

City of Ann Arbor

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



Action Minutes

Monday, February 4, 2013

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 7:10 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 Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen and Councilmember Chuck Warpehoski

APPROVAL OF AGENDA

A motion was made by Councilmember Warpehoski, seconded by Councilmember Taylor, that the Agenda be Approved as presented. On a voice vote, the Mayor declared the motion carried.

INT INTRODUCTIONS

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. Thomas Partridge - Empower the disenfranchised residents of Michigan. Give a voice to unions, to the disabled and to seniors. Fund and enact affordable transportation and housing. Recall Ann Arbor Mayor Hieftje and Governor Snyder.**

Thomas Partridge, Ann Arbor resident, addressed Council regarding empowering the disenfranchised residents of Michigan; giving a voice to unions, to the disabled and to seniors; funding and enacting affordable transportation and housing; and the recall of Ann Arbor Mayor Hieftje and Governor Snyder.

2. Henry Herskovitz - Response to Communications from Council

Henry Herskovitz, City resident, responded to comments made by Councilmember Warpehoski regarding the protest of synagogues by pro-Palestinian demonstrators. He objected to Councilmember Warpehoski's criticisms, stating that the demonstrations are peaceful.

3. Blaine Coleman - Boycott Israel

Blaine Coleman, City resident, urged Councilmember Warpehoski to retract his comments regarding the protests and divestment from Israel.

4. Kermit Schlansker - A Show Place

Kermit Schlansker, City resident, urged Council to consider alternative energy sources.

5. Mozhgan Savabieasfahani - Boycott Israel

Mozhgan Savabieasfahani, City resident, urged Council and the public to boycott Israel.

6. Alan Haber - Library Lot - Experiments and Development

Alan Haber, City resident, provided Council with a list of ideas for the redevelopment of the library lot. He urged Council to consider the public's opinion and to use the spot for open space.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER BRIERE**

Councilmember Briere expressed concern with public speakers and other members of the community singling out individual members of Council with matters that are not Council business. She stated with regard to Palestine and the divestment from Israel, the City of Ann Arbor does not send money to Israel and this is not a local issue.

COUNCILMEMBER HIGGINS

Councilmember Higgins updated Council on the Budget Committee. She stated they have begun working on the budget reviews and the first budget Working Session would be February 11 at 6:00 p.m. She stated the February 11 Work Session will include updates from Affordable Housing, 15th District Court and then the proposed CIP budget. Councilmember Higgins stated Monday, February 25 will also be a budget Work Session, focusing on departmental budget impact sheets and Council priorities. The 2nd and 4th Mondays in March are also reserved for budget working sessions and all sessions will begin at 6:00 p.m.

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman updated Council on his plans to bring forward amendments to the DDA ordinance. He expressed concern with the current TIF annual report provided by the DDA.

Councilmember Kunselman stated that he believes Council should sell the old YMCA lot. He stated he will be presenting Council with a resolution to sell the property, noting that he did not feel like the Connecting William Street project provided a viable solution.

Councilmember Kunselman, as chair of the Ann Arbor Taxicab Board, addressed the recent sexual assault that took place in an illegally operating taxi. He stated he has expressed concern over the years with the illegal operation in the City of limousine or rogue taxi services. He would like the ordinance amended to allow the Police to ticket these operations. Councilmember Kunselman stated the City should not have to wait for State law changes.

MAYOR HIEFTJE

Mayor Hieftje noted that he received a report from Ellen Schulmeister of the Shelter Association. She informed him that no one seeking shelter has been turned away and accommodations have been made for those under the influence of drugs or alcohol as well.

COUNCILMEMBER TAYLOR

Councilmember Taylor informed Council that the Burns Park Players latest production is at Tappan Middle School and performances continue through this weekend.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

None.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 12-1515 An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 3.32 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), Summit Townhomes, 2081 East Ellsworth (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-01)

Attachments: Summit Zoning 13-01 Briefed.pdf, SummitZoningOrdinance.pdf, The Summit Townhouses Staff Report with Attachments1-3-2013REV

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 3.32 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), Summit Townhomes, located at 2081 East Ellsworth (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-01). Notice of public hearing was published January 11, 2013.

Andy LaBarre, Washtenaw County Commissioner, stated his hope is to minimize the increase in density. He urged Council to find a solution that was acceptable to the residents in the area.

AG Peeko, Forest Hills resident, stated he would like to see some portion of the property made into a community center.

Flo Hepola, 2404 Laurelwood, expressed concerns with the proposed density. She stated she would like to see a park on this site.

Claudia J. Masic, manager of Forest Hills Cooperative, spoke in opposition to the proposed rezoning.

Thomas Partridge, City resident, spoke about the need for more affordable housing in the City.

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

Held and Closed

Enactment No: ORD-13-01

COMMUNICATIONS FROM COUNCIL

None.

A APPROVAL OF COUNCIL MINUTES

A-1 13-0093 Work Session of January 14, 2013; Regular Session of January 22, 2013

Attachments: 01-14-13 Draft Work Session minutes, 01-22-13 Draft Minutes, Council Redaction List 01-22-13

A motion was made by Councilmember Kailasapathy, seconded by Councilmember Briere, that the Minutes of the Working Session of January 14, 2013 and the Regular Session of January 22, 2013 be Approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

Passed on consent agenda

A motion was made by Councilmember Warpehoski, 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 12-1679 Resolution to Approve the Purchase of DCU IIs from Aclara RF Systems, Inc. (\$90,000.00)

Enactment No: R-13-032

CA-2 13-0014 Resolution to Approve the Renewal Agreement for Information Technology Services between the City of Ann Arbor and City of Chelsea (\$55,614.00)

Attachments: Chelsea 2013 Contract - Signed by Chelsea

Enactment No: R-13-033

B ORDINANCES - SECOND READING

B-1 12-1515 An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 3.32 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), Summit Townhomes, 2081 East Ellsworth (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-01)

Attachments: Summit Zoning 13-01 Briefed.pdf, SummitZoningOrdinance.pdf, The Summit Townhouses Staff Report with Attachments1-3-2013REV

Councilmember Briere moved, seconded by Councilmember Kunselman, that the ordinance be Adopted at Second Reading.

Enactment No: ORD-13-01

Council requested that staff report back on this item, including a reconsideration by Planning for a possible reduction in zoning. Reports on the impacts of the project were also requested from Parks, AAPD, Planning and the AAPS.

A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Ordinance be Postponed and returned to the City Planning Commission to review for a possible reduction in zoning. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-13-01

RECESS

Mayor Hieftje called a recess at 8:44 p.m. and reconvened the meeting at 8:57 p.m.

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 13-0030 Resolution Authorizing Property Assessed Clean Energy (PACE) Bonds

Sponsors: Hieftje and Teall

Attachments: PACE Bond Resolution_Exhibit A_rev1Feb

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

Staff was requested to meet with new Councilmembers and review the PACE process with them.

A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Resolution be Postponed until 2/19/2013. On a voice vote, the Mayor declared the motion carried.

DB New Business - Boards and Commissions:

DB-1 13-0004 Resolution to Approve the Distribution of the Draft Master Plan Amendment: South State Street Corridor Plan (CPC Recommendation: Approval - 7 Ayes and 0 Nays)

Attachments: 1/3/13 Planning Staff Report, DRAFT Plan 011813.pdf

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-13-034

DS New Business - Staff:

DS-1 12-1662 Resolution to Approve a Professional Services Agreement with Orchard, Hiltz & McCliment, Inc. (\$968,348.00) for the Sanitary Sewer System Flow Monitoring and Wet Weather Evaluation Project

Attachments: OHM PSA.pdf, DS-1 Context Memo, Project Handout_FDD and Re-Study, Strategy Diagram_Big Picture_2013-01-31

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

Enactment No: R-13-035

DS-2 13-0069 Resolution to Approve Frequency Reconfiguration Agreement with Nextel for the Re-Banding of the 800 MHz Radio System KNIY845

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

Enactment No: R-13-036

DS-3 13-0070 Resolution to Approve Amendment No. 1 to the Interagency Agreement for Collaborative Technology and Services (IACTS) with Washtenaw County and Ann Arbor Transportation Authority

Attachments: IACTS Amend 1 January 2013 execution copy

Council requested that staff report back on other cooperatives that the City is a participant.

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

Enactment No: R-13-037

E COMMUNICATIONS FROM THE MAYOR

E-1 13-0088 Appointments - Confirmations

Attachments: Timothy Somers.doc, Katherine White.doc, Robert White.doc, William Brogan.doc, Barbara Levin Bergman.doc, Alexa Nerdrum.doc, Candice Briere.doc, Eric Sturgis app..pdf, Barbara Levin Bergman.pdf

Mayor Hieftje requested confirmation of the following appointments that were placed on the floor for consideration at the January 22, 2013 regular session:

Board of Review

*Timothy Somers (Re-Appointment)
2944 Whittier West
Ann Arbor, MI 48104
Term: February 4, 2013 - February 3, 2016*

*Katherine White (Re-Appointment)
1942 Washtenaw Avenue
Ann Arbor, MI 48104
Term: February 4, 2013 - February 3, 2016*

*Robert White (Re-Appointment)
1849 Saxon Rd.
Ann Arbor, MI 48103
Term: February 4, 2013 - February 3, 2016*

*William Brogan (Re-Appointment)
950 Northwood
Ann Arbor, MI 48103
Term: February 4, 2013 - February 3, 2016*

Commission on Disability Issues

*Barbara Levin Bergman (Filling vacancy)
2045 Geddes Ave.
Ann Arbor, MI 48104
Term: February 4, 2013 - February 3, 2016*

Employees' Retirement System Board of Trustees

*Alexa Nerdrum (Re-Appointment)
3176 Lakewood Dr.
Ann Arbor, MI 48103
Term: February 4, 2013 - February 3, 2016*

Zoning Board of Appeals

*Candice Briere (Re-Appointment)
3029 Forest Creek Court
Ann Arbor, MI 48108
Term: February 4, 2013 - February 3, 2016*

