

City of Ann Arbor

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



Meeting Minutes

Monday, July 16, 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 7:10 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: 10 - 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 Carsten Hohnke and Councilmember Jane Lumm

Absent: 1 - Councilmember Christopher Taylor

APPROVAL OF AGENDA

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

INT INTRODUCTIONS

None.

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. Tom Partridge - Progress Agenda: Expand employment, voting and human rights, public transportation, affordable housing and environmental protections. (I-5, I-6, I-7, I-8, I-11)**

Tom Partridge, Ann Arbor resident, addressed Council regarding a progressive agenda, which would include discussions on expanding employment, voting, human rights, public transportation, affordable housing and environmental protections.

2. James D'Amour- Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land (DC-1)

James D'Amour, 2771 Maplewood Ave., representing the Sierra Club of Ann Arbor, spoke in support of the proposed resolution requiring voter approval of long term non-park or non-recreational uses of parkland. He said that Ann Arbor residents demand public input on this issue.

3. Elizabeth Donoghue Colvin- Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land (DC-1)

Elizabeth Donoghue Colvin, 1053 Maiden Lane, spoke in opposition to the proposed resolution requiring voter approval of long term non-park or non-recreational uses of parkland. She said the current process provides plenty of opportunity for public input into the process.

4. Rita Mitchell- Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land (DC-1)

Rita Mitchell, 621 Fifth St., encouraged Council to support the proposed resolution requiring voter approval of long term non-park or non-recreational uses of parkland. She said that this resolution would provide support for City parkland, which is jointly owned by all Ann Arbor taxpayers.

5. Lawrence Baird- Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land (DC-1)

Lawrence Baird, 1770 Riverwood Dr., spoke in support of the proposed resolution to require voter approval of long term non-park or non-recreational uses of parkland. He said there is a loophole in the 2008 charter amendment that could allow the City to enter into long term lease agreements for non-park purposes and essentially repurpose the land. He added that this not only violates the spirit of the amendment, but also violates the spirit of the voter approved Greenbelt program.

6. Carl Goines - Funding for Preliminary Site Work at 415 W. Washington (DC-2)

Carl Goines, Executive Director of 555 Nonprofit Gallery and Studios, said that he and a team of professionals have been working with the Mayor's Taskforce to determine the next steps for creating an art space at 415 W. Washington. He asked for Council's support for the proposed resolution to fund preliminary site work at 415 W. Washington.

7. Jack Eaton- Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land (DC-1)

Jack Eaton, 1606 Dicken Dr., spoke in support of the proposed resolution requiring voter approval of long term non-park or non-recreational uses of parkland and spoke in opposition to postponing the vote on this issue until after the Primary Election on August 7, 2012. He said that supporting the resolution does not amend the Charter; it allows voters to express their opinion on amending the Charter.

8. Sally Petersen- Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land (DC-1)

Sally Petersen, 2976 Hickory Lane, urged Council to approve the proposed resolution to place a question on the ballot, requiring voter approval of long term non-park or non-recreational uses of parkland. She said that not doing so would be inconsistent with the intent of the City's Open Space and Parkland Ordinance.

9. Gwen Nystuen- Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land (DC-1)

Gwen Nystuen, 1016 Olivia Ave., spoke in support of the proposed resolution requiring voter approval of long term non-park or non-recreational uses of parkland. She said that the proposed resolution does not prevent changing the use of parkland or the sale of parkland. It shows that this issue is important enough to put it to a vote of the citizens. It requires that the citizens be made fully aware of proposed changes and have an opportunity to vote on them.

10. Blair Shelton - Appointment of John Seto as Safety Services Administrator and Police Chief (DC-3)

Blair Shelton, 609 E. William, spoke in opposition to the proposed resolution to appoint John Seto as Police Chief and Safety Services Administrator of Ann Arbor.

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER SMITH*

Councilmember Smith announced that the Huron River North Main Task Force held its first meeting. Site tours have been scheduled July 25, and August 1, 2012. Their first action meeting has been scheduled for August 8, 2012, location to be determined.

A grand opening of the Library Lot underground parking structure took place recently. The structure is not completely open, but is planned to be fully open to the public prior to the start of the 2012 Ann Arbor Art Fairs.

