

City of Ann Arbor

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



Action Minutes

Tuesday, September 3, 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 7:07 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:** 9 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen and Councilmember Chuck Warpehoski
- Absent:** 2 - Councilmember Marcia Higgins and Councilmember Jane Lumm

APPROVAL OF AGENDA

A motion was made by Councilmember Warpehoski, 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 13-1014 Proclamation honoring Disability Advocate Lena Ricks

Attachments: Lena Ricks Proc.

Mayor Hieftje read a proclamation recognizing Disability Advocate Lena Ricks. Lena Ricks served until her death as the Executive Director of Partners in Personal Assistance, which she founded in 1999; the non-profit ensures that people with disabilities can live independent self-governed lives, by directing their own personal care. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

INT-2 13-1038 Proclamation recognizing Dawn Farm's 40th Anniversary

Attachments: Dawn Farm 40th Anniversary

Mayor Hieftje read a proclamation recognizing Dawn Farm's 40th Anniversary. Dawn Farm is a grassroots organization that helps addicts and alcoholics recover. They provide widespread services for those suffering from addiction in Washtenaw County, the State of Michigan, and across the country. In 2013, Dawn Farm is celebrating 40 years of success in helping our most vulnerable citizens. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

INT-3 13-1040 NAP volunteer proclamation for Bill Kidd

Attachments: NAP proc. for Bill Kidd

Mayor Hieftje read a proclamation honoring Bill Kidd as a NAP Volunteer of the Month. Bill Kidd has dedicated himself to volunteering in the assistance of the Ann Arbor Parks and Natural Areas Preservation Program and has worked enthusiastically to care for the City's young trees by pruning, weeding, and monitoring street and park trees through the Citizen Pruner Program. Mr. Kidd has also served as a mentor for other volunteers. A copy of the proclamation is on file in the City Clerk's Office.

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. Tom Partridge - The MLK freedom March must continue. Give priority to providing access to public participation to all city government meetings, affordable housing and public transportation. Write in Tom Partridge for Fifth Ward Council Representative.**

Tom Partridge, Ann Arbor resident, addressed Council regarding the need to continue the MLK Freedom March, giving priority to providing access to public participation to all City government meetings, affordable housing and public transportation. He also announced himself as a write-in candidate for the Fifth Ward Council Representative.

- 2. Jim Mogensen - Downtown Development Authority Ordinance (B-1)**

Jim Mogensen expressed concern with the proposed Downtown Development Authority Ordinance. He said that the basic idea is to make sure that the City can function well and there should be a way to make that happen. He also spoke about his concerns with the budget.

3. Roger Rayle - Resolution regarding Cleanup Criteria for the 1,4 Dioxane Plume, Based on EPA Standards (DC-2)

Roger Rayle, 3141 N. Wagner Rd., spoke in support of the proposed resolution requesting the MDEQ to set cleanup criteria for the 1,4 Dioxane Plume. He said that he was pleased to see that Council is taking action on this issue. He stated he is very concerned about how the plume will affect the water supply in the future.

4. Jeff Hayner - Environmental Issues (DB-2, DB-3, DC-2)

Jeff Hayner, 1807 Pontiac Trail, spoke in support of the resolution encouraging Community Solar Development in Ann Arbor. Mr. Hayner also supported the resolution from the Energy Commission asking the City of Ann Arbor Employees' Retirement System to divest from the top 200 publicly-traded fossil fuel companies. Finally, Mr. Hayner spoke in support of the resolution urging the MDEQ to set responsible cleanup criteria for the Pall Gelman 1,4 Dioxane Plume based on current EPA standards.

5. Mike Shriberg - Divestment Resolution (DB-2)

Mike Shriberg, 1473 Pine Valley Blvd., stated he was speaking on behalf of the Energy Commission in support of the resolution encouraging Community Solar Development and the resolution urging the Employees' Retirement System to divest from the top 200 publicly traded fossil fuel companies.

