

City of Ann Arbor

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



Meeting Minutes

Monday, November 17, 2014

7:00 PM

Washtenaw County Building, 220 N. Main St., board room

City Council

City Council will meet in caucus the Sunday prior to each regular session at 7 p.m. in the Larcom Basement Conference room.

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

Present: 11 - Councilmember Stephen Kunselman, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl and Councilmember Kirk Westphal

APPROVAL OF AGENDA

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

ADMINISTRATION OF OATH OF OFFICE

ORGANIZATION OF NEW COUNCIL

[14-1609](#) Resolution Appointing 2015 Mayor Pro-Tem

A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, that Councilmember Briere be appointed as Mayor Pro-Tem. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-14-375

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

AC-1 [14-1672](#) Agenda Response Memo - November 17, 2014

Attachments: Agenda Responses 11-17-14

Received and Filed

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. Tom Partridge - Planning for a more accessible affordable city environment. Ann Arbor Planning Commission (G-1)
2. Seth Best - Winter Emergency Shelter and Warming Center (DC-2)
3. George Gatson - Fuller Park Parking Lease (DS-1)
4. Maureen Riley - Ann Arbor Art Fair Street Closures - Welcome Mayor (CA-1)
5. Jeremy Flack - Pension Changes (F-6)
6. Dave Monroe - Pension Changes (F-6)
7. Catherine Wilkerson - Police Accountability in the Wake of the Aura Rosser Shooting
8. Ben Sayler - Antibiotics in Food System
9. Alan Haber - Comments to Council Remarks
10. Kathie Weinmann - Antibiotics in Animal Agriculture

CC COMMUNICATIONS FROM COUNCIL**MC COMMUNICATIONS FROM THE MAYOR**

MC-1 [14-1585](#) Appointment - Confirmation

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

MC-2 [14-1638](#) Appointments & Nominations

Referred to the City Council due back on 12/1/2014.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

None.

A APPROVAL OF COUNCIL MINUTES

A-1 [14-1618](#) Regular Session Meeting Minutes of November 6, 2014

Attachments: 11-6-14 draft minutes, Council emails 11-6-2014.pdf

A motion was made by Councilmember Lumm, seconded by Councilmember Kunselman, that the Regular Session Meeting Minutes of November 6, 2014 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

CA-1 [14-1051](#) Resolution to Approve Street Closings for the 2015 Ann Arbor Art Fairs - July 14, 2015 at 7:00 A.M. Through July 19, 2015 at 7:00 A.M.

Attachments: Ann Arbor Art Fair Street Closings 2015 Map.pdf

A motion was made by Councilmember Briere, seconded by Councilmember Krapohl, that the following Consent item be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-14-376

B ORDINANCES - SECOND READING

None.

C ORDINANCES - FIRST READING

C New Business - Staff:

C-1 [13-1067](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.39 Acre from TWP (Township District) to R1B (Single-Family Dwelling District), Rayer Property, 2640 Miller (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-14-26)

Attachments: 14-26 Rayer Rezoning Ordinance Briefed.pdf, Rayer Zoning Ordinance.pdf, 8/20/13 Planning Staff Report, 8/20/13 Planning Commission Minutes

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

Enactment No: ORD-14-26

C-2 [14-1459](#) An Ordinance to Amend Section 1:207, Taxicab Board, of Chapter 8, Organization of Boards and Commissions of Title I of the Code of the

City of Ann Arbor (Ordinance No. ORD-14-27)

Attachments: ORD 14-27 Taxicab Board AS AMENDED 120114, Ord Amend Sec 1_207 Taxicab Board _2_, 14-27 Taxicab Board Ordinance Briefed.pdf

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

Enactment No: ORD-14-27

C-3 [14-0818](#)

An Ordinance to Amend Chapter 55 (Zoning), Section 5:10.20.A Downtown Character Overlay Zoning Districts Building Massing Standards (CPC Recommendation: Approval - 6 Yeas and 3 Nays) (Ordinance No. ORD-14-12)

Attachments: Revised Main Street Overlay Amendments 11-17-14.pdf, 14-12 - Downtown Character Overlay Zoning Districts Ordinance as Amended on 61614.pdf, Downtown Character Overlay Zoning Districts Ordinance as Amended on 61614, Downtown Character Overlay Zoning Districts Ordinance.pdf, 5/6/14 Planning Staff Report, Main St Overlay - CPC Minutes 05-06-14.pdf, 2013208 425 S Main Rezoning 11-21-14 Compressed.pdf

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

Enactment No: ORD-14-12

A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the Ordinance be postponed until 12/1/2014. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-14-12

D MOTIONS AND RESOLUTIONS**DC** Unfinished Business - Council:**DC-1** [14-1549](#)

Resolution Directing the City Administrator and the City Attorney to Negotiate a Lease with Fifth Fourth, LLC for a Short-Term Parking Area to be Added to the Municipal Parking System

Sponsors: Anglin, Eaton, Lumm and Kailasapathy

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

Yeas: 6 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

Nays: 5 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Enactment No: R-14-377

DC New Business - Council:

DB New Business - Boards and Commissions:

None.

DS Unfinished Business - Staff:

DS-1 [14-1159](#)

Resolution to Approve Fuller Park Parking Lot Land Lease with the University of Michigan (**8 Votes Required**)

Attachments: Fuller Park Lot Land Lease 111714 Amendment2, Exhibit_A-1[1], Fuller Lot Lease.pdf, Exhibit A-1.pdf, FULLER PARKING LEASE - PAC, PAC Reconsideration of Fuller, Appendix A, Appendix B, Appendix C, Appendix D, PAC - Fuller Parking Memo

Councilmember Eaton moved, seconded by Councilmember Lumm, that the resolution be approved.

Enactment No: R-14-378

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

(It was considered friendly to remove Section 4 of the contract amendment in its entirety.)

...Whereas, The term of the agreement shall be [two years] ONE YEAR, with an option to administratively renew the lease for one additional [two year] ONE-YEAR term;

RESOLVED, That City Council approve the Fuller Park Parking Lot Land Lease for use by The University of Michigan for parking in Fuller Park; [and]

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the lease agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney[.]; AND

RESOLVED, THAT THE CITY COUNCIL DIRECTS THE CITY ADMINISTRATOR TO DEVISE A PLAN FOR PARKING ENFORCEMENT FOR THE FULLER ROAD PARKING LOTS FOR HOURS WHEN THE LOTS ARE NOT IN USE FOR PARK PURPOSES OR AVAILABLE UNDER THE TERMS OF PARKING LOT LEASE.

Proposed amendment to contract

...1(a) The term during which the Property will be made available (the "Term") will be for a period of [two] ONE year[s], beginning on September 1, 2014 and terminating August 31, 2015, unless terminated earlier pursuant to the terms of this Lease.

University shall have the option to renew its Lease of the Property, or a portion thereof, on 90 days advance written notice to the Parks and Recreation Services Manager, for 1 successive [2-year] ONE YEAR period upon the same

terms and conditions herein, if mutually agreed upon in writing. Such option to renew is on the condition that the renegotiated lease rental amount shall be agreed upon for the [2-year] ONE-YEAR renewal period. ...

4. ...[Upon initiating formal planning for construction of a new commuter rail station, relocating the Ann Arbor Amtrak intercity passenger station or developing a local connector service contemplating use of a part, or all, of Lot A, City shall notify University of such planning considerations. Notification shall be in writing and will include information regarding University input in the City's planning process. City will work cooperatively with University while considering enhancing transportation service to this location. The planning process will assure both parties' interests are included in all considerations. It is recognized that provision of high capacity public mass transportation service to this site is intended to increase access and mobility resulting in a decrease in the need for surface parking by University. Notwithstanding the above, it is understood by the parties that participation by University in the planning process does not negate or otherwise impact City's right to terminate this Lease for the reason stated.]

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

Enactment No: R-14-378

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

...Whereas, The term of the agreement shall be [two years] ONE YEAR, with an option to administratively renew the lease for [one] THREE additional [two year] ONE-YEAR term;

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

Yeas: 5 - Councilmember Briere, Councilmember Warpehoski, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Nays: 6 - Councilmember Kunselman, Councilmember Anglin, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton and Mayor Taylor

Enactment No: R-14-378

[14-1159](#)

Resolution to Approve Fuller Park Parking Lot Land Lease with the University of Michigan (8 Votes Required)

Attachments: Fuller Park Lot Land Lease 111714 Amendment2, Exhibit_A-1[1], Fuller Lot Lease.pdf, Exhibit A-1.pdf, FULLER PARKING LEASE - PAC, PAC Reconsideration of Fuller, Appendix A, Appendix B, Appendix C, Appendix D, PAC - Fuller Parking Memo

The question being, the amendment as originally presented, on a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 11 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Nays: 0

Enactment No: R-14-378

The question being the Resolution as amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried unanimously, thus satisfying the eight-vote requirement:

Yeas: 11 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Nays: 0

Enactment No: R-14-378

REOPEN AGENDA

A motion was made by Councilmember Kailasapathy, seconded by Councilmember Briere, to reopen the Agenda. On a voice vote, the Mayor declared the motion carried.

ADD DC-2 TO AGENDA

A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the agenda be Amended to include the following:

Resolution Authorizing the City Administrator to Allocate up to \$80,318.00 for the 2014-15 Winter Emergency Shelter and Warming Center Response (8 Votes Required) (DC-2)

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

DC-2 [14-1613](#)

Resolution Authorizing the City Administrator to Allocate up to \$89,318.00 for the 2014-15 Winter Emergency Shelter and Warming Center Response (8 Votes Required)

Sponsors: Briere, Lumm, Taylor and Warpehoski

A motion was made by Councilmember Briere, seconded by Councilmember Eaton, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried unanimously, thus satisfying the eight-vote requirement:

Yeas: 11 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Nays: 0

Enactment No: R-14-379

New Business - Staff:

- DS-2** [14-1555](#) Resolution to Approve Interagency Agreement for Collaborative Technology and Services with Washtenaw County (\$833,391.00)
- Attachments:** Schedule 20 - Collaborative Technology Services Enterprise Storage-Backup-Recovery-Archival.pdf
- 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-14-380
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- DS-3** [14-1497](#) Resolution to Award a Contract to Guardian Tree Experts, LLC, for Tree Removal, Tree Pruning and Stump Removal along City Street Rights-of-Way (\$192,160.00)
- Attachments:** ITB 4348_TreeRemoval_Pruning_StumpRemoval.pdf,
TreeWorkAreasMap.pdf,
GuardianTreeExperts_ContractedTreeWorkSummary.pdf, ITB 4348 Bid Tab.pdf, Forestry Information,
GuardianTreeExperts_TreeServicesContract
- A motion was made by Councilmember Grand, seconded by Councilmember Kunselman, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-14-381
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- DS-4** [14-1498](#) Resolution to Award a Contract to Asplundh Tree Expert Company for Tree Removal, Tree Pruning and Stump Removal along City Street Rights-of-Way (\$175,875.00)
- Attachments:** ITB 4348_TreeRemoval_Pruning_StumpRemoval.pdf,
TreeWorkAreasMap.pdf,
AsplundhTreeExpertCo_ContractedTreeWorkSummary.pdf, ITB 4348 Bid Tab.pdf, Forestry Information,
AsplundhTreeExpertCo_TreeServicesContract
- A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-14-382
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- DS-5** [14-1500](#) Resolution to Approve a Professional Services Agreement with Tetra Tech of Michigan, PC for Water Treatment Plant Manchester Tank Coating Project Test (\$127,780.00)
- Attachments:** PSA_Manchester Tank_Tetra Tech_20141013.pdf
- A motion was made by Councilmember Krapohl, seconded by Councilmember Warpehoski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-14-383

- DS-6** [14-1520](#) Resolution to Approve Two Three-Year Professional Services Agreements (PSA) for Architectural Services for Parks & Recreation for a Not to Exceed Annual Amount of \$150,000.00 per PSA
- Attachments:** RFP for Architectural Design Services 2014-2017.doc
- A motion was made by Councilmember Anglin, seconded by Councilmember Krapohl, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-14-384

COMMUNICATIONS FROM COUNCIL

E COMMUNICATIONS FROM THE CITY ATTORNEY

- [14-1690](#) Updated Public Legal Opinion Regarding Homeowner Property Tax Assessments Dated November 17, 2014
- Attachments:** Updated Public Opinion and Attachments - Tax Assessments
- Received and Filed

F & G CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

F The following communications were referred as indicated:

Passed on consent agenda

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

- F-1** [14-1531](#) Third Quarter 2014 Investment Portfolio Report
- Attachments:** 2014 Q3 Portfolio Report
- F-2** [14-1570](#) The Economic Development Corporation of the City of Ann Arbor 2014 Annual Report - File
- Attachments:** Economic Development Corporation 2014 Annual Report
- F-3** [14-1579](#) Communication from the Economic Development Corporation (EDC) of the City of Ann Arbor regarding their 2014 Annual Report - File
- Attachments:** 2014 Annual Report of the EDC Corp. of the City of Ann Arbor.pdf
- F-4** [14-1580](#) Comcast Communication regarding channel changes effective December 15, 2014 - CTN
- Attachments:** Comcast Communication 10-24-14.pdf

- F-5** [14-1581](#) AAATA financial and performance reports for the month ended September 30, 2014 - File
Attachments: AAATA August 31 2014 Financial Operating combined.pdf, AAATA R2 Demand Respons graphs.pdf, AAATA R2 Fixed Route graphs.pdf, AAATA R2 Performance Reports.pdf, AAATA R2 Weekday riders.pdf, AAATA R2c PMER memo re new service.pdf
- F-6** [14-1637](#) Communication from the Retirement System Board of Trustees - File
Attachments: Pension Plan Designs 11-14-2014.pdf
- G** **The following minutes were received for filing:**
- G-1** [14-1387](#) City Planning Commission Meeting Minutes of June 17, 2014
Attachments: 6-17-2014 CPC Minutes with Live Links
- G-2** [14-1388](#) City Planning Commission Meeting Minutes of July 15, 2014
Attachments: 7-15-2014 CPC Minutes with Live Links
- G-3** [14-1462](#) City Planning Commission Meeting Minutes of July 1, 2014
Attachments: 7-1-2014 CPC Minutes with Live Links
- G-4** [14-1464](#) City Planning Commission Meeting Minutes of August 6, 2014
Attachments: 8-6-2014 CPC Minutes with Live Links-Revised
- G-5** [14-1471](#) Building Board of Appeals Meeting Minutes of September 11, 2014
Attachments: BBA Minutes Final 9-11-14.pdf
- G-6** [14-1476](#) Historic District Commission Meeting Minutes of September 11, 2014
Attachments: 9-11-2014 HDC Minutes with Live Links
- G-7** [14-1502](#) City Election Commission Meeting Minutes of August 1, 2014
Attachments: 2014-08-01 Election Commission Minutes
- G-8** [14-1541](#) City Planning Commission Meeting Minutes of August 19, 2014
Attachments: 8-19-2014 CPC Minutes with Live Links
- G-9** [14-1542](#) City Planning Commission Meeting Minutes of September 3, 2014
Attachments: 9-3-2014 CPC Minutes with Live Links

- G-10** [14-1543](#) City Planning Commission Special Meeting Minutes of September 22, 2014
Attachments: 9-22-2014 CPC Minutes with Live Links
- G-11** [14-1544](#) City Planning Commission Meeting Minutes of October 7, 2014
Attachments: 10-7-2014 CPC Minutes with Live Links
- G-12** [14-1563](#) Ann Arbor Housing Commission Board Meeting September 17, 2014 Minutes
Attachments: Minutes September 17, 2014pdf.pdf
- G-13** [14-1571](#) Taxicab Board Meeting Minutes - September 25, 2014
Attachments: Taxicab Board Minutes 092514
- G-14** [14-1582](#) Cable Communication Commission Minutes August 26, 2014
Attachments: CCCMinutesAug262014
- G-15** [14-1109](#) PAC Meeting Minutes May 20, 2014
Attachments: PAC Meeting MInutes 5-20-14.pdf
- G-16** [14-1420](#) July 23, 2014 ZBA Minutes with Live Links
Attachments: 7-23-2014 ZBA Minutes with Live Links2

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PURCHASE OR LEASE OF REAL PROPERTY, PENDING LITIGATION AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (D) (E), AND (H).

ADJOURNMENT

A motion was made by Councilmember Kunselman, seconded by Councilmember Grand, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:09 p.m.

[14-1703](#) Council emails and Redaction List for 11-17-2014

Attachments: Council Emails 11-17-2014.pdf

Received and Filed

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, NOVEMBER 17, 2014, 7:00 P.M.

REPLAYS: TUESDAY, NOVEMBER 18, 2014, 10:00 A.M. AND FRIDAY, NOVEMBER 21, 2014, 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.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary