

City of Ann Arbor

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



Meeting Minutes

Monday, January 23, 2012

7:00 PM

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

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:09 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron St.

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 Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, Councilmember Carsten Hohnke and Councilmember Jane Lumm

APPROVAL OF AGENDA

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

Move: DC-3 Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families (Consider before DC-1)

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

INT INTRODUCTIONS**INT-1 [12-0018](#) Center for Digital Government 2011 Digital Cities Award Presentation**

Roger Blake, Regional Vice-President of the Government and Education team for AT&T, presented Dan Rainey, IT Director, the Center for Digital Government 2011 Digital Cities Award. Mr. Blake noted that the City of Ann Arbor was being recognized for the fourth consecutive year. The City was selected for its adoption of processes that mobilize government service delivery for citizens, making it easier for citizens to access services and information from mobile devices, and for its use of the shared cloud platform.

Received and Filed

INT-2 [12-0102](#) NAP Volunteer of the Month Proclamation for Toyoko Kamada

Mayor Hieftje read a proclamation honoring Toyoko Kamada for her volunteer work with the City's park system and Natural Area Preservation program. Ms. Kamada translated NAP's educational and promotional materials into Japanese and provided outreach on NAP's behalf to the Japanese-speaking community of Ann Arbor.

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 CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL****1. Martha Valadez - Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families (DC-3)**

Martha Valadez, 124 Felch St., spoke in support of the proposed Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families. She urged Council's support on behalf of the community.

2. Diana Sierra - Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families (DC-3)

Diana Sierra, 2144 Glencoe Hills, Apt.1, spoke in support of the proposed Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families. She said that by signing the resolution, City Council can end the separation of immigrant families and promote dignity.

3. Charles Snyder - Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families (DC-3)

Charles Snyder, 1939 Jackson Ave., Apt. 264, spoke in support of the proposed Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families. He said that anti-immigration raids and deportation violate basic human rights.

4. Kevin Young - Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families (DC-3)

Kevin Young, 2144 Glencoe Hills, Apt 1, on behalf of the Washtenaw Community Action Team, spoke in support of the spirit of the proposed Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families. He said that passage of the resolution would send a message on behalf of justice and human dignity.

5. Linda Kurtz - Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families (DC-3)

Linda Kurtz, 2150 Foss Ct., spoke in support of the proposed Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families. She said that deportation weakens the community when we should be trying to strengthen it. Ms. Kurtz also spoke in support of the proposed Idling Ordinance.

6. Leslie Strambaugh - Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families (DC-3)

Leslie Strambaugh, 1940 Ridge Ave., on behalf of the Human Rights Commission,

spoke in support of the proposed Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families and urged City Council to seriously consider the resolution.

7. Carlos Zavala - Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families (DC-3)

Carlos Zavala, 1144 Nielsen Ct., Apt. 2, member of the Washtenaw Interfaith Coalition for Immigrant Rights, spoke in support of the proposed Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families. He said that passing the resolution would acknowledge the positive impact of immigrants on different aspects of the Ann Arbor community.

8. Joseph Summers - Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families (DC-3)

Joe Summers, 1435 South Blvd., spoke in support of the proposed Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families. He said that we are to treat the immigrant, whether documented or undocumented, as we would have others treat us and we need to do what we can to protect the human rights of these vulnerable members of the community.

9. Thomas Partridge - The state of Ann Arbor. Civil rights reforms needed to assure access to safe affordable transportation and housing for Ann Arbor's most vulnerable.

Thomas Partridge, Ann Arbor Resident, addressed Council regarding the state of Ann Arbor and the need for civil rights reforms to assure access to safe affordable transportation and housing for Ann Arbor's most vulnerable.

10. Karen Sidney - Budget

Karen Sidney, 100 Longman Lane, addressed Council regarding the 2012 budget. She said that the City has lost a lot of police and firefighters in the last budget cycle and more cuts are planned for this upcoming year. She urged Council to be more transparent in this next budget cycle.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER BRIERE

Councilmember Briere wished everyone a "Happy Year of the Dragon."

COUNCILMEMBER SMITH

Councilmember Smith updated Council on the DDA Partnership Committee, now known as Connecting William Street, formerly Discovering Midtown. The focus of this committee is the redevelopment of five key City-owned properties.

MAYOR HIEFTJE

Mayor Hieftje updated Council on a City partnership with the Greenway Conservancy and the Arts Alliance regarding the redevelopment of the 415 W. Washington site.

Mayor Hieftje stated that the greatest challenge continues to be the condition of the existing building. He stated that a report would be forwarded to Council in late February.

Mayor Hieftje spoke about the proposed budget in the Police Department and the impacts to police staffing levels. He stated that although reductions in force were originally planned in the upcoming budget, it is Council's challenge to make certain that doesn't happen. Currently, due to recent retirements, the department has been able to interview to fill some vacancies.

Mayor Hieftje said that he received a couple of emails from people who had the impression that the transit proposal was his idea. Mayor Hieftje stated that he sponsored the proposal to get it on the Council's agenda, but he said he could not take credit for the proposal itself. Mayor Hieftje stated the work was that of the AATA board and he did not want to take credit for it.

COUNCILMEMBER DEREZINSKI

Councilmember Derezinski announced that there would be a ground-breaking on January 26 at 5:30 p.m. for Ann Arbor City Apartments, which is a joint project of Village Green Apartments and the DDA.

COUNCILMEMBER TAYLOR

Councilmember Taylor announced that the Burns Park Players season has a new production, "Once Upon a Mattress." He stated the show will be performed February 3, 4, 9 and 10 at 7:30 p.m. and February 11 at 4:00 p.m. at Tappan Middle School. The production benefits the arts in the Ann Arbor Public Schools.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Steve Powers said that he attended the Governor's State of the State Address last week, where Governor Snyder highlighted the State's progress, as well as unfinished business. Mr. Powers shared his opinion of how well Ann Arbor is positioned with the Governor's requirements for accountability, transparency and cooperation. Mr. Powers thought that the actions that Council has taken to establish the City's financial open book, environmental initiatives and infrastructure improvements have positioned the City well.

Mr. Powers announced that the City issued its own internal customer service grants to City departments. Funds were granted for customer service improvements in Parks, Police and the Housing Commission.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1 [11-1474](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.17 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), First Martin Corporation, East Side of Stone School Road, North and South of Birch Hollow Drive (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-11-26)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 1.17 acres from TWP (Township District) to R3 (Townhouse Dwelling

District), First Martin Corporation property, located on the east side of Stone School Road, north and south of Birch Hollow Drive. Notice of public hearing was published December 29, 2011.

Thomas Partridge, City resident, spoke in opposition to the proposed rezoning of the First Martin Corporation. He stated that the City's amendment process needs to be reconsidered.

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

Held and Closed

PH-2 [12-0040](#)

Resolution to Approve 4-Party Public Transportation Agreement for Creation of a New Countywide Public Transportation System

A public hearing was conducted on the proposed Resolution to Approve 4-Party Public Transportation Agreement for Creation of a New Countywide Public Transportation System. Notice of public hearing was published January 22 and 23, 2012.

Tim Hull, 2nd Ward resident, said that he is a strong supporter of public transportation and uses it regularly. However, he expressed concern that the funding plan has not been made available and the fact there is no actual provision in the agreement requiring a public vote to transfer the existing transit millage to the new authority.

Thomas Partridge, Ann Arbor resident, spoke in support of providing more public transportation to disabled residents and to senior citizens.

Jim Mogensen, 3780 Green Brier, said that Council should make sure the City is not moving backward with this proposed agreement.

Dorothy Nordness, 114 8th St., asked Council what the rush was in approving the 4-Party Agreement.

Ethel Potts, 1014 Elder Blvd., expressed concerns with the proposal, stating the City was not ready for this. She noted that the terms of the agreement seem to be shifting by the hour.

Cheryl Weber, Chair of the Local Advisory Committee at AATA, stated that she is not an Ann Arbor resident, but is an active public transportation user. She said expansion is good.

Julie Steiner, Executive Director of Washtenaw Housing Alliance, spoke in support of the proposed 4-Party Agreement. Ms. Steiner stated she is speaking on behalf of the lower income community. She urged Council to support this resolution, stating that the community cannot wait.

Judy Bonnell-Wenzel, 2771 Braeburn Cir., spoke in opposition to the proposed resolution, stating township residents should have to pay for expanded services if they want it.

Kathleen Russell, 821 Barton, spoke in support of the proposed 4-Party Agreement.

Jeff Irwin, 2542 Bellwood Ave. and 53rd District State Representative, spoke in support of public transportation and urged Council to move this resolution forward.

Keith Orr, 1710 Fair St., spoke in support of the proposed resolution.

Rita Mitchell, 621 Fifth Street, expressed concern with the proposed 4-Party Agreement. She said that Ann Arbor and Ypsilanti tax payers should see improved services before the AATA can expand outside the existing borders. She asked Council to vote no or postpone the proposed resolution on tonight's agenda.

Lawrence Baird, 1770 Riverwood, expressed concerns with the lack of information available regarding the funding proposal and he questioned how much taxpayers would be willing to pay.

A York Township resident spoke in support of the AATA.

Simone Lightfoot, 2773 Arrowwood and member of the Ann Arbor Board of Education, encouraged Council to remember the transportation of students to school when they consider the 4-Party Agreement.

An Ann Arbor resident thanked Council for their efforts, but stated more information is needed regarding funding.

Alexis Blizman, Policy Director for the Ecology Center, said that the center strongly supports the development of a regional transit service in Washtenaw County and encouraged council to move the 4-Party Agreement forward.

Paul Schreiber, 922 Pleasant Dr., Ypsilanti, Mayor of the City of Ypsilanti, spoke in support of the proposed 4-Party Agreement. He said that the residents of Ypsilanti voted 3 to 1 in favor of a 1 mil tax in Ypsilanti to support public transportation.

Vince Caruso, 556 Glendale Cir., said that citizens should be allowed to vote on the issue.

Chuck Warpehoski, 2020 Winewood, Director of the Interfaith Council for Peace and Justice, spoke in support of the proposed 4-Party Agreement and asked Council to continue to move this proposal forward.

Carolyn Grawi, Director of Advocacy and Education for the Ann Arbor Center for Independent Living, stated while some changes could be made to the proposal to improve it, she urged Council to move forward with the 4-Party Agreement and to improve transportation access for all residents.

Alan Haber, 531 Third Street, asked that the proposed 4-Party Agreement be postponed. He expressed concerns with the financial plans, stating that City tax dollars should stay in the City and support City residents.

Richard Sheridan, 2338 Yorkshire, spoke in support of the proposed resolution and stated the AATA has good leadership.

Larry Deck, 3050 Lorraine, spoke in support of the proposed resolution. He urged Council to continue to move forward.

John Satarino, Ann Arbor resident, said that he was in support of the expansion of transit services, but stated he did not support the redistribution of City tax dollars to township residents.

Kathy Boris, 1726 Charlton, stated she supports the expansion of transit services in concept, but has concerns with this proposal and the funding plan. She urged Council to vote no.

Clark Chametski, 2646 Traver, spoke in support of a countywide transit system.

Peter Eckstein, 2551 Londonderry Road, spoke in opposition to the proposed resolution. He stated the townships should pay if they want service in their communities. He stated the AATA is very expensive.

Vivienne Armentrout, 920 Vesper, expressed concern with the proposal, including the proposed funding. She questioned what would happen if most of the townships opted out of the agreement. She suggested that there should be a minimum participation in order for the agreement to move forward.

John Floyd, 519 Sunset Rd., spoke in opposition. He suggested the townships put their own millages on the ballot if they want service.

Lu Ann Bullington, 1801 South Blvd., stated she has been following transportation issues for two decades. She expressed concerns about the proposed funding plan that would be created under this proposal.

James D'Amour, 2771 Maplewood Ave., spoke in opposition. He suggested Council postpone the proposed resolution until more information could be made available.

Tim Mortimer, 1050 Wall St., spoke in opposition.

Glen Thompson, 100 Longman Ln., said that opposing the agreement is not about opposing public transportation. He stated his concerns are related to the funding of this proposal.