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

E-2 13-0123 Appointments & Nominations

Attachments: Elizabeth Leidy Arsenault app..pdf

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

Board of Review

Elizabeth Leidy Arsenault (filling vacancy left by Paul Herndon)

1509 Granger

Ann Arbor, MI 48104

Term: February 19, 2012-February 5, 2015

Taxicab Board

Tom Oldakowski (Re-Appointment)

404 W. Davis

Ann Arbor, MI 48103

Term: February 19, 2013-February 18, 2016

Referred to the City Council due back on 2/19/2013

COMMUNICATIONS FROM COUNCIL

None.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR**F-1 13-0094 Report on Street Millage Funded Projects in 2012**

Attachments: 2012 Street Millage Report, StreetResurfacing2012

Received and Filed

F-2 13-0096 Ann Arbor DDA Financial Audit for the Fiscal Year Ending June 30, 2012

Attachments: City of Ann Arbor DDA FS 6-30-12 (FINAL)

Received and Filed

F-3 13-0120 2013 Road Construction Projects

Attachments: StreetResurfacing2013 Map

Received and Filed

G COMMUNICATIONS FROM THE CITY ATTORNEY

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

- H-1 13-0010** Farmers Market Operating Rules - Proposed Change to Vendor Application Annual Procedures
- H-2 13-0056** Communication from Comcast regarding changes to their channel lineup - CTN
- H-3 13-0066** Comprehensive Annual Financial Report and the Single Audit for the Fiscal Year Ending June 30, 2012
Attachments: City of Ann Arbor CAFR 6-30-12 (FINAL), City Of Ann Arbor SA 6-30-12 (FINAL), City of Ann Arbor SAS Ltr. (REVISED FINAL)
- H-4 13-0081** Communication from Design Review Board regarding Design Review Process Report
Attachments: Council One-Year DRB Report 12-11-12
- H-5 13-0053** Communication from the State of Michigan Public Service Commission regarding Notice of hearing for Electric Customers of the Detroit Edison Company in Case No. U-17054 scheduled for January 24, 2013 - File
Attachments: DTE Notice Hearing

I The following minutes were received for filing:

- I-1 12-1529** City Planning Commission Meeting Minutes of November 7, 2012
Attachments: 11-7-2012 CPC Approved Minutes.pdf
- I-2 12-1578** Historic District Commission Meeting Minutes of the October 11, 2012
Attachments: 10-11-2012 HDC Approved Minutes.pdf
- I-3 12-1579** Historic District Commission Meeting Minutes of the November 15, 2012
Attachments: 11-15-2012 HDC Approved Minutes.pdf

- I-4 12-1627** Council Liquor License Review Committee Meeting Minutes - October 19, 2012
Attachments: 2012-10-19 liquor committee minutes
- I-5 13-0031** Ann Arbor Commission on Disabilities Meeting Minutes of October 17, 2012
Attachments: Disabilities Minutes 10172012.rtf, Disabilities Minutes 10172012
- I-6 13-0032** Human Rights Commission Meeting Minutes of November 14, 2012
Attachments: HRC Meeting Minutes 11-14-12r
- I-7 13-0034** Ann Arbor Downtown Development Authority Meeting Minutes - December 5, 2012
Attachments: DDA Minutes 12-5-12.min
- I-8 13-0035** Downtown Area Citizens Advisory Council Meeting Minutes - January 8, 2013
Attachments: Downtown Area Citizens Advisory Council Meeting Minutes 1-8-13
- I-9 13-0074** Ann Arbor Public Art Commission Meeting Minutes - October 2012 and November 2012
Attachments: AAPAC Meeting Minutes - October 2012.pdf, AAPAC Meeting Minutes - November 2012.pdf
- I-10 13-0084** City of Ann Arbor Employees' Retirement System - Minutes for the Regular Meeting of December 20, 2012
Attachments: Employees' Retirement Minutes 12-20-12
- I-11 13-0085** City of Ann Arbor Retiree Health Care Benefit Plan & Trust Board of Trustees - Minutes for the Regular Board Meeting of December 20, 2012
Attachments: VEBA Minutes 12-20-12
- I-12 13-0089** Ann Arbor Commission on Disabilities Meeting Minutes of December 19, 2012
Attachments: Disabilities Minutes 12192012

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Thomas Partridge, City resident, addressed Council regarding Democratic issues.

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).

A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Council enter into Closed Session under MCLA 15.268 (d), the purchase or lease of real property. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 9:26 p.m.:

Yeas: 11 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Warpehoski

Nays: 0

MEETING RECONVENED

A motion was made by Councilmember Taylor, seconded by Councilmember Lumm, that the meeting reconvene in Open Session. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:45 p.m.

ADJOURNMENT

A motion was made by Councilmember Warpehoski, seconded by Councilmember Taylor, that the meeting Adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:45 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, FEBRUARY 4, 2013, 7:00 P.M.

REPLAYS: TUESDAY, FEBRUARY 5, 2013, 10:00 A.M. AND FRIDAY, FEBRUARY 8, 2013, 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, 301 E. Huron Street, 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.