MAYOR HIEFTJE

Mayor Hieftje also commented on the new parking structure. He noted that no General Fund dollars went into the building of the structure. The mayor stated that the City has to make a decision about its future regarding transportation and whether more parking structures will be built or if public transit will be expanded.

COUNCILMEMBER BRIERE

Councilmember Briere said that she attended the grand opening of the parking structure and that she has three passes to the structure available. She said that if anyone was interested in the passes to contact her directly.

COUNCILMEMBER LUMM

Councilmember Lumm also attended the grand opening of the parking structure. She said that there was another gathering this past Saturday on the top of the parking lot regarding the vision that many City residents have regarding the future of the surface lot itself and the possibility of creating a public space.

COUNCILMEMBER ANGLIN

Councilmember Anglin reported on the Jackson Road lane change project and the meeting that recently took place. He said over 100 residents attended the meeting and the community is split on the future of the corridor. Councilmember Anglin thanked staff for engaging the citizens regarding the project.

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman said that he watched the Ann Arbor French Dukes perform this past weekend. He said that the Ann Arbor should be proud of the French Dukes. They performed in front of President Nixon in the past and are people who have brought great value and pride to the community.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR*UPDATE ON CITY'S WATER SUPPLY*

City Administrator Steve Powers asked Craig Hupy, Interim Public Services Area Administrator, to update Council on the City's water supply given the unusually dry summer season.

Mr. Hupy said that with the continuing warm weather, a question has come up on how the drought and the reduced rainfall have affected the City's water supply. He said that conditions are not currently affecting the water supply. The water is drawn from well fields and the river. The river is the majority of the water supply. The river is running between 80 and 90 cubic feet per second (cfs). There are two power dams; Barton and Superior. Both dams are currently shut down and are not producing power because the river flow is low enough and there is not enough energy there to produce power. The next trigger point for reporting would be 50 cfs, which the City would be required to report to the MDEQ. MDEQ may or may not ask the City to start the drought contingency plan, which is a 3-tiered plan, if the City reaches this threshold. The first tier would be voluntary odd/even watering bans and then escalating up through mandatory total watering bans at the highest level.

Mr. Hupy added that historically the City has had good responses from citizens when they have gone to voluntary watering bans. This may be required in the next few weeks if the drought conditions continue.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 12-0490 Resolution to Approve Maple Cove Apartments and Village Site Plan and Development Agreement, 1649 North Maple (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve Maple Cove Apartments and Village Site Plan and Development Agreement, 1649 North Maple. Notice of public hearing was published July 9, 2012.

Thomas Partridge, City resident, spoke in opposition to the proposed resolution and stated he is advocating for the most vulnerable residents.

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

Held and Closed

COMMUNICATIONS FROM COUNCIL

MAYOR HIEFTJE

In response to a citizen comment, Mayor Hieftje pointed out that in a Planned Unit Development (PUD) project, the City could require affordable housing units and does require affordable housing and/or payments from the developer that are applied to future affordable housing projects. However, on this particular development, which is a "by-right," the City does not have the ability to require affordable housing units under State Law.

COUNCILMEMBER LUMM

Councilmember Lumm thanked staff for their responses to her questions regarding items on tonight's Consent Agenda.

A APPROVAL OF COUNCIL MINUTES

A-1 12-0962 Working Session of May 14, 2012 and Regular Session of July 2, 2012

A motion was made by Councilmember Kunselman, seconded by Councilmember Higgins, that the work session minutes of May 14 and the regular session minutes of July 2, 2012, 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 Higgins, seconded by Councilmember Smith, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- CA-1 12-0808** Resolution to Approve Contracts for Upgrade of Tax and Assessing Software Systems (\$58,801.00)
- CA-2 12-0839** Resolution to Approve Purchase of Sodium Hexametaphosphate for Water Treatment from Water Solutions Unlimited Bid No. ITB-4229 (estimated \$77,200.00/yr)
- CA-3 12-0850** Resolution to Approve of Amendment No. 5 to the Professional Services Agreement with Stantec Consulting Michigan, Inc. for Technical Engineering Services
- CA-4 12-0854** Resolution to Approve Purchase of Clarifloc C-308P for Water Treatment from Polydyne Inc; Bid No. ITB-4230 (estimated \$30,870.00/yr)
- CA-5 12-0879** Resolution to Approve a Change Order to the Contract with L.C. Construction, LLC to Renovate the Restrooms at the Ann Arbor Senior Center (\$8,373.35)

CA-6 12-0895 Resolution to Approve a Contract with Wally Hollyday Skateparks to Design and Provide Construction Oversight for the Skatepark at Veterans Memorial Park (\$89,560.00)

B ORDINANCES - SECOND READING

None.