Karen Sidney, 100 Longman Ln., spoke in opposition, expressing concerns about funding.

Joel Batterman, 1512 Gilbert Ct., urged Council to approve the proposed 4-Party plan. He stated he is an advocate for public transportation.

Rolland Sizemore, 7727 Tuttle Hill Road, Ypsilanti, spoke in support of the proposed 4-Party Agreement.

Jessie Bernstein, 3552 Frederick, Chair of the Board of the Ann Arbor Transportation Authority, said that there are 26 units of local government in Washtenaw County. Twenty two of them are participating in the transit master planning process. Most of them have signed Act 7 agreements to create districts to represent their interests in a group that is primarily to form an Act 196 authority. He added that funding comes from several sources, including the University of Michigan and Eastern Michigan University. At any point, any member of the 4-Party Agreement or the 196 Board can end participation before they make a commitment. If that happens, AATA will continue to be an Act 55 agency supported by the millage in Ann Arbor.

Michael Benson, resident of the 2nd Ward, said that he supports regional transportation, countywide and beyond. However, he stated this proposal needs more work before moving forward.

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

Held and Closed

RECESS

Mayor Hieftje declared a recess at 9:49 p.m. and reconvened the meeting at 10:05 p.m.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER BRIERE

Councilmember Briere announced that the Medical Marijuana Licensing Board has been meeting at least once a month and that a report on their progress would be provided to Council at the beginning of February.

A APPROVAL OF COUNCIL MINUTES

A-1 [12-0104](#) Regular Session of January 9, 2012

A motion was made by Councilmember Teall, seconded by Councilmember Lumm, that the Regular Session Meeting Minutes of January 9, 2012 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

CA-1 [11-1579](#) Resolution to Authorize a Reimbursement Agreement with DTE Energy for the Removal of Street Lights for the E. Stadium Boulevard Bridges Replacement Project (\$42,832.00)

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-12-020

B ORDINANCES - SECOND READING

B-1 [11-1474](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.17 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), First Martin Corporation, East Side of Stone School Road, North and South of Birch Hollow Drive (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-11-26)

A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

DC Old Business - Council:**DC-3 [12-0130](#) Resolution to Oppose Increased Immigration Enforcement and Support Immigrant Families, 1-11-12**

A friendly amendment was proposed and approved as follows:

...RESOLVED, That the City Council of Ann Arbor opposes policies that detain and/or deport low-priority removal cases-immigrants who have not committed a "serious criminal offense" and who have long-standing ties to [the United States] OUR COMMUNITY - and endorses efforts to enforce prosecutorial discretion in such cases.

RESOLVED, That the City Council of Ann Arbor supports the timely legalization of those undocumented immigrants who have not committed a serious criminal offense and who have long-standing ties to [the United States] OUR COMMUNITY (low-priority removal cases).

ALL CAPS indicate new language.

[] Brackets indicate deleted language.

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

Yeas: 9 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Nays: 2 - Councilmember Higgins and Councilmember Lumm

Enactment No: R-12-021

DC-1 [12-0040](#) Resolution to Approve 4-Party Public Transportation Agreement for Creation of a New Countywide Public Transportation System

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 Lumm, that the Resolution be amended as follows:

Section 1. Acknowledged Facts. The Ann Arbor Transportation Authority (hereafter "AATA") was incorporated by the City of Ann Arbor (hereafter "Ann Arbor") for the purpose of acquiring, owning, operating, or causing to be operated a mass transportation system under the provisions of Public Act 55 of 1963. AATA and Ann Arbor are parties to a certain agreement which sets forth the operational relationship between them and which specifically provides the agreement shall remain in full force and effect until mutually terminated. The City of Ypsilanti has contracted with AATA for transportation services for many years and recently approved a Charter Amendment dedicating certain tax revenue for transportation purposes. The above named parties are planning for countywide public transportation by creating a new authority under Act 196 of 1986 ("New TA"). The New TA, in partnership with the other above named parties, would succeed to the public transportation

system currently operated by AATA under the terms of this Agreement and Section 11 of Act 196 of 1986 ONLY WHEN ALL CONTINGENCIES OF THE AGREEMENT ARE MET.

Note: [] Brackets indicate deleted language. All CAPS indicates new language.

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

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

... Section 2. Authority Formation. The County, upon the AATA's written request [and authorization of the governing bodies of Ann Arbor and AATA terminating their operational relationship in favor of the New TA], will create a new Act 196 authority by approving, signing and filing articles of incorporation ("Articles") in substantially the form attached as Exhibit A. PRIOR TO THE SUBMISSION OF ANY REQUEST BY AATA TO COUNTY TO INITIATE FORMATION OF A PUBLIC AUTHORITY ALL OF THE FOLLOWING MUST OCCUR: (i) AATA will publish details of the service and funding plan in newspaper(s) of general circulation in the Washtenaw County [before requesting the Articles be approved by the County and filed in accordance with provisions of Act 196](ii) THE ARTICLES OF INCORPORATION IN THE FORM PRESENTED FOR APPROVAL BY THE COUNTY SHALL BE SEPARATELY ADOPTED BY ANN ARBOR AND YPSILANTI BY AFFIRMATIVE VOTE OF THE RESPECTIVE GOVERNING BODIES. NO TRANSFER OF ASSETS TO THE NEW TA FROM AATA SHALL OCCUR UNLESS AND UNTIL ALL CONTINGENCIES STATED IN SECTION 4 OF THIS AGREEMENT AND ANY AND ALL CONDITIONS WHICH MAY BE ESTABLISHED IN THE ARTICLES OF INCORPORATION HAVE BEEN MET.[Before the closing, AATA retains full authority and control over the conduct of its business. The New TA, after incorporating, would not own or operate public transportation services until the contingencies of this agreement are met. After the transfer of assets described in Section 4, AATA and Ann Arbor will terminate their operational relationship in favor of the NEW TA.] ...

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

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

... Section 3. City Transportation Millages.

a. AFTER ALL OF THE SECTION 8 CONTINGENCIES TO CLOSING ARE SATISFIED, Ann Arbor agrees, [subject to the Paragraph 8 below,] to designate the New TA, as successor to AATA, as the contracting agency for use of the 2.5 mills tax levy under Section 8.18 of the Ann Arbor City Charter and allocated the tax levy in its entirety to AATA at the 2012 millage rate or as adjusted by State of Michigan statute less a municipal service charge of one percent (1%) of the annual millage at the time of the collection of taxes. [Such designation shall become effective if and when all of the following occurs: (i) the New TA succeeds to AATA's public transportation services under the terms of this Agreement; and (ii) if alternate funding sources are elected to fund the NEW TA which do not require voter approval, evidence of sufficient funding to support the continued and uninterrupted level of services provided by its predecessor-in-interest, AATA satisfactory to the City.]

b. **AFTER ALL OF THE SECTION 8 CONTINGENCIES TO CLOSING ARE SATISFIED**, Ypsilanti agrees, [subject to Paragraph 8 below,] to transfer its full respective transportation millages, less a municipal service charge of one percent (1%) at the 2012 millage rate or as adjusted by State of Michigan statute to the New TA effective when the New TA succeeds to AATA's public transportation services.

Section 4. Transfer of Assets. AFTER ALL OF THE SECTION 8 CONTINGENCIES TO CLOSING ARE SATISFIED, AATA will transfer to New TA at closing all assets then owned by AATA, including, without limitation, all rights to the names "Ann Arbor Transportation Authority". New TA will accept the transfer of those assets subject to all obligations and liabilities regarding those assets existing at the time of the transfer.

Section 5. Assumption of Liabilities. AFTER ALL OF SECTION 8 CONTINGENCIES TO CLOSING ARE SATISFIED New TA will assume at closing all liabilities of AATA existing at the time of closing. ...