6. Monica Patel - Divestment Resolution (DB-2)

Monica Patel, 1519 Arborview Blvd., spoke on behalf of the Ecology Center in support of the Resolution urging the City of Ann Arbor Employees' Retirement System to divest from the top 200 publicly-traded fossil fuel companies, and the Resolution Encouraging Community Solar Development in Ann Arbor. Ms. Patel said that she collected signatures from Ann Arbor residents who are in support and she submitted them into the record.

7. Mark Koroi - Resolution Approving 2013 Council Rules (DC-1)

Mark Koroi addressed Council regarding the proposed changes to Council Rules.

8. Henry Herskovitz - Weekly Vigils at Beth Israel

Henry Herskovitz, addressed Council regarding the weekly vigils held outside the Beth Israel congregation. He reminded Council of the First Amendment rights of the protestors.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER BRIERE

Councilmember Briere stated the report from the North Main Huron River Task Force was placed on the table for Council to review. She stated she was planning to have a presentation of the report at the next meeting of Council. Councilmember Briere stated the review by Planning Commission of the D1 zoning may be delayed until October.

COUNCILMEMBER PETERSEN

Councilmember Petersen invited Council to Liberty Plaza on Sunday, September 15 at 1:00 p.m. for the sensory garden dedication.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy spoke about the City's crosswalk ordinance. She stated she has received many comments and complaints from residents. Councilmember Kailasapathy stated she would like a recommendation from a traffic engineer regarding the safety of the City's crosswalks as written in this ordinance.

13-1058

The North Main Street - Huron River Corridor Vision for the Future Report

Attachments: North Main St. - Huron River Corridor Vision for the Future

Received and Filed

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Steve Powers reported on the following:

WASTEWATER OVERFLOW

Mr. Powers informed Council and the public that the City experienced a wastewater overflow in the Nichols Arboretum, which reached the Huron River. City crews quickly reacted to the report and cleared the blockage in the sanitary line that was causing the overflow. Because the sewage reached the Huron River, the City of Arbor took the immediate precaution of closing canoe livery trips in the vicinity, from Argo to Gallup, on Thursday and through Friday. Any body contact is not recommended for at least 24 hours after a known release of raw sewage to waterways. Mr. Powers stated that the news reports were quite accurate on the incident.

PEDESTRIAN CROSSINGS

Mr. Powers responded to Councilmember Kailasapathy's concerns regarding the City's Crosswalk Ordinance. He stated the City's engineering staff are reviewing the ordinance and a status report will be provided to Council.

FIRE ON LINCOLN STREET

Mr. Powers acknowledged and thanked the staff of the Ann Arbor Fire Department for a job well done responding to a reported structure fire earlier today on Lincoln Street. Mr. Powers stated the owner of the home contacted him to say thanks to the AAFD for their quick response and professional service.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 13-0919

Resolution to Approve Hampton Inn Planned Project Site Plan and Development Agreement Amendment, 2910 Jackson Road (CPC Recommendation: Approval - 8 Years and 0 Nays)

Sponsors: City Planning Commission

Attachments: 7/2/13 Planning Staff Report, 6/18/13 Planning Commission Minutes, HamptonInnDevAgree 8-20.pdf

A public hearing was conducted on the proposed Resolution to approve the Hampton Inn Planned Project Site Plan and Development Agreement Amendment, located at 2910 Jackson Road. Notice of public hearing was published August 22, 2013.

Tom Partridge, City resident, expressed concern with the proposed site plan and development agreement amendment.

Andy Wakeland, PE, of Giffels Webster Engineers, spoke on behalf of the petitioner. He addressed some of the concerns that had been raised regarding the sidewalks and pedestrian access. Mr. Wakeland was available to answer any questions of Council.

Jeff Ryntz, of Victor Saroki & Associates Architects PC, architect for the project, stated all of the concerns have been addressed and he urged Council to approve this amendment so that the project could move forward again.

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

Held and Closed

Enactment No: R-13-282

COMMUNICATIONS FROM COUNCIL

None.

A APPROVAL OF COUNCIL MINUTES

A-1 13-1026

Regular Session Minutes of August 19, 2013

Attachments: 08-19-13 Draft Minutes, Council E-mails 8-19-2013

A motion was made by Councilmember Petersen, seconded by Councilmember Taylor, that the Meeting Minutes of August 19, 2013 be approved as presented. On a voice vote, the Mayor declared the motion carried.

