



City of Ann Arbor

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

Action Minutes City Council

Monday, April 7, 2008

7:00 PM

G. C. Larcom, Jr. Municipal Bldg. 2nd Flr.

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:10 p.m. in the Council Chamber of the Guy C. Larcom, Jr. Municipal Building in Ann Arbor, Michigan.

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:** 10 - Mayor John Hieftje, Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Christopher S. Easthope, Councilmember Mike Anglin, and Councilmember Sabra Briere
- Absent:** 1 - Councilmember Stephen Kunselman

APPROVAL OF AGENDA

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Agenda be approved as presented. On a voice vote, the Mayor declared the motion carried.

INT INTRODUCTIONS

INT-1 08-0328 2010 Campaign for Active Transportation Presentation

Eli Cooper, City Transportation Manager, presented a slide presentation of the 2010 Campaign for Active Transportation. A copy of the presentation is on file in the City Clerk's Office.

INT-2 08-0375 Proclamation Honoring Gertrude Wagner on Her 90th Birthday April 7, 2008

Mayor Hieftje read a proclamation honoring Gertrude Wagner on her 90th Birthday, April 7, 2008. A copy of the proclamation 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. Aaron Pressel - Living Wage

Aaron Pressel, 2625 Lillian, addressed Council regarding the Living Wage Ordinance.

2. Jim Mogensen - MLK, Living Wage, Washtenaw Urban County and Transit Plan Recommendations for Washtenaw County

Jim Mogensen, 3780 Greenbrier Blvd., addressed Council regarding Martin Luther King Jr., the proposed Living Wage Ordinance, the City joining the Washtenaw Urban County and Transit Plan Recommendations for Washtenaw County presented by W.A.T.S.

3. Alicia Alvarez - Immigration Raids

Alicia Alvarez, 821 S. Seventh, addressed Council regarding immigration raids and enforcement customs in Ann Arbor. She asked that the AAPD comply with a resolution passed by City Council in 2003.

4. Laura Sanders - Immigration Raids

Laura Sanders, 718 Daniel St., addressed Council regarding immigration raids.

5. Phil Volk - Immigration Raids

Phil Volk, 525 Elm St., addressed Council regarding immigration raids. He asked that AAPD not be involved in these raids.

6. Jon Frank - Village Green Option Extension

Jon Frank, representing Village Green Companies, addressed Council regarding the proposed Village Green option agreement and was available to answer questions of Council.

7. George Feldman - U of M Lane Closure

George Feldman, 301 W. Keech, addressed Council regarding the U of M lane closure and stressed how important it is for the City to negotiate with UM and get an enforceable agreement in place.

8. Thomas Partridge - MLK's dream lives. It's our responsibility to fulfill dream of just, integrated society.

Thomas Partridge, 4220 Eyrie Dr., asked that all of society rededicate themselves to Martin Luther King's dream.

9. Chris Hildebrand - Farmers Market and Kerry Town Reuse

Chris Hildebrand, 2115 Devonshire, addressed Council regarding the Farmer's Market renovation.

10. Tom Wall - Relationship with U of M

Tom Wall, 1031 Woodbridge Blvd., expressed concern with the U of M construction at Main and Stadium.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**PH-1 08-0286**

Resolution to Approve Boulevard Heights Alley Vacation, Located Between South Maple Road, Collingwood Drive, Abbott Avenue and Jackson Avenue (CPC Recommendation: Motion to Approve Failed - 4 Yeas and 4 Nays) (8 Votes Required)

A public hearing was conducted on the proposed resolution to Approve Boulevard Heights Alley Vacation, located between S. Maple Road, Collingwood Drive, Abott Avenue and Jackson Avenue. Notice of public hearing was published March 9, 2008.

The following people expressed concern or opposition with the proposed Boulevard Heights Alley Vacation:

Fred Eaton of Comcast expressed concern regarding Comcast Cable's ability to access their lines and continue to have an easement. He stated Comcast would be opposed to the alley vacation if they were not allowed an easement.

The owner of Arbor West Plaza expressed concerns regarding the alley vacation and its impact on neighboring businesses.

The owner of Quizno's Subs, a tenant in Arbor West Plaza, stated he is opposed to the alley vacation, as his business needs this alley for deliveries.