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

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

6. Indemnification. AATA and its successor-in-interest The New TA shall indemnify and hold Washtenaw County, the Cities of Ann Arbor and Ypsilanti, their elected AND APPOINTED officials, employees, agents and volunteers harmless from and against all actions, liabilities, demands, costs and expenses, including court costs and attorney fees, which may arise due to their respective negligent, grossly negligent and /or intentional acts or omissions under this Agreement, and transfer or assumption required under this Agreement once the New TA is operational. This provision shall survive termination or expiration of this Agreement. NOTHING IN THIS SECTION HAS THE EFFECT OF WAIVING THE DEFENSE OF GOVERNMENTAL IMMUNITY AVAILABLE TO AN INDEMNIFYING PARTY UNDER APPLICABLE LAW AS TO THE ACTS OR OMISSIONS OF 3RD PARTIES.

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

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

...Section 8d. In exchange for the mayor's nomination with council confirmation, of seven directors of New TA's board, [and]annual submission to Ann Arbor of the AATA's proposed budget and yearly audit and the New TA's agreement to apprise Ann Arbor City Council and solicit Council's advice prior to making major long-term policy actions concerning mass transportation services **AND AT A MINIMUM, THE CONTINUED LEVEL OF SERVICES PROVIDED BY ITS PREDECESSOR-IN-INTEREST, AATA, Ann Arbor[']s agreeS[ment to] (i) take such necessary actions by its governing body to terminate its operational agreement with AATA effective at closing; (ii) take such necessary actions by its governing body to authorize the execution and delivery of this Agreement and all documents and instruments contemplated by this Agreement, and the performance by Ann Arbor of the obligations to be performed by it hereunder; and (iii) designate the New TA, as successor to AATA, as the contracting agency for use of the 2.5 mills tax levy under Section 8.18 of the Ann Arbor City Charter and allocated the tax levy in its entirety to**

AATA at the 2012 millage rate or as adjusted by State of Michigan statute less a municipal service charge of one percent (1%) of the annual millage at the time of the collection of taxes. upon transfer from an Act 55 to an Act 196 authority.

Section 8e. In exchange for the City of Ypsilanti mayor's nomination with council confirmation, of one director of New TA's board, the new TA agreement to apprise and solicit the Ypsilanti City Council's advice prior to making major long-term policy actions concerning mass transportation, AND, AT A MINIMUM, THE CONTINUED LEVEL OF SERVICES PROVIDED BY ITS PREDECESSOR-IN-INTEREST, AATA the City of Ypsilanti agrees to pay its charter transportation millage at the 2012 millage rate or as adjusted by State Statute to the New TA upon transfer from an Act 55 to an Act 196 authority. ...

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

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

...Section 8(f). County AUTHORITY-wide voter approval before December 31, 2014, of a New TA Act 196 funding source adequate to fund ongoing operations of New TA. Any ballot question submitted to the voters of the City of Ann Arbor and/or the City of Ypsilanti shall clearly identify the new funding as additional to the existing millage. ...

... Section 12. Termination of Agreement. This [a]Agreement will terminate automatically if [the] [c]Closing does not occur before December 31, 2015. The Washtenaw County Board will also be allowed to dissolve the New TA if there is no [County] AUTHORITY-wide voter approved funding passed before December 31, 2014, or voter approval passes [County] AUTHORITY-wide but the same is defeated in the City of Ann Arbor. However, no such dissolution shall be effective unless and until provision for continued transportation services to Ann Arbor and Ypsilanti is in place,[and] operational and [satisfaction of] all liabilities of the New TA HAVE BEEN SATISFIED. ...

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

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

Section 13d. Entire Agreement and Amendment. This agreement contains the entire agreement among the parties with regard to its subject matter, supersedes all previous understandings, and may be amended only in writing signed by [both] ALL parties and approved by the board of each party.

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

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

Add at the end of Section 7. ... VOTER APPROVAL BY THE CITIZENS OF ANN ARBOR IS REQUIRED BEFORE THE CITY OF ANN ARBOR COULD CHOOSE TO PLEDGE ITS FULL FAITH AND CREDIT FOR ANY PROJECT ASSUMED BY THE NEW TA AT CLOSING OR UNDERTAKEN BY THE NEW TA THEREAFTER WHEN OPERATIONAL.