- CA-1 13-0999** Resolution to Accept Board of Insurance Administration Minutes of August 15, 2013, and to Approve Workers' Compensation Coverage through Accident Fund Insurance Company of America (\$56,192.00) and Agreement with CompOne Administrators for Third Party Administrative Services (\$28,000.00)

Attachments: CompOne Contract.pdf, Comp Proposal FY14 & 15

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

Enactment No: R-13-278

CA CONSENT AGENDA

B ORDINANCES - SECOND READING

Unfinished Business - Staff:

- B-1 13-0188** An Ordinance to Amend Sections 1:155, Section 1:156 and Add a New Section Which New Section Shall Be Designated as Section 1:160 of Chapter 7, Downtown Development Authority, Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-13-05)

Sponsors: Kunselman and Kailasapathy

Attachments: ORD 13-05 Briefed as Amended 41513, 13-05 Amended and Briefed, DDA Ordinance as Amended on 040113, Memo Substitute DDA Ordinance Amendments, DDA Ordinance Amendments 2013 Substitute Version 2, DDA Ordinance Amendments REVISED 3-1-13, DDA Ordinance Amendments 2013, Stephen Kemsley Communication

Council requested that staff work with the Joint DDA-Council Committee to review the proposed ordinance and provide clarifying language to address some of the questions raised.

A motion was made by Councilmember Kunselman, seconded by Councilmember Kailasapathy, that the Resolution be approved.

Enactment No: ORD-13-05

(The complete copy of the text of Ordinance No. ORD-13-05 is on file in the City Clerk's Office.)

A motion was made by Councilmember Kunselman, seconded by Councilmember Briere, that the Ordinance be Postponed at Second Reading to the City Council and should be returned by 9/16/2013. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-13-05

C ORDINANCES - FIRST READING

New Business - Staff:

C-1 13-0909 An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.44 Acres from PUD (Planned Unit Development District) to Revised PUD (Planned Unit Development District), Shell Gas Station/Tim Horton's Revised PUD Zoning and Supplemental Regulations, 2679 Ann Arbor-Saline Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-23)

Attachments: ORD-13-23 Briefed, Shell Service Station REVISED PUD Zoning as Amended 090313, Shell PUD Ordinance and Revised Supp, 7/16/13 Planning Staff Report

A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Ordinance be approved at First Reading.

Enactment No: ORD-13-23

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

Section 3: Findings

The beneficial effects of the proposed site plan and supplemental PUD regulations are as follows:

- (A) The expansion of convenience retail options at this site will benefit the surrounding neighborhoods.**
- (B) The architectural design standards set by the PUD will ensure appropriate development of this gateway site.**
- (C) Additional job opportunities within the City limits will result from the expansion of the retail store and drive thru.**
- (D) The Mallets Creek watershed will be protected and enhanced by the expanded storm water management system within the development.**
- (E) A [Gateway] pedestrian sitting area offers a pleasing amenity to area residents and to visitors.**
- [(F)] [A convenient access to residents and patrons to food and drink without the need to park or leave their vehicle.]**
- [(G)] (F) An outdoor eating area with convenient pedestrian access.**
- [(H)] (G) The parcel described above meets the standards for approval as a PUD, and the regulations contained herein constitute neither the granting of special privilege nor deprivation of property rights.**

Note: Brackets [] indicate deleted language

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

Yeas: 6 - Mayor Hieftje, Councilmember Kunselman, Councilmember Briere, Councilmember Taylor, Councilmember Kailasapathy and Councilmember Warpehoski

Nays: 3 - Councilmember Teall, Councilmember Anglin and Councilmember Petersen

Absent: 2 - Councilmember Higgins and Councilmember Lumm

Enactment No: ORD-13-23

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

Section 4: PUD Regulations

(A) Permitted principal uses shall be:

- (1) Those principal uses permitted in the C1 (Local Business District) as set forth in the Zoning Ordinance of City Code.**
- (2) Gasoline service station**
- [(3) Car wash]**

Note: Brackets [] indicate deleted language.