Jim Mogensen spoke about the alley vacation and its relationship to future planning policies.

Basil Lagos, Arbor West Plaza, spoke in opposition to the proposed alley and the need for businesses in his plaza to access the alley.

The following people spoke in support of the proposed Boulevard Heights Alley Vacation:

Mark Levy, property owner, stated he has an easement prepared for the owner of Arbor West and he is willing to negotiate.

PH-2 08-0298

Resolution Establishing Ann Arbor Industrial Development District 2008-030 for 3953 Research Park Drive

A public hearing was conducted on the proposed resolution establishing Ann Arbor Industrial Development District 2008-030 for 3953 Research Park Drive (Mercedes Benz, Inc.). Notice of public hearing was published March 23, 2008.

Tom Partridge, 4220 Eyrie Dr., spoke in opposition of the proposed Industrial Development District.

Enactment No: R-08-139

PH-3 08-0302

Resolution to Approve the City of Ann Arbor Joining the Washtenaw Urban County for Fiscal Years 2010, 2011, and 2012 and Authorize the City to Enter into the Urban County Cooperative Agreement with Washtenaw County

Sponsors: Easthope and Greden

A public hearing was conducted on the proposed resolution to approve the City of Ann Arbor joining the Washtenaw Urban County for Fiscal Years 2010, 2011 and 2012 and authorize the City to Enter into the Urban County Cooperative Agreement with Washtenaw County. Notice of public hearing was published April 6, 2008.

Alan Haber spoke in opposition of the proposed Urban County Resolution, stating the City needs to make its own policy decisions.

Dave DeVarti, 1231 Baldwin, spoke in opposition to the resolution.

Tom Fegan, 500 W. Ketch, spoke in support of the proposed Urban County Resolution.

Enactment No: R-08-133

COMMUNICATIONS FROM COUNCIL

08-0354

Immigration Raids in Ann Arbor and Other Places in Washtenaw County

Sponsors: Anglin

Councilmember Easthope - Greenbelt Advisory Commission Appointment

Councilmember Easthope requested that the Greenbelt Advisory Commission appointment be listed under Council New Business, rather than as a mayoral appointment. He also requested that the appointment be made in a one-step process.

Councilmember Higgins - A2D2

Councilmember Higgins provided an update on the A2D2 project and said the committee would be bringing downtown plan amendments to Council on May 5 with final adoption of the plan on July 21.

Councilmember Anglin - Immigration Raids

Councilmember Anglin stated that the City Council needs to discuss the immigration issue.

Councilmember Lowenstein - Public Participation Ordinance

Councilmember Lowenstein announced that a public meeting will be held at the Downtown Library on April 16 to discuss the proposed Public Participation Ordinance.

Councilmember Rapundalo - Golf Course Committee

Councilmember Rapundalo updated Council on the Golf Course Advisory Committee. He stated that recommendations would be presented at the April 14 Council Work Session.

A APPROVAL OF COUNCIL MINUTES

A-1 08-0296 Working Session of March 10, 2008

A-2 08-0330 Regular Session Minutes of March 17, 2008

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

CA-1 08-0209 Resolution to Approve the Installation of Traffic Calming Devices on Traver Road

Enactment No: R-08-123

CA-3 08-0256 Resolution to Approve a Professional Services Agreement for Construction Materials Testing with Inspection Services Company for the 2008 Street Resurfacing Project (RFP No. 696, \$46,705.00)

Enactment No: R-08-124

CA-4 08-0279 Resolution to Transfer Delinquent Curbside Charges to July 2008 City Tax Roll

Enactment No: R-08-125

CA-5 08-0311 Resolution to Authorize the Sole-Source Purchase, Contract and Construction of Approximately 410 Linear Feet of Eight-inch Ductile Iron Water Main from Fonson, Inc. (\$57,067.00)

Enactment No: R-08-126

CA-6 08-0273 Resolution to Approve a Three Year Professional Services Agreement (with an Additional Two Year Option) with Hylant Group for Property, Casualty and Automotive Third Party Claims Administration Services Not to Exceed \$48,300.00 for Fiscal Year 2008/2009

Enactment No: R-08-127

CA-7 08-0276 Resolution to Approve the Transfer of Ownership and Location of a Class C Liquor Licensed Business Located at 175 N. Maple Road to 2541 Jackson Avenue - D/B/A New Garden Buffet II

Enactment No: R-08-128

CA-8 08-0329 Resolution to Award a Construction Contract to Lester Brother's Excavation, Inc (\$66,260.50; Bid No. ITB-3929) for the Wayne Street Utility Improvements Project - Phase I

Enactment No: R-08-129

CA-2 08-0255 Resolution to Approve an Amendment to a Professional Services Agreement with Inspection Services Company, Inc. for the Huron Parkway Reconstruction Project - Phase V (\$5,000.00)

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-08-130

B ORDINANCE - SECOND READING

B-1 08-0143 An Ordinance to Amend Sections 1:813 and 1:821 of Chapter 23 (Living Wage Requirements) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-08-10)

Sponsors: Easthope

Councilmember Easthope moved, seconded by Councilmember Teall, that the Ordinance be Adopted on Second Reading.

Enactment No: ORD-08-10

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

Section 1:813

(1)(b) [a non-profit contractor unless it has a contract with the City primarily for the furnishing of services in connection with community events/programs where the total amount of the contract or contracts with the City is \$40,000 or more for any 12-month period.] A PERSON OR ENTITY THAT HAS A CONTRACT WITH THE CITY FUNDED BY THE COMMUNITY EVENTS BUDGET.

(7)...[“Grantee” does not include financial assistance to a non-profit corporation in connection with community events/programs where the total amount of the grant from the City is \$40,000 or less for any 12-month period.]

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

Enactment No: ORD-08-10

The question, being the Ordinance as Amended, on a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-10

- D-4 08-0202** Resolution Authorizing Summary Publication of Ordinance No. ORD 08-10 Amending Sections 1:813 and 1:821 of Chapter 23, Living Wage Requirements in City Contracts and Grants, of Title I of the City of Ann Arbor

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

Enactment No: R-08-131

C ORDINANCE - FIRST READING

- C-1 08-0283** An Ordinance to Amend Chapter 55, Rezoning of 0.73 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), Cares Property, 505 Riverview Drive (CPC Recommendation for R1B: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-08-11)

A motion was made by Councilmember Lowenstein, seconded by Councilmember Teall, that the Ordinance be Approved on First Reading to the City Council and should be returned by 5/5/2008. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-11

- C-2 08-0285** An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Section which shall be Designated as Section 8:425.15 of Chapter 103 (Historic Preservation) of Title VIII of said Code to Establish the 1001-1013 Broadway Historic District

A motion was made by Councilmember Briere, seconded by Councilmember Easthope, that the Ordinance be Approved on First Reading to the City Council and should be returned by 4/21/2008. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-12

- C-3 08-0306** An Ordinance to Amend Section 3:1 of Chapter 39 (Parks-General Regulations) of Title III of the Code of the City of Ann Arbor (Ordinance No. ORD-08-13)

A motion was made by Councilmember Greden, seconded by Councilmember Rapundalo, that the Ordinance be Approved on First Reading to the City Council and should be returned by 5/5/2008. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-13

- C-4 08-0284** An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Section which Shall be Designated as Section 8:425.14 of Chapter 103 (Historic Preservation) of Title VIII of Said Code to Establish the Broadway Historic District (Ordinance No. ORD-08-14)

A motion was made by Councilmember Briere, seconded by Councilmember Higgins, that the Ordinance be Approved on First Reading to the City Council and should be returned by 4/21/2008. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-14

D MOTIONS AND RESOLUTIONS**D Old Business - Council:**

- D-1 08-0115** Resolution to Modify Amendments to Solid Waste Regulations Filed with the City Clerk January 22, 2008, as Revised and Filed February 4, 2008 (City Council Modifications as Revised for April 7, 2008)

Sponsors: Rapundalo and Higgins

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

Enactment No: R-08-159

RECESS

The Mayor declared a recess at 9:10 p.m. and reconvened the meeting at 9:25 p.m.

DC New Business - Council:

- DC-1 08-0302** Resolution to Approve the City of Ann Arbor Joining the Washtenaw Urban County for Fiscal Years 2010, 2011, and 2012 and Authorize the City to Enter into the Urban County Cooperative Agreement with Washtenaw County

Sponsors: Easthope and Greden

A motion was made by Councilmember Easthope, seconded by Councilmember Greden, that the Resolution be Approved. On a roll call, the Mayor declared the motion carried, with the vote reading as follows:

Yeas: 8 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Easthope, and Councilmember Briere

Nays: 2 - Councilmember Suarez, and Councilmember Anglin

Absent: 1 - Councilmember Kunselman

Enactment No: R-08-133

DC-2 08-0313

Motion for Reconsideration of Adoption of "Resolution to Approve an Amendment to the Option to Purchase Agreement with Village Green Residential Properties LLC to Extend the Term of the Agreement"

Sponsors: Rapundalo

The following motion was made by Councilmember Rapundalo, seconded by Councilmember Higgins:

Under City Council Rule 12, I move a reconsideration of the March 17 adoption of the "Resolution to Approve an Amendment to the Option to Purchase Agreement with Village Green Residential Properties LLC to extend the Term of the Agreement." I voted on the prevailing side.

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

08-0237

Resolution to Approve an Amendment to the Option to Purchase Agreement with Village Green Residential Properties LLC to extend the Term of the Agreement (8 Votes Required)

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

Enactment No: R-08-134

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

Add a RESOLVED Clause:

...RESOLVED, THAT THE PROCEEDS FROM THIS SALE SHALL BE DESIGNATED TO THE GENERAL FUND, FUND 010.

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

Enactment No: R-08-134

The question, being the resolution as amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried.

Yeas: 10 - Mayor Hieftje, Councilmember Suarez, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Easthope, Councilmember Anglin, and Councilmember Briere

Nays: 0

Absent: 1 - Councilmember Kunselman

Enactment No: R-08-134

Added After Newspaper Deadline:

DC-3 08-0369

Resolution to Approve Temporary Closure of One Northbound Lane of South Main Street, Adjacent to Michigan Stadium

Sponsors: Anglin, Teall and Higgins

Councilmember Teall moved, seconded by Councilmember Higgins, that the Resolution be Approved.

Enactment No: R-08-135

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

Delete portion of the 1st RESOLVED Clause:

...[*The University will contribute \$250,000 toward renovations and improvements at Allmendinger Park.] ...

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

Enactment No: R-08-135

08-0369

Resolution to Approve Temporary Closure of One Northbound Lane of South Main Street, Adjacent to Michigan Stadium

Sponsors: Anglin, Teall and Higgins

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

1st RESOLVED CLAUSE:

[On an interval of not more than 90 days,] PERIODIC REVIEWS OF compliance with the conditions of this permit will be evaluated by City staff. If it is found that substantial compliance has not been attained, this permit for temporary street closure shall be revoked.

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

Enactment No: R-08-135

RECESS

The Mayor declared a recess at 10:30 p.m. and reconvened the meeting at 10:42 p.m.

08-0369 Resolution to Approve Temporary Closure of One Northbound Lane of South Main Street, Adjacent to Michigan Stadium

Sponsors: Anglin, Teall and Higgins

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

Add bullets to 1st RESOLVED Clause:

The University will not work Sundays, the Memorial Day Holiday weekend and the 4th of July, except as follows for Sunday work:

Realizing that construction schedules may lag and there may be a time when Sunday construction is needed, the University will notify the City of the need for Sunday construction work and the City Administrator will approve the Sunday construction and notify Council of the work on Sunday.

Notification to the City is needed in order for the City to notify residents.

The University will do their utmost to restrict noise between 8-10 p.m. on weekdays (Monday through Saturday) and that there will be no noise from this site after 10 p.m.

Add New 2nd RESOLVED Clause:

RESOLVED, That the University has until May 1, 2008 to reach an agreement with the City under these criteria, and the City Administrator and City Attorney will report back to City Council on the arrangement that was reached by May 5, 2008.

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

Enactment No: R-08-135

08-0369 Resolution to Approve Temporary Closure of One Northbound Lane of South Main Street, Adjacent to Michigan Stadium

Sponsors: Anglin, Teall and Higgins

The question being the resolution as amended, on a voice vote, the Mayor declared the motion carried.

Enactment No: R-08-135

DC-4 08-0378 Resolution to Appoint Peter Allen to the Greenbelt Advisory Commission

A motion was made by Councilmember Easthope, seconded by Councilmember Lowenstein, that the Resolution be Approved and that Council Rules be waived to approve the Resolution as a one-step process. On a voice vote, the Mayor declared the motion carried unanimously.

Enactment No: R-08-136

DB New Business - Boards and Commissions:

DB-1 08-0286 Resolution to Approve Boulevard Heights Alley Vacation, Located Between South Maple Road, Collingwood Drive, Abbott Avenue and Jackson Avenue (CPC Recommendation: Motion to Approve Failed - 4 Yeas and 4 Nays) (8 Votes Required)

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

A motion was made by Councilmember Rapundalo, seconded by Councilmember Easthope, that the Resolution/Public Hearing be Postponed to the City Council and should be returned by 4/21/2008. On a voice vote, the Mayor declared the motion carried.

D Old Business - Staff:

D-2 08-0148 Resolution Authorizing Road Improvement Charge for 3081 Glazier Way (\$19,633.77)

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

Enactment No: R-08-137

D-3 08-0149 Resolution Authorizing Road Improvement Charge for 3093 Glazier Way (\$98,168.85)

A motion was made by Councilmember Lowenstein, seconded by Councilmember Rapundalo, that the Resolution be approved.

Enactment No: R-08-138

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

Revise Staff Memorandum as follows:

Your approval is requested to levy Glazier Way Road improvement charges of \$98,168.85 on the property known as 3093 Glazier Way, but to defer payment and escalate the amount of payment until development, sale or other transfer of ownership of the property. The property at 3093 Glazier Way is vacant and is adjacent to property at 3081 Glazier Way that is owned and occupied by the same property owner as a homestead property. Annexation for 3081 Glazier Way was sought to allow connection to City water and sanitary sewer. Because the property at 3093 Glazier Way is adjacent to property owned by the same property owner, The the property owner was required to and did requested annexation from Ann Arbor Township for 3093 Glazier Way in conjunction with the request to annex the adjacent homestead property at 3081 Glazier Way. The annexation of both properties which was completed on December 27, 2007, as notified by the State of Michigan.

The property is not currently connected to City water or sanitary sewer. The property owner will be charged the fixed water improvement charge and the fixed sanitary sewer improvement charge in place at the time of "active" connection. Glazier Way was improved as part of the 2000 Glazier Way Road Improvement Project that included pavement, curb & gutter, streetlights, sidewalks, and storm sewer.

The property owner needs to now pay the property's share of the existing improvement charge through the City improvement charge levy as required under section 1:279, Chapter 12, of the Ann Arbor Code. The is \$98,168.85 Improvement Charge is to be levied and then made payable in 25 annual installments at 7.0% interest per annum on the unpaid balance. This amount would be escalated as provided in section 1:279(2) and paid in full at the time of development, sale or other transfer of ownership.

It is therefore recommended that Council levy the improvement charge according to the terms described above.

Revise Resolution as follows:

1st WHEREAS Clause:

...Grand Total of CURRENT Improvement Charges...

Add 4th and 5th WHEREAS Clauses:

WHEREAS, THE PROPERTY IS VACANT;

WHEREAS, THE PROPERTY OWNER WAS REQUIRED TO ANNEX THIS PROPERTY FROM ANN ARBOR TOWNSHIP IN CONJUNCTION WITH THE ANNEXATION OF THE PROPERTY OWNER'S ADJACENT HOMESTEAD PROPERTY; AND...

Amend RESOLVED CLAUSE as follows:

RESOLVED,

2. That the **CURRENT AMOUNT OF THE** improvement charge levied is **\$98,168.85**;

3. **THAT THE AMOUNT OF THE IMPROVEMENT CHARGE SHALL ESCALATE IN ACCORDANCE WITH SECTION 1:279(2), CHAPTER 12, OF THE CITY CODE UNTIL SUCH TIME AS IT IS PAID**;

[3]4. That **PAYMENT OF** this improvement charge is [divided into 25 equal installments; the first to be due on June 1, 2008, and the 24 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 7.0% per annum commencing June 1, 2008]**DEFERRED UNTIL SUCH TIME AS THE PROPERTY IS DEVELOPED, SOLD OR OWNERSHIP IS OTHERWISE TRANSFERRED TO ANOTHER PARTY, AT WHICH TIME THE IMPROVEMENT CHARGE SHALL BECOME DUE AND PAYABLE IN FULL**;

[4]5. That the **Public Services Area** be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

[5]6. That this levied improvement charge, **AS ESCALATED**, is [to be invoiced to the owner, David and Constance Osler, husband & wife, of the property known as 3093 Glazier Way, City of Ann Arbor, Washtenaw County, Michigan 48105, and to be invoiced at 3081 Glazier Way, City of Ann Arbor, Michigan 48105, and] to be credited [in the amount of \$98,168.85] **WHEN PAID** to Fund 0010-073-1000-7151.

