



TO: Mayor and Council

FROM: Sumedh Bahl, Community Services Area Administrator
Craig Hupy, Public Services Area Administrator

CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 11/5/15

CA-1 – Resolution to Approve Amendment No. 1 to the Contract with the Clean Energy Coalition Supporting Community Facing Climate Programs and to Appropriate (\$85,000.00) (8 Votes Required)

Question: The budget amendment approved by council related to this program was for \$165K and included this \$85K plus \$80K for a sustainability associate FTE. Has that position been filled? (Councilmember Lumm)

Response: Yes, the role is being filled by temporary staff utilizing this funding.

Question: The amendment also indicated that the \$165K was one-time as alternative funding would be obtained. What is the current status on that? (Councilmember Lumm)

Response: City staff and hired temporary sustainability associate staff are exploring alternative funding possibilities, including a collaborative deep scan of nationwide program funding tools used in cities for community programs. This is being done in partnership with ten peer cities of the Urban Sustainability Director's Network over the next six to nine months.

Question: At one point in the discussions about this Community Facing Climate Program, there was a plan to monitor energy efficiency in privately-owned buildings in the city. Is that still what is contemplated and is that what this \$85K is paying for? (Councilmember Lumm)

Response: Work on an energy benchmarking policy for commercial properties and the tracking for PACE (Property Assessed Clean Energy) program participants will continue as part of this contract.

Question: I understand this amendment is for \$85K, but how much was the original contract with the Clean Energy Coalition approved in 2014 and was an RFP conducted for that contract? (Councilmember Lumm)

Response: The original contract was for \$85,000 and an RFP was used for the original contract selection.

DC-2 – Resolution to Require Voter Approval for Any Agreement to Sell or Lease Development Rights to Any Portion of the Library Lot Site

Additional Information from the City Administrator’s Office:

Question: What is the process for implementing the resolution regarding an advisory vote of the citizens regarding the Library Lot?

Response: On tonight’s Council Agenda, there is a Councilmember-sponsored resolution that would require that City Council pose an advisory ballot question to the public, prior to the sale or lease of any development rights for the Library Lot. After consulting with the City Attorney’s Office regarding the legal limitations of referendum and advisory ballots, the City will need to follow the following procedure to implement the resolution:

- The City will need to amend the City Charter to specifically authorize the City Council to submit advisory ballot questions to the public.
- If the amendment is approved, then the City may then seek an advisory vote of the citizens of Ann Arbor to inform Council’s decision.
- It may be that the City Charter amendment and the advisory vote can take place at the same election, but this will need to ultimately be decided after consulting with the Attorney General’s Office.

Question: How would this resolution affect the current process for selling development rights on the Library Lot site? (Councilmember Warpehoski)

Response: The first available date for a public vote on the question would be May 2016. The two development teams have been asked what impact a public vote in May would have on the proposals they submitted in response to the City’s real estate offering. Both indicated that a delay until May is a concern. A likely outcome if the resolution passes is the proposals would change. Interest rates or other financial components to the project would be different causing a need for the developers to change their plans. The development teams’ proposals were submitted with the

expectation that consideration would be given within the general timeframe provided at the beginning of the process.

Question: The title of the resolution is “Resolution to Require Voter Approval” while the resolved clause language is “an advisory vote ... to inform Council’s decision.” These seem contradictory and can you please clarify if the outcome of the vote decides the question or is simply “input” to a Council decision? If non-binding, is there any precedent in Ann Arbor (or Michigan) for this – ask voters for input, but they aren’t deciding the question? (Councilmember Lumm)

Response: The City Attorney has informed City Council that public referendums are not binding on a governing body.

Question: Also can you please clarify how this would work. Would Council formally decide on/pick a proposal and ask voters if they approve/reject? What is the anticipated timeline? (Councilmember Lumm)

Response: Staff’s understanding of the resolution is that City Council would ask the public if development rights to the Library Lot should be sold or leased. The public would not be voting on a specific development proposal or proposals.

The first available election date is May 2016. Deadlines for Council initiated Charter amendment – 12th Tuesday prior to the Election

The May 2016 is an available “special election” date. The March 8 Presidential Primary, per law, is not currently available for “special election” initiatives.

DS-2 – Resolution to Impose a Temporary Moratorium on Enforcement of the Prohibition Regarding the Possession and Discharge of Weapons in Public Places

Question: I would like a bit more clarity about the moratorium, specifically, one that addresses the time when the moratorium will be in place. For a zoning and development moratorium, the Council has stated 30 days, or 90 days, or three months, or six months. Is this moratorium to be in place between - for instance - January 1 and March 31? January 15 and February 14? (Councilmember Briere)

Response: Subject to any special permit requirements by the MDNR, it is anticipated that the winter 2016 cull will take place between January 1, 2016 and March 31, 2016, subject to weather conditions during periods when the designated park has been closed to the public. The exact time of the cull has not yet been authorized under the MDNR permit but it is anticipated that the cull activities will occur primarily during late night/early morning hours.

Question: Can you please provide clarification regarding what is meant by parks? Residents who have approached me are scared that it is going to be where children play, etc. Can you please clarify the kinds of locations in parks that the cull will take place? (Councilmember Kailasapathy)

Response: Please see response provided to the first question under DS-3.

Question: Also what times of the night will the cull will take place? During what dates or a window of period? (Councilmember Kailasapathy)

Response: Subject to any special permit requirements by the MDNR, it is anticipated that the winter 2016 cull will take place between January 1, 2016 and March 31, 2016, subject to weather conditions during periods when the designated park has been closed to the public. The exact time of the cull has not yet been authorized under the MDNR permit but it is anticipated that the cull activities will occur primarily during late night/early morning hours.

Question: Please give me a table showing the deer-vehicle collision incidents in the past 10 years? (Councilmember Kailasapathy)

Response: The following information is available from www.michigantrafficcrashfacts.org and has been tabled for Council's use:

DEER/VEHICLE CRASHES IN ANN ARBOR	
Year	#
2014	51
2013	50
2012	45
2011	42
2010	54
2009	44
2008	30
2007	35
2006	28
2005	35
2004	31

DS-3 – Resolution Authorizing Cooperative Service Agreement with the United States Department of Agriculture Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS) (NTE \$35,000)

Question: I cannot see any information about the culling site selection. Residents remain confused about how closely the culling site (and therefore, weapons fire) will be

to residences. Residents are also concerned about a definition of 'publicly owned land' - does this mean their neighborhood play park? A natural area? (Councilmember Briere)

Response: If Council approves the use of USDA APHIS Wildlife Services to perform the cull APHIS Wildlife Services and City staff will work together to identify potential City parkland cull sites within Wards 1 and 2. No decisions about the locations where the cull will take place have been made yet. The criteria used to select the cull locations will include:

- Public safety
- Size and shape of the city-controlled property
- Terrain
- Surrounding land-use and housing density
- Proximity to neighbors
- Ease of access
- Attractiveness of the location for deer

The potential sites will be submitted for further consideration and approval as part of the MDNR permit approval process.

Based on the above USDA APHIS Wildlife Services selection criteria, it is unlikely that any minimal acre park would be selected due in part to public safety goals.

Shooting within sensitive urban environments require a large number of situationally dependent assessments which will be part of the site selection and permit process. To date there have been zero safety instances during an organized cull. The APHIS Wildlife Services will not take any shots if they feel there is a safety risk.

Question: I'd like to be able to state that weapons fire will not take place with XXX feet of residentially-zoned property, or even within XXX feet of a residence. Have we established this? (Councilmember Briere)

Response: Please see response provided below.

Question: I'd also like to be able to state that the public land on which any culling will take place will be routinely surveyed to confirm that no folks living rough are in the vicinity of the cull site, and - perhaps more important - that on the night(s) of the cull the site(s) will be cordoned off in some manner so as to ensure that a human or pet does not inadvertently blunder into the area. Will such information be made available prior to the contract approval on November 5? (Councilmember Briere)

Response: APHIS Wildlife Services activities will be coordinated with City staff and the Ann Arbor Police Department to secure the designated sites before cull activities are commenced.