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

Enactment No: ORD-13-23

(The complete copy of the text of Ordinance No. ORD-13-23 is on file in the City Clerk's Office.)

The question being, the motion made by Councilmember Teall, seconded by Councilmember Briere, that the Ordinance be Approved as Amended on First Reading and should be returned by 10/7/2013 for Second Reading, on a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-13-23

D MOTIONS AND RESOLUTIONS

DC Unfinished Business - Council:

DC-1 13-0767 Resolution to Approve the 2013 City Council Rules

Sponsors: Council Rules Committee

Attachments: Council Rules 2013 draft changes As Amended on 7-15-13, Council Rules 2013 draft changes

A motion was made by Councilmember Taylor, seconded by Councilmember Petersen, that the Resolution be approved.

A motion was made by Councilmember Taylor, seconded by Councilmember Petersen, that the Resolution be Postponed until 9/16/2013.

Councilmember Warpehoski proposed that Council direct staff to include Public Commentary - General Time on the Work Session agenda of September 9, 2013. (Council concurred.)

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

DC New Business - Council:

DC-2 13-1043

Resolution Urging the Michigan Department of Environmental Quality (MDEQ) to Set Responsible Cleanup Criteria for the 1,4 Dioxane Plume, Based on EPA Standards

Sponsors: Briere, Warpehoski and Hieftje

Attachments: Pall-Gelman Resolutions, Pall-Gelman_Plume_2013, map of plume 2006-2011, maps of plume 2002, map of plume 2000-2001

Councilmember Briere moved, seconded by Councilmember Warpehoski, that the Resolution be approved.

Enactment No: R-13-279

Councilmember Briere offered the following amendment to the resolution, which was considered friendly by Councilmember Warpehoski:

WHEREAS, THOUSANDS OF RESIDENTS OF THE CITY OF ANN ARBOR AND NEIGHBORING MUNICIPALITIES INCLUDING SCIO TOWNSHIP, ANN ARBOR TOWNSHIP, HAVE BEEN WORKING FOR OVER 20 YEARS FOR THE PROTECTION OF THE SURFACE AND GROUND WATERS OF THE STATE FROM THE CONTINUING THREAT AND ACTUAL CONTAMINATION FROM 1, 4-DIOXANE CONTAMINATION ORIGINATING AT THE PALL/GELMAN SCIENCES, INC. ("PGSI") WAGNER ROAD FACILITY, AND FOR EFFECTIVE CONTAINMENT AND PROPER TREATMENT OF WATERS ALREADY IMPACTED BY THE CONTAMINATION;

Whereas, The Michigan Department of Environmental Quality (MDEQ) establishes generic cleanup criteria for hazardous substances under the authority of Part 201 of the Michigan Natural Resources and Environmental Protection Act, that are intended to be protective of human health and the environment from a variety of exposure pathways;

Whereas, These criteria are used by MDEQ in enforcement actions against polluters and other liable parties;

Whereas, The current MDEQ 1,4-dioxane generic residential drinking water cleanup criterion was set a number of years ago at 85 parts per billion (ppb) to result in a one-in-a-hundred-thousand (1 in 100,000) residual cancer risk;

Whereas, In 2010, US EPA published a toxicological review of 1,4-dioxane recommending a steeper cancer slope factor, effectively lowering the drinking water residual cancer risk levels to 35 ppb for 1 in 10,000 and 3.5 ppb for 1 in 100,000;

Whereas, The US EPA has categorized 1,4-dioxane as a non-threshold carcinogen;

Whereas, California and Illinois lowered their drinking water guidance levels to 1 ppb, while Massachusetts set its guidance at 0.3 ppb;

Whereas, The MDEQ missed its self-imposed deadline of December 2012 to set new standards or cleanup criteria for 1,4-dioxane, which were to be based on the EPA toxicological review;

Whereas, The MDEQ's deadline for revising the cleanup criteria administrative rules was extended until December 31, 2013; however it appears to be unlikely that the MDEQ will meet that deadline;

Whereas, The Pall-Gelman plume has been of ongoing concern to Ann Arbor and surrounding communities given the risks to public, human health and the environment;