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

Enactment No: R-08-138

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

Enactment No: R-08-138

DS New Business - Staff:

DS-1 08-0298 Resolution Establishing Ann Arbor Industrial Development District 2008-030 for 3953 Research Park Drive

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

Enactment No: R-08-139

DS-2 08-0288 Resolution to Require Installation of Sidewalks along Geddes Avenue and Hickory Lane Adjacent to the Racquet Club of Ann Arbor as Part of the Administrative Amendment to Approved Site Plan

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

Enactment No: R-08-140

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

RESOLVED, That City Council waives the installation of sidewalk along Geddes Avenue and Hickory Lane adjacent to the Racquet Club of Ann Arbor, and requires fire hydrant coverage as part of the administrative amendment to approved site plan.

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

Enactment No: R-08-140

The question, being the Resolution as Amended, on a voice vote, the Mayor declared the motion carried.

Enactment No: R-08-140

DS-3 08-0337

Resolution to Approve Amendment No. 1 to the Parking Agreement between Village Green Residential Properties, LLC, the City of Ann Arbor and the Ann Arbor Downtown Development Authority

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

Enactment No: R-08-141

DS-4 08-0319

Resolution to Approve the Sale of City-owned Land Adjacent to the Public Alley between First and Ashley Streets to Jeanne Properties, LLC (\$295,000.00) (8 Votes Required)

A motion was made by Councilmember Rapundalo, seconded by Councilmember Briere, that the Resolution be Approved.

Councilmember Greden recused himself from discussion and voting on this resolution due to conflict of interest.

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-08-142

DS-5 08-0272

Resolution Regarding Notice of Intent to Issue General Obligation Capital Improvement Bonds to Fund Construction of a Courthouse and Police Facility (\$31,000,000.00)

A motion was made by Councilmember Easthope, seconded by Councilmember Higgins, that the Resolution be Approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried.

Yeas: 7 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Greden, Councilmember Higgins, Councilmember Teall, and Councilmember Easthope

Nays: 3 - Councilmember Suarez, Councilmember Anglin, and Councilmember Briere

Absent: 1 - Councilmember Kunselman

Enactment No: R-08-143

DS-6 08-0308

Resolution to Approve Construction Manager Agreement for Courthouse and Police Facility Project (\$2,369,323.00) (RFP No. 702)

A motion was made by Councilmember Teall, seconded by Councilmember Rapundalo, that the Resolution be Approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried.

Yeas: 7 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Greden, Councilmember Higgins, Councilmember Teall, and Councilmember Easthope

Nays: 3 - Councilmember Suarez, Councilmember Anglin, and Councilmember Briere

Absent: 1 - Councilmember Kunselman

Enactment No: R-08-144

DS-7 08-0230

Resolution to Approve Funding for Art in Public Places and Establish Budget Appropriation (\$328,689.00) (8 Votes Required)

A motion was made by Councilmember Greden, seconded by Councilmember Rapundalo, 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-08-145

DS-8 08-0236

Resolution to Award a Construction Contract to Cadillac Asphalt, L.L.C. (Bid No. 3920, \$2,797,504.87) for the 2008 Street Resurfacing Project

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-08-146

DS-9 08-0253

Resolution to Approve the Purchase of Two Four Wheel Drive Heavy Duty One Ton Cab and Chassis Trucks from Signature Ford (Macomb County Bid \$66,724.00)

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

Enactment No: R-08-147

DS-10 08-0257

Resolution to Amend the Professional Services Agreement with Washtenaw Engineering Company for a New Total Amount of \$325,640.00 for the Design and Construction Engineering Services for the Miller-Maple Transmission Water Main Project

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

Enactment No: R-08-148

DS-11 08-0274 Resolution to Approve Compost Rates for Spring 2008 and Establish Overall Pricing Parameters for Ongoing Compost and Mulch Sales

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

Enactment No: R-08-149

DS-12 08-0192 Resolution to Approve Purchase of Compost Carts from Cascade Engineering (\$740,250.00) and to Appropriate Funds from the Solid Waste Enterprise Fund (\$740,250.00) (8 Votes Required)

Council requested that City staff provide a clear communication plan to residents regarding the new compost cart program.