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

defeated:

Yeas: 2 - Councilmember Kunselman and Councilmember Lumm

Nays: 9 - Mayor Hieftje, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

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

...12. **Termination of Agreement.**

A. AUTOMATIC TERMINATION. This Agreement will terminate automatically if (i) Closing does not occur before December 31, 2015, OR IF (II) AFTER INCORPORATION OF THE AUTHORITY AND THE EXPIRATION OF THE STATUTORY WITHDRAWAL PERIOD FROM THE PUBLIC AUTHORITY, THE CITY OF ANN ARBOR IS THE ONLY PARTICIPATING POLITICAL SUBDIVISION IN WASHTENAW COUNTY IN THE NEW TA. IT IS RECOGNIZED BY ALL THE PARTIES THAT IF EITHER OF THESE CONDITIONS OCCUR THE STATED OBJECTIVES OF ACT 196 AND THIS AGREEMENT WILL NOT HAVE BEEN MET AND THE AGREEMENT SHALL BE NULL AND VOID.

B. DISCRETIONARY DISSOLUTION, CONDITIONS. The Washtenaw County Board will also be allowed to dissolve the New TA if there is no AUTHORITY-wide voter approved funding passed before December 31, 2014, or voter approval passes AUTHORITY-wide but the same is defeated in the City of Ann Arbor.

C. EFFECTIVE DATE, CONTINUITY OF SERVICES. [However, n] No such TERMINATION OR dissolution shall be effective unless and until provision for continued transportation services to Ann Arbor and Ypsilanti is in place and operational and satisfaction of all liabilities of the New TA.

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

A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Resolution be postponed until 2/6/2012. On a voice vote, the Mayor declared the motion carried with one no-vote made by Councilmember Smith.

DC New Business - Council:

DC-2 [12-0101](#) Resolution Opposing Public Act 297 and Supporting Actions to Preserve Equal Benefits

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

Enactment No: R-12-022

DB New Business - Boards and Commissions:

None.

DS New Business - Staff:

Passed on consent agenda

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

- DS-1** [11-1175](#) Resolution to Approve Street Closing for Fool Moon - Friday, March 30, 2012
Enactment No: R-12-023
- DS-2** [11-1176](#) Resolution to Approve Street Closings for FestiFools Parade - Sunday, April 1, 2012
Enactment No: R-12-024
- DS-3** [12-0046](#) Resolution to Approve Amendment No. 1 to the Agreement for the Provision of Law Enforcement Services to the Ann Arbor Transportation Authority by the City of Ann Arbor (\$75,000.00)
Councilmember Higgins requested that staff provide information regarding other City contracts that do recover costs.
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-12-025
- DS-4** [12-0008](#) Resolution to Award a Contract to Malcolm Pirnie, Inc. for Construction Support Services for the Facilities Renovations Project at the Wastewater Treatment Plant (\$10,802,423.00)
A motion was made by Councilmember Anglin, seconded by Councilmember Hohnke, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-12-026

E COMMUNICATIONS FROM THE MAYOR

- E-1** [12-0050](#) Appointments - Confirmations

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the January 9, 2012 regular session of Council:

Ann Arbor Public Arts Commission

Marsha Chamberlin (Re-appointment)

315 Second Street

Ann Arbor, MI 48103

Term: January 23, 2012-December 31, 2015

*Robert Miller (Filling vacancy left by Cheryl Zuellig)
801 W. Liberty St
Ann Arbor, MI 48103
Term: January 23, 2012-December 31, 2015*

Airport Advisory Commission

*David Canter (Filling vacancy left by Mark Perry)
136 Ashley Mews
Ann Arbor, MI 48104
Term: January 23, 2012-January 23, 2015*

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

E-2 [12-0134](#)

Appointments & Nominations

APPOINTMENTS REFERRED

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

Board of Review

*Paul Herndon (Filling Vacancy of exiting Walton Hancock)
1346 Wines Dr.
Ann Arbor, MI 48103
Term: February 6, 2012 - February 6, 2015*

Historic District Commission

*Patrick McCauley (Re-Appointment)
1526 Pontiac Trail
Ann Arbor, MI 48105
Term: February 6, 2012-February 6, 2015*

Recreation Advisory Commission

*Tim Berla (Re-Appointment)
129 N. Seventh
Ann Arbor, MI 48103
Term: February 6, 2012-August 31, 2015*

Referred to the City Council due back on 2/6/2012

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER TEALL

Councilmember Teall asked City Administrator Steve Powers to provide information regarding President Obama's upcoming visit on January 27, 2012, including proposed street closures.