Whereas, The footprint of the Pall-Gelman 1,4-dioxane plume continues to expand, although the extent of that expansion is not clearly defined;

Whereas, Additional data and modeling, are needed to help define and predict the areas, direction and rate of expansion of its 1,4-dioxane plume;

Whereas, Ann Arbor has been unsuccessful in its efforts to be considered by the Circuit Court for Washtenaw County as an interested party in the lawsuit brought by the Michigan Attorney General on behalf of the MDEQ against Pall-Gelman regarding the Pall-Gelman 1,4-dioxane plume and its cleanup;

Whereas, Pall-Gelman has not been required by the MDEQ and the Circuit Court for Washtenaw County to predict with sufficient accuracy the areas, direction and rate of expansion of its 1,4-dioxane plume; and

RESOLVED, That the City of Ann Arbor City Council urges the MDEQ to [act responsibly and] protect the public health and environment of Michigan under the authority delegated to the State under the Clean Water Act;

RESOLVED, That the City of Ann Arbor City Council urges the MDEQ to use the best science now available from EPA, including but not limited to the classification of 1,4-dioxane as a non-threshold carcinogen, to set cleanup criteria that are protective of public health and the environment for 1,4-dioxane and other chemicals;

RESOLVED, That the City of Ann Arbor City Council directs the city administrator and city staff to explore other actions available to the city, including but not limited to meeting with the MDEQ to aid in setting appropriate cleanup criteria for 1,4-dioxane in Michigan, including the Pall-Gelman plume and without site specific criteria for the Pall-Gelman plume;

RESOLVED, That the City of Ann Arbor City Council directs the city administrator and city staff to explore other actions available to the city, including but not limited to meeting with and petitioning the EPA to aid in setting appropriate cleanup criteria for 1,4-dioxane in Michigan, including the Pall-Gelman plume and without site specific criteria for the Pall-Gelman plume, and to cooperate with other local units of government to ensure protection of public health and the environment; and

RESOLVED, That a copy of this resolution be sent to the Washtenaw County delegation to the Michigan Legislature, the Governor of the State of Michigan, the Director of the Michigan Department of Environmental Quality and Congressman John D Dingell.

Sponsored by Briere, Warpehoski AND HIEFTJE

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

Enactment No: R-13-279

Councilmember Kunselman requested that staff provide more information regarding possible future contamination to the City's water supply.

A motion was made by Councilmember Petersen, seconded by Councilmember Kailasapathy, that the Resolution be postponed until 9/16/2013. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 4 - Councilmember Kunselman, Councilmember Taylor, Councilmember Kailasapathy and Councilmember Petersen

Nays: 5 - Mayor Hieftje, Councilmember Teall, Councilmember Anglin, Councilmember Briere and Councilmember Warpehoski

Absent: 2 - Councilmember Higgins and Councilmember Lumm

Enactment No: R-13-279

13-1043

Resolution Urging the Michigan Department of Environmental Quality (MDEQ) to Set Responsible Cleanup Criteria for the 1,4 Dioxane Plume, Based on EPA Standards

Sponsors: Briere, Warpehoski and Hieftje

Attachments: Pall-Gelman Resolutions, Pall-Gelman_Plume_2013, map of plume 2006-2011, maps of plume 2002, map of plume 2000-2001

The question being the Resolution as amended, 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 Taylor, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Warpehoski

Nays: 0

Absent: 2 - Councilmember Higgins and Councilmember Lumm

Enactment No: R-13-279

Councilmember Teall was absent at 9:27 p.m.

Present: 8 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen and Councilmember Chuck Warpehoski

Absent: 3 - Councilmember Marcia Higgins, Councilmember Margie Teall and Councilmember Jane Lumm

DC-3 13-1047

Resolution to Approve Street Closing for ESPN Game Day, Thursday, September 5, 2013 through Saturday, September 7, 2013

Sponsors: Hieftje

Attachments: ESPN Game Day Map, ESPN Game Day Itinerary, ESPN Game Day Requirements

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

Enactment No: R-13-280

DC-4 13-1049 Resolution for Community Events Fund Disbursements from the FY 2014 Budget

Sponsors: Higgins and Warpehoski

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

Enactment No: R-13-281

RECESS

Mayor Hieftje declared a recess at 9:29 p.m. and reconvened the meeting at 9:42 p.m.