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.

Enactment No: R-08-150

Passed on consent agenda

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

DS-13 08-0291 Resolution to Approve Street Closings for the 2008 Rolling Sculpture Car Show - Friday, July 11, 2008

Enactment No: R-08-151

DS-14 08-0293 Resolution to Approve Street Closings for the Priority Health Cycling Classic - Sunday, September 7, 2008

Enactment No: R-08-152

DS-15 08-0295 Resolution to Approve Street Closings for the Burns Park Run - Sunday, May 4, 2008

Enactment No: R-08-153

DS-16 08-0305 Resolution to Approve Contract Change Order No. 1, Increasing the Total Contract Amount to \$163,174.00 with Margolis Companies, Inc. for Bid #3868 to Complete the Swift Run Dog Park Construction

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-08-154

DS-17 08-0314 Resolution Accepting Water Main Easement from Ann Arbor Square, LLC (3050 Platt Road) (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-08-155

DS-18 08-0315

Resolution Accepting Public Pedestrian Access Easement from Ann Arbor Square, LLC (3050 Platt Road)(8 votes required)

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

Enactment No: R-08-156

DS-19 08-0317

Resolution Accepting Easement for a Storm Water Management System from Ann Arbor Square, LLC (Rite Aid Store – 3050 Platt Road) (8 votes required)

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

Enactment No: R-08-157

DS-20 08-0318

Resolution Accepting Sanitary Sewer Easement from Trinity Evangelical Lutheran Church of Ann Arbor 1400 W. Stadium Boulevard (8 votes required)

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

Enactment No: R-08-158

E COMMUNICATIONS FROM THE MAYOR

The Mayor announced that he would not be in attendance at the May 14, 2008 Council Work Session.

E-1 08-0294 Appointments - Confirmations

The Mayor recommended the following appointments for Confirmation:

I would like to request confirmation of the following nominations, which were placed on the table for your consideration at the March 17, 2008 meeting:

Airport Advisory Committee

**James P. Vincze Filling Vacancy
1335 Fairlane Drive
Ann Arbor, MI 48104
Term: April 7, 2008-April 7, 2011**

**John Sullivan Re-Appointment
1028 Martin Pl.
Ann Arbor, MI 48108
Term: April 7, 2008-April 7, 2011**

For consideration in a one-step process:

Ann Arbor Energy Commission

**Michael Delaney-Regional Rep. Replacing Paul Ganz
Detroit Edison/Michcon
1541 Covington Drive
Ann Arbor, MI 48103
Term: April 21, 2008-April 21, 2010**

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

E-2 08-0371 Appointments - Confirmations

The Mayor placed the following nominations on the table for consideration at a later date:

Ann Arbor Energy Commission

Diane Kurz Replacing Tim Athan
2731 Provincetown Ct.
Ann Arbor, MI 48103
Term: April 21, 2008- April 21, 2011

Ann Arbor Commission on Disability Issues

Deborah Murray -Chair Re-Appointment
2153 Hemlock
Ann Arbor, MI 48108
Term: April 21, 2008- April 21, 2011

Marjorie Oliver-Cash Re-Appointment
1560 Woodland Dr.
Ann Arbor, MI 48103
Term: April 21, 2008- April 21, 2011

Cable Communications Commission

Barbara Clarke Re-Appointment
2330 South Circle Dr.
Ann Arbor, MI 48103
Term: April 21, 2008-April 21, 2013

Housing Commission

Debra Gibson-Resident commissioner Re-Appointment
727 Miller Ave. #410
Ann Arbor, MI 48103
Term: April 21, 2008-May 5, 2013

Human Rights Commission

Christine Kirchoff Replacing- Rachel Bendit
1591 Long Meadow Trail
Ann Arbor, MI 48108
Term: April 21, 2008- October 31, 2011

Change in Name of Commission

Commission on Art in Public Places- changed to Ann Arbor Public Art Commission

COMMUNICATIONS FROM COUNCIL

F COMMUNICATIONS FROM CITY ADMINISTRATOR

City Administrator Roger Fraser informed Council that the May 14 Work Session would be used to present the draft budget, as well as a presentation regarding the golf course recommendations and a downtown plan from the DDA.

