not meet again until the 2011, and having made the challenge to all employees, Mayor Hieftje announced that he would be presenting a check to the City of Ann Arbor for 3% of his pay as a contribution to the City.

The following councilmembers have also said that they would present checks to the City of Ann Arbor:

Councilmembers Hohnke, Derezhinski, Taylor, Teall (on a quarterly basis), and Briere (by the end of the calendar year)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Roger Fraser said that several years ago the City began studying the costs of providing benefits to employees in the different bargaining units and salary classifications. Mr. Fraser noted that several years ago, the City had stopped giving step increase raises to non-union employees. Non-union employees are evaluated and have an opportunity to receive between a 2-3% salary increase based upon the budget for a given year. He noted that last fiscal year, salaried employees were not given a raise at all, compared to union contract employees who are eligible for annual step increases (between 2.5 - 5% steps), in addition to whatever changes there are in the labor contracts each year. Mr. Fraser also noted that the 312 employees have not experienced the kinds of cost increases in benefits that some other employees have experienced.

Mr. Fraser added that when talking about a 3% pay-cut across the organization, it is important to understand the impacts those cuts have on employees in different ways; not only individually, but in terms of their personal experiences with the changes already imposed. He concluded by saying that some employees have already been contributing in ways that others have not and that the differences are significant.

Mr. Fraser said that a Work Session of Council is scheduled for January 25, 2010 to discuss proposed budget impacts. A list of topics would be provided to Council later in the week. Most of the items for discussion on January 25 and February 1, 2010, will come from the Community Services area. Both meetings are scheduled to start at 6 p.m.

Mr. Fraser said that staff has talked with the Budget Committee about providing Council with a collection of financial reports. The reports are expected to be out within 4-6 weeks. The reports would be made available for both Council and the general public.

Mr. Fraser announced that he would be attending the Big 10 City Managers' meeting in Evanston, Illinois, and would be paying for this expense on his own. Mr. Fraser stated he would be leaving on January 21, 2010 and returning on January 24, 2010.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-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)
- A public hearing was conducted on the proposed amendment to Chapter 127 (Bicyclists) and Chapter 126 (Traffic) of the City Code (Bicycle Safety; Pedestrian Rights and Responsibilities) - Ordinance No. ORD-10-01. Notice of public hearing was published January 14, 2010.*
- Erica Briggs, 300 Brookside Drive, thanked everyone for their continued support of bicycle safety. She spoke in support of the proposed ordinance and suggested reducing the fee even more than the proposed \$3.*
- Thomas Partridge, Scio Township resident, said that the public has not been informed that this ordinance amendment would make significant changes regarding disabled persons, senior citizens and families with children on the streets of Ann Arbor.*
- Brad Mikus expressed concern with the proposed ordinance. He asked if bike rules would be enforced and if there would be extra enforcement to increase public safety. He also asked questions about the definition of a bike path.*
- There being no further comment, the Mayor declared the hearing closed.*
- PH-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 public hearing was conducted on the proposed amendment to Section 10:162 of Chapter 127 of the City Code (Bicyclists - Registration Procedure) - Ordinance No. ORD-10-02. Notice of public hearing was published January 14, 2010. There being no one present for comment, the Mayor declared the hearing closed.*
- PH-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 public hearing was conducted on the proposed amendment to 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. Notice of public hearing was published January 14, 2010. There being no one present for comment, the Mayor declared the hearing continued to April 19, 2010.*

PH-4 09-1251

Resolution to Approve FY 2011-2016 Capital Improvements Plan (CPC
Recommendation: Approval - 9 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve FY 2011-2016 Capital Improvements Plan. Notice of public hearing was published January 14, 2010.

The following people spoke in opposition of the proposed Capital Improvements Plan:

Thomas Partridge, Scio Township resident

Rita Mitchell, Ann Arbor resident

Kathy Boris, 1726 Charlton, questioned line items that would refine the recycling system in Ann Arbor.

Karen Sidney, 100 Longman Lane

Brad Mikus said that the plan is presented in a spreadsheet and is not very helpful.

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

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER RAPUNDALO

Councilmember Rapundalo responded to a comment made regarding planning for facility improvements. He said that this has been going on for many years and certainly in the Parks and Recreation area. They routinely look at and anticipate what facilities need improvements or will need improvements in the future. This is done throughout all service units. The CIP is based on those kind of anticipated needs.