C ORDINANCES - FIRST READING

C-1 12-0844 An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.12 Acres from O (Office District) to PL (Public Land District) and 0.57 Acre from R4C (Multiple-Family Dwelling District) to PL (Public Land District), Bluffs Nature Area Additions, 1099 North Main Street (CPC Recommendation: Approval - 6 Yeas and 0 Nays) (Ordinance No. ORD-12-23)

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

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 12-0958 Resolution to Order Election and to Determine Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land (7 Votes Required)

Sponsors: Anglin, Lumm and Briere

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

It was decided that this resolution, if postponed, should go to the Park Advisory Commission for their review and recommendation prior to returning to Council.

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be postponed until 8/20/12.

A motion was made by Councilmember Lumm, seconded by Councilmember Kunselman, that the postponement date be moved to 8/9/2012. On a voice vote, the Mayor declared the motion carried, with one no-vote by Councilmember Smith.

The question being, the motion to postpone until 8/9/2012, as amended, on a voice vote, the Mayor declared the motion carried with one no-vote made by Councilmember Anglin.

- DC-2 12-0964** Resolution to Approve Funding for Preliminary Site Work at 415 W. Washington (\$50,000.00) (8 Votes Required)
- Sponsors:** Hieftje, Hohnke, Teall and Anglin
- A motion was made by Councilmember Hohnke, 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.**
- DC-3 12-0965** Resolution to Appoint John Seto as Safety Services Administrator and Police Chief Effective July 17, 2012
- Sponsors:** Hieftje and Higgins
- 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.**

RECESS

Mayor Hieftje declared a recess at 9:13 p.m. and reconvened the meeting at 9:27 p.m.

DB New Business - Boards and Commissions:

- DB-1 12-0490** Resolution to Approve Maple Cove Apartments and Village Site Plan and Development Agreement, 1649 North Maple (CPC Recommendation: Approval - 6 Yeas and 0 Nays)
- A motion was made by Councilmember Derezinski, seconded by Councilmember Higgins, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried with one no-vote made by Councilmember Kunselman.**

DS New Business - Staff:

- DS-1 12-0675** Resolution to Approve the Purchase of Pebble, High Calcium Quicklime from Huron Lime, Inc. for the Wastewater Treatment Plant, Bid No. ITB-4232 (estimated \$110,000.00 per year)
- A motion was made by Councilmember Lumm, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- DS-2 12-0849** Resolution to Award a Contract to Margolis Companies, Inc. (\$295,925.00; Bid No. ITB-4223) for the Purchase, Delivery and Planting of Trees along City Street Rights-of-Way
- 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.**

- DS-3 12-0848** Resolution to Award a Contract for Plymouth Parkway Park Wetland Restoration to Fonson Inc. (\$97,687.50) and an Appropriation of Funds (\$107,687.00) (8 Votes Required)
- A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**
- DS-4 12-0853** Resolution to Approve Agreement with Scio Township Regarding Cost Allocation for the West High Services Pump Station Project
- A motion was made by Councilmember Teall, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- DS-5 12-0851** Resolution to Award Contract for the West High Services Pump Station Project to Spence Brothers (\$8,551,000.00)
- A motion was made by Councilmember Lumm, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- DS-6 12-0852** Resolution for Approval of Amendment No. 2 to the Professional Services Agreement with Stantec Consulting Michigan, Inc. (\$750,000.00) for the West High Service Pump Station Project
- 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.**
- DS-7 12-0858** Resolution to appropriate Funds and Reimburse FCR LLC for Capital Expenditures at the Materials Recovery Facility (\$26,678.88) (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.**
- DS-8 12-0847** Resolution to Approve a Contract with JB Contractors, Inc. to Make Barrier Free Improvements to the Path System at the Leslie Science and Nature Center (\$115,309.50)
- 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.**
- DS-9 12-0532** Resolution Approving Cooperative Agreement between the United States of America Commodity Credit Corporation and the City of Ann Arbor for the Farm and Ranch Lands Protection Program and to Accept Grant Funds in the Amount of \$396,900.00.
- A motion was made by Councilmember Hohnke, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- DS-10 12-0923** Resolution to Approve Additional Street Closings for the 2012 UA Block Party to Include the Plumbers and Pipefitters 5K on Monday, August 13, 2012
- A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