- F-1 08-0266** Creating a Flat Parking Rate for Visitor Parking during UM 2008 LS&A Commencement
- F-2 08-0275** Annual Report of Potential Lien Assessments for Delinquent Water Utility Account
- F-3 08-0299** AFSCME/Ann Arbor Labor Relations Communication
- F-4 08-0309** Historic District Commission 2007 Annual Report

G COMMUNICATIONS FROM CITY ATTORNEY

City Attorney Stephen Postema thanked Council at his 5-year anniversary on the job.

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 Briere, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- H-1 08-0290** Communication from Lawrence Lump Regarding University Towers - Planning and Development Services
- H-2 08-0300** Communication from the Michigan Public Service Commission regarding receipt of City Council's Resolution about Public Educational and Governmental (PEG)
- H-3 08-0320** Communication from 1320 South University Apartments, LLC regarding University Village Apartments
- H-4 08-0321** Communication from SEMCOG regarding their Regional Update of March 10, 2008, Vol. 13, No. 16
- H-5 08-0322** Communication from US Bank regarding their publication of Corporate Trust Connection Spring 2008 Edition
- H-6 08-0323** Communication from Enbridge regarding a crude oil pipeline system operated by Enbridge

- H-7 08-0324** Communication from W.A.T.S. regarding Transit Plan Recommendations for Washtenaw County
- H-8 08-0325** Communication from Mary Hathaway regarding using the Old Y Building as an Ann Arbor Commons
- H-9 08-0341** Communication from David J. Pauley regarding a complaint against Comcast - CTN
- H-10 08-0342** Communication from Ann Arbor Center for Independent Living regarding Disability Awareness & Etiquette flyer - File
- H-11 08-0343** Communication from S.E.M.C.O.G. regarding their Regional Update Publication , Vol 13, No. 7, March 24, 2008 - File
- H-12 08-0344** Communication from Jonathan Holtzman, Chairman of Village Green Companies, regarding proposed apartment project on First and Washington Streets - Planning and Development Services
- H-13 08-0347** Communication from Comcast regarding their response to the Resolution to Approve the Vacation of the Boulevard Heights Alley R-08-059 - Planning and Development Services
- H-14 08-0364** Communication from Michael Hanna, Managing member of Rush Street Martini Lounge regarding revising the ordinance permitting outdoor restaurant seating - Planning and Development Services
- H-15 08-0365** Communication from Miriam Lindsey regarding enforcement of an ordinance prohibiting hot dog vendors from conducting business - Planning and Development Services
- H-16 08-0373** Letter of Opposition from Arbor West Plaza Regarding the Proposed Resolution to Approve Boulevard Heights Alley Vacation (File 08-0286) - Planning and Development Services
- H-17 08-0377** Protest letters from Portofino Coffee House, Quiznos Sub and Focus Photo regarding the closing of Boulevard Heights Alley - Planning and Development Services

I The following minutes were received for file:

- I-1 08-0217** Greenbelt Advisory Commission Minutes of January 15, 2008
- I-2 08-0301** Taxicab Board Meeting Minutes - November 29, 2007
- I-3 08-0303** City of Ann Arbor Employees' Retirement System Minutes - February 21, 2008
- I-4 08-0304** City of Ann Arbor Retiree Health Care Benefit Plan & Trust Minutes - February 21, 2008

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Ken Surjeck - Human Rights of Immigrants

Ken Surjeck, student at the University of Michigan, addressed Council regarding human rights for immigrants.

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

None.

08-0407 Resolution Authorizing City Attorney to Proceed with a Special Assessment Lien for 2800 Jackson Road

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

Enactment No: R-08-160

ADJOURNMENT

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:30 a.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, APRIL 7, 2008, 7:00 P.M.

REPLAYS: TUESDAY, APRIL 8, 2008, 10:30 A.M. AND FRIDAY, APRIL 11, 2008, 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 994-2725 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.