Mr. Fraser responded by saying that certain portions of the CIP (things proposed further down the years) are best guesses, not necessarily a wish list, and that there is a basis for including them. He added that what Council adopts tonight is just a plan, and that the plan has to be funded. The funding process is executed during the budget consideration when the materials are presented in May. There is plenty of time to look at the CIP and ask questions. He said that It is also true that there are requirements to have items included in the plan, so that over a period of time people have the ability to understand what is being contemplated, and to begin to have dialog about the items long before they become a budget recommendation.

A APPROVAL OF COUNCIL MINUTES

A-1 10-0032 Minutes of January 4, 2010

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

CA CONSENT AGENDA

None.

B ORDINANCES - SECOND READING

B-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)

A motion was made by Councilmember Hohnke, seconded by Councilmember Higgins, that the ordinance be adopted.

Enactment No: ORD-10-01

Staff was asked to incorporate the State Vehicle Code language in the body of the ordinance and provide reference to the State language through the City's bicycle webpage.

A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Ordinance be postponed until 2/1/2010. On a voice vote, the Mayor declared the motion carried.

RECESS

The Mayor declared a recess at 8:58 p.m. and reconvened the meeting at 9:18 p.m.

DS-1 09-1065 Resolution to Authorize Summary Publication of Ordinance No. ORD-10-01 to repeal Sections 10:164 through 10:173 of Chapter 127 (Bicyclists) of Title X and to Repeal Section 10:145, Add a New Section 10:146, and Amend Section 10:148 of Chapter 126 (Traffic) of Title X of the Code of the City of Ann Arbor

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

A motion was made by Councilmember Taylor, seconded by Councilmember Teall, that the Resolution be postponed until 2/1/2010. On a voice vote, the Mayor declared the motion carried.

B-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 Teall, that the ordinance be adopted.

Enactment No: ORD-10-02

A motion was made by Councilmember Higgins, seconded by Councilmember Hohnke, that the Ordinance be postponed until 2/1/2010. On a voice vote, the Mayor declared the motion carried.

DS-6 09-1243 Resolution to Authorize Summary Publication of Ordinance No. ORD-10-02 to Amend Section 10:162 Of Chapter 127 (Bicyclists) Of Title X Of The Code Of The City Of Ann Arbor

A motion was made by Councilmember Hohnke, seconded by Councilmember Teall, that the resolution be approved.

A motion was made by Councilmember Taylor, seconded by Councilmember Teall, that the Resolution be postponed until 2/1/2010. On a voice vote, the Mayor declared the motion carried.

B-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 Smith, seconded by Councilmember Briere, that the ordinance be adopted.

Enactment No: ORD-10-03

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Ordinance be postponed until 4/19/2010. On a voice vote, the Mayor declared the motion carried.

C ORDINANCES - FIRST READING

C-2 10-0045 An Ordinance to Amend Chapter 61, Signs and Outdoor Advertising, to Allow Portable Exterior Business Signs

Sponsors: Briere

Deleted from agenda.

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 09-1239 Resolution to Approve the Transfer of Ownership and Location of a 2009 Class C Liquor Licensed Business, a New Entertainment Permit, a New SDM License and Outdoor Sales and Service, located at 575 Briarwood Circle - D/B/A Red Robin Gourmet Burgers

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-10-010

DC-2 10-0023 Resolution to Approve the Transfer of Ownership and Location of a 2009 Resort Class C Liquor Licensed Business at 640 Packard, from Green Valley Golf Club, Inc. to BW&R GoBlue LLC - D/B/A Buffalo Wings & Rings

Sponsors: Council Liquor License Review Committee

Deleted from agenda.

DC-3 10-0056 Resolution to Establish Event to Recognize Citizen Volunteers

Sponsors: Smith

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

Enactment No: R-10-011

DC-4 10-0059 Resolution to Dissolve the Ann Arbor Discovering Downtown Steering Committee

Sponsors: Higgins

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

Enactment No: R-10-012

DB New Business - Boards and Commissions:

DB-1 09-1251 Resolution to Approve FY 2011-2016 Capital Improvements Plan (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

A motion was made by Councilmember Rapundalo, seconded by Councilmember Smith, that the resolution be approved.

A motion was made by Councilmember Kunselman, seconded by Councilmember Derezinski, that the Resolution be postponed until 2/1/2010. On a voice vote, the Mayor declared the motion carried.

DB-2 09-1259 Resolution to Approve U of M Soccer Complex Annexation, 12.5 Acres, 2323 South Main Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

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

Enactment No: R-10-013

DS New Business - Staff:

DS-2 09-0786 Resolution to Establish a Bicycle Registration Information Package and Amend the Fee for Bicycle Registration

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

A motion was made by Councilmember Hohnke, seconded by Councilmember Briere, that the Resolution be postponed until 2/1/2010. On a voice vote, the Mayor declared the motion carried.

DS-3 09-1255 Resolution to Amend and Increase the Established Project Budget for the Co-Located Dispatch Project (\$349,616.00/\$400,000.00 total budget) and Approve Purchase of an Expanded 911 Phone System (\$258,983.00) (8 Votes Required)

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

Enactment No: R-10-014

DS-4 09-1263 Resolution to Restructure and Adjust Parking Fine Schedule

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

A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the Resolution be postponed until 4/19/2010. On a voice vote, the Mayor declared the motion carried.

DS-5 10-0044 Resolution to Approve the International Association of Fire Fighters Local 693 Collective Bargaining Agreement Effective July 1, 2009 - June 30, 2010

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-10-015

C-1 10-0040 An Ordinance to Amend Section 1:572(b) of Chapter 18, (Employees Retirement System) Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-10-04)

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Ordinance be approved on First Reading and should return to Council by 2/1/10. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-10-04

E COMMUNICATIONS FROM THE MAYOR

E-1 10-0062 Appointments & Nominations - Confirmations

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

Board of Review

*Timothy Somers
2944 Whittier West
Ann Arbor, MI 48104
Term: February 1, 2010-January 31, 2013*

*Katherine White
1849 Saxon Rd.
Ann Arbor, MI 48103
Term: February 1, 2010-January 31, 2013*

Ann Arbor Public Art Commission

*Jeff Meyers
1503 Granger Ave.
Ann Arbor, MI 48104
Term: February 1, 2010-December 31, 2013*

SEMCOG Liason Alternate

*John Hieftje
1046 Baldwin
Ann Arbor, MI 48104
Term: February 1, 2010-February 1, 2012*

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

City Administrator Roger Fraser submitted the following reports for information of Council:

F-1 09-1190 State of Our Environment Report**F-2 09-1262** Housing & Human Services Advisory Board Annual Schedule and Public Meeting Notice**G COMMUNICATIONS FROM THE CITY ATTORNEY**

City Attorney Stephen Postema submitted reports on the following completed annexations:

G-1 09-1268 Annexation of the Retail Plaza Property 3890 Platt Rd.

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

H-1 10-0027 Communication from Comcast regarding changes to Comcast's Ann Arbor Area Service Center

I The following minutes were received for file:

I-1 09-1260 Housing & Human Services Advisory Board Minutes - October 13, 2009

I-2 09-1269 Ann Arbor Housing Commission Regular Board Meeting Minutes - November 18, 2009

I-3 09-1270 City of Ann Arbor Employees' Retirement System Minutes - November 19, 2009

I-4 09-1271 City of Ann Arbor Retiree Health Care Benefit Plan & Trust Minutes - November 19, 2009

I-5 10-0029 Ann Arbor Transportation Authority - November 18 and December 8, 2009

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

John Floyd, 516 Sunset Rd., questioned how the City Council was proposing to make Ann Arbor more like Boulder, CO or Portland, OR.

CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT TO DISCUSS, PENDING LITIGATION, AND ATTORNEY/CLIENT COMMUNICATIONS SET FORTH IN MCLA 15.268 (C), (H), AND (E).

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Council enter into Closed Session to discuss pending litigation and attorney/client privileged communications. On roll call, the vote was as follows, with the Mayor declaring the motion carried and the meeting recessed at 9:53 p.m.

Yeas: 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Kunselman, 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 Taylor, seconded by Councilmember Kunselman, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:11 p.m.

ADJOURNMENT

A motion was made by Councilmember Smith, seconded by Councilmember Derezinski, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:11 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: TUESDAY, JANUARY 19, 2010 AT 7:00 P.M.

**REPLAYS: WEDNESDAY, JANUARY 20, 2010 AT 10 A.M. AND FRIDAY,
JANUARY 22, 2010 AT 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.

10-0088 Council emails from January 19, 2010 Regular Session