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman announced that there was a vacancy on the Taxicab Board. Councilmember Kunselman said he attended the meetings of several local municipalities, including the City of Ypsilanti and the Washtenaw County Board of Commissioners in order to better understand the Countywide discussions regarding the proposed 4-Party Agreement.

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 Higgins, 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 [12-0068](#) Communication from The State of Michigan, Office of the Great Seal regarding the completion of Annexations in the City - cc: Planning and Development Services
- H-2 [12-0069](#) Communication from Comcast regarding changes to their channel lineup cc: CTN
- H-3 [12-0075](#) The Economic Development Corporation of the City of Ann Arbor - 2011 Annual Report
- H-4 **Communication from Rita Mitchell requesting that Council postpone acceptance of the 4-Party Transmit Agreement**
- H-5 **Communication from Gwen Nystuen regarding opposition of the proposed 4-Party Transportation Agreement**

I The following minutes were received for file:

- I-1 [11-1488](#) Historic District Commission Meeting Minutes of October 13, 2011
- I-2 [12-0020](#) Ann Arbor Employees' Retirement System Minutes - Regular Meeting November 17, 2011

- I-3 [12-0021](#) Ann Arbor Retiree Health Care Benefit Plan & Trust Board of Trustees - Minutes of Regular Board Meeting November 17, 2011
- I-4 [12-0049](#) Ann Arbor Public Art Commission Meeting Minutes - November 30, 2011
- I-5 [12-0053](#) Ann Arbor Transportation Authority Board Meeting Minutes of November 17, and December 5, 2011
- I-6 [12-0057](#) Downtown Area Citizens Advisory Council Meeting - Minutes of January 3, 2012
- I-7 [12-0058](#) Ann Arbor Downtown Development Authority Meeting Minutes - December 7, 2011
- I-8 [12-0070](#) Human Rights Commission Meeting Minutes of August 10, 2011
- I-9 [12-0071](#) Human Rights Commission Meeting Minutes of September 14, 2011
- I-10 [12-0072](#) Human Rights Commission Meeting Minutes of October 12, 2011
- I-11 [12-0073](#) Disabilities Commission Meeting Minutes of October 19, 2011
- I-12 [12-0074](#) Council Administration Committee Meeting Minutes of December 19, 2011
- I-13 [12-0086](#) Local Officers Compensation Commission meeting minutes of December 16, 2011

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Thomas Partridge, City resident, spoke about the 4-Party Agreement and public transportation.

Alan Haber, 531 Third Street, addressed Council regarding the need for a warming shelter in the City. He questioned why this was not a priority on the agenda of Council.

Michael Benson, City resident, asked if the Student Relations Committee could be reconvened to address ongoing issues with student leasing and rental properties.

Tim Hull, City resident, spoke in support of public transportation, but expressed concerns with the current proposal for the 4-Party Agreement.

A resident of Arrowwood Cooperative thanked Council for representing the City so well. He said that this was a shining example of democracy in action.

Lu Ann Bullington, 1801 South Blvd., addressed Council regarding the countywide public transportation agreement.

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 Lumm, seconded by Councilmember Teall, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:53 p.m.

[12-0153](#) Council Emails - January 23, 2012

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, JANUARY 23, 2012, 7:00 P.M.

REPLAYS: WEDNESDAY, JANUARY 25, 2012 AND FRIDAY, JANUARY 27, 2012, 7:30 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- **Video on Demand:** Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx
- **Cable:** Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office by telephone at 734-794-6140 or by written request addressed to the City Clerk's Office, 100 N. Fifth Ave., Ann Arbor, MI 48104, at least 24 hours in advance.

A hard copy of this Council packet can be viewed at the front counter of the City Clerk's office.