Councilmember Teall returned to the meeting at 9:42 p.m.

Present: 9 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen and Councilmember Chuck Warpehoski

Absent: 2 - Councilmember Marcia Higgins and Councilmember Jane Lumm

DB New Business - Boards and Commissions:

DB-1 13-0919 Resolution to Approve Hampton Inn Planned Project Site Plan and Development Agreement Amendment, 2910 Jackson Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

Sponsors: City Planning Commission

Attachments: 7/2/13 Planning Staff Report, 6/18/13 Planning Commission Minutes, HamptonInnDevAgree 8-20.pdf

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

Enactment No: R-13-282

DB-2 13-0867 Resolution to Urge City of Ann Arbor Employees' Retirement System to Divest from the Top 200 Publicly-Traded Fossil Fuel Companies

Attachments: Approved Resolution of the Ann Arbor Energy Commission to City Council to Urge City of Ann Arbor Employees 7-9-13, Unburnable-Carbon-Full1.pdf, building_a_carbon_free_portfolio.pdf

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

Yeas: 5 - Mayor Hieftje, Councilmember Briere, Councilmember Taylor, Councilmember Kailasapathy and Councilmember Warpehoski

Nays: 4 - Councilmember Kunselman, Councilmember Teall, Councilmember Anglin and Councilmember Petersen

Absent: 2 - Councilmember Higgins and Councilmember Lumm

Enactment No:

DB-3 13-0870 Resolution to Encourage Community Solar Development in Ann Arbor

Attachments: Approved_Resolution_Community_Solar_Development_in_Ann_Arbor-Commission_07-09-13

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

Enactment No: R-13-283

DB-4 13-0933 Resolution to Approve the Purchase of Development Rights on the Sheldon and Wolf Property in Webster Township, and Appropriate Funds, Not to Exceed \$82,067.00 from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)

Attachments: Sheldon and Wolf Aerial Map, Sheldon and Wolf Protected Map

A motion was made by Councilmember Taylor, seconded by Councilmember Anglin, 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-13-284

DB-5 13-0961 Resolution to Approve Participation Agreement with Washtenaw County Parks and Recreation for the Purchase of 2 Parcels Owned by DF Land Development LLC in Ann Arbor Township, and Appropriate funds, Not to Exceed \$32,200.00 from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)

Attachments: DF Land Dev Protected Map v1

A motion was made by Councilmember Taylor, seconded by Councilmember Anglin, 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-13-285

DS Unfinished Business - Staff:

DS New Business - Staff:

DS-1 13-0907 Resolution to Approve a Purchase Order to Suntel Services, Inc. for 3-Year Telecommunications Maintenance and Support Agreement FY2014-FY2016 (\$189,491.04)

Attachments: Suntelannual_agreement3yrpricing

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

Enactment No: R-13-286

DS-2 13-0918

Resolution to Award Purchase Orders for Utility Infrastructure Components to ETNA Supply (\$167,883.28) and HD Supply (\$163,913.76) Bid No. ITB-4283

Attachments: ITB 4283 Infrastructure Components Final.pdf, Bid Tab ITB 4283 2013

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

Enactment No: R-13-287

E COMMUNICATIONS FROM THE MAYOR

E-1 13-1001 Appointments - Confirmations

Attachments: Devon Akmon.doc, Logan Casey.doc, Logan S. Casey app., Al McWilliams (updated app.), Devon Akmon updated app.

Mayor Hieftje announced that the October Working Session would focus on transportation issues. He also announced to the public that the DDA was still in need of new members.

Mayor Hieftje requested confirmation of the following appointments that were placed on the table for consideration at the August 19, 2013 regular session:

Ann Arbor Public Art Commission

*Devon Akmon (Filling vacancy)
1156 Glen Leven Rd.
Ann Arbor, MI 48103
Term: September 3, 2013-September 2, 2016*

Downtown Development Authority

*Al McWilliams (Replacing -Newcombe Clark)
551 S. Fourth Ave.
Ann Arbor, MI 48104
Term: September 3, 2013-September 2, 2016*

Appointment taken off the table on 9/3/13

Human Rights Commission

*Logan S. Casey (Filling vacancy)
807 W. Madison, Ste. 4
Ann Arbor, MI 48103
Term: September 3, 2013-October 31, 2016*

A motion was made by Councilmember Taylor, seconded by Councilmember Briere, that the Appointments be Approved.

After discussion regarding a possible conflict of interest by Mr. McWilliams serving on the DDA Board, his name was withdrawn. Council voted on the appointments to the Ann Arbor Public Art Commission and Human Rights Commission:

Ann Arbor Public Art Commission

**Devon Akmon (Filling vacancy)
1156 Glen Leven Rd.
Ann Arbor, MI 48103
Term: September 3, 2013-September 2, 2016**

Human Rights Commission

**Logan S. Casey (Filling vacancy)
807 W. Madison, Ste. 4
Ann Arbor, MI 48103
Term: September 3, 2013-October 31, 2016**

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

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman spoke about the Memorandum of Understanding with the University of Michigan regarding the lease of Fuller Road Park. He stated he would like this lease, with no end date, rescinded as it is no longer needed.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

F-1 13-1005 City Administrator's Report

Received and Filed

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 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 13-1003 Ann Arbor Transportation Authority (AATA) Draft Budget and FY2014 Adopted Work Plan

Attachments: AATA Workplan 2014_ADOPTED 08-15-13, AATA 2014 Draft Budget Book to PDC

H-2 13-1004 Ann Arbor Transportation Authority (AATA) Financial and Performance Reports

Attachments: AATA July 2013 Notes, AATA July 2013 Operating, AATA July 2013 Report to Treas, AATA R2 Demand Respons graphs, AATA R2 Fixed Route graphs, AATA R2 Weekday riders

H-3 13-1009 Communication from the State of Michigan Public Service Commission regarding Notice of Hearing for the Customers of DTE Electric Company in Case No. U-17437 scheduled for September 4, 2013

Attachments: DTE Communication U-17437

- H-4 13-1010** Communication from Ida Hendrix, Briarwood Mall Manager regarding Citizen Participation Meeting scheduled for August 15, 2013
Attachments: Briarwood Mall Manager communication
- H-5 13-1015** Communication from the State of Michigan Public Service Commission regarding Notice of Hearing for the Customers of DTE Electric Company in Case No. U-17352 scheduled for August 22, 2013
Attachments: DTE Communication U-17352
- 13-1098** Communication from Monica Patel regarding the resolution to Divest from Top 200 Publicly-Traded Fossil Fuel Companies
Attachments: Communication from Monica Patel
Received and Filed
- I The following minutes were received for filing:**
- I-1 13-0148** Council Liquor License Review Committee Meeting Minutes - January 18, 2013
Attachments: 2013-01-18 Liquor committee minutes
- I-2 13-0852** Historic District Commission Meeting Minutes of June 13, 2013
Attachments: 6-13-2013 HDC Minutes with Live Links to Agenda and Video
- I-3 13-0954** Housing and Human Services Advisory Board Meeting Minutes of April 2013
Attachments: HHSAB Meeting Minutes -- 4-9-13.pdf
- I-4 13-1006** Taxicab Board Meeting Minutes - April 18, 2013
Attachments: Taxicab Board Minutes 04182013

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

A member of the public spoke about the Pall Gelman 1,4 Dioxane Plume. He thanked Council for taking up the issue and also thanked the City for their response to the recent wastewater discharge into the river.

Thomas Partridge, City resident, spoke about the need for increased public participation at City meetings. He also announced his write-in candidacy for City Council 5th Ward.

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 Petersen, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:55 p.m.

13-1099 Council Emails and Redaction List from September 3, 2013

Attachments: Council Emails 9-3-13_Redacted

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: TUESDAY, SEPTEMBER 3, 2013, 7:00 P.M.

REPLAYS: FRIDAY, SEPTEMBER 6, 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.

All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to:

City Clerk's Office
301 E. Huron St.
Ann Arbor, MI 48104

Requests need to be received at least two (2) business days in advance of the meeting.

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