DS-11 12-0921 Resolution to Suspend Use of Construction Unity Board (CUB) Agreement in Bid Specifications and New Construction Contracts Over \$25,000.00

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

E COMMUNICATIONS FROM THE MAYOR

E-1 12-0919 Appointments - Confirmations

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the July 2, 2012 regular session of Council:

Airport Advisory Committee

*Gordon Garwood (Re-Appointment)
546 Glendale Circle
Ann Arbor, MI 48103
Term: July 16, 2012 - July 15, 2015*

City Planning Commission

*Diane Giannola (Re-Appointment)
3252 Alpine Dr.
Ann Arbor, MI 48108
Term: July 1, 2012 - June 30, 2015*

Park Advisory Commission

*Bob Galardi (Replacing-David Barrett)
315 Second Street
Ann Arbor, MI 48103
Term: July 16, 2012 - July 15, 2015*

Public Market Advisory Commission

*Jillian Sweetman (Replacing- Shannon Brines as Daily Vendor rep.)
856 Wickfield Ct.
Ann Arbor, MI 48105
Term: July 16, 2012 - July 15, 2015*

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

E-2 12-0977 Appointment - Nomination

Duplicate item. See File 12-0919 for appointment and confirmation.

Withdrawn

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER LUMM

Councilmember Lumm asked that a press release be issued announcing the next PAC meeting when the proposed City charter amendment regarding the lease of parkland would be discussed.

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:**

None.

I The following minutes were received for file:**Passed on consent agenda**

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

- I-1 **12-0585** Zoning Board of Appeals Meeting Minutes of March 28, 2012
- I-2 **12-0730** Zoning Board of Appeals Meeting Minutes of April 25, 2012
- I-3 **12-0891** City of Ann Arbor Employees' Retirement Minutes for Regular Meeting - May 17, 2012
- I-4 **12-0892** City of Ann Arbor Retiree Health Care Benefit Plan & Trust Board of Trustees Minutes of Regular Board Meeting - May 17, 2012
- I-5 **12-0893** Ann Arbor Commission on Disability Issues Meeting - Minutes of May 16, 2012
- I-6 **12-0896** Washtenaw Area Transportation Study Policy Meeting Minutes of June 20, 2012
- I-7 **12-0902** Ann Arbor Transportation Authority Board Meeting Minutes of May 16, 2012

- I-8 12-0904 Ann Arbor Housing Commission - Minutes of May 16, 2012
- I-9 12-0911 Taxicab Board Meeting Minutes - March 22, 2012
- I-10 12-0913 Taxicab Board Meeting Minutes - April 25, 2012
- I-11 12-0917 Human Rights Commission Meeting Minutes of May 9, 2012
- I-12 12-0924 Ann Arbor Downtown Development Authority Minutes - June 6, 2012

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Tim Hull, City resident, expressed concern with the AATA and the Canton Express Ride Service to Canton. He discovered that there is no way for Ann Arbor residents like him to ride into Canton in the morning and from Canton in the evening, even though AATA is sending empty buses to Canton to pick up riders going into Ann Arbor.

Tom Partridge, City resident, addressed Council regarding countywide and region-wide public transportation, serving Washtenaw County and Southeastern Michigan's most vulnerable citizens.

Michael Benson, 2450 Stone School, addressed Council about the public speaking portion of the agenda. He encouraged Council to look at and prioritize the order of people addressing Council on agenda related items. He also addressed Council regarding possible non-partisan city elections.

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 Kunselman, seconded by Councilmember Smith, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:14 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, JULY 16, 2012, 7:00 P.M.

REPLAYS: TUESDAY, JULY 17, 2012, 10:00 A.M. AND FRIDAY, JULY 20, 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, 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.

12-1012 7-16-12 City Council Meeting Redaction List and Emails

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary