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CONSUMER: GREG MCDONALD

CAA

CITY COUNCIL MEETING

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>> (Pledge of Allegiance).  
>> Would our clerk please call the roll of council?  
>> (Roll call).  
>> She's --  
>> Here.  
>> (Roll call).  
>> We have a quorum.  
>> Thank you, may I have a motion to approve the agenda. Discussion of the agenda? All in favor?  
>> Aye.  
>> Opposed? The agenda is approved. Do we have communication today from our city administrator?  
>> Just a couple things, mayor, a couple of announcements for the body. First is city hall is going to remain closed consistent with the governor's existing orders which would be through the month of January so we still can support our residents and continue our services remotely or online but I did want to clarify that there was some information that went out that said the 30th but we are consistent with the governor's orders or MHSs. Thomas is joining us as the director. His first day will be this coming Monday. You'll have an opportunity to meet Thomas at some point. Lastly, as we start the data chain of filling positions the CFO position was just -- was recently posted I think on Friday. I want to make you aware of that Amy Sell has been part of recruiting. That's all I have.  
>> Thank you, my understanding is that we have an introduction of the honorable and -- Miriam A. Perry. Are you --  
>> Well, actually, she's left it up to me tonight. So --  
>> Your Honor. The floor is yours.  
>> Members of council, I know your time is precious and so I will try not to use very much of it. We're here tonight to introduce Miriam Perry to you. Many of you probably know her. She's been a lifelong Ann Arbor resident. She attended Spelman University. Got her law degree from the University of Michigan Law School. She's a member of the black women lawyers association. The national bar association, women lawyer's association. The NAACP. She still found time to be a circuit court judge before spending the next 12 years being a public defender. At the beginning of this year, Governor Whitmer appointed her to be a colleague and we are thrilled for so many reasons.  
And I know that Judge Perry had her first solo day in court today. We're also proud of her and know she will be a great success and I introduce her to you tonight.  
>> Hi, everyone. It's so great to see everyone in person. Just -- Judge Burke covered everything -- I attended Avit. I am so glad that the governor appointed me to be one of the new judges to the court and I look forward to an opportunity to talk to you all whenever we can in person or via Zoom.  
I'm happy to be here today and so glad to see all of you and I look forward to working with you for the years to come.  
>> Well, thank you very much and your collective honors, it's always a pleasure seeing you jointly and separately and we enjoy doing work with the 15th district court.  
>> Thank you very much.  
>> You bet. Thank you.  
>> Thank you.

>> We now come to public comment reserve time. This is an opportunity for members of the public to speak to council and community about matters of municipal interest. To speak, one needs to have signed up in advance by contacting our city clerk to speak at comment reserve time after having contacted our clerk and obtained a spot, we are trying -- just -- members of the public may enter the meeting directly via the following Zoom link. That being -- use the raise hand feature in Zoom to indicate that you wish to speak. You may also dial in on your telephone. That is at 877-8535247. Once you have connected, please enter meeting ID 942-1273-2148. Once you have been connected, please enter star nine to indicate that you wish to speak. You will be identified by the last few digits of your phone number. I will call your name, apologies. You will have three minutes to speak. Please pay close attention to the time. Our clerk will notify you when 30 seconds are remaining or when time is up. Please conclude your remarks and cede the floor. First up is Elizabeth Hunter.

>> Miss Hunter, you can go ahead and unmute your phone. Phone number 877. You hit star six, you can unmute yourself. Miss Hunter, you should be able to unmute yourself by hitting star six.

>> Can you hear me?

>> Yes, we can.

>> Thank you, hello, mayor and council. Please choose the three at-large members of the council of the commons and carry out the will of the voters so Ann Arbor can benefit from a beautiful and functional downtown park. The mayor is trying to destroy the commons and does not respect our vote.

He's misrepresenting the project and trying to make it fail. One example of this is the caption scandal when he wrote an illegal caption for the prop A section of the ballot. It was struck down by a state of Michigan court. The comment was passed by the voters, is in the city charter and yet Taylor still tries to destroy it. All for the love of out of proportion skyscrapers, money and power. I am wondered if the democratic process means anything to the mayor. We recall when he promised a middling five million in affordable housing which was in reality not affordable. If we would vote for his 18 story hotel instead of the commons. Then, in one of the biggest scandals in our history, he turned around and gave away nine million dollars in affordable housing to morning side to the way overly priced condo complex in Lower Town and one last note I've observed what could be shyness in the new councilmembers.

Residents will need and want to see that you're actively interested in decision-making on our behalf. That you understand and care about the issues and deliberate and collaborate with the entire council. Not just go on the attack. It's reassuring for us voters to see our elected government representatives cooperate to make the best decisions for all of us. Thank you.

>> Thank you, our next speaker is Eric Sturgis.

>> Go ahead.

>> Thank you. Thank you, Mayor Taylor and city council. On November 2018, Ann Arbor held a free and fair election in which the voters by 53% of the vote, voted in support of prop A. On November 2020 we held a free and fair election in which congressional republicans tried to overturn the will of voters in electing Joe Biden. I hope this is not happening from our progressive democrats here that we are trying to overturn the will of voters from November of 2018. Let's move forward with the three names for the council of the commons and approve them tonight and get this going. I would now like to take the time to thank some councilmembers. I would like to

thank Councilmember Disch for her customer service and diligently working across wards and for the councilmember's work over the years and asking the tough questions. I would like to thank Councilmember Song and her family for the sponsorship of downtown murals. I would like to thank Councilmember Griswold on her advocacy on city lights and being a great new role model for new councilmembers on the administration's committee and councilmembers for their upcoming coffee hours where they will engage citizens and residents and Councilmember Grand for her willing necessary to serve. I also want to thank councilmember Ire for her work on the rules committee as well as bringing civility and the councilmember for two years' worth of work on promoting a newsletter as well as a voting chart after every single council meeting. This is a lot of extra work. I want to thank Councilmember Briggs for reducing light pollution here in Ann Arbor. I want to thank councilmember Ron for being a strong voice for minority residents as well as not having his voice --

>> 30 seconds.

>> I would like to thank Mayor Taylor for reading and responding to the A 2 council tweets. Thank you, have a great day.

>> Thank you. Our next speaker is Frank Wilhelme. Frank Wilhelme.

>> I don't see him on the line. I do have a number of callers. I would ask if he would indicate by raising his hand if he's on by a different number, but I'm not seeing him at this time. Do you recognize the callers with their hands raised?

>> Yes. Yes. Those are all speakers --

>> Other than the gentleman?

>> Yes.

>> All right. Well we'll move on and if she cycles back prior to the end of the turn we'll pick up on the next side and go to our next speaker. Tom Stulberg.

>> Mr. Stulberg if you unmute your phone, you can speak. Caller 534. Go ahead.

>> Good evening, this is Tom Stulberg I live at 1202 in the heart of lower town. I'm going to speak on three items as I called and said I would. The council of the commons, violation and the rules and intertwine all three of those in three minutes or less. Let's start with the Gelman. Gelman isn't following the rules. They are violating the rules and we want to empower our county water resources commissioner Mr. Evan Pratt as I understand it, the county commission that he -- the commissioner did not have a jurisdiction as a -- as one of the people involved in the -- or agencies involved in the lawsuit. But now that the Gelman is violating the rules that do fall into his purview let's pass what's on the agenda tonight and help empower him to do his job to protect our water sources and including the drains that go into our water bodice, the rivers -- creeks and rivers. I'd also like to recognize the expertise that's out there which you're probably going to hear from the next speaker so I'll let that go and move onto the council of the commons which we should see three members tonight that's what we said we were going to do. That goes back to an election. The election was held one of the previous callers said there was an attempt to interfere with that free and fair election by trying to put a bias caption which happened to be over 200 words which for one hundred word ballot measure that matters less important. But the courts corrected that. The people wanted that. They spoke. We had a task force, the task force complete its job successfully and now we're onto the next committee and that should be seated to it can do its job successfully and the mayor needs to stop with this process. You don't want it. Too bad. We voted on it. Move forward. Thank you very much. In terms of the council cruel rules. Are good. I would like to see more effective use of our time and have

meetings earlier, that would be helpful but not to do it in such a way that reduces the input from the citizens remember why you're there and why you're doing what you're doing it. You're doing it for us. We're your constituents. We want to see you deliberate on these issues in the public eye. Not making decisions behind closed doors and come and rubber stamp vote and we don't see what goes on. We want to hear your reasoning, your deliberation with your colleagues. Now there's ways you can --

>> 30 seconds.

>> -- if you work with your colleagues on Sunday nights, for example, at caucus which has been very effective for the last cum years, it's very collegial, very civil, citizens are allowed to ask questions and interact with councilmembers. No votes are taken. The councilmembers have done a great job and the people who want to shorten the meetings on Monday would do a great favor by participating on Sunday. That's only one way to do it but do not take away the ability for the public to see you deliberate in the public eye. Thank you very much.

>> Thank you V.

>> Our next speaker is Dan Bicknell.

>> Mr. Bicknell, you can unmute yourself.

>> Thank you. Good evening, my name is Dan Bicknell. I'm president of global alliance. I ask that you have the water resources issue a notice of violation for jell man science. In thereby violate the municipal separate storm sewer system permanent. The federal Clean Water Act protects storm water quality in part to the issuance of a separate permit. Commonly referred to as an MS4 permit. In Michigan the permit authority has been delegated to the state and the state goes to the county resources commissioner. The WRC is responsible for enforcing the MS4 permit which covers the creek drain. The permit is not covered in the state consent judgment with jell man, this document just deals solely with the state part 201 violations. Under the MS4 permit it is illegal for any contaminated water to seep into the drain. Since August 2019 the sampling of the Alan creek drain has document they have been infiltrating into the storm water. By 300% since 2019. The MS4 permit states that the commissioner should pursue enforcement actions once the source of the illicit discharge is identified including the corrective actions to eliminate the discharge. This should have begun the process to correct this violation by sending a notice of violation to Gelman. Under the permit four regulations the only illegal action that will not adversely impact the community will be that they treat the groundwater to the levels. This will require Gelman to stop the die I don't care seen from infiltrate filtrating the drain. And then discharge the treated groundwater. This action will protect storm water and reduce the die I don't care seen size and concentration in the west park area. The reduction of that in this area will protect homes in the west park area from dioxane exposure via vapor intrusion and protect workers in the trench --

>> 30 seconds.

>> Gelman is solely responsible for paying for this corrective action. This lack of enforcement action against Gelman is emblematic of how poorly Michigan has handled this pollution over the many years. Thank you.

>> Thank you, our next speaker is Ralph McKee.

>> Mr. McKee, you can unmute your phone.

>> Hello, can you hear me?

>> Yes we can.

>> I'm speaking on three topics tonight. The first is Gelman. I support holding

Gelman accountable for violating the MS4 permit so I encourage you to vote for that as Mr. Bicknell explained in detail. I encourage you to ask for the motion filed in the circuit court if you haven't already gotten one. Gelman asked the court to cancel the March hearings because the city and other interveners haven't filed a complaint yet. Gelman says the defense would defeat those claims without trial. With our experts and mayor, in favor of the fourth consent judgment to support the position now. Gelman is also asking the court to consent the judgment saying that the city and other interveners were only allowed in the case to negotiate not to litigate. I would encourage you to stand informed on this topic and ask good questions of your council. The second topic is DC 3. I'd ask you to vote no on DC 3, road diets and similar changes are hot button items. The Maple Road diet is a good example. Provides very little public engagement. The only chance the public has to weigh in on those is via debate at council. On DC 5 I would ask you to direct staff to get public input and sweat the details. This is understandable if there were some difficulties -- designing and implementing the first shot at that. But there's some experience now and I hope that's put to good use. I sent a detailed e-mail to you today. I hope you will consider the suggestions in it. The first one is that many service worker commuters have to drive to work. They can't bike or -- bike or walk. There's no bus service right now so traffic jams do matter to those constituencies. Second, I believe the data gathered this time was severely flawed because traffic volume isn't near what it will be later. I think safety ought to be paramount. I think this is an accident waiting to happen. The side street changes were unnecessary and we could use those dollars better for safety initiatives like lighting crosswalks, thank you very much for listening.

>> Thank you. Our next speaker is Glenn Nelson.

>> Mr. Nelson, phone number 733.

>> Can you hear me now?

>> Yes, we can.

>> Thank you. I will address item DC-1 dealing with the congregate tax exemption. First, I want to comment on your progress. It was a good decision to take it off the consent agenda in late December and refer to human services advisory board. HHSAB had a good discussion last week. Aided by good background materials. As a result, you now have much more information than you have in late December. Second, I strongly recommend you approve either the two or the 2.2 times set of guidelines rather than the staff recommendation and I prefer the 2.2 option for the following reasons. Both the 2 and the 2.2 times options get rid of the bias against families in Ann Arbor relative to the federal poverty standards and relative to several jurisdictions. The staff recommendation includes the bias. Such a bias is not who we want to be in Ann Arbor. Increasing the income declines will enable the community to realize greater benefits in the form of more affordable housing for low income homeowners, repaying economic diversity in our community and retain racial, ethnic diversity in our community. Because black and Latino homeowners are disproportionately in the lower valued homes, likely eligible for the poverty exemption. Finally with regard to cost, in 2020, we helped 64 households in Ann Arbor through the poverty exemption at a total cost of 40,700 dollars to city revenue. This was 90 cents per household in Ann Arbor. It is economic and racial justice important to us that we would be willing to expand the program by, say, a factor of two or three --

>> 30 seconds.

>> At a cost of two or three dollars per household? My answer is a resounding yes.

And I hope yours is too. Thank you very much.

>> Thank you. Our next speaker is Beth Wilensky.

>> Caller with the phone number ending in 709.

>> Hi, can you hear me?

>> Yes, we can.

>> Great. I live in ward Q and I'm a law professor at the University of Michigan. I offer that information for background only. Please vote no on DC-8 the resolution wastes precious council and staff time and based on a troubling understanding of those free speech rights of participants in the public comment process and of the job as city councilmembers. I regularly see people across the political spectrum that this doesn't protect speech our community is not immune is not such distorted readings of the First Amendment so let's be clear, city council having created the public comment period cannot turn around and restrict the forum when they find comments vulgar, offensive or hate filled. In 1971, U.S. Supreme Court held that you cannot say (bleep) in these public spaces or in the presence of women or children was unconstitutional. The restrictions on speech cannot be based on what those with the delicate of sensibilities can tolerate. One of the jobs of a public officials is to listen to citizens, even angry citizens or expressed in vulgar terms and while I might personally issue such language I believe that those views require strong language and there's a value of the word like (bleep) show the intensity of one's view. That is one we ought to cherish. Given all of that, this resolution is little more than political theater dressed up in a seemingly benign language to ask the attorney to choose a memo correcting the understandings of facts regarding the First Amendment. I cannot imagine what the sponsors of the resolution think what a memo might say particularly since it is those sponsors who respectfully I believe misunderstand the council rules and the First Amendment. DC-8 is at best a waste of council time and staff resources. Ann Arbor faces many pressing issues that --

>> 30 seconds --

>> Racial justice and more. At worse though I worry that the resolution's attempt to -- I urge council to vote no on this resolution to send a clear message that Ann Arbor values free speech and to demonstrate that council won't allow the city staff to be occupied with such distractions. Thank you.

>> Thank you. Our next speaker is Michelle Hughes.

>> DC-8. Asking to explain how much the city has authority to -- should not be considering additional censorship. If the city council does not intend to perform additional censorship this is not necessary. Yet, significant time at the last meeting was devoted to call for censorship and this entire agenda -- the city council has important work to do. Work that can help people and yet, councilmembers spend a lot of time discussing their bruised egos. The best way to silence your critics would be to eliminate poverty, police brutality and traffic violence then nothing to criticize you for. You are in positions of power. If you find you have critics it is incumbent upon you to look at your behavior not ours. My friend started a project to get phone chargers for homeless people to better stay in touch with support and services. With support of agency and friends to help get off the streets. As I help her to hand out those kits we hear stories from those who watched their friends freeze to death. These are the things that city council should be discussing. Solving these problems is more important than making sure no one has to hear the F word. I dare say, the F word, is wholly appropriate if problems like this exist. I heard city council members say homelessness is a county problem and not a city one. The city council decides how large the cracks that people fall through are. When you vote against housing

projects because of concerns about neighborhood character, parking, slow traffic or the master plan you show you care more about these things than people freezing to death on your streets. If you don't like what people are saying about your record, get a better record. Also to anyone listening, go to GoFundMe.com and search for phone kits for the homeless to donate to that project.

>> Thirty seconds.

>> Thank you. Our next speaker is Daniel Adams.

>> Phone number 761. You can unmute your phone and speak.

>> Hello, can you hear me okay?

>> Yes, we can.

>> Good evening, I'm also calling to speak about resolution DC-8 which asks the city attorney to educate the public quote about the specific constitutional rights and local laws and procedures. I'm going to cite the same case law which -- during several council sessions certain councilmembers looked to invoke the rules of procedure to silence public commentary. Attempts have been made -- the rules give us a brief opportunity to directly address you, our elected representatives regarding the matters before council. This kind of speech is the literal core of what the amendment is given to protect and this is only for the most extraordinarily compelling reasons. The objections or regulations justify the speaking are profoundly misguided. Assuming that the recent objection to the use of profanity in this form are sin -- sincere. The offensive effect of profane words is not standing alone a constitutional sufficient reason to restrain speakers. The constitution tolerates and protects offensive speech in the public square and the instability and coarseness it produces is to quote, not a sign of weakness but strength in what otherwise might seem a driveling and annoying abuse of privilege. Fundamental societal values are truly implicated. A few councilmembers have lost sight of these values, turning away or turning off cameras during public speaking. Using rules to interrupt or criticize public criticize. We don't need the city attorney to educate us on the constitution. We do need a council comprised entirely of people who within the to listen to us. Who treat the public commentary periods during these meetings as sacred even when the words are harsh, critical or profane and listen to the public without interruption. Thank you.

>> Thirty seconds.

>> Thank you. Is Frank Wilhelme here is Frank Wilhelme available.

>> Yes. I believe I had a typo. Phone number ending in 575?

>> Hello, mayor and council, this is Frank Wilhelme finally. I've been an Ann Arbor resident for five decades and was appointed the council of the commons. I'm here to speak in support of DC-2 which directs the council to approve appointment of three at-large members of the council of the commons and also confirmation of a park advisory committee appointment. A bit of background, November, 2018, seems like long time ago, voters by a solid majority approved prop A designating the public land in perpetuity for commons. April 2019, city council forms a citizens task force to engage citizens for the long-term planning and determining immediate use for the park and commons. In May 2020, city council unanimously accepted the task force's final report. This past October the city council created the commons to implement the recommendations, goals and action plans. Our path forward is pretty clear this past October through December the council of the commons began to take shape, two representatives from the Ann Arbor commons initiating committee and the library greeting committee were appointed and approved by the council. Jeff Hayner and Erica Briggs were appointed. I want to thank both Jeff and Erica for their



involvement. Jeff, for your long-standing support of park and commons and your service on the task force. Erica for your commitment to fulfill the wishes of the voters so that -- approved proposal A. You may recall, we had a short conversation on Election Day in August in front of the middle school where you shared your initial opposition to prop A and also shared with the passage of proposal A that your commitment to the voters was firm -- in the affirmative. Let me just reflect for a moment on the significance of the moment. I think we're all aware of what's been going on across the country and in Washington. Over the last several months, especially since the November election all of us have witnessed and participated in the most important civic exercise of our lives. The lesson is that in all levels of government whether local or national we need to rededicate ourselves to honoring the will of the people as expressed at the ballot box. Our critical next step at the box this evening is to approve resolution and I urge you to do that. Thank you.

>> Thank you. And my apologies with respect to the miscue and your ordering. You were probably expecting to leave early. My apologies on that. Other communications today from council? Mr. Beaudry if you could give me authority. Thank you. Councilmember Radina.

>> Thank you, I'll be relatively brief actually, one of our commenters referred to our items. Councilmember Grand and I will be hosting a virtual coffee hour for any residents who want to participate and talk to us about some of the most pressing issues facing the city. I also want to give a brief update as I mentioned at a previous council meeting I did recently hold a LGBTQ coffee hour as well along with Mayor Taylor. We thought that went incredibly well. We had 15-20 resident to meet Naomi and I think that's something that Naomi want to continue in the future. To the extent that others want to participate as well I want to make that aware to the rest of you that I know she's very committed to continue public engagement in her new role and finally I want to thank some members of our planning staff. Brent for participating in a public meeting that we jointly hosted with some neighbors of the Lockwood development so that we could answer some of their questions directly.

And make sure that staff was available to hear some of their concerns and also answer questions in the immediate fashion. So thank you so much.

>> Councilmember.

>> Yeah, I won't speak long I hope. I will get my two minute timer out. Just hope that everybody had a good day yesterday in remembering the legacy of Martin Luther King and took time to reflect on each other and the world and looking at the issues that were raised 50 years ago are even more profound today than they were then. I hope everyone took some time and reflected on those lessons in hearing the remarkable words spoken by someone who was much younger than I was at the time. So pretty amazing. Also I would like to thank the planning commission and staff for hosting a work session on racial injustice and inequality based on use of zoning and historically. We all received the video and it was good to see that -- those conversations are happening. And as uncomfortable as they are, they are necessary. So appreciate the work that councilmember Eyer and Griswald did with new rules to be adopted. I'll have to make a comment I think about some of it. There was one I thought we would put on hold for now if folks want to look at it but the last highlighted section on page four I did not think was going to be included as part of the adopted rules. I thought that last section was put on for another meeting. So I will ask for that to be adjusted and I hope we have a good meeting. Thank you.

>> Councilmember Disch sorry about that, I flew across the Zoom screen when the councilmember finished and I couldn't find myself. I wanted to make two quick

comments. I wanted to also thank the planning commission for the wonderful work session last week with the professors from the U of M who spoke to us about their project on restrictive covenant prohibiting Ann Arbor homes being sold to black people and they are -- not only are they doing this amazing work, looking where these restrictive covenants are, finding out which houses have them but they're hoping to build legislation to make these remove. They are actually not easy to remove right now and you can just imagine how horrifying it is for -- to buy a house and read through your deed and realize that you are in fact not allowed to own this house or at one time you were not allowed to own this house. Their work is very important. The environmental commission which is the other commission that I sit on will have a special two -- or probably, yeah, two-ish hour meeting on January 28th which is a Thursday from 7-9 devoted entirely to solid waste. And I'm sure that there are a bunch of you just racing to pick up your calendars right now because you do not want to miss a special evening devoted to solid waste. But though I am making a light tone, I mean it very seriously that the way we treat solid waste, trash, recycling, composting, is -- it is a matter of whether or not we succeed or fail with our A2 Zero goals so I hope everyone will come and tune into that.

>> Councilmember Hayner.

>> Yeah, thanks, Mr. Mayor. Just quickly, since we're supposed to use this time to report out. I don't really have a lot to report from PAC except we do have a nominee to bring forward tonight. Did I -- I did see an e-mail that they're going to open limited indoor skating again starting tomorrow and Thursday which is the 21st, and that's pretty exciting. I'm looking forward to that and I suppose skaters are too and you can find out more about that in our parks register and I don't think they quite updated yet. I might have jumped the gun on their update because I don't see it on there. I was trying to look for it just now. I'm happy to hear that we're able to provide those facilities again and hopefully they'll stay open for awhile. We've had disappointing weather for the outdoor rinks this year. I know the neighborhoods love that and it's kind of a shame. I'm ready if the conditions change for that. That's all. I hope everyone enjoyed their long weekend. I spent a good deal of my weekend removing fascist graffiti from facilities. You know it exists, it's out there in the world, until you see 220 square feet of it spread across an indoor park structure and, you know, some charming crew from Chicago or somebody rolled through town and left a message for us all and it'll be gone tomorrow by the end of day hopefully and hopefully the folks who did it are long gone. The solidarity from everybody out there who was sweating it out these last four years worrying about the rise of fascism here in the United States but my experience is it is underground. Let's just get rid of it completely. Thanks.

>> Councilmember Song.

>> Hi, I wanted to congratulate the county on 20 million in additional funding that's been awarded for eviction diversion work. Last year the county received 1.7 many for almost the entirety of the year. So this additional money coming federally with I think Congress passed the 25 billion additional funding and the Biden administration is promising another 30 billion will help keep folks in their homes. So, it sounds like the county's ramping up and trying to figure out how to staff that work and push that money out. I hope that we can be kept updated. I've asked for weekly updated as soon as possible. The county's work and homelessness and what's going to happen with the eviction moratorium. I am still -- the library report is having the same meeting as our council meeting so I will keep mentioning the library as much as possible. The 2020 selection has been announced and given the commitment

towards, you know, getting rid of racial bias in prosecutions. It seems that the book is appropriate. It's All American Boys by Jason Reynolds. If you go online you'll see a quick synopsis and guides.

It's for ages 14 plus, appropriate for high schoolers and I hope everyone at council will consider participating. Thanks.

>> Councilmember Griswald.

>> First, I want to thank staff and community members for identifying street light outages. It may seem trivial but it actually can save a life if we have functioning street lights and that's backed up by extensive data that I won't bore people with right now. I have been extremely stressed by what's been happening in Washington probably because I spent some time there doing a policy internship some time ago and I used this time to reflect on quotes from Martin Luther King and I wanted to read one of them and talk about a resolution that I will be bringing forward. Shallow understanding from people of goodwill is more frustrating than absolute misunderstanding from people of ill will. Ann Arbor is an extremely educated community. But we frequently think that we know best. And this is really problematic and so I'll be bringing forward a resolution titled equitable community engagement policy. And there is growing research regarding the slow streets movement.

And I just want to read a short paragraph regarding that. Sometimes people in marginalized communities are very caught off guard by what is seen as a priority. The author says I knew if slow streets were implemented without dialogue and consent and co-ownership people would resent how it is unfolded and it become another example of how some people matter and others don't. People do not matter if we don't ask for their input. People do not matter when we are fluent, white, educated, community members who simply talk to each other most of the time make decisions for them. We talk about wanting a diverse community but we don't encourage diversity of thought or opinion on council within our decision-making process. It is critical that we ask the people closest to the issue how they feel. Thank you.

>> Further communication from council? We have for us the consent agenda. May I have a motion to approve the agenda? Discussion? Please, the consent agenda. Councilmember Nelson.

>> I'd like to pull CA-8. I just have a quick question about it.

>> Further discussion of the consent agenda? In favor of the consent agenda with the exception of CA-8?

>> Aye.

>> Approved with CA 1, 2, 3, 5, 6 and that is all. CA-8. Resolution to accept grant funds from Michigan saves and appropriate to the office of sustainability and innovation for aging in place efficiently program.

>> I just have a quick question for a resident. I'm curious if we have a target goal for how many homes or how many people are going to be impacted by this program?

>> Yeah, we received funding to support 24 homes with an incremental of about 85 additional hundred dollars going into those homes. If we have less improvements we have to make in homes then we can go further but we want to hit 24.

>> And the priority is energy efficiency? That's like insulation.

>> It's actually both. Helping with aging in place. For grab bars, wheelchair ramps and energy efficiency work. And our partners are going to help leverage weatherization dollars to take us further. So we will have money for existing programs and we'll come in deeper with the money from the grant.

>> So what local organizations are you partnering with because I know we have a number of organizations locally who work with older people.

>> Yeah so, when we applied for the grant our partners were Meals on Wheels. Habitat for Humanity. The county itself we mentioned the shop, partners in this work. Michigan Saves. Those are the energy contractors who have deep expertise. The agency on aging. Those are the main partners.

>> All right, thanks, I'm done. I appreciate the answer to the questions.

>> Further discussion? CA-8 is approved. We now come to a set of public hearings. For members of the public to speak about specific items on the agenda. That is to say that your speech must allay to the subject matter on the agenda. You need not have signed up in advance. To speak in the public hearing, please enter the number -- dial the number on your screen that is 877-8535247. Once you are in, please enter 94212732148. Once you are connected please enter star nine, star nine to indicate that you wish to speak at the particular public hearing. When you have an opportunity to speak at that public hearing and it is your turn to speak, the clerk will identify you by the last three digits of your telephone number. Speakers have three minutes in which to speak so please pay close attention to the time. Our clerk will notify you when thirty seconds are remaining and when your time is expired. When your time's expired, please conclude your remarks and cede the floor. Public hearing number one, an ordinance to amend sections 5.16.6.D, 5.17.4, 5.17.6.C, 5.26.2.A. anyone who would like to speak at this public hearing?

>> Phone number 212 with a comment. Call we are the phone number ending in 212? If you unmute your phone by pressing star six.

>> Hello, can you hear me?

>> Yes, we can.

>> So my -- good, I'm glad you can hear me. My name is Clara Trent and I'm speaking about the development that is --

>> That is a separate public hearing.

>> Oh, it's not this one? That's on a different day, is that what you mean? It's on a different day?

>> We're going to kind of get to that but right now we're in a public hearing with respect to marijuana processing. Lockwood is our third public hearing.

>> Sorry.

>> No worries. We'll get to you.

>> Okay, thank you.

>> I'm hearing from CTM and I would concur that the volume of your microphone has gone way down.

>> Thank you.

>> Caller with 534, did you have a comment on this public hearing?

>> Hello, this is Tom. Quick question on this item about the building materials. The hardy plank or board, whatever the proper terminology is. I'm curious if somebody's able to answer a question of why that can't be used -- that's one of the small items in this. I know as an ASDC. I would like to support the ADU changes that are here. These are good. This is allowing it in R2A. This is kind of a minor change to the AU ordinance that is appropriate. And I want to -- for the new councilmembers I want to point out that this would have been included in the ADU changes that were proposed maybe a year and a half ago. A couple years ago now but the way that those changes were quite extreme and they were not going to be told to the 19,000 people that were going to wake up the next day and have by right conditions, in every neighbor around them, if you own a house you've got five neighbors and each one of

them by right would have been allowed to build in a single family neighborhood or R2 an 800 square foot hatched duplex unit, setback of a unit, of the lot. So effectively, that would have eliminated single family zoning. So I know people are saying I don't to eliminate single family zoning for 19,000 households in Ann Arbor this was about to be made by right and that's why that ordinance didn't pass a couple years ago. This is a good change. There's more changes I would like to see in ADU so next time let's do it right with proper notice. I know technically it was an ordinance revision so the only notice that had to be given by law was to publish it in the news and I asked experts and they said, yeah, that's correct but it's unthinkable that any community would do that and fortunately we turned that one around. This is a minor change in the ADU of just R2-A being added. You only get two units. You don't get three units in a duplex zoning but it would allow an existing detach structure to be converted to an ADU if there's only one other living unit already on the line and that's a reasonable change and a reasonable way to change an ordinance so thank you very much for supporting that if you do.

>> Thank you.

>> Call we are the phone number ending in 205.

>> Hi. My name's Joe, I'm so glad that we're having a discussion about ADUs and specifically about the previous, I guess, attempt at passing these and all I can say is that it would have been a lot harder to find, you know, sound clips that could readily compare a councilmember to Donald Trump if there weren't so many comparing the ADU ordinance to the chicken ordinance. Both, you know, on Facebook. Which is horribly offensive and my friend Trish is adamant in talking about that and I support her but also on video up to a year before that Facebook situation happened. And what I can say about all of this is that undeniably single family zoning is racist. It's a lingering -- it continues the lingering impacts of segregation, coming one day after Martin Luther King day speaking out with great quotes by the Reverend Martin Luther King. Single family zoning is segregationist. Trying to maintain it is segregationist. Maybe there is some sort of balancing concern. I don't think this is a balancing concern when it come to the history of racial equity specifically in the county but maybe there's some concern when it come to homeowners but, you know, at the end of the day, that means allowing duplexes is a first step. But only the antiracist zoning allows all types of housing including apartments and the reality is more than half of the people who live and vote in Ann Arbor are renters and you can be sure that I'm going to be doing my (bleep) to make sure that the renters in Ann Arbor are informed voters and that they are voting, thinking about residents that live on the other side of Ypsilanti which for many of them are coworkers. For these who are fortunate enough to live and work in the wonderful community over there. So for my part, I think whatever we can to increase the availability of ADUs in Ann Arbor is wonderful but moving to triplexes, quadriplexes and allowing apartments by right is the most antiracist and there's no argument against that.

>> Time.

>> Thank you.

>> Mayor, there are no other callers with their hands up for this hearing.

>> Anyone like to speak up for public hearing number one. Changes to the code. Seeing no one, this public hearing is closed. Public hearing two, an ordinance to add a new section to 5.19, amend sections 5.19.1, and table 5.19-1, in section 5.19.2, section 5.19.3, and section 5.37.2. Anyone who would like to speak at this public hearing?

>> Colleen Garcia, do you have a comment?

>> Hello. Good evening. Thank you for this opportunity to speak with you. My name is Carlene and I live in Ann Arbor's Northside. I'm one of the tenacious group of folks who started the work on the electric vehicle parking over two years ago and tonight I will be speaking about how the electric vehicle parking ordinance is designed and how your decision about this parking ordinance can affect a positive change of the grim reality of air pollution. I will quickly let you know that three of the other city commissions have declared their support for the EV parking ordinance and these are the energy commission, the environmental commission and of course the planning commission. So now moving on, I assume you all have study the electric vehicle parking ordinance and what I would like to do is explain the architecture of the ordinance. There are three parts.

The first is the applicability of this ordinance. The second is the number of EV parking spaces and the third is the design and then there are new definitions and recommendation for renewable electric supply. So for applicability. This is a zoning based ordinance and applies only to projects requiring site plans for city council approval. As regards to the number of EV parking spaces the number of requires parking spaces is a percentage of the total required vehicle parking spaces for each specific property use type. And you will see this as a separate column that has been added to the parking table. The parking table you can see it on page two of this ordinance. Lastly, the design of EV parking spaces. This ordinance includes three classifications that range from minimal EV charging infrastructure to the complete installation of a charging station. As you can see in pages 15 and 16 the classifications are EV capable, ready, and installed. Each EV parking space will conform to one of these three classifications. These are found in a parking table and the table also provides for specific percentages of each of these classifications. So this ordinance is intended for scalability such that as demand increases there'll be infrastructure in place to quickly increase the number of EV charging stations and it is intended also for inclusive access to EV charging stations. It includes every type of residential property in most nonresidential properties. And then with the brief time I have left I would like to remind you that the decision you have tonight will have a specific impact of the air quality in Ann Arbor.

>> Thirty-second.

>> -- premature death, asthma attacks, cardiovascular impacts, susceptible individuals include children, seniors and those with preexisting conditions. Air pollution does not stay put so what we emit affects the communities around us. I will remain available during your discussion of the EV parking ordinance.

>> Thank you.

>> Charles Griffith, did you have a comment?

>> Yes, I do. Thank you. Good evening councilmembers and Mayor Taylor. I am Charles Griffith the program director at the ecology center. A little more than two years ago I teamed up with the office of sustainability. Carlene who you just heard from and other members to form the EV ready working group and it's our group who helped shepherd the ordinance tonight that would require various levels be installed for any new parking developments going through the site planning process as you just heard about.

As part of our deliberations we looked at other ordinances around the country. Analyzing scenarios, and potential costs and considering language and EV readiness requirements. We also spent time seeking feedback from planning staff, from planning commission members, as well as developers and members of the public. We feel pretty good about the process and the final ordinance that is now

before you tonight. But let me highlight a couple of reasons why we feel it is important that the council approve this ordinance. For starters, as highlighted in the planning staff memo the proposed ordinance is one of the key actions identified in the A2 Zero plan which would help us transition to low carbon vehicles city wide over the next decade. It is a great complement to new EVs for the city's fleet and the vast charging stations that will soon be in front of city hall that you approved in a recent meeting. While electrifying our cars and trucks seems like a task this is coming. We are receiving greater cars in the market. This is intended to rise to just over 2% of sales to as high as 25 to even 50% of vehicle sales by 2030. The reason this ordinance is need however is because this transition will go a lot smoother if any new parking areas constructed in the city are prepared with the appropriate charging infrastructure removing one of the top barriers to EV adoption. This makes a lot of economic sense as well because it is much cheaper to make a small investment upfront versus --

>> 30 seconds --

>> -- which would most likely require digging up asphalt. These areas are prewired for charging and make it easy and inexpensive for a business to install a charger, significantly reducing the time and transaction costs associated with choosing to go electric and in many cases the ability to own an EV at all.

>> Time.

>> -- consideration in this important topic.

>> Thank you.

>> Caller with 194. Do you have a comment?

>> Hello. Hi. This is Rita Mitchell. I live at 621 5th Street and I want to make a short comment on the EV readiness ordinance and that is that it's great, I love the idea of moving toward electric vehicles and the less pollution involved but until the power source for the vehicles is charged from renewable energy, for example, solar panels right onsite the emissions from the car are exported locally from here in Ann Arbor to the resources and that's the power plants polluting the 4217 zip code in Ann Arbor known as the dirtiest zip code in the state. I would like us to stretch and add solar panel charging to these EV sites. Thank you.

>> Thank you.

>> Caller with the phone number ending in 654, do you have a comment?

>> Can you hear me?

>> Yes, we can hear you.

>> Very good. Good evening. My name is John. I live in ward two at 505 Berson Place. I'm hear with the energy commission which drafted the EV parking ordinance up for your approval.

I'm also an environmental commissioner. First of all, I want to express my sincere gratitude for all your public service. I would like to frame things a bit differently in the ordinance. As a cost savings and affordability opportunity. In order -- or in addition to an action in support of the city's A2 Zero carbon neutrality plan. The ordinance lowers costs to developers as Mr. Griffith has already indicated because installing EV infrastructure proactively is much less retrospectively. Some property owners may argue otherwise. In the short-term that may be true but EV sales will soon dominate. And EVs are likely to replace all internal combustion engine vehicles on the road over the next 20-25 years necessitating charging infrastructure be installed at some point. Most likely in the next 5-10 years. Construction is the rational thing to do and they will appreciate your action tonight. More importantly, supporting EV adoption is a move to make Ann Arbor more affordable. EV total lifetime costs are

already lower than for comparable diesel and gasoline cars. Finally with battery costs dropping rapidly EVs are projected to reach the price as with other vehicles by 2025 and will drop thereafter. Everyone who lives, works, or plays in Ann Arbor will need better access to EV charging. That is especially true for lower and moderate income individuals and family unit who is are less likely to be able to install EV charging at home. Moreover they will pressure landlords and employers to install charging --

>> 30 seconds.

>> We need to dismantle barriers -- to EV ordinance will do just that in summary, EVs perform better and are more affordable. Please approve the proposed electric vehicle parking ordinance. Thank you.

>> Thank you.

>> Jesse Schwab, do you have a comment? Jesse Schwab, do you have a comment.

>> -- we need to address not only the immediate needs but look towards the future. We can ensure that ample parking is available to the many electric vehicles that we know will be coming out very soon and improvements to access will over time further increase the viability of these modes of transportation which will move our community one step closer to our utmost goal of carbon neutrality. This will be alleviated as a larger share of the populus adopts affordable vehicles. Last year was tied with the hottest year on record and nine of the ten hottest years were recorded in the last decade. While we have been isolated from the crisis rapidly approaching is the devastation that approaches us as well. If we act now we can ensure the viability in the coming decades and protect our own air. We cannot ignore our responsibility for this crisis and we have to act to prevent further damage to the environment. This is an issue that looms large over all of Ann Arbor's youth and the youth of the country and the world. This is not an issue we can set aside and the time to aid the disadvantaged and prepare the future we know is coming is now. Thank you so much for your time.

>> Thank you.

>> Caller with the number ending in 534, do you have a comment.

>> This is Tom --

>> Caller 534 --

>> Can you hear me?

>> Yes, we can.

>> Thank you. This is Tom Stulberg again. I've been a real estate professional for nearly 30 years. I used to do a lot more developing and I'm getting back into that game. We've got a project we're looking at. Putting together a development team right now. Done legal and engineering examinations. I can't speak as well as all the previous callers have on this particular item. So I'll let their words stand but I do want to say from a developer's standpoint this is an item that we can get excited about. This is the right way to do it. I really thank everybody who has worked hard on this up until now. Thank you very much.

>> Thank you.

>> Caller with the phone number ending in 205, do you have a comment?

>> Hey, once again it's Joe Spalding and this is an issue that I think about quite a bit. And, (sighs), I don't want to be bursting too many bubbles of allies that want to fight climate change but here I go anyway. Cars are bad. And they're bad for the climate and they're bad whether or not they are powered by energized lithium or gasoline and the reasons they are bad aren't just because they have an engine that burns



fossil fuels although we are definitely told that, you know, frequently. One of the reasons that they're bad is because, I mean, it requires a whole heck of a lot of infrastructure investment that is very degrading to the environment in order to maintain them. It was pretty interesting hearing somebody talk about how electric vehicle infrastructure in public would be necessary for people who are lower income. To me, this says that, fine, sure, but let the city of Ann Arbor take that to the fullest extent. Let them operate in good faith and eliminate parking minimums when it comes to housing. At that point, folks would be able to get their charge in public if that's what the city truly wants to be subsidizing. There are other alternatives here and folks don't talk about them as often enough and it is unfortunate that the subsidies for the automobiles electric powered could buy an electric bike for somebody and the reality is, we face, when we're looking at climate change, a real choice. It's not a choice between a lower -- between, you know, between having cars or not or -- of one type of power. Having cars run by fossil fuels. We're facing this choice between either reorienting the entire way we live and transport ourselves or we get the consequences of climate change. And that means that we need to eliminate car dependency.

When we are thinking about building infrastructure for vehicles which they don't actually remove any automobiles that are combustion engines off the road. They just make them more available to people at lower income levels, they stay on the road. You know, let's make sure we're not dedicating ourselves to parking infrastructure from here on out when we keep looking for those alternative transportation routes. It's so important.

>> Thank you.

>> Mayor, there are no other callers on the line with their hands up for this hearing.

>> Is there anyone else that would like to speak in public hearing number two where were the electric vehicle parking. If so, please enter star nine now. Public hearing number three, an ordinance -- seeing no one this public hearing is closed. Public hearing three, an ordinance to amend chapter 15, zoning, rezoning of 7.23 acres from R 1C single family residential district to PUD, planned unit development district. I would like to note something with respect to public hearing number three and four. With respect to 211. Both these public hearings are included today regrettably with our collective apologies in error. That is to say they were noticed for today but they should not be (audio cutting out) scheduled (audio cutting out) and so staff is going to ask us in both cases, if I'm correct, public hearing number three and four. Staff is going to ask us in both cases to postpone these votes until our next meeting. To postpone these votes until our next meeting. As a consequence, this public hearing, public hearing number three and four will be extended, extended to include this meeting and because it has been noticed and the public hearing at the next meeting. They're essentially -- and technically one public hearing. And because folks can only speak once and one public hearing, if you speak tonight, with respect to Lockwood or 2111 Packard and as staff requests, council postpones the vote until our next meeting, there will be a hearing at that meeting and we will request that you do not speak at that meeting.

Because you have already spoken at the public hearing tonight. So bottom line, staff has asked us to postpone Lockwood and postpone Packard and if you speak at the public hearing tonight with respect to each of those matters we'll ask you not to speak at the next public hearing. Normally when this occurs in an in-person context I can kind of get a nod with the crowd where folks indicate their understanding and so for you at home if you're watching my apologies that we're unable to have that

feedback but to restate the bottom line is if you speak tonight with respect to Lockwood or if you speak tonight with respect to Packard we will ask you not to speak at the next meeting if staff's request is honored we will actually be voting on those things. Councilmember Hayner, do you have a helpful comment.

>> I think this is the first time we've had to do that in this virtual environment. I appreciate your explanation and I would say the same. That we've said in the real environment in the past that I would encourage people who are here to speak to these matter to speak tonight because then we have even more time to, you know, ruminate on your comments and so I would encourage folks to speak if they are here to speak.

>> If you people wish to speak, absolutely.

>> Thank you.

>> Thank you. With all that in mind and bearing that in mind, public hearing number three, an ordinance to amend -- oh, I think I already open that had up. My apologies. Anybody who would like to speak at public hearing number three?

>> Caller with 677. Do you have a comment?

>> Hi. I -- in favor of the Lockwood development. This is the sort of thing I want to see happen. Put affordable housing in there. It's a bunch of units of housing and a bunch is affordable. Sounds like a slam dunk to me. Please vote yes. Also I think it's a little strange about --

I think the rules of the public hearing are a little strange because if we choose not to speak there's still a chance that you might not postpone it and so then we'll have missed our opportunities to speak entirely so I just wanted to note that but the main reason I'm calling is to say please vote yes on Lockwood whenever you get a chance. Thank you.

>> Thank you. And because it relates to a matter of procedure I will respond. I, and I'm sure the rest of the council acknowledge the challenge and why Councilmember Hayner and others suggest that if you're here, speak as you will. Is there anyone else who would like to speak at this public hearing?

>> Call we are the phone number ending in 134. Do you have a comment?

>> Yes, thank you, I'm Ken and I live at 28 Haverhill Court. That's on the far Northside of town. This is a great proposal. It lacks sustainability elements. Lockwood especially should go all electric. The A2 Zero plan's strategy two action one includes this assumption, quote, all new residential and commercial buildings are designed and built to operate without the use of natural gas. End quote. That's because otherwise we would be locking in new greenhouse gas emissions through the end of the century. Retrofitting to electrified building will happen rarely if ever. Building without fossil fuels is technically feasible as you've seen with the apartments near pioneer high school, the farm project and now 2111 Packard, the subject of the next public hearing. Modern heat pump systems are highly efficient, cost-effective for new construction and work well in our new climate. I don't think any current councilmember was present at the planning commission when Lockwood came up. But that night, commission made its Lockwood approval recommendation contingent of building electrification as well as solar panels. Lockwood was to add them or explain why they can't.

Then the planning commissioner specifically requested that Lockwood if it proceeds with gas space heating provide council with a written cost comparison between gas and electric to show why electric would be a hardship. I don't see this.

If council hasn't done so already, it should critically review the relevant sustainable building material to give more sustainable options if it hasn't already and provide the documentation that planning commission asked for back in September.

Again, this is a good project. But -- Lockwood shouldn't be left out on accountability which in count is affordability. Thank you.

>> Thank you.

>> Caller with 374. Do you have a comment? You can press star six to unmute yourself. Caller 374. You can go ahead and speak. Mark Lockwood, do you have a comment.

>> Yes, 277. I want to thank you for your thoughtful consideration for this petition. Our proposal of this housing community comes in a time of a housing crisis made more acute by the affects of the COVID-19 pandemic. Our proposal will add 65 apartments to Ann Arbor's housing stock. For a period of 99 years. Rents for these apartments will range from 697 to 179. While those homes and rent levels may not fulfill the extensive need for affordable housing options in the city they do offer a substantial cost reduction compared to similar market rate apartments on the range of 1000-1800 per month. The total rental relief to Ann Arbor seniors will total 900,000 a year. Or 89 million dollars over the 99 year term affordability. Two years ago we proposed a similar project on Jackson Road east of Wagner. We were told by council at that time that our proposal was the right development in the wrong location. We took that advice to heart. The proposed location has school adjacencies. Storm water infiltration and no environmental concerns.

In summary, this is the right proposal in the right location at the right time for the city of Ann Arbor and its residents.

Our team members and I are available to answer any questions you have and receive any feedback. Thank you.

>> Thank you. Anyone else like to speak at this public hearing?

>> I don't see anyone else with their hand up for this hearing. One more. Ending in 374. Caller 374, do you have a comment? Caller 374, do you have a comment?

>> Can you hear me now.

>> Yes, we can.

>> Oh, great.

>> Ma'am, if you could --

>> My name is Judy -- I live at 3771 Circle. I'm at the bottom of the hill that the proposed Lockwood is at the top of the hill. The very tiptop of the hill. It's called a chain. It's a structure that was made by -- went -- when the glaciers were coming -- were becoming smaller, they left a lot of sand. So what you have at the top of the hill that now is owned is a whole plot of sand and gravel and t it sounds like you're planning to destroy that beautiful site. That's one reason I'm against it. I'm against it because it will destroy a place of beauty in our -- where we live. And in the 40s and up until when I lived here in the 70s, a lot of garbage was dumped just south of Ellsworth and since we had to have that happen to us and that has not been able to been made better. It's still there. It seems that we deserve to have something of beauty in our neighborhood. The residents is at the very tiptop of the hill and there's no other place around it is as high as it and to remove the top of the hill, hilltop removal, couldn't you put this structure in a slightly different place? So that is the main -- I've been there and it's a very nice place. And, you know, where we live, there's 5,000 or maybe 10,000 people who live in -- pretty close to each other and to get to a place where we can have something like a park. It seems really too bad to --

>> 30 seconds.

>> So thank you for listening.

>> Thank you. Is there anyone else who would like to speak at this public hearing?

>> Mayor, I don't see anyone else with their hand up.

>> This is closed and will reopen if it is postponed. Public hearing number four, an ordinance to amend chapter 55, unified development code, zoning from 0.9 acre from P, parking to C 3, fringe commercial. Anyone who would like to speak at this public hearing although we will postpone our action to the next meeting.

>> Naomi Goldberg, do you have a comment.

>> Hello, my name is Naomi. I fell in love with our home three years ago but I hate the lot at the corner and I actually either turn to avoid turning onto it because it doesn't feel like a welcome way to enter what I feel is a beautiful neighborhood. I'm excited to welcome more neighbors to our neighborhood given the proximity to great transit and doing opportunities. I hope you will support the zoning change that will allow us to have more neighbors and a more attractive welcome to our neighborhood. Thank you, all.

>> Thank you.

>> 677.

>> Hi. I am in favor of this rezoning as well. The -- right now that site is a large empty parking lot most of the time and I'd much rather see housing and other businesses there. And I think that's -- that area already has the potential to become a -- to be a vibrant, you know, it's already a pretty vibrant neighborhood and with additional housing and additional businesses, it will -- it can only get better over there so I think that you should approve this rezoning, thank you.

>> Thank you.

>> Brandon, do you have a comment?

>> Can you hear me? I would like to voice my support about -- for rezoning the parking lot that is currently strewn with trash and dumpsters at 2111 Packard. I participated in a couple of outreach things that the developer did, the plans look pretty cool and, like, you know, I -- they're -- what's going on there is an eyesore right now and I live in five houses in the other direction and I'm pretty excited about being able to walk over there and, you know, hopefully get something to eat or, you know, do something else. So I think it'd be a great addition to the neighborhood and if nothing else, it does not taint being a parking lot just sitting there doing -- I would ask that you approve this rezoning, thanks.

>> Thank you.

>> Mayor, I don't see any other callers with their hands up at this time.

>> Anyone else that would like to speak at this public hearing? Seeing no one, this public hearing is closed. A, 1, we have the regular session meeting minutes of January 4, 2021. We have the motion to approve these minutes. Discussion? All in favor? Opposed? Minutes are approved. B-1, an ordinance to amend sections 5.16.6.D, 5.17.4, 5.17.6.C, 5.26.2.A and 5.28.8 of chapter 55 of title five of the code of the city of Ann Arbor's marijuana processor, ADU, security, building materials, moved by councilmember song seconded by Councilmember Disch, discussion please of B-1. Councilmember Hayner.

>> Just real briefly I just want to make a couple comments on it. It's not enough to throw the baby out with the bath water or whatever but there are two things sort of odd to me. One is there's a couple instances where we change the language to determine that something is acceptable when it is -- when acceptable to the planning manager which is a little unusual. I haven't really seen that in a lot of other places in

our UDC where something is leveraged with the plan manager but, you know, in this case, it's -- has to do with securitizing and building so they can receive their certificate of occupancy so -- it just seems a little nebulous definition to be in our planning like that. Or zoning like that and the second one is to this notion which I actually mentioned last week too and we had a caller mention about the fiber siding and it's not described in any way and, you know -- I mean, I got a copy of 2015 state residential code and 2021 is coming up and with hopefully changes and not just another readoption and it's perfectly acceptable and allowed.

I know there's buildings in the city that have not done a good job of using those materials. I mean, I don't want to single too many folks out but the Ann Arbor apartments and some of it looks pretty bad on the south side but property installed and finished. Fiber cement is a decent product. It doesn't make any sense to me. I've hung thousands of board feet of it on jobs and, you know, when installed properly and to the standards of the state building code, it's perfectly good material so I just don't understand that. I'm going to go ahead and support this because I don't want to get into picking apart this but it makes to sense to me that we're relegating that to a trimmer accent material. It doesn't work for me. Thanks.

>> Councilmember.

>> I'll be piggybacking on Councilmember Hayner's question on cement board just knowing how economical the material is and I apologize for not bringing this up on the first hearing but it is remained a question and I'll ask if our -- the -- the person who called in, what is the problem that we're trying to solve with the prohibition of the cement board? If I can just perhaps get that response from staff if possible.

>> Good evening, mayor and councilmembers, the proposed amendment, to be clear certainly doesn't overrule any building code. It is a part of building material and design requirements specific to the downtown district. This is only applicable to the D 1 and D2 zoning districts. The code as it exist now requires a high quality of materials that refer to masonry, stone, high quality architectural materials intended to cultivate a high quality of design and durability and permanence in the downtown core. This is an amendment, I guess in a way recognizing that those products are not in the same category as those other materials and should be used as an accent or trim in those instances. It doesn't have any balance to the city.

>> Thanks for explaining that. We're asking for a one of things and one of them is affordable housing and we're taking things away to -- they may be used economically to provide some of the things that we're asking for. So I, of course, as Councilmember Hayner said, it's not enough to object to this but it is a concern of mine and perhaps we can revisit it later if it becomes something that imposes too much hardship.

>> Councilmember Hayner.

>> While you're here, this is the sort of question that folks have asked me in the community. Not specifically to this but generally. So what is it that makes us able to suggest or, you know, recommend or deny material uses or restrict, I guess or restrain material uses in some zoning areas and not others? That is different from, say, an electrification ordinance where you must person in this certain way or you must use electrical fixtures.

Is there a way you can explain that difference and what makes us get away with the material selection and not another material selection and.

>> So in this case, particularly as it relate to the downtown zoning districts the city has a history of planning around design guidelines. We have the establishment of the review board to uphold the recommendations and design guidelines for our

downtown business districts. Again, towards the goal of appropriateness, durability, and serving the function of sort of a long-term durable downtown center. That's why our ordinance then follows suit in the case of the D1 and D2 zoning districts to recommend some high level materials. You'll note that this is pretty high levels it doesn't into specifics about how those materials must be used and which of those materials need to be used and proportions and the like so our ordinance try to defer those planning policies by setting the requirements for things like materials and us in the case of the downtown district, transparency, so that you end up with the pedestrian experience that is such a draw for people in the downtown district. And I would just add if it was sort of the city's policy direction, those types of standards could be pursued elsewhere. There are communities that set those kind of requirements and other districts as well. We have a history here of applying those in the downtown district and then of course independently in the preservation ordinance.

>> Thank you. I am still pushing around this idea of -- I will speak to it when we speak. Thank you.

>> Further discussion? All in favor?

>> Aye.

>> Opposed? It is approved. B-2, ordinance to add a new section to 5.19, amend sections 5.19.1, table 5.19-1, in section 5.19.2, section 5.19.3, and section 5.37.2.E and to add a new section 5.19.11 of chapter 55 unified development code. With respect to electric vehicle parking. Discussion please of B-2. Councilmember Briggs.

>> The only thing I wanted to say was to thank the team that's been working on this for a couple of years. I've been able to experience it through the committee and on planning commission and other -- as they lifted the process. But Charles and Carlene and those who worked with the staff to bring it to this point so just many thanks to them.

>> Further discussion? Councilmember grant.

>> I want to acknowledge some of the callers, you know, also thank the work that was done on this and the support from the various boards and commissions but also to recognize the question from some callers about the removal of the requirement for a parking minimums and to just let people in the public know that that conversation will be forthcoming. I don't know exactly when but in the not so distant future.

Thanks.

>> Councilmember Hayner.

>> Thanks, just to run by my notes on this. I was surprised by the growth predictions that were in the sort of administrative overview PowerPoint presentation that in the next few years that 30,000 people will switch to EVs. That's awesome. We just made the switch to a used hybrid from a straight gas vehicle. It's been great for us. You know. By the time those drop down in the used price or used market where we are maybe we'll be able to score a nice hybrid C-Max I found that figure shocking that 30,000 people will switch. Perhaps that's so and I hope it is. It was curious also people who oppose or had specific complaints about this.

And as you may expect it was DTE who needs to plan for the potential for increase of the grid draw and also developers where this could potentially cut into their Luke rah different -- lucrative bottom line. And there's the micro grade concerns where all the electric cars in the world are still burning coal primarily. That's an issue and hopefully that will move with our A2 Zero plans. Equally startling was the notion that we started this in 2019, we'd have almost 28 spaces together which is a cautionary

tale in mandating this in new construction. Even when updated in 2021, this will give us room to up act quickly in that and that is up for review in the state board.

And I would encourage us to install more electrical vehicle parking downtown in addition to passing this EV ordinance that this has -- I think we should encourage the downtown area to get the pollution off the streets. People like personal transportation and especially now in COVID and we don't know when this will be over there's not as much bus riding as there was. I'm sorry -- well I'm not sorry that personal transportation structure is with us and we'll do what we can to make it work. The wins are far away the losses on this so I urge you to support this.

>> Councilmember Song.

>> I just want to thank the -- our local youth who called in and organized around this too. It was really encouraging to see young folks involved and invested and reminding us what the consequences of our votes are for future environment impacts. Thank you for that reminder. Thanks for paying attention and I hope you can encourage other young folks to give public comments and participate in future public hearings. Thanks.

>> Councilmember Griswold.

>> I'll be supporting this and I just want to mention that I've been driving an electric car for two and a half years and haven't had a single problem and I would strongly recommend purchasing one.

>> Councilmember Ramlawi.

>> Thank you. I want to thank everybody for making this a reality and making it easy for us to simply say yes and we didn't have to put the time and painstaking effort into thinking about, you look at these tabulations, you look at the tables, the consequences, et cetera, this was an extensive effort and it definitely deserves a big thank you.

>> Other discussion? For my part I would like to add my delight, express my delight that this is coming forward and we'll pass it tonight. It links with so many of our goals and supports with A2 Zero and affordability and the, you know, the fundamental support that we have in our community for, you know, for long-term thinking. You know, we do know that electrification is coming and we need to make sure that we do everything we can to support it with respect to the issue of altering our regulations to require electrification.

I'm pretty confident that if we find fairly -- I'm pretty confident that if it were legal we would be doing it and so I am with Councilmember Hayner look forward to the alteration in the building code to give locals that kind of flexibility. For the time being, we'll do what we can and this is a big step and it's had many parents, lots of residents working through boards and commissions. Lots of staff working hard to make sure that it does the job and I'm just delighted that we're going to move it forward this evening. Further discussion? All in favor? All opposed? It's approved. B-3, an ordinance to amendment chapter 55, zoning, rezoning of 7.23 acres from R-1C single family residential district to PUD, planned unit development district. Moved by Councilmember Grand, seconded by Councilmember Nelson. Looking for a motion to postpone.

>> I would move to postpone this to our next meeting.

>> Is there a second?

>> Griswold. Grand?

>> I want to reiterate what Councilmember Radina said. Thank you for coming out. And I wanted to respond to something in the hearing because I may forget to do so. A few weeks from now, which is why the Lockwood proposal is not fully electric and

maybe something for the council policy committee to think about and my understanding is that it has to do regulations, unfortunately, in order to get the affordable housing funding, they can't actually have the building be all electric which is unfortunate but at this point I think part of the trade-off. I wanted to responsibility to that and look forward to the conversation in a few weeks. Thanks.

>> Councilmember Briggs.

>> Thank you. That's helpful, Councilmember Grand. In terms of the clarification I was going to bring up what was raised. I actually -- while I was on planning commission I was not there on that September 15th final vote. In the minutes, don't necessarily totally reflect what was asked for in terms of sustainability requests. I guess, just a piece to request maybe coming forward if there's more information on that that can be presented at the next meeting if there was any at the -- that Lockwood could provide that would be great or just those answers. Thank you.

>> Further discussion? All in favor of the postponement? All opposed? The matter is postponed until our next meeting. Thank you. B-4. An ordinance to amend chapter 55, unified development code, zoning of 0.9 acre from parking to fringe commercial. Looking to hear for a postponement. Councilmember Radina.

>> I move to postpone this.

>> Seconded by Councilmember Eyer. Discussion of the postponement? All in favor? All opposed? It is postponed. Let us take a short break and circle back at 9:15.

>> This amendment comes as reflective of our requests from the human services advisory board. They had a robust discussion last week with some input from the public as well. I want to thank Glenn Nelson and all the board members for participating in that discussion. And ultimately they came to the conclusion that that there should be a recommendation that all households sizes have a poverty exemption for property taxes. The current language as recommended by staff has 200% for the first individual than has a lower 120% threshold for each additional individual. They land on this for a couple other reasons. Two times is an easy multiplier. It is easy to understand and figure out but it felt important to us as a way to provide some additional relief to some of the resident who is are living in poverty or approaching poverty here in Ann Arbor. It will help put money back in their hands to pay bills, put food on the table, spend money here in the community and promote economic diversity and keep our most vulnerable residents who are at risk of being priced out to be able to stay here. I'm offering this resolution per their recommendations and with the acknowledgment that staff has accepted the other requests around promotion and advertisement of this -- to the public as well, so, thanks.

>> Further discussion? Councilmember Ramlawi.

>> I appreciate the work my colleagues did in bringing this back. I also asked staff to work on another amendment which would -- I'm not sure how this would be discussed here in parliamentary speaking because they are identical and the only difference is that the amendment that staff provided me would raise the federal poverty limit that we use to 2.2 instead of 2.0.

>> If I may interrupt let me suggest we vote on this, I assume it passes and you vote to amend the amendment.

>> In the spirit of saving time I would move to amend the resolution. The amended resolution.

>> Move to amend the amendment? From 200% to 220%.

>> Yeah. To replace the one I have, that's correct.



>> Discussion of the amendment to the amendment, Councilmember Song.

>> Is this 2.0?

>> We're on the amendment. You can speak to your happiness with 2.0 and your feelings about 2.2.

>> Okay. Thank you. So in the HHHSAB meeting we, I say -- it was really important to touch base with community partners and understand the process for poverty alleviation programs and Tracy made this point and there was a memo attached to the agenda notice that the CARES Act funding has a 200% poverty funding too. This is a factor that's already in consideration and in use and hopefully it will be easier to apply for for folks. I don't know. Is this a good time for Theresa to speak to that or am I? Oh, bless you.

>> Thank you. My apologies. If you have questions you want to ask staff you may ask staff at this time. You have the floor.

>> Okay. So if Theresa can speak to the implementation of 200% of poverty level versus 220% if there's a difference in its impact in the community and if you think there'd be a significant impact given that difference and also if you can also kind of walk us through how that's currently used with the folks who were in that meeting, please?

>> Yes, sure, I'll do my best. Just -- the first part of your question, the difference between say, 200% and 220%. I think based on we did look at some census data, I don't think there'll be much of a difference between those two. It's going to be very close and one of the things I did want to point out that the assessor had from his materials that the most change in uptake seems to be a result in actual increased marketing and outreach for the program not necessarily increasing the threshold so just keeping that in mind and sort of thinking about these small changes I think it's great that we can be considering that but also need to be thinking about that outreach and marketing and making sure it's accessible to folks. Just as a sidebar we reached out to the housing for seniors.

They provided some feedback that the production in Ann Arbor is actually one of the best in the county so that was one of the things we talked about. Felt that currently the levels that we were talking about seemed appropriate again, they were sort of more interested in making sure people were aware of it. Only the things that they suggested really were maybe a fillable PDF form and possibly translating the application. Those are practitioners that work with seniors every single year. I did want to pass that information along. As far as applicability. The 200% standard is one we use with funding we received from the Department of Health and Human Services. The community service grant that is specific for poverty alleviation. Normally it's at 100% but in the CARES Act they increased it to 200% to cover more people impacted by COVID and so that's where that came from in my memo. I think I got most of your questions but let me know if I missed anything.

>> Yes. Thank you.

>> Councilmember Disch.

>> I would like a clarification from Councilmember Ramlawi, if his 220% is supposed to apply across all household sizes.

>> I believe so. That was my intent. I think that's what -- language in the resolution provides for. You can correct me. I know Jerry, appreciate the work you and others did in providing that but they're identical I believe both those resolutions are identical. The only difference is the 2.0 to 2.2.

>> Councilmember, you are correct. It's 220% for all households under your amendment recommendation.

>> Councilmember Disch, you still have the floor.

>> So I guess, I'm just -- could -- does staff want to speak to the relative advantages or disadvantages of 200 and 220%? I understand she said she's not sure that the larger amount will reach many more if anymore households? Or rather, will include, not reach really, it's include many more if anymore. Does anyone else want to guide us on this choice?

>> Mr. Crawford?

>> I don't have anything to add, you know, Mr. Markey and Miss Gillottee with the experts in this area. These estimates would expand it and estimating how that would affect -- once we market it with the additional recommendations provided and modify things, we really don't know how much more that would hit. Coming back, you know, I mean, how many more applications that we receive. So, it is just a judgment at this point.

>> Councilmember Hayner.

>> If I can ask a question e quick question, I'm all for maximizing this, I guess when -- I will say this, prior to Mr. Crawford being here, when we sat down as a new councilmember and we went over everything and I thought here's a place where I can actually make a difference on council and help folks in the community who are finding it difficult to live here. I'm all for expanding it to the larger number even if it's only to a couple more households, that's a couple more people we're helping. I want to understand with the public, we're talking ability, when we waive this public charge it's only the city's portion, is that correct or is it the entirety of the public charge.

>> I prefer to defer to the assessor on that one.

>> Thank you.

>> Thank you councilman and city council. The reduction applies to all tax and jurisdictions.

>> Okay.

>> -- the county and all jurisdiction, not just the city of Ann Arbor.

>> And -- that's why the county's in on it, because they're the ultimate taxing authority? How is it that we can speak on behalf of collecting for the schools for example?

>> I --

>> If --

>> The county is involved because we work with all taxpayers and with the lower income taxpayers and she had a good pulse, Theresa, on what residents might benefit from the poverty exemptions.

>> If I could add to that, mayor? I'm sorry, Mr. Markey, if you didn't finish.

>> No, I'll stand down.

>> You know, under state law and Mr. Markey, correct me if I say something wrong here there are several places that council has the authority to effect, captures for all jurisdictions. Although it's a TIF capture is like a Brownfield, for example, you do have the ability to affect how some of the taxes are captured as defined by state law.

>> Okay. Thanks. I am going to support this.

>> Councilmember, you're on mute.

>> Sorry about that. I think it's good policy to try and compensate for the elevated rents that we have here and in Ann Arbor especially and Washtenaw generally, and I don't know if these can be answered offline. What can we do as a body to help in reaching more people in which Miss Gillotti recommended which is that we put the slips in with the tax bills and I was going through my records and I found my old slip in there and that was interesting to see. What can we do to help promote the

program more fully if that's a way to help more families?

>> There were quite a number of suggestions including sharing them with libraries, churches, other community partners, obviously housing for seniors like Jewish family services, a few other folks like that, community centers, but definitely continuing the information in tax bills, potentially adding it to water bills and actually moving into social media a little bit for that as well. So as broad as we can to help get the word out.

>> So we probably wouldn't need a directive for our administrator. That sound like something our PR group would handle at your behest, Mr. Crawford?

>> Yes.

>> Okay. Thank you. Thank you. I'm going to support this.

>> Councilmember Ramlawi.

>> Thank you. I just wanted to point my colleagues to an e-mail that we got from Sarah Higgins earlier today. It's a nice chart outlining the differences in the proposals and the average median income in Ann Arbor and the percentage that this resolution targets. The amendment to the amendment effectively sets it at 55% at community income versus the amended 2.0 which was 52%. So this is just a marginal 3% difference that I don't think it comes at a large cost to our general fund or the other taxing jurisdictions and I think it would be -- I would love to see the support to set it at 2.2 based on the elevated incomes and cost of living here in Ann Arbor.

>> Councilmember Song.

>> Can we have the assessor's office walk us through the applications last year and the folks -- the rate of approval and denial I know you had said even if the -- if we were at 250% only two more would have been approved of those denied. So even if we moved it beyond 220 to 250 it wouldn't have made really a significant difference. Can you tell us more, can you describe to us the process beyond -- after the application and the folks who have been -- and just kind of characterize the folks who have improved and the others who have been denied?

>> Well, I'll make an attempt, thank you. So the initial process, a resident who owns and occupies their house or homestead would file with the assessor's office and they are required to give us income statements, Social Security and their annual statements they receive from the state as far as what type of income they're receiving. Once staff receives the application, we then review the income that's been submitted, we also do an asset test, and we look at every type of income that can be disposed relatively quickly, excluding the house, excluding the first two cars. Those are not considered liquid assets. They are not treated as anything that should be sold. The balance of the assets, whether it's stocks, bonds, banks, second home being rented out. Those being reviewed and considered whether they qualify or don't qualify for a reduction by the board of review. Upon doing our analysis, we then submit a -- the evidence to the board of review who actually has the authority to make the decision. The assessor's office will consolidate the information and provide it to the board of review to actually discuss and make it a determination, qualify, first do they fit the city of Ann Arbor's policy guidelines for poverty or hardship? If they do, then the board will determine what type of reduction will they qualify for? And that's strictly up to the board of review to determine and once they have reviewed it, they direct the assessor's office to reduce the value of the X dollar amount or make no reduction at all. The -- of the 88 applicants that we received in 2020, 66 were approved, 24 were denied. I want to focus on the 66 that were approved and then I'll digress to the remaining 24. Of the 66, 55 of those individuals

are on Social Security or SSBI or fixed pension. With incomes of less than 30,000 dollars. Those fit for poverty and comply with all the rules and they were granted a reduction in value. Of the 24, that were remaining, the first question that was asked earlier I believe by Councilmember Disch is what if we decreased it more how many would have applied or been approved? And I can only ask or answer on historic applications, not the future. And of the 88 that were applied, the 24 that were denied, two of them would have qualified at the poverty level if it was -- the income was higher. The remaining 22 were denied for various reasons. The reasons are you know, they did not supply any information to us at all so the board of review could not act on any -- without solid evidence on -- should they reduce it or not. The others that were denied, they have incomes of second homes, or other income that far exceeded the, in this case, 25,000 with the asset test used in 2020. And based on those, either lack of evidence or substantial amount of assets that could be liquidated, the board acted in and denied the -- those poverty applications. The taxpayers that are -- well both approved or denied, have the legal authority to appeal to the Michigan tax tribunal after the board makes this. My office would handle the appeal and explain why it was denied. The taxpayer would present their evidence, requesting why they believe they qualify for poverty and the tribunal would make an independent decision on whether they qualify or not and what value should be set. I think that's the majority of what you asked for. Thank you.

>> Councilmembers Briggs.

>> Yeah, so I have one question -- one comment and I guess one question, I appreciate Councilmember Ramlawi pointing me to that e-mail one of the pieces that I think is helpful in that table is what the changes look by income level for just the one person household and there isn't a difference between the assessor's office 2021 recommendation versus the proposed 200%, that income level for the one person household is actually the same but under Councilmember Ramlawi's you get that bump. That 28,000 which I think is nice just, we're providing a little bit more relief for that one person household and it doesn't sound like it's going to have a sizable impact on potentially a flood of new households being brought in but it might make a difference for a few folks out there.

If we do get a few other people to be able to apply and take advantage of this it seems like that's a positive way to go forward. I agree with the Councilmember Hayner's comments that this feels like an important way we can make a difference on affordability. So -- oh, my question. I guess the question was also that was this -- was there any discussion around different levels within the commission of 200 versus 220. I assume you're wrestling with different ideas and is there a reason you fell on the 200%?

>> Councilmember, is there a representative that want to speak on behalf of Councilmember Radina.

>> I was going to ask a question similar. And it was around the conversation we did have. I know because we were -- essentially kind of framed this conversation around some comments that were made by a resident Glenn Nelson who kind of laid out different levels. We did have several conversations and ultimately the advisory board did land on the two times. I'm actually also very open to increasing it above that. But I guess my question for you, Miss Gillotti if you remember from your experience whether or not there is some benefit in kind of that multiplier. Would there be any negative impact for us going at a higher rate?

>> I think I got those. One easy thing is that there are a number of these tables that are available. If it's a consistent multiplier it's easier to explain to folks. Not saying if

that's good or bad but if it's 200% for the first person and then consecutive family members that's easy to understand. That's similar to some of the programs we administer that are trying to address poverty levels. As far as the conversation, we were focused on 200% mostly. The assessor's office was trying to stay true to this being a poverty exemption. It's not necessarily meant to cover -- or the initial intent from the state is it's not necessarily supposed to get to the lower moderate level folks but was really trying to help those that might be at risk of losing their house, could be on fixed incomes and impacted if they're not able to pay their taxes and pushed into tax foreclosure. We focused on that 200%. I know the assessor Markey did mention interest from the councilmember at the higher level.

But I think that is mostly where we were focused. Is it detrimental? I don't necessarily know that it would be detrimental. I don't know how much uptick it would gather. It might make sense to do it within a pandemic. It would be pretty high. County-wide it's the highest level if you're to exceed 200% and there's always an impact on the budget if there is a large uptick in this. But I can't speak to these numbers. I know that the assessor's office could.

>> Sorry. I don't know few needed to raise my hand or not. Mr. Mayor, please correct me if this is maybe not an appropriate time but I did notice that actually the chair of the HHSAB has her hand raised in our attendees and I recognize that she's not staff so I'm not sure whether it's appropriate or not whether we can ask her to join the conversation but to the extent that she may have some additional context around the recommendation I would be interested to bring her in.

>> The mechanism for that is basically if councilmembers want a non -- look to a non-staff member to address council on a quick matter, it's the -- the request is made and I believe it's -- I don't think a positive vote is necessary but I think an objection can be heard and if an objection is heard then there's a vote but I think generally we've taken that if people want to hear it then we'll do it and we'll see what happens. Does anyone have any objection? To Ms. -- is that an objection, Councilmember Ramlawi? Let's have a -- I have Song and Hayner on the queue. Let's roll with a roll call vote on Ms. Foster speaking.

>> We're voting on whether Ms. Foster can speak?

>> She's been offered the podium if you will. An objection has been made and, so, you know, it's council's decision as to whether or not she speaks and so we're holding it up to a vote. I believe that's the right procedure, am I on point on that? You're on mute, sir.

>> I'm looking it up but six votes would prevent. The vote is to -- the vote can be in the affirmative I guess.

>> Can I state why I object? Is that a part of this or --

>> My understanding is that to allow a person who isn't staff to speak of a vote of two-thirds is six councilmembers. Seven or eight. Your voice of the chair but two-thirds can affirm that and allow the person to speak.

>> I think we tend to roll up unless I'm mistaken.

>> I would guess so.

>> I don't think there's going to be a material difference in the discussion. We're beaten --

>> Let's have a roll call vote. Please, the vote is to allow Ms. Foster to speak. If she continues to choose wish so.

>> And mayor, that's an eight vote requirement?

>> Yes.

>> Okay.

>> Is there any way of stating why someone is voting the way they are on this case? Because I want to be careful how this is being characterized.

>> I don't think we tend to have those meetings referenced in the --

>> We've been talking about this matter for almost thirty minutes already. We have a lengthy agenda and our goal is to be done with meetings in four hours and I don't see the whole point of having someone who is not on staff who is not to speak on this matter right now. I just don't think it really -- is -- with the spirit of latest conversations of meetings be more effective and efficient. I mean, this is a very tiny issue we're discussing right now compared to larger issues we have to tackle eventually.

>> Roll call vote, please. I'm afraid I've heard -- is it Councilmember Grand or Radina?

>> I have you, mayor.

>> All right. Well then.

>> Yes.

>> Mayor?

>> Yes.

>> Councilmember Eyer?

>> Yes.

>> Councilmember Nelson?

>> Yes.

>> Councilmember Briggs?

>> Yes.

>> Councilmember Ramlawi?

>> No.

>> Councilmember Hayner.

>> Yes.

>> Councilmember Disch.

>> Yes.

>> Councilmember Griswold.

>> Yes.

>> Councilmember Radina?

>> Yes.

>> Motion carries. Would you like me to promote her to a panelist, Mayor?

>> Please.

>> Sorry, did not mean to cause any drama. There was a call if there was a board member to speak in the conversation. I raised my hand. We didn't talk extensively above 200. I think 2.2 would be fine. We want to keep on the table the expanding outreach as the biggest thing to increase enrollment and either multiplier would be in line with our conversations.

>> Thank you. Councilmember -- I thought I had Song on the queue. This is on the amendment to the amendment and I suggest that we're probably ready to vote on this?

>> I was just speaking to letting in the external speaker. Thank you.

>> Okay. Amendment to the amendment, any further discussion? Roll call vote, please. Starting with me.

>> Mayor Taylor.

>> Yes.

>> Councilmember Eyer.

>> Yes.

>> Councilmember Nelson?

>> Yes.

>> Councilmember Briggs?

>> Yes.

>> Councilmember Ramlawi?

>> Yes.

>> Councilmember Hayner.

>> Yes.

>> Councilmember Disch.

>> Yes.

>> Councilmember Griswold?

>> Yes.

>> Councilmember Grand.

>> Yes.

>> Councilmember Radina.

>> Yes.

>> Motion carries.

>> Further discussion of the amendment as amended. Perhaps we can suggest that that's friendly? Amendment's friendly to body. Further discussion to remain motion as amended. I guess I'll just say, I'm very glad that we are moving this forward. It's an important thing we do with the city and I'm glad that we've expanded the reach of this exemption. You know, we all know that folks in the community, some have a very difficult time with paying their bills and this is one way we're able to give direct relief for a set of folks that really need it and I think it's an important thing that we're doing. Councilmember Ramlawi.

>> Thank you, mayor and thank you to my colleagues to raise the level to 2.2. As you can tell by the chart, the graph, that Sarah Higgins sent us, it will help out some additional people without putting too much of a burden on the taxed jurisdictions and thank you to everybody who has had a hand in this. Sorry to hurry this along but I know we have other things to discuss tonight.

>> I want to thank the assessor's office for your task to actually implement this. So the request that we made in our HHSAB meeting, the request to expand -- to make sure the applications are available at the libraries, my second mentioning of the ADL tonight is to make sure that the folks who, I think a lot of folks are unaware that this program exists. So if we can -- to the extent that we can partner with folks and get the word out I appreciate the extra effort to thank you.

>> Councilmember Nelson.

>> I just want to quickly thank resident Glenn Nelson for helping bring this to our attention. We wouldn't be having this discussion if it weren't for a thoughtful e-mail we received from Mr. Nelson. I want to thank him in his efforts for raising awareness about this. Thanks.

>> Further discussion. All in favor? All opposed? It is approved. DC-2. Resolution to appoint three at-large members to the council of commons.

>> Thanks, I forwarded an amend to the resolution that's before us. That makes two small changes with -- well one small change and one large change. The one large change is it names three folks and the small change is it -- it recognizes the planning commission has not yet appointed anyone and suggests that, you know, if the rest of this body is ceded prior to them, we're just going to go ahead and meet without them and they can catch up. I can see we have this sent around to us. I highlighted if it comes through on your city systems this way the changes in the members one, two,

and three, and the second resolve clause. We're hoping to meet within the next 60 days.

>> Is there a second?

>> Yeah. Seconded by Councilmember Ramlawi.

>> I put that out there. Those are the folks. I got an e-mail from Councilmember Briggs. We're supposed to coordinate on this. You know, kind of -- in my instance, prior to meeting time because I work until after five and so I didn't get the five o'clock e-mail where she has three completely different other people including the one applied after the agenda deadline set by council back in I think it was November for a December deadline. We haven't come to a joint conclusion as to who those folks would be. I don't know if we should be erring on this amendment or not. I think it's time to get on with this process. It's not a big confusing thing here. We just want a commons body to meet. Commons means from the bottom up. From the common folk and I don't think we need to be dictating a lot of what is going to be happening here. Part of the task force spoke to the need for, say, affordable housing in our community and I think this commons area and this civic center and the public meeting space can speak to the notion of affordable living in our community. It's all we can do to fight the market forces to keep housing affordable but we can certainly do something like keep living affordable. I am happy to put those three forward and accept your up or down vote on them. I think we had a dozen good candidates there prior to the deadline that we pressure -- issued prior to the body. Thank you.

>> Councilmember Briggs.

>> Thanks for those comments Councilmember Hayner. I also appreciate folks calling this evening and urging us to make some appointment to the council of commons. I certainly think everybody's excited to see that get going. There are a couple -- I also just forwarded around three proposed appointments as well as a clause to Miss Beaudry, hopefully she can share those around --

>> Sorry, excuse me, mayor, can we talk about the first one?

>> Councilmember Briggs has the floor.

>> I thought we were talking about the other resolution that Hayner put forth or the --

>> She's discussing something germane to that amendment and she has the floor.

>> Yeah. So one of the things that happened at the last council meeting that we discussed this in December was we verbally sort of discussed some items but we didn't actually make changes to the resolve clause. One of the items we discussed was bringing this back at tonight's meeting or in early February and giving Councilmember Hayner and I an opportunity to connect and discuss potential appointments. The other thing that got brought up was the notion of opening up the appointments through the end of December but we didn't make that official at that meeting so Mr. Crawford I think -- when I had spoken with him after that I thought the better way to do this, and he can correct me if he'd like to is to officially have that as part of the resolve clause. I do have the resolve clause that says what we officially said verbally to put that on the record which is that applications will be accepted until Friday, December 31st and that we appoint the remaining seats by this evening. My hope had been that we would have a conversation to have an agreement or have that discussion of why we have disagreements but that wasn't possible. So, unfortunately, we just have a couple of different sets of recommendations and the process by which we want to go about that is fine by me if you want to -- put forward Councilmember Hayner's --

>> There's been an amendment made by Councilmember Hayner. I would offer that the second resolve clause is unrelated to that and perhaps is subject to a -- actually



it is unrelated because one of the persons is later offered. Let me suggest this, if you want to provide this as an amendment to the amendment then that would be something that we could vote on if you wanted to wait for his amendment to come down and then offer this amendment separately, we can do that too. It's your decision.

>> I don't have a particular preference. I guess I would offer this as an amendment to his amendment.

>> Is there a second? Second by Councilmember Grand. Disch, Eyer on the queue.

>> I would like to offer a clarification and express a little bit of confusion. So the clarification is that the planning commission, I just want to assure councilmembers Ramlawi and Briggs that the planning commission isn't dragging its feet on appointing its committee representative. It's merely the case that I think it's just been two or -- two meetings maximum that we had a full complement of planning commissioners because there was a lot of turnover so my understanding is that at our next regular meeting, we are addressing the question of assignments to committees. So I don't think any sort of hesitation or any -- or disapproval or lack of enthusiasm for the project should be read into that delay. The confusion I would like express is that I think I would find it difficult to vote on either of these amendments without the discussion of the merits of the different candidates and/or the selection processes. That produced two completely different lists. I may be alone in that. But I would prefer not to have to vote on Mr. Hayner's amendment without having any sense of the alternative. I also think it might be better to merge those lists somehow or mixed them up so there's participation from both lists but now I am rambling so I will stop.

>> Councilmember Ramlawi.

>> Well, thanks, I'm just confused. I'm trying to go back to the original resolution that called out for the prescription for the appointments. I was not expecting to see two completing lists. None that share anything in common to be decided on the floor. On the fly. As amendments to amendments. To an issue that is as important as this one. And one that I thought would help bring some unity. Help show that -- remove the politicalization that's occurring here and it's very depressing and disappointing to see this play out this way. This is not why I gave up my role I was initially tasked with. This is a disaster in the making here and I don't think it's proper. I don't think it's right. I don't think it's what was intended by the resolution that asked for these three names.

>> Councilmember Eyer.

>> Thank you. I would be inclined to support an amendment that extended the deadline as suggested I'm not inclined to vote for either of these slates. And I'm wondering if, for the reasons articulated. I think what everyone expected to happen and what should happen in a case like this is that the two members representing council on the body work together to come up with a list and I'm wondering, you know, Councilmember Briggs mention that had it just wasn't possible but I'm wondering if she could elucidate exactly what happened here.

>> We'll wait until it rolls along to her in the queue for that. Councilmember Griswold.

>> I want to apologize to the public. I don't know exactly what happened, but we had a process outlined. We had a deadline for applying. We had more than enough qualified candidates, and now we seem to want to go back and make amends because we didn't get the candidate we wanted. I have no idea but this is terrible,

terrible government and I have been working with Councilmember Eyer on trying to improve governance and I just don't know what's happening tonight. The only thing that is on my mind is not making a decision is making a decision to do nothing. It is inexcusable that we don't have three names. There's no leadership, there's no coordination, and I suggest that people start working together or resign from council.  
>> Councilmember Hayner.

>> When we're presented with an amended list which is what we're speaking to now, this amendment to the amendment that has someone on there who leading up the list who I'm sure is perfectly able -- though I'm not sure but I will assume and give the benefit to the doubt as I have for everyone is capable of serving on this board as is anyone else but didn't have their application in under the prescribed timeline so we're moving the goalpost. It's penalizing those folks who got it in ahead of time. Now what Councilmember Radina is shaking his head there. There are folks who update their applications. I have no problem with people continuing to apply but council had an ordinance -- or a resolution to set a deadline for the application and to attempt to appoint by a certain date and I'm happy to stick to that. I mean, that's what we said we were going to do and I'm not going to penalize those folks who hustled to get their applications in. It doesn't make any sense to me. And, you know, I won't speak to the process other than to say I prefer to do my business under the rules of the council which is by council e-mail and we've had a hard time committing to writing apparently here. So I don't know what else to say. I apologize to the folks who are on this list. I think that the twelve folks, anybody who applied is certainly worthy but, you know, I'm not interested in delaying so that's why I brought forward a list. I was shocked to see at five o'clock another list read to me. Well, whatever I read my e-mail. 4:50 was the time on the e-mail. It is shocking. And it is poor leadership. I will agree with that. I'm not going to go back and move the goalpost. That's even worse.

>> Councilmember Grand.

>> Thank you. I have a few things to say about this. One, and I look forward to Councilmember Briggs, I will let her speak for herself about how the process went. About how many times she reached out to those who were partnering with her on this. Don't shake your head at me. Seriously. Second, this process was so flawed from the get-go, if we want to talk about a committee that was slapped together, that was changed at the last minute, we have four members that have already been appointed, if we want to talk about the politicalization of it, fine. I'll be happy to talk about that. Every single one of those members was appointed by an old council that had a perspective that is not necessarily shared by the current council about this process. In spite of all of that, we had another councilmember who was willing to work together to meet and come up with names and those attempts were declined. And so what is that person supposed to do other than come up with names? Just accept it? That someone doesn't want to work together with her and say, okay, well you just pick? That's ridiculous. And it's insulting. And so this is what we're looking at but it's not to make accusations about Councilmember Briggs lack of leadership when she has made multiple attempts and is a member of the liaison advisory commission. I have had multiple conversations with her about the process and if went to talk about not sticking to timelines, she's tried to reach out, we're supposed to have names by a certain date. They weren't there. So I would like to see some responsibility taken here if we're going to make accusations about process. And timeline. And complain about some people getting applications in later when we had a conversation at the table where the majority of this body was in favor of opening up

that process to let some more people put their names forward. So I -- the -- I would just like to see some responsibility taken for what's here and if we have four members of, you know, these other groups who were appointed, I am actually comfortable with putting forward the names that Councilmember Briggs put forward because I think it brings balance to this council of the commons and if we want actually to move forward with a viable plan and you want buy-in from the community, you need to have balance on that group.

That's why I was so excited she was willing to step forward and say, okay, I initially didn't support this but I am willing to work on this effort and having other members from the community who shared that perspective potentially I think is the only way that we can move forward with this process. So that is why I seconded her amendment to the amendment and --

>> Councilmember --

>> -- I'll be happy to vote for it tonight.

>> Councilmember Briggs.

>> Yeah. Thank you and I agree with all of my colleagues' comments about this being a horrible process. And I apologize that this is what you are being presented with this evening. My preference would have been to postpone this decision so that tonight that was one request that I made to Councilmember Hayner, I did not believe that this body or the public should have to necessarily hear a conversation that really should be happening between the two councilmembers that are trying to -- try putting together a slate of unified choices. I -- since the request was made, I -- I'll share the process, I was going to avoid sharing that process here but I have called, I've texted, and I've e-mailed Councilmember Hayner requesting we have a conversation because my understanding is that it was fairly typical to have conversations amongst members of council working on issues as with Councilmember Griswold and Councilmember Eyer that as you work on a committee together you have conversations about that.

Especially when there are disagreements around issues. I found out last night that Councilmember Hayner preferred to have everything in writing. I sent an e-mail today with suggestions and my reasoning behind -- around those candidates and I'm happy to share those with others here tonight because this is difficult when you're being presented with names. One of the things that brings you confidence is when councilmembers say we support these folks and this is why. I agree, this is not what you should be presented with tonight. I don't know how to go forward necessarily, particularly well. I could -- I'll be happy to postpone so that we could have more time to have those discussions. Though honestly I'm not sure we are having success in that matter. We seem to have come to different conclusions about who the best candidates are and it -- one of the other pieces of information that we are waiting for that council requested last time was what is the purpose of this group? Kind of what are the aims going forward and we both -- Councilmember Hayner and I both did meet with Mr. Crawford and Heather who is going to be the staff person on this and we have work -- we're presented with information about purpose and rules and kind of goal, the committee moving forward.

What we don't have is the agreement about what the candidates are and I'm happy to answer why these are good folks but I'm not sure we're there yet.

>> Thank you, Mr. Mayor, I'm also -- I share the disappointment of much of the body tonight.

I apologize to Councilmember Hayner for shaking my head during his comments other than -- my reason for doing so was simply because I think I had a different

interpretation of our conversation in December which was simply that as the person who brought the question at the time and I thought my colleague was very receptive to the idea was because we were missing additional deadline that was laid out in the rules whether or not additional applications might also be considered because I had personally heard from a member of the public who was interested and who had missed the deadline and lesson learned. I thought that we kind of had the agreement of the body in a verbal way that that was what would happen and lesson learned that we should always put those things in writing and vote on them going forward. That was my reason for shaking my head. I came to a very different conclusion. I actually encouraged the person to apply. I actually had several conversations with Councilmember Briggs on this. I know she's been working diligently to get folks appointed. I also wrote an e-mail to both Councilmember Briggs writing about these folks. About the person who reached out to me. And am anticipating this moving forward as I am. Whether we agree or disagree to the additional reason behind this it's the obligation to make this happen. And I haven't -- I didn't hear back on that and so I -- I guess I also struggle. I -- you know, I'm hearing a lot of accusations tonight and I'm -- be frank, I didn't see and I don't think anyone else on this body saw any of these names prior to them suddenly being passed around by the clerk tonight and so I certainly didn't see them. They weren't in our agenda. I would say they're all sprung on us. I would support a motion to postpone this to get the house in order and make this right.

>> Do you want to make that motion?

>> I will, yes.

>> Move to postpone?

>> Yes.

>> Mayor we still have a motion to amend.

>> Can we -- is it improper to postpone the whole thing in process?

>> No, I don't think so.

>> You're on mute, sir.

>> This is a disaster.

>> No, I believe you can postpone the whole thing.

>> The motion's been made to postpone until our next meeting. I got Ramlawi, Briggs and Hayner in the queue if you wish to speak.

>> Thank you. You know, I have so much to say and I got to kind of keep it germane to the postponement. I don't believe it is good government practice to be changing the rules of deadlines and submissions of applications. I think that sets a dangerous and bad precedent. I think it has to be extra ordinarily -- there has to be an extraordinary reason as to why we would accept an application after the deadline as in the case of there wasn't enough eligible folks who applied or some sort of, you know, extra crazy reason why. But to sit there and change that on an ad hoc basis when you have ten qualified applications already for three positions, is a bad form of government. Simply put. We've asked two councilmembers to take on this responsibility. This issue's already been postponed once. Now it's going to be postponed again. I am disappointed in my colleagues. I've been a part of other assignments to select members. I work with councilmember Grand and Ackerman and Lumm and the four of us were not political allies and we sat down to select the initial body. We did it successfully and without any problems. It was one of the -- it was so uncontroversial and there was nothing political about it. You know, I really asked that maybe perhaps these councilmembers choose another colleague so that we have two other councilmembers take this responsibility on. I really -- I think it's

been -- I think it's failed and I think we need to realize that and then have two other members of council select the names. Because this is -- it's losing confidence very fast.

>> On the postponement, Councilmember Briggs.

>> The one thing I would not want to do is make the mistake that we made at the December meeting of not changing the result clause. I know there's a change in when the applications should be brought in by. This was to make those decisions in December. So we are going to -- my understanding is that we need to amend that resolve clause to say when we will be making those appointments by. If it's not this evening, if it will be the first meeting in February we need to stay that so we can hold ourselves to it. My understanding from the conversation that we had at the council table without debate in December was that we were going to accept applications in through the end of December since we have not yet made a decision. We announced that to the public within the council meeting and also shared all of the applications with council during this process and didn't hear back so that also gave me -- I thought that was feedback that we were still looking toward the end of December. So I would recommend that we -- before postponing, change that final resolve clause.

>> Procedurally that's -- I don't think that's -- I don't think we can move on the amendment. I don't think we can move to the resolution while postponement is up. If it passes, keep that in mind. Councilmember Griswold.

>> If we're going to support a postponement I would like to know what procedures are in place so that we avoid repeating the same fiasco at the next meeting. And I just want to make it clear and I don't mean to be harsh but we have an hierarchical organization within a democracy and our mayor is our leader and, therefore, if he doesn't want to do that, he can assign someone else that task. But I knew as a councilmember that this activity was scheduled and I even checked with Councilmember Hayner at one point to see if it had been completed in preparation for today's meeting. If we postpone this, let's put something in place to make sure that one checks on the process, on a regular basis so we're ready for the next meeting.

>> Councilmember Hayner.

>> I'm speaking to the postponement. As Councilmember Briggs said and I also sent a list of all the applicants shortly after the deadline had expired after applications and I heard back from Councilmember Song when I said does anyone have any recommendations on this list.

She had a few remarks and I appreciate that and six or seven days ago I sent a list of what I thought my choices would be with reasons to Councilmember Briggs and we sat down with with administrator and from the city and had a conversation and that list went out.

And we just didn't go back and forth on it. I didn't here boo until today on it. So, I don't have a problem working with my colleagues on these sorts of things.

Councilmember Grand and I showed the task force members and there was a need to show diversity of thought and age and ideas and living styles and whatever else. I guess. You know, on that. We managed to do that. We managed to do that. So I don't see why Councilmember Briggs and I can't do this and because -- I don't want to go back and change bits and pieces of resolutions. I don't have a problem with postponing. What I would like to do is ask that maybe a couple folks volunteer to help us out. We can have a non-quorumed Zoom meeting or something about this.

And have a conversation. If two other members want to sit in. I would welcome that. I'm not accusing anybody. I'm accepting responsibility for this not being prepared for this meeting. It was on the agenda. I put forward resolution to change that. I completely accept responsibility for this. I'm not blaming anyone for this. We can do this in the future. If anyone want to step up and join Councilmember Briggs and I in having a meeting we can schedule and perhaps our administrator would like to be part of that or set that up for us. I would appreciate that. I will accept this postponement until the first meeting. But it has to be a give and take. We can't have three and three. When we looked at the task force appointments I think we only had one or two people on that list of maybe three, some people who crossed our list. There were nine, it wasn't three and so we went back and forth on it and I actually had to -- I struck someone to get someone else on and that is someone I would like to sit on this board this time, or this council of the commons. I have someone I feel strongly about. I'm sure Miss Briggs does and the third will be someone who rounds out the body nicely. I don't think -- honestly I don't think it really matters. I think everyone is appropriate for this. It's a commons. Thank you.

>> Councilmember Grand.

>> Thanks. I will support the postponement, so long as, you know, I think if there's a -- sincere effort on both sides to move forward with this. Although it may come as a shock to some people in this community I seem to be the common denominator to getting people to actually talk to form committees. I would be happy to offer my assistance if they think it's helpful. If people think I'm too biased. I've done it before, I will be happy to sit in and help with that process. I do think this is different than the last time because of the four members that have already been nominated. That were separate from the councilmembers doing it. So I do think it is a little different in terms of seeking balance and just the way that -- I just -- you know, want to point out that there seems to be a lot of shock about deviating from the process but this entire committee was a substitute resolution. That was done at the fly during a council meeting so I'm just having a little trouble reconciling that fact with what's happened here. But if my mediation skills are helpful with this selection experience I'm pleased to offer those services.

>> Further discussion of the postponement? Councilmember Hayner.

>> Only a question for Mr. Crawford. Because there have been applications put in since the deadline can I respectfully ask that our staff member bundle those up for us and share them with Councilmember Briggs and I? I don't have a way to -- Grand needs to cut out and create a content like this.

>> Sure, we can do that.

>> That's going to be necessary if we're considering one or two, you know, people that applied after the deadline, I don't have all of those in front of me, so --

>> Further discussion? I'm happy to support the postponement as well. It's been suggested that somehow the absence of a resolution among the councilmembers task to do this is somehow laid at my feet and if it's part of my job description to have a task list for all councilmembers who are doing things and having my carrots and sticks associated with that maybe that's somebody I've yet to be instructed about. I think you all are grown-ups here. We all do our work, come here for the right reasons and I think it's proper for me to rely upon my colleagues to get things done when they're asked to do them and when they say they'll do them. It strikes me that -- I'll leave it be. Further discussion of the postponement? I haven't heard anything against it. All in favor of the postponement? It is approved.

Councilmember Hayner, did I miss you?

>> I had a procedural question since it's postponement. It will appear in its unamended form is that correct?

>> That's my expectation.

>> It does.

>> DC-4, resolution in support of a notice of violation to jell man for violation of the prohibition --

>> We got --

>> We missed DC-3, mayor.

>> My apologies, thank you. Thank you.

>> Resolution to rescind R-19-139, community engagement and approval processes for city related improvement projects. Discussion please, Councilmember Briggs.

>> Trying to shift topics. Now I have it in front of me. Talking about DC-3 and why this would be helpful to be reconsidering, sorry, I just want to make sure I got something up in front of me. Reconfigurations. I wanted to go back a little bit in process so we can kind of understand where we came from and then maybe where we've been at and what might be good to go back to best practice. So as you -- you recall this resolution to change practice came to council in April of 2019. At that time it was a bit a controversial policy change. The city administrator at the time voiced concerns and asked for postponement to get feedback from staff. That was denied by council and it was voted on. Residents and community members expressed concerns about the policy change. And, yet, sort of council moved forward and research into this found that sort of the step of taking lane -- doing road diets and making that a policy decision by council really ran counter to the norms in other cities. So actually as a resident at that time I can remember I reached out to the association of professionals to survey and see how this compared to practices in other cities and eleven communities paid -- responded to kind of this informal survey. Only one, Philadelphia, noted they had a similar policy of having council approve road diets. But they responded that this was probably the biggest issue they faced in making streets safer. Changing policy would literally save lives. All the other cities did not have council approve. We had this new policy in place now for almost a couple years. I think it's worthwhile to kind of evaluate and see how well it's worked for the community. There have been three projects that have come to council for road diets during that timeframe. Now, ostensibly the purpose of this resolution was to improve community engagement on road reconfigurations. It's about community engagement in terms of council engagement on the process --

>> You have three minutes.

>> Oh. Well I will fill you in more after others have a chance to speak about what the impacts have been.

>> Thank you.

>> I think it's appropriate for council to set policy regarding road design through the master planning process which is how it fits into carbon neutrality. Planning documents set a framework that guides staff on designing and prioritizing individual road projects. These projects are also subject to public participation once scheduled and through council approval through the budget process so the current resolution to rescind the resolution from 2019 which I plan to support in my view relieves council to exercise oversight it merely restores as Councilmember Briggs was saying, a long-standing interpretation regarding where to draw the line between the work of council and that of city staff. According to that prior interpretation, council's work is to set policy. Staff's work is to build the infrastructure and ordinances necessary to implement goals which requires expertise in engineering, finance, energy policy and

familiar most councilmembers typically do not possess. I have heard concerns which I believe are genuine that resending this resolution would curtail public participation and feedback on these processes and I would like ask staff if they could detail the opportunities for participation that exist for participation on specific road reconfiguration projects that exist. So I'm not asking for you to detail the public participation that is mandated to go into the planning process but what would be available? What is available for when these specific road reconfiguration projects come up? And I ask this in part because I live near Barton Drive and it seems like we had a lot of meets on that over a period of six months. And --

>> Can I speak to that. This is Nick Hutchinson, the city engineer, typically what we do is hold some form of public engagement, using in the form of a public meeting. We would reach out to local residents. We would reach out to usually other forms of publications, whatever we can do to get the word out about the public meeting. And, you know, anybody obviously is welcome to come to those and give the feedback. That can be done as a standalone thing. If we're -- you know, or as part of another project, if it's, you know, part of another road reconstruction project or something like that.

>> Councilmember Grand.

>> Thank you. I will leave it back to Councilmember Briggs to talk about the outcome of some of those projects but for me, personally, this was one of the most painful policy changes to see happen in the last couple of years and was high on my list of wanting to change it because I saw the damage damage it did. One thing about the public engagement which I don't believe it reduces outside of the council meeting that there is still a role of council through our budgeting process and through our regular council meetings where we have to approve budgets for projects like road reconfigurations. So it doesn't mean that there's zero council oversight of this process. It just removes what I saw as a layer that really -- whether it was the intent or the result, just prevented these projects from happening because they weren't liked by a certain, you know, portion of our constituency and if that's your perspective, you're certainly welcome to support it but that's not my perspective. I think these can be incredibly beneficial to our safety and when staff tells us that this is the right way to go I want to give them their freedom to do that still having oversight when we vote on the budget to fund these really important safety projects. So it's really pleased to bring this forward. I want to thank Mayor Taylor and Councilmember Briggs for doing that with me and I look forward to projects that were perhaps prevented in the past. The road was one of them. That was a low cost pilot of a reconfiguration that I am hopeful we can move forward with for example. Thanks.

>> Councilmember Ramlawi.

>> Thank you. I believe this is a resolution that takes away the responsibility of councilmembers and leaves in place the community engagement components and the ability of residents and folks to be a part of the process but what it really does is take out the component that is there that speaks for the residents. I mean, people elect us to amplify their voices. And this resolution takes away a very important part of the equation and I really feel that this is being framed in a way that is different than the way I see it. I think there is a symbiotic relationship between the elected officials. Their constituency and staff and it's a constant back and forth, just the way we see in biology, in human behavior and evolution of nature and nature and how that develops and how that evolves to be -- to get us to where we are here today. And we're taken away a vital component that would allow for valuable feedback to be



given to staff when we put in place things that affect the quality of living for many folks. The lane configurations do not just affect the person living on that street. They affect all transportation network. So you're not going to be hearing from a lot of folks affected by these lane reductions by the way we do other types of notifications and community engagements and the gorilla tactics that sometimes are employed are done without any prior notification of councilmembers.

And the only one councilmembers sometimes learn about them is through social media or MLI and I think it's a part of my job to know what's going on in my ward before my constituents start telling me about them. That's one of the worst feelings I have is when a constituent tells me about something and I have no clue. Off -- I have a couple questions because we still have consideration on these through the process and there's been three projects that had gone through this consideration on Earhart, Green and Traverwood and whether those projects would have gone through the normal budgetary process.

If this resolution is passed would those three projects identified in council questions, would they have been a part of the budget process?

>> Mr. Hutchinson, do you want to comment on that?

>> The three of those projects that you mentioned were not necessarily part of other projects that show none the capital improvement plan, for example. One was a capital preventive maintenance project which is part of a larger program that is not called out specifically in the street itself would not be called out specifically as a line item in the budget. The Traverwood project was part of a resurfacing project that certainly was listed in the capital improvement plan. There is a resurfacing project scheduled in a few years but it would not have shown up -- the previous effort would not have shown up as a specific line item in the budget.

>> Thank you. I have more questions but believe my time is up right now so I will yield the floor to my colleagues.

>> Thank you, Councilmember Eyer.

>> Thank you. When council passed this policy, in 2019, I strongly disagreed with it at the time. I think it politicizes decisions that should be based on data and expert analysis. You know, it's established council policy as others have noted to pursue lanes where it makes sense and there's a public engagement process built into that. This policy only added a layer that served to get around existing council policy and reject lane reductions for political reasons. I neglect to call it micromanaging but it's worse than that. It's been voted on two out of three times what it comes down to for me is this, it's the role to set policy and the role of staff to execute that policy.

Council has already set the policy here with an accompanying public engagement process. Council does still have the ultimate authority to approve the budget for these projects or not. So I believe that we need to step back, let staff carry out the policy and the public engagement process without political interference.

>> Councilmember Briggs.

>> Thanks to Councilmember Eyer for reiterating the thoughts of role of council.

And to refresh what the purpose of lane conversions are. They are proven safety measures. Their goal is to lower speeds. We are about to adopt -- we are on the verge of adopting a transportation plan of which one of the central goals in that is to save lives by making our streets safer by which that will happen often by using road diets and lane conversions to be able to -- is one tool to be able to reduce crashes. And reduce crashes for cars as well. But this hasn't worked. We've had three projects that have come before us. Even one that tasked came to council six times. That's an outstanding use of council time on a project that ultimately moved forward.

The other came to council three times and turned down against staff recommendations that this would be improving safety in our community. The Earhart, when you talk about public engagement, council dismissed public on this. 64% public support and council turned that down, after the fact. So this is not about improving public engagement. It's delayed, been ineffective and not moved towards our policy goals.

Their job is to look at individual projects and say, do these actually make sense? Are they feasible? Do they make sense? Are they safe? They say they do and then council says, I think we know better than you.

Even though it has public support. So those are my thoughts.

>> Councilmember Hayner.

>> Thanks, Mr. Mayor. I didn't have a problem with this responsibility at this past resolution's assigned me as a councilmember. I know some people complained it slowed the process down. If it exists after this vote which is not likely clearly staff can put this stuff on the consent agenda and keep it moving. If these things are so awesome people like are saying we would consent to them but I went to the tray wood and Green public outreach meetings. At least one of each of those and there wasn't overwhelming public support for those or overwhelming evidence that that was a place that was needed and my recommendation of Traverwood was it was basically there was some public issues and a need to curate a commuter lot. I didn't have a problem saying yea or nay to these things. A lot of these things, I will characterize -- when we see these things put together like in the Earhart pilot it was just stripes and cones. It wasn't really road configuration.

It was experimental and I think it's okay that we are allowed to say, hey, hold on a second, I don't consent to that, some of these things we're doing, I mean, it doesn't look to an uninformed driver. I like to think I'm an informed driver. It doesn't look like they know what we're doing. I don't have a problem to continue to have responsibility for this. It -- I just think it's just another thing we have on our plates and not a big deal to me. I don't see myself as clinging to some kind of structuralist authority like it's been suggested. It's just some of these things I don't say okay to them and so let the public be noticed that if this ability to put the breaks on something that seems experimental or strange or potentially dangerous reconstruction is taken away from us and not ours anymore. I'm sorry it won't be my responsibility you know. Good luck. Good luck driving public from all over the nation and the world who come here to drive and I wish the best for our cyclists and pedestrians. I'm not going to support this. I don't mind having the responsibility.

>> I am so glad Earhart came up because that was actually a community engagement process that I was very active in. I -- went to the session at Greenhills. Met Raymond Hess for the first time but my children and I approached this as a good faith effort from city council and I assumed that it meant that city council and traffic was taking it serious consideration the complaint within our neighborhood. I live like three, four blocks from Earhart and with children who are school aged here in the neighborhood and has been really consistent about saying how problematic that intersection has been to the point that people avoid turning left to avoid crashes and that also came up in our traffic engineering reports. If there was testing to see if a possible roundabout would be in place there we would have brought our crash incidents to zero and I hope Raymond can remind folks of that too. I think it's worth testing solutions if it means avoiding crashes and avoiding, you know, kids being hit that intersection is close to King Elementary, Greenhills, it's a busy intersection going

to glacier hills, it's a cut through from Getties to Plymouth road for folks going to Toyota.

This is a fast road and when possible solutions were presented to the community, if you couldn't make to it the session I passed out the survey and asked folks to participate. When it finally came up to city council and council voted against parents saying -- kids writing in too saying this is a dangerous place, it's not worth testing possible solutions, that remains a disappointment in my neighborhood. So folks are very excited to see this come up again and hope that this will be reconsidered, this intersection will be reconsidered and that we will get that data presented again from staff on what has happened since that was voted down? Is this a time to ask staff to speak to surveys that were done before and if those are still available for folk to see how the majority of your neighbors supported those changes?

>> Sure. Mr. Crawford. Do you have that data?

>> I don't know. I would ask Mr. Hutchinson, but I would also ask if we need to go this far on this particular project at this discussion --

>> I would in turn have to ask Mr. Hess if he has that information available I'm guessing we don't have it here at our fingertips for this particular location but Raymond you can --

>> Right, so, Raymond Hess, transportation manager, so, you know, I think one of the things I would note here is that the engagement that was done on Earhart, Green, or Traverwood is kind of the contemporary practice that we would be applying for any road reconfiguration in the future. I know that has not been followed in the past. I know there's been varying levels of engagement on other projects. On North Maple, for example, where the engagement was not at that same level. For those that did follow those same processes in terms of outreach specific to the project and garnering that input. We have an online survey as well. Those kind of opportunities will be afforded to residents for future road reconfigurations regardless. So I just wanted to kind of make that clear that that public engagement mechanism would be in place. And is identified in kind of how we work this -- work through evaluating road diets and I will also reiterate too that when we look at road reconfigurations safety is kind of our first and foremost consideration. We look at, you know, what are the solutions that are available to us and as already been mentioned both road reconfigurations or road diets are a proven countermeasure identified by the highway administration. Roundabouts are as well. We always look for the improvements of the roadway and we look for the crash pattern that we see. That's always a component. Making sure the right component is addressing the solution out there. Those are paramount. I will say too there are locations where we have not pursued road diets because the lines perhaps were too great and the lane reduction, reconfiguration, perhaps was a little bit harder to support because it would have, you know, more affects on the traveling public than perhaps we thought were supportable. And I think those -- that's an important consideration too is that there are situations where reconfigurations don't make sense. I know I've talked around a couple different issues, apologies if I didn't answer the specific question but I'm trying to frame things in that way.

>> Thank you. Councilmember Griswold.

>> It's very important that we have a balance in terms of what we're doing. And we keep hearing that we need to rely on the professionals and we do and we need a balance. Robert Moses was a professional planner and he is now accused of doing some of the most racist infrastructure in this country. So we always have to balance what's being done. I'll be bringing forward a resolution as I mentioned earlier about

equitable community engagement. We need to reach out to our underrepresented populations. We have not done that and I agree completely with Councilmember Disch. The problem is staff was not implementing and following our policy guidance. In some cases and I don't say this lightly, information was falsified, connections were made that didn't exist, it was wishful thinking. You cannot use crash data reductions for a roundabout on a painted circle on the roadway. You cannot use road diet crash reduction data for a boulevard where you take out two of the lanes. It doesn't work that way. I wish it did. In 2019, our pedestrian crash rate went up 25%. We have a problem, we'll continue to have a problem, we have a Vision Zero data plan. When I first started talking about Vision Zero, I was ridiculed. I was visually attacked. I was called the zero vision lady and I am simply mentioning that because planning changes over time. And we have to recognize that. So I know that this is going to pass tonight and even has very good intentions on why they're doing it. But what is most important is that we do not experiment and as a result have serious injuries and deaths in your roadway simply because we had good intentions and we really wanted it to work. I've been at this since 1995, I've been personally involved in some of these roadway deaths. And that's why I take this so very, very seriously. We need to do it right the first time. We don't need to paint a circle on an intersection near a school and the last thing I'll say is that if you're hit by an SUV, a large SUV or a pickup truck, you are two or three times as likely to be killed. And the trend is larger vehicles -- okay. That's it.

>> One can conclude their remarks. Councilmember Ramlawi.

>> Thank you, I will piggyback on some of the safety concerns that we're hearing. Much of what's been recently deployed has been deployed without much notice. Much education, much signage. We are experimenting on the public. We're using the public in ways that are extremely dangerous. I know when it comes to A2 Zero we have -- Dr. Stults has been quoted as saying pass to fail. That's not the approach to transportation. When someone fails, someone dies. I'm not suggesting we get in the way of the experts but I want to be a part of the circuit of the decision-making. This resolution negates my fiduciary responsibility of protecting the health and safety of my constituents out of my hands. I know some here are perhaps more comfortable with that. I, myself, am not. And some of these equity issues that are coming up, I think we are taking something out of a book, out -- some other place and superimposing it on a typography that exists here locally in ways that have negative consequences on the working place. We've seen that in other areas. I saw that with East Packard Street. This is something where staff came to us and focused on levelling the playing field with equity and allowing other people from other parts of the community to bike in. But, you know what? Many of those folks take the bus or drive. They don't bike. Because, well, a good bike is expensive, number one and two, many of them have kids and other things that don't translate well to biking. The beneficiaries to many of these programs are more affluent people. The people who say, hey, I love these lane reductions, road closures were the folks who lived on streets who were in the more expensive neighborhoods. So I have a question, because it's been brought up now, a couple times about community engagement. And what I saw on North Maple. What was the community engagement on North Maple and what was the community engagement on summit? If I could get staff's response. What type of engagement and education -- was put in those three different areas?

>> So if I could work my way through the back going forward. Those are not reconfigurations in terms of road diets and taking away lanes. They are clarifications

of how those roadways can operate. There was no removal parking or traffic lanes. On Summit there was an advisory bike lane that provides a connection from existing bicycle facilities and especially if Allen Creek opening that was recently completed and the cycle track that's on a small portion of 5th Street adjacent to that is providing that as well. There was no parking removal. There were no lane reductions on those projects. And -- so that's why those did not go through in extensive engagement process. On Maple, I can't speak exactly on that since that was before my time. My understanding was Maple was a resurfacing project and as I mentioned in the caucus response question, many of the reconfigurations that have been done in the past have been opportunistic in nature. That is to say that, you know, if there was a resurfacing project, the first thing we do is refer back to the policy document so if the transportation plan, the nonmotorized plan to see what's called for in those policy documents and if there is a reconfiguration or some sort of safety enhancement called for we try to incorporate that since we're out there already and so I think at that time, ep on North Maple, there was probably a larger deference to the policy document of the transportation plan and there wasn't engagement to this itself.

That's when you see engagements on Ehrhardt, Green and Traverwood that's more like what we do with road configuration, in the future from that point forward.

>> Nelson?

>> I'm hearing comments around the idea that folks here would have voted differently in these situations that came up in the last two years and if that is the case there actually is no consequence to leave thing policy in place because it sounds to me like everything would go quite a lot -- quite a bit differently if we maintained this policy and just to Councilmember Ramlawi's point about not knowing what's going on.

If we feel really good about the data and the public engagement that is demonstrated support for a project I don't think that any of us should be so quick to throw away the opportunity to validate it and vote in support of it and I heard a lot of people say the word politicization. Turning these into political decisions adds they shouldn't be. I would point out to everyone, take a gander at our agenda and look at how many decisions we vote on that are clearly not political. We -- they come to us because we are looking them over, for instance, the poverty guideline, they were on our agenda and they triggered the attention of Glenn Nelson and all of a sudden we had a more meaningful conversation than we probably would have if it hadn't been on our agenda and if it hadn't been spotted by a resident and so I guess I would you remember my colleague to think more carefully about the value of having things on our agenda and having the opportunity to hear from residents because their input can be more valuable I would suggest than maybe some people think. Thanks.

>> Councilmember Eyer.

>> Thank you. Yeah, I just want to reiterate that for me, it's a really clear line we are a policymaking body. The council was to direct staff to pursue lane reconfigurations wherever they make sense for traffic safety. That's the policy. The individual decisions on which lanes make sense and which areas make sense, that's up to staff and we are -- it's been suggested that it should be our responsibility to have the ultimate say on these things. We are not traffic engineers. There is not a traffic engineer on council. We are a policy setting body. We don't need to micromanage, you know, their individual decisions.

>> Council maybe Hayner.

>> Thanks, Mr. Mayor. I felt compelled to speak again because I just completely

disagree with the characterization of our transportation manager, Mr. Hess that there was no lane removal on Summit we had a two lane street. Now we have a two-way street with a single center lane and a vice for traffic to veer. That's a one way street. That's a one lane street. It's not a two lane street anymore. So how do we -- I mean, I'm dumbfounded by that explanation that we didn't remove a lane from Summit because we didn't remove the physical lift between the curbs? I don't understand that explanation and I think that's why residents have some concerns. I want to thank Councilmember Nelson for her remarks because that's an interesting take on this situation that clearly we have a body before us that thinks these things are awesome so what's the big problem putting them on the agenda and putting our seal of approval on these things. It can only be good for you, right? It won't change what's happening.

Things will continue to move forward but we have kept our ability to say, I think that's one lane instead of two. It's a legitimate question. It's a legitimate concern that people who live in that neighborhood share it. It's a one lane neighborhood and then all of a sudden, what, we have people call in, very strong and lifelong biking advocates. I have neighbors who are hardcore bikers. I won't name last names but Ken bake -- bikes to work and his family does too.

He's adamant cars are not supposed to go into a bike lane and now we're advising cars to go in there. It doesn't make sense. I don't agree with these things and I am sure other residents don't either I'm going to vote this down, thank you.

>> I guess in response in why not continue forward if we think it's moot. I would say it was a bad policy and we need to change it because future councils might proceed differently and I saw this policy where we went through six times and it got voted down. Right? That was a terrible process because it was bad policy and so one of my duties as a councilmember when I see bad policy is to bring it forward and reverse it if I think that's helpful. You know, I also just want to point out from things that I've learned from our staff expertise about this being experimental is that we saw with how these streets that the change on Granger. People have questions at the beginning. It comes up. It slows people down and people get used to it and then they adjust. We saw the same thing with healthy streets. So I appreciate staff input on that and what Mr. Hess told me is likely to happen if anything new happened. I got feedback from the going from constituents.

And then I got a lot of positive feedback that people liked it. So -- and I just would be remiss if I didn't point out that there's some things that I heard -- some accusations levelled at staff and some comments that are upsetting to me and I hope that, you know, we heard that staff falsified information, that their tactics are gorilla that if someone dies that's now going to be on them because what they do is inherently unsafe and that we know better, right, we need to be there to prevent that from happening or even that we don't care what the public cares about. Staff and we here as councilmembers when these changes are happening we will continue to hear from our constituents and be able to communicate and help liaise between staff and their concerns. But I just want to point that out and I hope that as we're looking at council rules about how we behave with one another we also have some coming up about how we talk about staff and I hope that we'll take that into consideration going forward.

>> Councilmember Griswold.

>> Yes, I stand by every statement that I made this evening. I've been at this for a long time. This may be bad policy but it was the result of what staff did and this is before Raymond, so this is not personal, on North Maple Road and was done

without notification with the neighbors and has and continue to -- continue to have a negative impact on these communities.

We value innovation over safety and I would ask that if we're going to use the term "safe" we back it up with data. Data that's actually connected to the improvement that's being made.

I know that we under Vision Zero and our new transportation plan can reduce the crash rate but we have to have honest conversations and not wishful thinking. And that's a lot of what we have had tonight. Thank you.

>> Further discussion? Council Ramlawi is this two or three?

>> I would like to make a motion to provide an amendment to the clause. It seems -- I sent it to Miss Beaudry if she can send it around.

I hope she has it. It seems like this is going to be approved tonight and in that event I request that the city administrator will notify council for fifteen days prior to the implementation of any lane reduction actions on major streets and corridors unless reasonable circumstances present such notice from being sent in which case council must be notified as soon as possible.

>> Is there a second? Seconded by Councilmember Griswold. Mr. Crawford, any implementation difficulty.

>> I don't anticipate any, no.

>> Is that friendly to the body? Council --

>> Sorry, as a cosponsor, I think this is reflective of our current practice and totally redundant and it's in the spirit of micromanagement that is why we brought this in the first place.

>> All right. So I've got a queue on the amendment.

>> I will respond that this is just an ask for a communication and not micromanagement. It allows staff to do what they need to do and leaves the administrator to provide responsibilities. All we're doing is being asked to be put in the loop. You know, so I'm not caught off guard and seem unprepared and ill informed when a constituent calls me about a lane reduction or any of these things. I'm sorry, it happens and when I say gorilla I'm talking about the gorilla marketing tactics that some businesses use. When Byrd showed up to Ann Arbor, they just dropped their scooters on our city without telling anybody. It's not meant to be derogatory. I need to clear that statement up to make sure my colleagues understand what I'm talking about when I talk about gorilla tactics. We don't see them until we wake up the next day and we're like, oh, wow, this wasn't here yesterday.

>> We got Councilmember Briggs, Disch, Hayner in the queue, let me suggest we keep our comments brief.

>> I guess my comment around this, I'm a little bit -- well I'm not surprised. The point of the resolution is around lane conversions. If we want to be helpful to our constituents maybe we want to know what sort of road projects are coming up so I'm curious what is the noticing policy on that right now. If that's what we're concerned about then I welcome getting more information about what's happening in our wards and what's -- so we can kind of respond to that. So that -- I guess I have a question around that and then I'll continue my comment.

>> If it helps with this conversation let me suggest that there are different kind of configuration and changes in roads and staff here, in the interest of council to have notice in advance of changes, we're happy to take that interest and go back and look at how we can do that with each of the different kind of changes that we have. And ensure that we can give, you know, adequate advance notice. We're happy to do

that.

>> Thanks. It needs to be said again. Our staff is doing great work. Note -- these are really concerning. They are following from what I've seen in recent years, best practice, they are trying to move our plans important ward. The idea that they're doing something wrong by doing pilot projects or experimental. This is best practice across the country. They are what we are asking them to do in terms of implementing plans. When we get calls from our constituents we should say, yes, our staff is doing that thing from a couple years ago and help to explain why that is happening because if we think we're going to implement the A2 Zero plan that causes a 50% reduction in car trucks that's going to happen in physical changes in our environment not through wishful thinking so we have to empower our staff to be able to get out there and do stuff so I'm happy to hear about road projects that are coming up but if this is just about road diets, you're kind of -- I feel like that is missing the point.

>> Councilmember Hayner.

>> I appreciate that this is -- I will support this because sometimes the notice we get is 30 minutes from Miss Slatterly who says there's a press release that is about to go out about this.

And I have people calling me, I don't want even know about it, right? I don't think it's a big reach. We add these types of reconfigurations to the types of notices that we expect to receive as council people and maybe sooner moments before the press release goes out. I ask to have a keep it in writing because if something's going to happen I should be notified of what's happening in my ward. That still doesn't exist. We've had more opportunity for that. I think it's gotten better. But, you know, there was all kinds of things that happened at public meetings and road reconfigurations and any sorts of things. If there's something going on in our wards we can serve best by knowing about it. I don't think it's a big deal and Mr. Crawford has said it's fine with him.

>> Councilmember Disch.

>> I am also very much inclined to support this but I feel there's unclarity in the language of the amendment. In lane reductions which is one thing but there are many things that we are doing as part of the transportation plan. But it says lane reduction actions and I just don't know. Do you mean when they break ground? I mean, I would prefer, if our concern is public engagement I think we need to know when there's a public meeting. We need to know when there's a project scheduled. You know, not just the morning that they're going to close the lanes, so, I'm just -- I don't quite -- I don't know what's supposed to trigger this notice and I'm not sure -- because I don't know that I'm not sure how useful this would be in terms of facilitating public engagement with my ward and knowing what's going on.

>> Councilmember Grand and perhaps we can vote on the amendment and move this forward.

>> I just think this is actually much more narrow. It's already -- staff loops us in when this is happening in our ward. I get very regular e-mails from Miss Higgins to those affects and I appreciate that. Invitations with the Zoom attached. We heard from Mr. Hess they learned from mistakes they made on Maple which includes reaching out to councilmembers about those meetings. So this idea that it's sprung on you somehow, this is actually -- a much smaller window than I would expect to be notified. And I agree with Councilmember Briggs, if we need to clarify what that process is about council notification, I would encourage, you know, maybe she's a member of the transportation commission. Liaison can come back with that input or



we can talk about it at admin but I just -- I think this is very ad hoc and not thought through and so I will be voting no.

>> It really is -- the staff has responded to this proposed anti-inflammatory in a very friendly manner. They don't feel it will encumber them to do their work. The concerns being raised are not being raised by staff who just a minute ago we were saying we should be listening more to. But yet we want to make up concerns when they don't exist. I'm asking for communication about transportation network in the community in the ward that I represent, that's all I'm asking for. When we get road construction things, those are routine maintenance types of things and we are given a list of the projects that come up and we are notified of what roads are going to be worked on every summer. I understand that. I just -- I'm just really mystified what the big hoopla is about asking for a fifteen day notice heads up and if it's not possible just as soon as they can. This is not -- it's really bizarre the pushback that this is getting and it goes against many of the goals and principles we're supposed to stand for, openness and communication and the staff has said it's not a problem. I don't get it.

>> I would like to strike the word lane reduction actions and change it to road configurations. It has nothing to do with construction. We're just asking to be notified about these things. I wasn't notified until four people that have properties adjacent to that intersection said what in the world is going on.

>> Is there a second to that motion seconded by Councilmember Griswold.

>> I would like to strike lane reduction actions and substitute road reconfigurations.

>> Mr. Crawford does that alter anything from your perspective.

>> I believe that it covers what the initial one also --

>> I believe does too. I'm just confirming.

>> That makes sense to me, Mr. Hutchinson, do you have any issues?

>> Yeah, that's fine.

>> This is within the amendment, correct, mayor.

>> Yes, it is a friendly amendment to the amendment. Further discussion to the amendment. Roll call vote, starting with me.

>> Councilmember Hayner.

>> Yes.

>> Councilmember Disch.

>> Yes.

>> Councilmember Griswold.

>> Yes.

>> Councilmember Song.

>> Yes.

>> Councilmember Radina.

>> Yes.

>> Further discussion of the main motion as amended. I haven't spoken about the main motion yet and I just want to say briefly that I am glad that this is moving forward. I think that we, as a body, set policy with respect to our transportation goals. We set policy with respect to Vision Zero and with respect to the -- our desire, our collective desire and by extension the community's desire to affect the goals of the nonmotorized transportation plan and to do all those things we employ a slew of engineers to consult with other engineers and we ask them to implement those policies and that's what they do. They don't make things up. They don't make suggestions that are unsafe. They don't make suggestions that are inconsistent with proper engineering principles. What they do is they look at the geometry on the

ground. They engage with the public and then they look to see what policies we have passed and they try to marry all those things together. Guided by the overriding principle of safety. And I'm comfortable with that. I think that those -- so long as they are consistent with the policy we have set that it is right and proper to rely upon their expertise and I am glad that we are moving forward in that direction. I think our transportation network will be improved thereby. Further discussion?

Councilmember Griswold?

>> Yes.

>> I hate to say it but is this number three?

>> I don't believe so. On what's -- I'll --

>> I'll rely upon you.

>> We've had so many amendments. I only wish that what Mayor Taylor just described represented our past. And I hope it represents our future. But the city has been negligent and has caused serious harm and death within our roadways and I'm not going to take the time to list any of them but we have to own what's happened in the past and we have to commit to Vision Zero methodology which is data-driven, not ideology driven. Thank you.

>> Further discussion? Roll call vote, please, starting with me.

>> Mayor Taylor.

>> Yes.

>> Councilmember Eyer.

>> Yes.

>> Councilmember Nelson.

>> No.

>> Councilmember Briggs.

>> Sorry. Yes.

>> Councilmember Ramlawi.

>> No.

>> Councilmember Hayner.

>> No.

>> Councilmember Disch.

>> Yes.

>> Councilmember Griswold.

>> No.

>> Councilmember Song.

>> Yes.

>> Councilmember Grand.

>> Yes.

>> Councilmember Radina.

>> Yes.

>> DC-4, resolution in support of a notice of violation to jell man for violation of the prohibition against 1,4.

>> I think we were fortunate to have the caller before to lay it out for us. There's a mention of this in our current CG 3 as modified in the court and it's only peripherally mentioned in the rejected CGA 4 considerations when it's talking of discharges. This shows an increase in 1, 4-dioxane in this water system in some ways it's analogous to the permit spill notification guidelines which require the permittee to issue a notice of violation and including material found in this case it wasn't -- the polluting material wasn't discharged, you might say it was gleaned from increased testing. Thank goodness that we've been doing that testing. It's the wholly right that we encourage

the notice of violation to be inferred from the state, from Mr. Evan Pratt who is more than qualified to speak on this issue and has ably served the state as most recently in the safety task force. He does have his hands full and can use all the support he can get and I encourage support him in making his claim to the state and rightfully so that the controls on the Gelman site are not adequate. It's unfortunate but not unexpected that this pollution is moving faster than we expect. I guess the one thing that is fortunate is once it reaches the Huron it still is mixing and is whisked away to our downstream neighbors and right now the trend on that testing is not good. The sooner he issues this complaint the better. I appreciate your support and I appreciate the cosponsors on this. Thank you.

>> Councilmember Ramlawi.

>> Thank you and appreciate councilmember's work on this and being a fifth ward rep, obviously this is extremely important from my constituents who are living on top of this who now when they go to West Park are close to coming in contact. We are seeing readings now that have tripled in just the last year. And, again, more credence to the value of having community engagement and public participation to educate us and to engage us and to help guide public policy because frankly if we listen to the experts we wouldn't be on the track that we are on currently on track to have better cleanup and more stringent, hopefully cleanup, so, you know, again this is something that warrants us to take action and not leave any stone unturned and to apply as much pressure as we can and to getting a better cleanup done and Evan Pratt is waiting for us to give him direction if we wish to increase the pressure and that will make this easier. I did cosponsor it.

>> I would like to ask clarification from staff if Mr. Pratt needs a statement from us to act. I'd like -- so does he need a statement from us to encourage him to act? Is he waiting for direction from us? And I would like some clarification on whether the primary responsibility over the Allen Creek drain rests with Pratt or with Eagle?

>> You want me to answer that?

>> I was going to say Mrs. Elias is here for this.

>> It's my understanding that Mr. Pratt is not waiting on the city or anyone else with respect to what he chooses to do. I have not spoken with him directly. However, I've seen an e-mail that he sent, what, a year ago, that I think misstated what he requires in order to undertake actions with respect to one of the drains he's in charge of. So I don't believe he is waiting on the city to give direction. With respect to the MS4 system or the Allen Creek drain that he has commissioners in charge of. He's the one responsible for the permit program -- or sorry, the program requires. Eagle enforces the MS4 permit against the holder.

But that's different from his operation and enforcement of his limits on his system. I don't know if that made sense but --

>> Councilmember Griswold.

>> Yes, if you can skip me I'm trying to get the exact language of Evan Pratt's 2020 e-mail?

>> Will do, councilmember Briggs.

>> Thank you. I appreciate seeing this resolution as somebody who lives over the plume and represents MS4 as well. I know this is particularly important to -- for the community to know that the city is paying attention to these issues and for the contamination and for the public to recognize that if we support this resolution tonight we're simply saying that we support whatever the Evan Pratt sending the letter obviously that's not us -- not up for us to decide. So -- I'm happy to support this but also recognize that that is a different authority.

>> Councilmember Hayner.

>> Thanks Miss Elias for speaking to that and I have a question, the MS4 permit is -- it is granted to the county because they are charged with overseeing these county drains, right? But the enforcing agent is Eagle. I'm sorry. And so the thing about Allen Creek is the vast majority of it is right here in the city of Ann Arbor. I see it as hey, it's your responsibility Mr. Pratt and we know Eagle knows that. Because it's largely contained in our houses and our streets that, you know, we want to speak up and say, you know, we share your concern essentially and that's what this is all about and as was pointed out that it's not, you know, the letter's up to him. It's the same with the EPA.

We can urge the governor to write a letter and she may or may not do it. And good, I'm glad that he is and I think Miss Griswold's going to speak to that. I hope that it seems clear. He's the permit holder and Eagle is the -- enforcer of that you might say. And Miss Elias, in my research into this a little bit, maybe you can answer this because my understanding is that the EPA also has some eyeballs over these storm water permits, is that so? I found some things online speaking to their ability to step in but it seemed to be an extreme circumstances. I don't want to spring that on you.

>> Eagle manages the storm water. The MS4 permanents and they would enforce if there was a violation at one of the regulated outfalls which is different from the management of the MS4 system itself. Just that the city of Ann Arbor has our chapter 33 requirements which includes our illicit permit elimination program, I'm sorry, illicit discharge elimination program in section 2215 of our storm water code and also has our enforcement provisions which is what we would do for violation if there were illicit discharges into our system so that's different, eagle would not be stepping in to do that. If we were discharging improperly into -- out of one of our outfalls, that would be a different issue and that's when Eagle would be stepping in. I don't want to start getting too far down into legal analysis and advice at this point. But I do not know what Mr. Pratt's ordinances regarding his -- his -- MS4 system, I've not been able to find it.

>> Councilmember Griswold.

>> I was at a meeting and we were talking about what could be done and I was mentioning the idea of a resolution and in a few minutes we received an e-mail from Evan Pratt and he had another commitment and was not able to attend the meeting. Reading. In this situation the city of Ann Arbor is responsible for nearly 100% of the assessments. If city council wanted to vote for me to take action on the principle that this sort of indifferent action by a polluter should be prosecuted regardless of the result I would gladly accept that direction. Now I intentionally wrote the resolution to be very, very simple and Miss Elias helped me with that because this, it is limited to simply reporting a violation. It does not direct any legal action. And this is the MS4 is a federal permit and it is owned by or the responsible party is Washtenaw County Water resource commission.

And this carries a criminal and a civil penalty of up to one year in jail and 25,000 dollars per day. Now we need to get this violation on the books. It's that simple. And that's what this resolution is saying that we now everyone agrees there's been this violation but no one has taken action to actually record it and register the violation. So that's what we're trying to do. There was a discussion about this today at the attorney intervener meeting that included interveners from the different entities and this was mentioned at the previous meeting that I wasn't at so while I can't give you any advice from the lawyers, I can tell you as a layperson that this provides some leverage as we move forward with the CJ and the CJ is limited to simply part

201. It does not include the MS4 permit. I encourage everyone to vote for this very, very simple resolution and we can discuss what the next steps might be and I believe that conversation is already happening and Jason Morgan did join at the end of the meeting so the county -- was represented at the meeting today. Thank you.

>> Further discussion? All in favor? All opposed? It is approved. DC-5. Resolution to direct the city administrator to proceed with the design of a healthy streets deployment for spring of 2021. Discussion of DC-5. Councilmember Briggs.

>> So this is a -- staff responding to request from transportation commission to move forward with a healthy streets deployment in the spring of 2021 and the staff's sort of sense of what that would cost to develop designs. I will, I guess, I don't see -- Mr. Hess in front of us at this point to answer questions. I don't think I need him there.

But it's definitely the desire of the transportation commission so I'll just leave it at that.

>> Councilmember Hayner.

>> For everyone who is, you know, at our presentation by Mr. Crawford, last week we saw that we're going to come up 9 million short in this next two year budget cycle and the old expression is pennies make dollars. I'm just, I'm not going to debate the merits of this program at this point. I'm just going to -- I'm not going to support this because I don't want to be on the record as making budget amendments in the face of a financial crisis on the city's behalf. I'm going to pass on this one and I don't -- I don't think it's necessary. We did this program last year. 40,000 dollars. No thanks. Every little bit hurts right now. So I'm going pass and I urge my colleague to join me in rejecting this.

>> Councilmember Griswold.

>> I have sent a minor amendment to the city clerk if she could share that. And just for history, it was Councilmember Grand and myself who worked on this original resolution. I do have one question for staff and that is when I ask the question during agenda questions, about whether -- why we didn't look at traffic on parallel streets, the response back was that council did not direct that action I think I have that right. And so I believe given that the whole slow street program has evolved that that would be sort of a standard component to any planning and evaluation for what we're calling healthy streets. Would that be true that we would look at cut through traffic and vehicular traffic that might go on other streets? For example we had examples of 1st Street speeding because of Main Street.

>> We have Mr. Hess here to answer that.

>> Yes, mayor, councilmembers, Raymond Hess. Thanks for the question, I think it's a good question.

It's something that we, if that's what council would like us to look at that's something we can bake into the process. What we might want to do is ask for some further clarification in terms of how far away do we go in terms of what streets we analyze. And then, you know, there were several different components to healthy streets. There was kind of the neighborhood slow streets and then there were the things done on arterials, I would want clarifications on the two different types of the programs and what your expectation would be on the neighborhood slow streets versus the material.

If council would like us to collect that data and incorporate that into the project that's not problematic as long as we can understand what we can do to meet what the council's asking for.

>> I thought it might be micromanaging for me to specify all those details but I guess

I could send you an e-mail. I don't know if we want council to debate all of that tonight. The amendment that I have here and Mr. Mayor, may I mention the amendment now?

>> Yeah, roll.

>> Is to strike two of the "whereas" clauses. The congestion points and that talks about grocery stores and bridges and that's something that we thought might be a problem around Zingerman's and it didn't materialize so I don't think it is needed. And the second is staff will apply national standards. We're doing this and it's a quick build.

And some of them are temporary but we're looking at moving towards permanent roadway configurations. I hate to use the term pilot. Instead of having that whereas clause I would like to add a resolve clause. Resolve that the designs will be based on the emerging best practices in slow streets. So I see that --

>> Seconded by Councilmember Grand. You still have the floor, sorry.

>> I think this is a good idea and we should move on.

>> I've got a quick question to staff about this, are there sufficient -- is the learning on slow streets sufficiently progressed so that there can be best practices of which we're aware?

>> Yeah, I think there were a lot of lessons learned through the deployment.

>> Is this a friendly amendment? All right. It's a friendly amendment. Further discussion? Councilmember Ramlawi.

>> Thank you. Yeah, you know, if this wasn't a vote on budget, asking for more money out of our already approved budget I don't think I'd have so much trepidation. I do have trepidation because I don't know where this leads. I understand the last time that we took up this issue last year it started off as a small ask of \$15-20,000 and what ended up costing the taxpayers in the end was over \$100,000 and what we got was a disaster in my characterization of it. And with all due respect, it just was. And I would like to know how does -- this \$40,000 starts the process. This \$40,000 doesn't pay for everything and before I spend a dollar, I want to know what the total cost is going to be. And what do we get for \$40,000 and how much is going to be left after that work is done in how much more are we going to be paying because we could be starting something here that could cost \$200,000 dollars while we're asking people not to take a raise this year. We're asking departments to take 5% cuts. So, you know, I would like to know the scope of this project and unfortunately, my question was not answered to the level that gave me comfort to knowing where does the buck stop in the scope of the work and how much more work is going to need to be done after this \$40,000 is spent?

>> Councilmember Briggs?

>> No, that's a question. I need to hear from staff. What do we get with the \$40,000 and what is going to be left to be done, and when we talk about spring, do we have a more specific date that we're targeting in? Is it going to be June or April?

>> Mayor, councilmembers, Raymond Hess, a couple different things.

One of the things that is a challenge for us related to healthy streets and just kind of COVID in general is, you know, this was not anticipated, right? So the fall deployments and any other subsequent deployments are not budgeted for and that's why the request you have before you is for allowing a request for design, engineering, this is meant to be responsive to some of the concerns we heard from council's last deployment. There wasn't engineering and so this is meant to solidify that. Put an engineering firm on this project, bring a fresh set of eyes to it. But in

terms of what the final product is, I can't give you an answer. Admittedly we haven't designed the project.

I can't tell you if it's \$150-200,000 deployment because this is just to see if we can advance it moving forward. I will say that, you know, some of the things that we heard from council and the community in order for us to be responsive to that, there may be a cost increase from the last time you saw the deployment and I want to bring that to your attention and be forthright about that because one of the criticisms we heard was the temporary feel of all the barricades and signage and more of a preference for delineators and kind of the plastic bollards in the roadway as opposed to barrels. Those come at a higher cost than barrels. You know, there is a very real possibility that, you know, the deployment, if we redeploy it but remove it before spring would come with a heavier price tag. I can't tell you what magnitude yet but that is a distinct possibility.

>> Thank you. Councilmember Briggs.

>> Thanks. I -- wanted to just mention, I should have mentioned in my first comments that on transportation commission is meeting tomorrow I guess. And one of the pieces around that is developing a working group that's looking explicitly at healthy streets and trying to learn from the past processes. I think there's a lot that the city has learned. Staff has learned a lot out of this. There's been a lot of feedback on what has worked, what hasn't. It's important to know that there's recognition that there needs to be sort of changes to make it -- to work more smoothly second time around but the reality is that our needs still exist. We're still in the middle of COVID. The need for social distancing is still there. So this is part of our transportation network. It wasn't budgeted for but it's still an existing need.

>> Councilmember Ramlawi, I'm getting you a second time.

>> Thank you. I'm really uncomfortable starting down a path, a spending path with no work plan, with no idea of what the total costs are going to be and then we're going to run into a situation where, well, we spent already \$40,000 on this so we got to continue spending money and then we start putting good money after bad money and, you know, I would suspect that we could figure out what the total cost would be based on the design cost, you know, as in construction. You say 10% of your total costs are going to be for blue prints and that architectural work associated with the project. So you got a million dollar project, you need \$100,000 for architects and planning. Isn't there some sort of mechanism or formula that staff can guide us with or explain to us. If we're going to make a midyear budget amendment, I think it's prudent for us to ask these questions of what is the total cost going to be? We're not going to adopt our fiscal year 22 budget. That doesn't go into effect until July. Future asks are going to be coming out of this year's budget which is already in the red. I feel extremely uncomfortable initiating a project without knowing what the end goal and costs are going to be. And so my question I guess would be, A, is it possible to have a better idea of what our total costs are going to be with this project, with this initiation if we give staff an additional two weeks to come back and let us know what the scope of it will be because this will only be one of what will need to be more than one budget amendment vote and I don't want to vote yes on something here where if I find it costs too much money here I vote no and I waste taxpayer dollars in a pandemic economy. These budget amendments should require and they do, a high threshold to meet in order to get the support. So I ask --

>> Your at three minutes, councilmember.

>> I got a timer here and I got a few extra seconds.

>> No.

>> If we postpone this until February 1st, does that give us time for staff to give us a better total cost?

>> Let me jump in here real quickly. The -- the goal of this would be to have an April deployment which is already very tight. Postponing the decision on this would probably push us into May for a deployment and if that's acceptable we can do that certainly. If a couple weeks would give a better cost estimate, the main issue here is what we're asking for right now is to move forward with analyzing what it is that we would do with spring deployment. So it's hard to come back with, you know, a better cost estimate, you know, for what it finally would be if we don't know what that's going to look like yet. Now we could do -- we could try to come up with an estimate on the high-end of -- if we deployed everything we deployed in the fall and did it at a higher level to address the concerns that we heard about, you know, something more a permanent feel instead of barrels, then we might be able to come up with what with we think is a high-end number but that's, you know, that's probably as much as we can do and Raymond, if you have anything else to add to that, feel free.

>> Councilmember Hayner.

>> Since the questions are being asked, if I may, this \$40,000 is being asked for internal staff time or external staff time to hire an outside resources? Is that my understanding or is this an internal billing?

>> Right, so council awarded a kind of on call transportation engineering firm. We actually have two. We have ACOM and HRC. We have them on call now. And the idea would be we would tap into them so that way we don't have to go out for solicitation to book an engineering firm. The other piece is possible data collection. You heard from Councilmember Griswold about some interest in some data collection. Both of these firms are capable of conducting traffic accounts and things like that. We would anticipate that, the data collection portion would be wrapped up into part of this as well. And then quite frankly there is some need to support staff time as well. You know, a lot of the work we can absorb kind of under existing kind of, you know, just transportation work in general, but then there's some things it's a little harder to do, for example, when we have our assigned signal team, we do work in the field and we need a charge coat to do that. That's not specific to design per se but that was an example, you know, where it's good to have that budget authorization to make sure that the work that they're doing is kind of granted, you know, approval by council.

>> Okay. Thanks. I just want to share with my colleagues that I had sent a -- kind of internal notice to folks that I've seen our healthy street signs just laying there in easements around town. That the stuff we used last year hasn't even been picked up this year and so I'm just -- the whole thing is very odd. I'm only speaking to the budgetary aspects of it tonight. All right. Thanks. Thank you for your answer, Mr. Hess.

>> Councilmember Ramlawi, you have spoken twice on this unless I'm mistaken.

>> I have and I'm wondering if I can make a motion to postpone this until February 1st.

>> I think people understand, I mean, we're supposed to only speak twice, third time is like a question or something to bring a motion. Folks understand that you wish it to be postponed, perhaps if someone wishes to bring a motion on your behalf, we'll do that. It appears there's not support for that.

>> I will make the motion as a courtesy. I don't plan to vote for a postponement. This seems like a ridiculous thing to prevent from coming to the floor.

>> I have been shouted out for not following the rules during the course of the



meeting and just trying to do it. Motion has been made. Seconded by Councilmember Ramlawi, discussion of the postponement.

>> If I could discuss --

>> Absolutely.

>> Again, my concern is starting down a path where we're making budget amendments without knowing what the total costs are going to be and if we can get a better idea of what the total costs are going to be, so I can make a better informed decision, I would feel more comfortable with having an extra 13 days to get that information back in some rough crude form but since we've done this same type of thing last year and we've learned a lot and that was just a few months ago, that I hope that it wouldn't be that hard of a task and those numbers could be rather accurate in informing us of what the total costs are going to be. This is a budget amendment. It should -- it requires eight votes for a reason. Thank you.

>> Councilmember Hayner. I don't have -- midnight -- thank you.

>> Just to speak to that, Councilman Ramlawi, I think it started out as 65 and then it was a quarter million dollars and let's use that as a guideline and say it's going to be a lot.

>> Further discussion of the postponement? Roll call vote, please, starting with me.

>> Mayor Taylor.

>> No.

>> Councilmember Eyer.

>> No.

>> Councilor Briggs?

>> No.

>> Councilor Ramlawi?

>> Yes.

>> Councilor Disch.

>> No.

>> Councilor Griswold?

>> No.

>> Councilor Grand.

>> No.

>> Councilmember Radina.

>> No.

>> Motion as amended. I'll just say briefly that I'm hopeful as this moves forward that we will take steps to realize the promise of the healthy streets program. I think we wanted it to work quite well last year. I think there were some successes and some stumbles and I think it's good to get a head start on it now with iteration there last year and I think this has the promise to be excellent for all concerned. I think we'll be able to utilize the streets for all users. I think we'll be able to utilize the streets for automobiles safely and to increase the safety and achieve safety ultimately for pedestrians and cyclists. I'm just thinking this is a good thing that I think folks appreciate. Further discussion? Roll call vote, please, starting with me.

>> Mayor Taylor?

>> Yes.

>> Councilor Eyer.

>> Yes.

>> Councilmember Briggs?

>> Yes.

>> Councilmember Ramlawi.

>> No.  
>> Councilmember Hayner.  
>> No.  
>> Councilmember Disch.  
>> Yes.  
>> Councilmember Song.  
>> Yes.  
>> Councilmember Radina.  
>> Yes.  
>> Motion carries.  
>> DC-6. Resolution to appoint Makiah Shipp to the independent community police oversight commission.  
>> We have asked myself and the other cosponsors for this to be a one step approval process because of some delay that we had in understanding the reasons of Makiah Shipp relocating to Detroit and having a Detroit address. She's a University of Michigan student who went back home because of COVID. She went home to do her studies in a more safe environment. She's extremely talented and bright. She's been involved in a lot of campaigns to bring social justice to the forefront, so, again, this is just for the youth appointment. It's a one year term and I think based on the calendar year and such we may see this name again in a few months. Hopefully if it does get approval tonight. The commission's eager for her to join and to work. We feel she can provide some valuable help to the commission and the work it's trying to do. Pleased to bring this forward and hopefully it gets support from council.  
>> I want to thank Councilmember Ramlawi for doing his work. And keeping us in the loop as cosponsors on some of what the -- the issues were that arose throughout and we were able to resolve all of them and we were all still very comfortable and moving this forward. I hope there's no problem in meeting the threshold and getting this all done in one process and getting her to work.  
>> Excellent. Further discussion. Roll call vote, please, starting with me.  
>> Mayor Taylor?  
>> Yes.  
>> Councilmember Nelson.  
>> Yes.  
>> Councilmember Hayner.  
>> Yes.  
>> Councilmember Disch.  
>> Yes.  
>> Councilmember Song.  
>> Yes.  
>> Councilor Grand.  
>> Yes.  
>> Motion carries.  
>> Thank you. DC-8. This is -- DC-7 being removed. DC-8. Resolution requesting legal memo for public release. Discussion please of DC-8. Councilmember Nelson.  
>> Thank you. This resolution is asking our legal department to share advice about council rules and first amendment rights in the context of our meetings. I am specifically asking for advice that would be appropriate and useful toward the public's understanding of this issue. My original draft explicitly referenced rule seven which reads the chair my call to order any person who engages in permanent attacks

unrelated to business and speaks longer than the allotted time, disrupts the proceedings or violates the rules of this council. City attorney asked me to remove any reference to rule seven because he said this rule was in need of recrafting. He told me his remains in our rules despite our shortcomings because until recently we hadn't seen this problem. We might ponder how and why we find ourselves in this particular situation.

A few people have pointed out to me that what I'm asking for in this resolution is not likely to produce much explicit guidance and it's true that First Amendment rights, time and place restrictions are complicated. It's worth noting that so much of the most significant case law around free speech happened during the Vietnam War and the civil rights movement. Our modern understanding of First Amendment rights was influenced by people who protested gross racial injustice, death and war. First Amendment rights are legitimately broad because of substantive injustices. If the response from our legal department clarifies that we can craft rules around specific categories around defensive conduct I believe that's an opportunity for community to contemplate the value of that. It happens that several of us have a personal interest in this because of how we have been targeted privately with threats. This is not a political exercise for us. Whether or not those threats are of any concern to our colleagues, or not, I think they should be concerning to residents. If we get a broad definition of what is permissible in terms of First Amendment rights I'm curious to see how people respond to that information. If it validates and promotes more hostility in public meetings, targeting specific councilmembers with specific attacks. Perhaps the weaponized rage needs to get uglier and the community needs to see it. Perhaps we need to reach a tipping point before we talk about it and reject it. Remarkably, this request for a legal memo has been characterized as pro-censorship. Presumably this idea is repeated for the benefit of people who may not go through the trouble of reading the resolution. This asks for a legal opinion from an apolitical leading authority on a topic relevant to the topic. That's all. This week --

>> Okay.

>> -- which specific councilmember should be targeted with anger and I believe we can do better than that. Work is --

>> Okay --

>> -- limiting and restricting discussion and debate amongst councilmembers, all right, thank you.

>> Councilmember Hayner.

>> Thanks. I ask Councilmember Nelson if I can cosponsor this. I think it's appropriate to look at the rules as we are looking at the modifications of these rules. I think it's appropriate to ask our attorney to educate us on the rights, laws, rules and procedures around what we're allowed to do with our rules as we consider modifications to our rules as they are even posted for informational purposes tonight. Later on in the agenda. It's fully appropriate to ask, you know what, responsibilities do we have under OMA. When we form our rules, what responsibilities do we have and what actions can we take to improve and keep working towards these sunshine laws in way to allow the public to find out what's going on in your council and to see our full and fair deliberations in public?

What does this mean? I agree with Councilmember Nelson and I want to be informed what we are allowed to do with our council rules. It's not a big deal. I know he's up for the task. I look forward to your support on this. Since we don't have the authority individually to ask our council to -- council being Mr. Postema to act this is

asking for the body to ask him to make this statement or do this bit of research for us and, I'm really looking forward to seeing what it has to say. I think it's fully appropriate that we find out, you know what, is -- what is and isn't allowed. And, you know, we'll speak to the rules specifically when it comes back but the notion of rule seven being important or fundamental to this. It's so. If we're relying on the chair's definition, and the chair's may or shall in this shall in this case let's say it opens it up for an interpretation that may be favorable to some and not others that may lead to increases in, you know, violent, angry or volume rhetoric to us or others. And with the Attorney General going on national news and saying that legislators are advised to purchase ballistic vests I think it's good to look into this at meetings to give us direction. Thank you.

>> Councilmember Ramlawi.

>> Thank you. Yeah, unfortunately, it's gotten really complicated here on council. And to be honest I think this is a routine and fundamental question that often is asked. I mean, it's not an attempt for censorship, it's not -- it's just asking our legal department to give us advice that we can share with the public and the public can be informed as well so there's not he said she said they said this said whatever. We actually have something that is reputable and we all can agree on as the foundation of having discussions and public meetings and it's unfortunate that it's gotten so ugly lately. I had asked Mr. Postema for something like this three days prior to Christmas. I had folks in the community accusing me of violating open meetings acts when I'm just asking a question to the chair. I hope this can be done. I don't know why it's causing as much controversy as it is. And I have a question for Mr. Postema whether he believes he can get this done by February 16th or will he need more time to get this type of work done with everything else that's going on for us to be better at what we do.

>> The February 16th date is not a particularly good date in the sense of I have another memo that I will be working on for the whole council that will be more specific. The general memo will come after that. We've done that before. And so as far as the timing, that's really up to the body. You set the priorities of work and deadlines, but I think it's -- that's a difficult deadline.

>> Then I move, if I could, to amend the resolution to have March 1st be the deadline.

>> That's friendly.

>> Seconded by Councilmember Nelson. Is that friendly to the body? Is March 1st -- Mr. Postema, will you have completed --

>> I believe I will have.

>> Not a leap year this year so, you know --

>> (Chuckles).

>> Councilmember Eyer.

>> Thank you. So I guess we're talking about the amendment now --

>> No, I'm sorry, the amendment was friendly.

>> Oh, it's a -- right. Okay. Sorry. I'm voting against this resolution, mostly on the basis of process.

As Mr. Postema referenced he is already working on a memo for council, a privilege memo on this issue that was -- that is being done in response to the request from the admin committee to do that as we're looking on -- at all of the rules and as various councilmembers have raised concerns about that rule seven in particular. You know, Mr. Postema was requested to prepare this memo advising us so that's already happening and the thinking was we would release all or portions of that

memo if we thought it would be helpful to the public's understanding. If we bring it to the council or release it. I think that's the correct process rather than what is proposed in this resolution. I have concerns about simply releasing it to the public without any review and any potential chilling effects that that may have on public speakers in the future. I also just want to make it really clear that I have absolutely no interest in restricting the speech of public speakers. Personally I've spent most of my 25 year career working under the protection of the First Amendment. That is in my DNA, I'm not about to work against those rights now that I'm seated at the table of power and I want to end on a note about power. As a journalist, I was taught and in turn I thought others that our job was to afflict -- to comfort the afflicted and to afflict the comfortable and I think we need to be really clear. We at this table are the comfortable. It's our job to listen to the afflicted. Not to censor them.

>> Councilmember Radina.

>> Thank you, Mr. Mayor, I am struggling a little with this amendment because I am sympathetic to where it is coming from.

>> The amendment is --

>> The resolution, I'm sorry. I actually don't think that it's particularly productive or effective even of some of our public speakers in swearing at or attacking members of the body and trying to get their points across in the way they have. I don't think it's particularly helpful to their point of view. But I respect their right to do so. And so I saw this, you know, I know that this process is playing out with the admin committee. I saw this as a relatively harmless resolution and I actually thought differently about it after receiving communications from former councilmember who teaches on this topic and after reading her remarks I reached out to members of the ACLU for guidance. Folks I worked with in the past and two folks reached back out to me and I will briefly share two of the things I heard back. One is, it's hard to fathom how a legal memo might be determined by the public if they see it at all and that there's an assumption it leads to legal sanctions. My experience has also been with a public -- that when a public body, even with the best intentions attempts to impose restrictions on what the public can talk about it puts the public body or its presiding official in the impossible position about what speech is allowed and isn't. Many constituents that rules are not being implemented fairly and they're actually being censored because of their political decision. Instead of it being seen as an opportunity to speak to elected representatives it'll be seen as a tool used by the people in power to tip the scales in their favor or eliminate political process. I think this is another reason why in the long run many experienced public servants would rather sit through public comment than regulate the content of their constituent's speech.

>> That's three minutes.

>> I am also concerned about the chilling affect of this and I will likely vote no.

>> Councilmember Hayner.

>> I don't -- I mean, we're reading the same resolution, right? We're all reading the same resolution? I don't see anything about censoring people, censorship, chilling affecting, asking Mr. Postema to win at public speeches. It's nothing here. It's asking us to prepare a memorandum that the public can see which is unusual for us, I admit that. Most of the stuff is not for public inclusion but in this case it is. That's even more open to people. We're asking to broadly explain the intersection of First Amendment rights and application of our meeting rules. That sounds like we want to make sure our First Amendment rights are upheld by our meeting rules. That's it. That's it. There's nothing in here about censorship, there's nothing in here about

muting free speech. It's just the opposite. I don't know if this is a talking point situation here we're looking at or what but I don't get it. It doesn't make any sense these arguments I'm hearing against it. So we're asking our attorney to say make sure -- inform us and let us share that information with the public. That any rules we adopt or are currently working under are free and clear and allow for First Amendment expression. That's all we want to know. I don't see how that is in any way chilling and there's no move towards censorship here. If you look at the rule changes potentially brought forward. The censorship is being potentially -- our speech is the one that is being requested to be limited, not the public's. I'm going to support this. I'm not sure if we're -- why are we afraid to ask to make sure our rules comply with the First Amendment? This is what this is asking.

>> Councilmember Ramlawi.

>> Thank you, Mayor, I think this is being fabricated to an extent. I don't understand the concern. We heard this argument about a chilling affect back in previous council when Councilmember Bannister wanted to release a bunch of memos that were prepared for council. And I understood why that and I didn't vote for that because I did agree with the arguments that were made here tonight that it would have a chilling affect on the client/attorney privilege that's why this is asked to be publicly shared because the public is affected by this a great deal. All we're asking for is an understanding so we know where the law lies, where our rights are. I am not a constitutional attorney. I don't know if anyone here is. We're not changing or imposing any rules. All we're asking for is quite clear in this resolution and these concerns of a chilling affect. All we're asking is the attorney to provide us with a memo to explain to us what our constitutional rights are. That's government. Why are we scared of that? We're not going to all of a sudden change the constitution because we passed this resolution tonight. We're not going to change any rules. We're not going to censor anybody. We're asking for some education about where the constitution intersects an executive board meeting that's being held by a bunch of elected officials and staff. I hope this passes, I hope some of you have a change of heart with my pleas. I really don't think there's any harm in this. It only benefits us. It gives us more understanding, more transparency to deny this I think would do us harm we would be hiding things and not being clear to the public.

>> Councilmember Disch.

>> So I'm having a little bit of trouble sorting out exactly what this memo is supposed to do. I interpreted it -- first of all I do not interpret the memo as -- or the resolution, I'm sorry, the resolution as an attempt at censorship, I think that is an overreading. My understanding of the resolution was that it was a response to concerns raised by citizens which I think -- or residents under say that many of us have heard that they're -- that tube ing -- tuning into a city council meeting and hearing this language is off-putting to them.

It's a request for a public facing memo instructing the public on the constitutional protections or not depending on what we learn from our attorneys, for public speech. My own assumption is we'll get an account of the constitutional protections for public speech but I am not an attorney so I will be -- I will not pretend that I can predict the outcome of this memo. As Councilmember Hayner describes the memo we're asking what the responsibilities are under the OMA and to inform us what we're allowed to do with our customer roles, if that's the purpose of the memo that this resolution is asking for then it truly does seem to encroach upon the effort that the rules committee is engaged in and then it's either redundant or sort of out of order procedurally. So I'm a little at loose ends here as to whether or not to support this

and, again, if I choose to support it it will not be because I have any intention of censoring speech but rather that I would like to see a forceful statement of just -- I hope that what comes out of it is a forceful statement of how far the protections of public speech go.

>> I'm going to -- set the clock -- for my part, ultimately, I don't have any problem with the public knowing about the First Amendment, indeed, that's a good thing. I guess I'd say that people -- folks are interested in the First Amendment have lots of sources to learn from -- from which to learn the ACLU in the -- out of the state of Washington has a very informative November 2018 knowing your rights regarding comments at public meetings which talks about at great detail of what can and can't be done. I will say by note, that Leonard V.R. says very specifically that profanity intertwined with political speech is a fundamental protection under the First Amendment. That all said, there's been -- I also think this resolution is off key for the time being and I would like to see it postponed until we receive the memo from the city attorney. After we have had a chance to digest it, I think it's useful in that case for us to say, all right, thank you, Mr. Postema et al, please give this to the public. I think that makes sense. I would therefore like to see this resolution postponed until, I guess, postponed until an indefinite date because we're not quite sure when we'll get Mr. Postema's learning back to us. When we get his learning back to us, I have nothing against, and in fact, would support, and in fact, in the administration committee we have requested that Mr. Postema put together a public facing memo so that the staff -- pardon me, so that the public can see what it is what, you know, where we are coming from on this point. And I guess that's I think how I'd like to see it. A motion to postpone to a date indefinite. A little bit about the context. The context is why are people upset about this? I think people are upset about it because I think the resolution itself particularly the last two whereas clauses, the last three whereas clauses really aggress public speakers. I think further, public speakers have been described as disorderly, very different from mere profanity, they have described threats at public meetings. I have not heard any, anywhere, any threat of violence is entirely inappropriate and improper and shouldn't -- does receive condemnation. I have not heard it at a public meeting. That is absolutely out of order, period, and not protected speech. Bottom line is, I think this education is a decent enough thing and I'm at three minutes but this is the wrong time and place first time. Councilmember Griswold.

>> Yes, I agree with the -- exactly what you said about the process and the way I saw this was simply putting it in -- giving notice to the city attorney that following the confidential e-mail to the public, we were expecting something that could be shared with the public and I thought that is how he directed us previously, so I don't know, Mr. Postema if you'd like to comment on what process you would like to follow, because, you know, I don't have strong feelings about what the process should be and given that it's you -- my only concern is I don't want to wait until we get the confidential memo and then ask you and then say, well, it's going to take me another two months because I think that the public's going to want to see something sooner. What would you prefer that we do?

>> Well, I think that we're working hard to get this memo out to you. It is related to the rule for public speaking. It's certainly related to that although it's broader than that because I think when issues were raised I believe I would give guidance to the council and in specific the effort that would take place. The way we've done it in the past, the best way I can answer it is that I think in the past I've produced something for the council to review and then they have voted and my preference is to direct

me -- to them to do some sort of public memo rather than waiving a privilege memo. I don't think that that is the wise thing to do but I think if the council is so inclined at that point, it may focus the council on what they actually want in the public memo although I have some general idea of that. So I guess from a process standpoint it makes some sense to get whatever memo I'm going to provide to the council and then take this up. But that's really your call.

>> Okay. Well, what would you think the lead time would be if council did give you direction for a memo to the public after we've seen the confidential memo?

>> I think once I have the other memo done, I don't believe that it would take that long. I -- your suggestion of two months would be way too long. I don't believe it would take that long.

>> Oh. Okay. Thanks. And then my only other point is is sort of damage control. How did we get from what I saw as simply a resolution to add clarity and transparency to becoming through social media comments a totally different memo?

>> Are you asking me that, councilmember?

>> No, I'm asking cyberspace that. Thank you.

>> Councilmember Radina?

>> Thanks. I guess I can speak a bit to my own evolution on this and I think part of it comes to -- speaks to the process point spoken about earlier. If this were coming out of the administration committee of the work they're doing on our rules I think I would understand it a bit more to be that. Unfortunately what I see as context is some of the comments I heard of the dangers of the public comments we heard and frankly some of the actions this body has taken over the several meetings to shut down members of the public. Those are the contacts where I see this resolution suddenly appearing before us and if this is not the intent of our sponsors I will take you at your word.

I want to add that clarity to where I came in this evolution. But I also want to thank mayor for kind of his eloquent comments on this and I would move to postpone this to an indefinite date in the future when we can bring it back after a -- after we have read the memo.

>> Second? Is there a second? Discussion of the postponement? Councilmember Grand then Nelson.

>> I'll -- think I will speak to both because I've been waiting for some time -- if it's the will of this body to postpone indefinitely I suppose that's fine but I did want to answer that question, how would one perceive this quite differently and when this came out, I will speak to my own feelings about it. I was really angry about it because as a member of the admin committee we literally had this conversation just a couple weeks before and there's a lot of talk about wanting to work together and yet here are two members who clearly didn't have a conversation with anyone on the admin committee to find out about literally that we had this -- a similar conversation request the city attorney and expressed a need to be able to have this come up in the public. The reason why the process happened the way it did, why we went with our behavior first, and I will speak for myself but I think it's true in the majority of the committee that it was important to look at the rules of us and then we can talk about if we want to make any changes to how we structure public comment. And I'm still personally on the fence about whether I want to see a postponement at all because honestly I'd rather kill it and go through with the process that we have, because when I read things, like where is the stability of the democracy depends on the community's acceptance of laws, rules and procedures as legitimate, dropping an F bomb at a council meeting is not affecting the stability of our local democracy. We saw what



that looked like and having someone say something at a council meeting and I heard from members of the public that they have trepidation coming in front of council. It's not a hypothetical, this is real that people felt intimidated by the reception of this group it is much harder to speak in front of a group of councilmembers than in this seat. I have been on both sides. That it is easier. To put yourself out there like that. When we have members from different parts of our community that come forward. So I apologize for going slightly off topic but I was waiting for a long time to speak about that and this will be the last time.

>> Councilmember Nelson.

>> Well, a couple things. It came out of left field to me when it was communicated to me that it was violation of territory of the admin committee. I have a lot of conversations with Councilmember Griswold, it didn't occur to me that this had an intersection of the rule-making justifiably part of that committee's responsibility. I didn't view it that way. The only other question that I have is it's curious to me that we would -- trusting our legal staff with the direction of preparing a public facing document, I would imagine that that direction would be clear enough in terms of the memo being something that we would actually want distributed to the public. It's weird to me to imagine a scenario where we need to look at it first and what is looking at it mean? That we might actually decide, no, we don't actually want the public to see this. Because the truth is, like members of the admin committee have commented, we may have the right to regulate in some way and we may choose not to. I mean, this is -- this is not a decision that was contemplated in this resolution, the only other thing I would comment on is the phrase that was offensive, the phrase laws, rules and procedures, First Amendment rights are a part of our laws. That's all part of the same passenger. That's not about dropping the hammer and -- I mean, there's a lot of this that is really a stretch. So I will support -- I -- this whole conversation has been intriguing, both to the conclusion that people have come to and the talking points here.

I will support whatever the body wants to do with this because like I said, this was not intended to invade anyone's space and I did not mean to step on toes with the admin committee. I'm done talking, thank you.

>> Councilmember Ramlawi.

>> Thank you. I also am on the admin committee and in contact with many members of this body about what we discuss. And reading this, I didn't think it was in conflict of the work that was discussed at the admin committee. I think it supplements the work that the admin committee is seeking to do. It could help, in fact, expedite and guide that work that is asked of the admin committee. I believe they are concurrent efforts. They're not in conflict with each other. I think having an outward looking document is what our city attorney's office suggested to us late last year. In drafting memos to let them know at the onset of how we were going to be using these memos and I think this document is important for the public to be able to get and understand more than this body to be honest with you. I think the public needs to know that their rights are going to be defended, and so I am really disappointed to be honest with you as a signing motive. There's been motives assigned to this that I thought we were trying to get away from that type of behavior. Where we were jumping to conclusions as to other peoples' motives and yet it's still coming up late in the conversation here on this.

I will just say I'm on the admin committee. I don't see this in conflict. I see this actually helps the work of the admin committee and to get us along much further. And to get the -- get the public what they deserve. What they pay for. So thank you.

>> Councilmember Eyer.

>> Thank you. Yeah, I don't see it in conflict as much as I see it redundant and out of process and like Councilmember Grand I see problems with the language. Some of those whereas clauses. I think really send the wrong message to the public. I'm okay with -- I guess I'm okay with postponing it but I can't see ever voting for it when it comes back. Because, you know, again, that language is really troubling to me. So I'm going to I guess go with the will of the body on this in terms of postponing or not.

>> Councilmember Griswold.

>> I would like to be a cosponsor, I said that a few days ago and didn't follow through. And the other statement that I'll offer as an explanation is that Councilmember Nelson is a lawyer so some of the language that she's using may be more legalese and maybe it needs to be sort of written for layperson. If there's confuse there and open for interpretation, there's always room to clarify it.

>> Councilmember Briggs.

>> I do not want to repeat anything that's been said. The only things I can add in terms of expressing why there's been so much reservation. You heard law professors call in tonight and express some deep concern about this. We've heard responses from ACLU in terms of having some reservations about what the impact will be. Some of those whereas clauses in terms of recent discussions give pause and it's worth reflecting on why this is concerning. It's not just amongst members of this body. You're really hearing it from a variety of different sources.

>> Further discussion? Councilmember Song.

>> I'm just trying to sort out, you know, we have public comments at the very end of this at 1 a.m. now and I'm trying to understand, you know, if we vote on this, is that -- if there's an immediate chilling affect on folks or if we're stoking the fire and inviting folks to just continue with language that we're uncomfortable with but is still protected. So I'm really trying to understand the impact of this resolution in the immediate while we wait for legal counsel to return -- return to us in March, is that right? Are we looking at a legal memo in March? Is that -- am I tracking this right?

>> That was an amendment to the resolution but the -- my suspicion is that the First Amendment -- that the -- without knowing my suspicion is that the work product of the attorney's office will come to council prior to March.

>> Okay.

>> Would I offer it that we table it rather than postpone it to give us more flexibility?

>> I believe it's -- well, the motion is on the floor.

>> Okay. So I move to table it.

>> No, I actually --

>> Oh --

>> I don't think you can move to table once a postpone is us.

>> Was there a date on that --

>> The motion was to postpone indefinitely.

>> Yeah.

>> I'm sorry to ask, is that even possible? I thought we had to have a date certain to postpone.

>> Yeah.

>> No, a motion to postpone indefinitely is, you know, look it up, it is a suitable motion in Robert's rules. I think it's brought back much more in the way as tabling. The reason I asked to postpone indefinitely because a motion to postpone indefinitely has debate. I wanted to drive with debate. So as I understand it it is akin

to having been tabled.

>> Either can be brought back by --

>> Yes.

>> -- either can be brought back.

>> By a momentary vote. Further discussion of the postponement? Roll call vote, please, starting with me.

>> Mayor Taylor.

>> Yes.

>> Councilmember Eyer.

>> Yes.

>> Councilmember Nelson.

>> Yes.

>> Councilmember Briggs.

>> Yes.

>> Councilmember Ramlawi.

>> No.

>> Councilmember Griswold.

>> Yes.

>> Councilmember Song.

>> Yes.

>> Councilmember Grand.

>> No.

>> Councilmember Radina.

>> Yes.

>> Motion carries.

>> We have before us the clerk's report of communications, petitions, and referrals, moved. A discussion of the clerk's report. Councilmember Ramlawi.

>> I didn't want to miss my you want to talk about F-6. I'm not sure if this is the proper time to highlight the issue that I had with F-6.

>> Yes, you raised that earlier. You can certainly say what you will. I think I have a response to that.

>> Well, there was just on page four, that last highlighted section during our last meeting. We were running over two hours at that point. It was a meeting changed that I did not understand and that I had asked that we take up that part of those proposed changes at our next admin meeting. Frankly we didn't discuss it. I don't know the mechanisms and ramifications and such so I would like to let the body know that when it comes to that last section on page four I just don't support it because I just don't understand it.

>> Understood. That -- without speaking to your understanding I -- perhaps I can step in councilmembers Grand and I. The proposed rules come from the administration committee as a whole with exception of this last set which has Councilmember Ramlawi indicates he was not supportive of at that time.

>> Well, yeah, I mean, just explain, we got the changes, Councilmember Eyer and Griswold worked hard at it we received the changes in just a couple hours. There was only two or three hours to review all the changes that we discussed that day. It's not that I don't have the brain power to understand it. It just frankly came to us without much heads up and I understand why. There's -- there was a lot of work there.

>> Very good. Councilmember Eyer?

>> Yeah, just -- I just wanted to share my understanding of what we decided which

was that we would go ahead and recommend all of the proposed changes or share them with council as a whole and that we wouldn't act on them this meeting that we would give it another two weeks so everyone can process them including you, Councilmember Ramlawi with regard to the questions you had regarding the role of personal privilege or point of personal privilege and I did share with Councilmember Ramlawi many examples of other bodies from the city of Chicago down to small towns that have that as part of their rules.

And use that. Happy to share that with all of council as well.

>> Councilmember Griswold.

>> Yeah, I just want to mention that Councilmember Eyer and I are going to be meeting this Thursday and so if people have comments they'd like to share with us then we can discuss them on Thursday.

And Councilmember Ramlawi, I do have a few words circled in that section as I read over it. I questioned a few of the phrases and so I will be carefully looking at them again on Thursday.

We can always talk about them before the next admin meeting if you'd like.

>> Councilmember Ramlawi.

>> I'm still unclear what's going on here with that last section. It was my understanding that we would discuss it as a group in admin committee before referring it to council. My concern is that we will be adopting what is in F-6 in two weeks time without having that opportunity to fully did I connect and comprehend what that change is. So if -- I don't believe we meet, you know, I just don't want this to be first reading second reading type of thing where the next meeting these rules are all adopted. That's not what the understanding was during the admin committee. We were going to leave that last section out and discuss that section at the admin committee before bringing it to council. We were going to be brought forward. We all agreed on except that last section. I just don't want rules adopted before a full and vigorous discussion at the admin committee.

>> I don't believe -- more my part I don't believe that's accurate. I believe that the administration committee reviewed the whole set, that there was concurrence about the rules and their entirety with the exception of this last bit and rather than bring it -- rather than vote it, you know, we asked whether it was going to be necessary to run a majority vote at the committee. To bring it up and down a majority vote. A vote was not required and it was agreed that it would go forward to the council for our -- all of our advanced consideration. And that we'll then bring it up to the council at our February 1st meeting, vote on it there, having each of us had weeks then to review to just discuss request, target, and ultimately, come to some conclusion about each of these various proposals. Councilmember Grand.

>> Thank you. It was also my understanding that in that conversation, I believe you have spoken two Councilmember Ramlawi, that we had a discussion about how it doesn't have to be complete consensus coming out of the admin committee and if you had concerns you were welcome to bring them up at the February meeting when we discussed adoption of those rules at council and bring an amendment and so forth but I very much explicitly remember having conversations about my own experiences and admin not being on a prevailing side and that recommendations still come forward from admin so I apologize if that wasn't clear but --

>> Can we actually -- do we have a recording of that meeting?

>> Mr. Postema?

>> We have minutes -- we have --

>> I would like to have that reviewed, please.

>> Very good.

>> I'd have to get those from Miss Higgins.

>> Very good. I'd like to get them reviewed.

>> Further discussion? All in favor of the clerk's report please say aye?

>> Aye.

>> All opposed?

>> Aye.

>> All approved with eleven present, 10 affirmative and 1 dissenting. We now come to public comment time. You can call at 877. Once you've been connected, please enter meeting ID 94212732148. That is 94212732148. Once you've been connected please press star nine. Once you've been identified to speak the clerk will identify you by the last three numbers of your telephone number. The clerk will identify when 30 seconds are remaining and when your time has expired. Please conclude your remarks and cede the floor. You may also connect to Zoom. A2GOV. Anyone who would like to speak at public comment?

>> Caller with the phone number ending 205. Do you have a comment?

>> Hi there, this is Joe Spaulding. And so only a few people know this but one of my many roles when I was a strategist, when we were end -- people trying to stop the petition from being circulated by stopping our circulators from exercising their First Amendment rights. I remember a shouting match with a city attorney in midland and a discussion when he ended up folding -- I don't remember if it was nearby. But they folded like a two dollar lawn chair and it was up to officers to stand down and I had the conversation about clarification with the Ann Arbor city employee tied to the library in the parks department. You can catch me doing this into the documentary (inaudible) but let's be clear about censorship. This is a desperate attempt to silence me specifically along with some of my allies I met on twitter tweeting beyond the process of account. Second not only will this attempt fail it already has and it also has and will continue to backlash. This is a (inaudible) and the attempted coverup by councilmembers Ramlawi, Nelson, Griswold back under the microscope. This is (bleep) the more you tighten your grip, the more star systems disappear. I know about this on Facebook and deleted his twitter account but tens of thousands know about the situation and they get a few hours a day because that's when you have the intention of law professors in one of the best schools in the country. This is a malicious attempt to chill my free speech specifically and it's about block me and others on Facebook and mention on video that she was filing a police report targeting me of brown housing activist. This is vindictive. Taylor needs to resign. He probably has his camera off right now. I'm not looking. Suck on that Mr. Oakland because I have the audacity to --

>> Thirty seconds --

>> -- I've given you the freedom from having to worry about your political future. It's the freedom to do the right thing. Please don't squander it. Resign. To him and any politician that takes punches at the First Amendment look at what the proponents of prop two did. I designed an amazing volunteer program and those volunteers carried out. If you think it was a fluke, you know, feel free to (bleep) around and find out. Thanks.

>> Thank you.

>> Call we are the phone number 556, do you have a comment?

>> Hello. That's kind of a hard to follow. But this is Ralph McKee. I wanted to address the debate on DC 3. I'm disappointed in both some of the proponents and the further comments. You defended the resolution by saying these three projects

were in the budget so still subject to counsel supervision. Thanks to the refreshing honesty those statements were flat wrong. You never went back once and acknowledged they were wrong. Then we found out -- there's no council supervision other than this 15 day emergency thing that Ramlawi came up with which I like. Then we find out there is no public engagement either because Lynn's letter to you said it's 100 feet from the road. That's pretty much nothing. None of those people will have gotten notice including me when I lived there. Mr. Hutchinson and Mr. Hess announced there's no engaged on the road. Mr. Hess says we'll do better next time and then asked if there's public engagement on Summit, he says no. That's as disingenuous as you can get. Why would any resident trust staff to do local public engagement? Tell me why? Given there's no council approval requirement anymore there's no -- even if there is no public engagement why bother because you can say screw what the residents want. We can do better and what's the standard. The desire is our policy is do the best. That's a policy? Are you serious? It's just another in a long series of disrespect for public engagement and we know best. Get out of our way. That's exactly the opposite of what governance should be. It's hard to be you're in a representative democracy. Staff just does it and get out of our way and the same staff you lionized can't give you a ballpark on a cost --

>> Thirty seconds.

>> All you're doing at least as I heard is you just did this, all you're going to do is upgrade from barrels to some other thing and you can't ballpark that? After you just did this? Mr. Crawford, you're the finance guy, do you find that a reasonable answer? From your guys? Sorry, but I'm very disappointed. Thanks.

>> Thank you.

>> Call we are the phone number ending in 941, do you have a comment? Caller, you can go ahead and speak.

>> All right. My name is Blaine Coleman and I'm addressing my comment to the city council and mayor. If you really cared about civility, you would have listened to the hundreds of your constituents who filled up your chambers when Israel was massacring thousands of Palestinians, remember how they demanded a boycott resolution against Israel.

Remember how you flushed them out of the room as if the city council were a giant toilet bowl and as if your own constituents were just human waste to you? Then with the room almost empty, you basked in praise from a tiny group who supported your decision to not hold a public hearing on the resolution. Christopher Taylor was sitting at the council table that night. I'm sure he remembers. For almost 20 years straight you have given a hard, cold shoulder to the entire Palestinian people including many of your own constituents in Ann Arbor, you must think it's okay to just keep on offending them until they're all dead. But it's not okay. Don't be surprised after all of this when your constituents say (bleep) Israel. After so many years, watching you unleash so much death on the occupied Palestinian people I guess the let's we can do is say (bleep) Israel. Now that's what I call civility under the circumstances. At long last, at long last, show some civility to your victims. To the Palestinian people in occupied Palestine and right here in Ann Arbor. Show some civility to your Palestinian constituents, to your Palestinian neighbors, to their loved ones to the people that you and Israel are dragging through a genocide. I mean, when so many of us have come in and demanded such a simple human rights resolution to stop giving Israel 38 billion dollars in military aid --

>> 30 seconds.

>> Why is it that it's so impossible for you to just give a public hearing to that resolution? Tell me. Why. Any response? I'm waiting. No one?

>> Time.

>> Phone caller with the number 936, do you have a comment?

>> Last week's episode was inspired by Christopher Wylie's book Mind -- this is awkward. The book is called M-I-N-D-F\*C-K. This week's episode is brought to you by the Tao Te Ching. In conclusion, as the late great Leslie Milk said. We're just caring at you loudly. I yield my time.

>> Thank you.

>> Call we are the phone number ending in 677, do you have a comment?

>> Hi, this is Michelle Hughes. I would have preferred if the DC-8 had indeed been voted all the way down with a strong statement that the city council takes the First Amendment very (bleep) seriously. Having this postponed indefinitely just feels like the -- we're waiting were the ax to fall -- that you guys are still looking for advice on how much censorship you can do on us. And I think that's going to have a chilling affect. You probably think of me as a dedicated and persistent public speaker and I do believe that I do show more willingness to speak to city council than a lot of members of the public do and yet I myself have been intimidated from some of the public speaking that I might choose to do. I used to live Facebook all of the city council caucus meetings but I heard a lot of criticisms from Councilmember Nelson and I found that to be intimidating so I don't all do that in public anymore. That's what we're talking about when we're talking about chilling affects. I'm a member of the public. And I should be, you know, my ability to discuss public affairs and to state my opinions should be respected. And I think the resolution to ask the city how much censorship your allowed to do, that's bound to have some chilling affects. So I would have preferred if that had gone away. Also I was told one hundred dollars would be donated to the charity of my choice if I paid the message. I would like to ask Jess Hayner where the (bleep) are your stairs? The charity that I would like the hundred dollars to go to is the phone kits for the homeless project. You can go to GoFundMe and look up phone kits for the homeless which we're trying to make phone chargers, batteries, and cables available to homeless people so that they can charge their phones and get access to services and people to get them off the streets. Thank you very much.

>> Thank you.

>> Caller with the phone number ending in 340, do you have a comment?

>> Greetings, Ann Arbor city council and Mr. Mayor. This is Louis Vasquez calling from the first ward of Ann Arbor. One of the first F words I heard tonight was fascist. Appropriately brought up by Councilmember Hayner. I'm going to quote Ernest Hemingway. There are many who don't know they are fascists but will find out when the day comes. That comes from the book from whom the bell tolls. Fascists employ the key tactic to gain and maintain power. I am going to focus on three of those. First and foremost is the attempt and the practice of controlling free speech. Censorship is common in fascist regimes. Secondly, fear is used as a motivational tool. In Ann Arbor I think that plays out in fear of density, fear of tall buildings, fear of more people wanting to live in our fair city. Finally, another tactic that is used by fascists is that elected or appointed officials use governmental authority to protect themselves. And their friends from accountability. Here's a fact, FOIA clearly shows that a notice of code violation was issued to sitting councilmember Jeff Hayner for work done without permits. This under city code R 105.1. My question is, or my requests are, why were Ann Arbor's laws, rules and procedures not followed in this

instance? And is the failure to file form for permits now acceptable? I find it ironic that the other councilmember who proposed --

>> 30 seconds --

>> -- sent a fake letter to her neighbor to push them towards painting their garage door. If she pulled that same stunt she would likely be forced to resign. To use this a Yiddish F word this is (in Yiddish). Thank you and good night.

>> Thank you.

>> 891, do you have a comment?

>> Hi, my name is Edward, I am a sometime frequent commenter and also resident of the fourth ward. I have been on the receiving end of being interrupted during comment time. I've been on the receiving time -- been -- witness to people being interrupted by this council during comment time and as a sometimes student of such things, aware of other incidents and other city councils around the state and around the country where the members of a public body when presented with something that they don't want to hear that's inconvenient or that they're politically opposed to would shut down discussion or shut down a meeting rather than hear out what people have to say. Now I have general confidence in the ability of this body and the clerk especially of keeping order during public comment time. It's harder during COVID times because we all have to call in and type thirty digits to be heard and can't be seen and whatnot but at least we can do it from the comfort of our own homes. I'm not happy with the sort of handed efforts by council trying to regulate speech. And I look forward to council getting some strong stern talking to from the city attorney as to who they can and can't do. And I look forward also to not being interrupted in further efforts to speak to this council. Thank you.

>> Thank you.

>> Caller with the number 534, do off comment?

>> Good morning, this is Tom Stulberg. Mayor Taylor, this is Mayor Taylor's Ann Arbor. Everybody dropping the F bomb except one person. Is a die hard supporter of you. Why is that? What is this smoke screen that we have right now? Why are you up this late having to deal with this issue? There's over one hundred thousand people who live in Ann Arbor and some guy who lives in California maybe paid, maybe not, we don't know, this is the influence he has on our city. Is he's not a citizen, look what he's done? This guy does this for a living. He's effective. We all know he showed up for the August primary and we all know whose side he was on. None of us knows whether he was paid or who paid him but that's what he came and that's what he did and that's what he does for a living and he's still here. I sent Mayor Taylor and council a recorded speech I made at caucus and I'm asking for leadership from our mayor. In light of what happened nationally recently we know more than ever what a leader says or doesn't say really does matter. This keeps getting further and further out of hand. When -- how far does it have to go before we do something? How far does it have to go before you do something Mayor Taylor, get control of your basket full of deplorables. Get control of your mob before it does get out of hand. Good-bye.

>> Thank you.

>> Caller with 684, you have a comment.

>> Thank you, this is Eric Sturgis calling from the third ward. I want to take a different tone here and take a positive. I know there's been a lot of abuse from the councilmembers. I want to remind people that in ten hours and thirty minutes that sanity will be restored in America. Because of Joe Biden and Kamala Harris. Let's work together as a cohesive group. I like that the councilmembers will work together



to get the names of the three people. That was very positive. I liked it. Councilmember Grand will step in and help. She has been effective with that in the past. Let's all work together. Let's celebrate the times that Donald Trump, the dictator in chief the man who incited and insurrection on the capitol. Rather than cuss you out and make me feel better because maybe I don't have as good self-esteem as you. Have a good night and thank you for doing the new work for Ann Arbor. Thank you.

>> Thank you.

>> Caller with the phone number ending in 941.

>> Can you hear me?

>> Yes, we can.

>> All right. Hi. I just want to tell you this. I've been listening to you for hours now and one word describes all that you have done in these past few hours. It was excruciating. You guys are acting as though you live in a city that has got everything figured out. One thing is in question, can you let people talk or should we shut them up? You act as though you do not have the massive problem of water contamination as if you do not have the problem of waters, the water contaminated with this. You go on and on about the most obvious stuff which is you should let people speak their mind whichever way they choose to if they're angry, you should sit and watch them and listen to them. If they are using profanity, it's your job to listen to them anyway. And you have been talking about how to limit it for hours as if you don't have the problem of dioxin, as if you don't have the problem of housing? As if you don't have multiple problems in this town, as if you don't have the problem of COVID. Get with it. You've got many problems. None of that has to do with limiting peoples' right to speak their mind the way they choose to. You say civility matters to you? Do you? And tonight you want to take immediate action against your fellow councilmembers because you say they are lacking in civility. Well let's review, shall we? You have no claim to civility if you allow dioxin to step into every nook and cranny of this town for 50 years. You have no claim for civility. If you have allowed that to happen. You have no claim to civility, if you keep denying the people of Ann Arbor adequate public housing. That is also for decades, you have been denying the public adequate public housing. You have no claim to civility if you Stonewall --

>> 30 seconds.

>> -- military aid to Israel. If you had civility you would have listened to those student to boycott Israel. After this, don't you be surprised when your constituents say (bleep) Israel. After all this inhumanity, the least we can do is say (bleep) Israel. I'm done.

>> Thank you.

>> Call we are the phone number ending in 867. Do you have a comment? 828, do you have a comment? Caller -- go ahead.

>> Hi, my name is Kathy, I live in ward one. And I would just like to say that I do not think that you guys are suppressing First Amendment speech. I think that asking people to refrain from profanity is just a decent thing to do. I think it's very rude when people do that. I mean, it's one thing. I have said that word, I say it when I'm mad, in a private conversation, but if I really felt that you were suppressing free speech, you would not be listening to you telling you I think this whole healthy street thing is the dumbest thing ever and I wouldn't even use a profanity to try to emphasize how dumb I think it is. I think the money being spent on it can be spent in better ways. I agree with Councilmember Ramlawi that talked about the cost of it. Last year when they did it, the whole sunset, that's a major connector.

The road I live on comes out onto sunset and having that be a healthy street road was a huge inconvenience and I think there's going to be more people immunized if you've ever been in Kroger's I mean, people walk past each other and you're inside a building, you're not like, outside, and I think the fact that people like, go way into the middle of the street to avoid someone, that's -- you don't catch COVID by a quick pass by someone when you have a mask on. You have to be inside, fifteen minutes or more in a non well-ventilated area. And so I think that the money that's being talked about being spent in healthy streets in a different world it might be something to look at.

But with the financial constraints of the city -- I would rather you give to it the homeless or whatever that 14,000 dollar thing that you talked about tonight. I appreciate you guys staying up. I mean, public comment now has been coming on for almost a half an hour and I appreciate that you're willing to do that at the end of your meetings and the beginning and I don't always agree with everything you guys pass --

>> Thirty seconds.

>> At least there's decency in terms of how to share your point of view and I don't think you suppress free speech and I think asking the public to refrain from profanity I don't think that's an infringement on few First Amendment rights. Thank you for listening.

>> Thank you.

>> Mayor, all but one of the callers on the line have spoken.

>> If the caller wishes to speak at public comment please enter star nine now.

Seeing no one, public comment is closed. Councilmember Hayner.

>> Oh, I think that was some interesting calls and I think that some of the callers were right in saying this is the kind of environment that's been fostered here and I strongly feel that may instead of shall has gotten us to this point. The council rules don't allow us to respond to speakers even though one of them asked for us to. I just want to respond and suggest that it was my -- memory -- if my memory's correct that we set the considerations about a resolution about USAID to Israel to the human rights administration because that's where it belongs. It's not clear to me what happened there but I certainly respect this notion that the Palestinian community is voiced -- could stand to be heard here in Ann Arbor. I don't know what -- again, I don't know what the best method is to do that. I don't believe it's the council's resolution, that's out of our lane and I feel compelled to let folks know that they're heard. There's a lot of resources in our community and I will spread the word about these things. The safe house center for support, they have a 24/7 phone line. That's area code 734. Don't be afraid to reach out for help. Washtenaw community health also has 24/7 line. That number is 3450. You know, I just -- I want to let my council colleagues know that I have every faith in the -- unlike some of these callers I have every faith in the city to apply their laws, rules, and codes fairly. I haven't ever seen that not happen. And I expect that it will continue to happen and I reject this notion that I'm somehow a thief, a cheat, dodging an issue, secretly removing stairs, anybody who pays half a minute's attention to these meetings can see my family in the tiny house behind me here. We're not spread out to some kind of secret upstairs and I've never, never denied access to building inspectors building, building officials, it's a myth being put forward for whatever reason.

It's a sad waste of our time and the other -- another caller was absolutely correct.

We waste so much time talking about things that don't matter one bit to this community. We have water issues, we have affordability issues, we have people

sleeping in the streets and we're having to defend ourselves to ask for a city attorney's advice on how we can craft our public hearing -- and our meetings in a proper way? It's insane. Some of these callers are right on the money. Right on the money. I'm sorry that our public hearing has to be curated in such a way.

>> Councilmember Ramlawi.

>> Yeah. I guess you reap what you sow. And we are -- eating the fruits of our labor I guess. It's devolved into what it is. So buckle up, folks. There's just been a whole lot of time tonight and talk about censorship and fascism and the hyperbole. This is like, laughable. Actually. If -- you really -- you really think the state and the federal governments are going to allow city council in Ann Arbor and anywhere else to infringe on First Amendment rights you don't think there are statutory protections provide I'm talking to the public and other folks who believe that we somehow can go about this. Sorry. It doesn't work like that. There are bigger powers at play that protect the public and the citizens for their constitutional rights and if we -- if we get out of line for one second, we're going to be smacked down, and not smacked down by our city attorney, we're going to be smacked down by the Attorney General and other people. So there's just this hyperbole and this nonsense that the sooner we can go away from it the better we will all be.

Local government is not where fascism is at play. I really think if there's any concern that the public should have it's the censorship on other elected officials on this body right now. There is a clear division of perspectives and voices. There is minority that is being pushed around and intimidated and just -- it's just -- if people are watching what's going on and listening, I really hope they do. Because it's clear as day on what's going on here. That the only censorship that's going on lately is on this -- some -- members of this body by other members. F-6, I'm on the admin committee. I can't wait to get those minutes to show everybody what was agreed on and was discussed at that admin committee meeting. We did not approve of all of those changes but yet it's being shoved down our throats. We're being told limited time. Staff response is against you. Fewer public debate. Less time to talk about issues. We only meet twice a month. You think we can get all the work done of a complex city done four hours twice a month.

>> Councilmember Song.

>> Since we won't be meeting until February 1st and there's community interest on police oversight issues there's two events on the 27th if folks are interested in participating. One is by the national association for civilian oversight of law enforcement. It's a webinar at 1 o'clock on force statistics and how they're used in policing and the other is locally held -- hosted by the U of M school of public health on how policing is a public health issue from 4-5 if folks are interested in participating, it should prove to be interesting. Thanks.

>> Councilmember Grand.

>> I'll be super brief because of the time. I just want to remind Councilmember Ramlawi of a couple phrases that I heard a lot over the what's couple of years. One is that elections have consequences. And nor two years I sat and heard you talk about a new council majority and how upset you were when the majority didn't get their way. So it's our job to do the work of good policy and stop playing the victim and that's part of why we have these rules to not do that anymore and to try to change our discourse. So, you know, I could have -- I -- not me, but there are a lot of your new colleagues who could have come in thumping their chests after what happened in August but they didn't. They came in with open arms and willingness to meet and talk. And work together. They could have shoved, you know, and they

didn't. They came in humble and willing to learn and wanting to work together and with the opportunity to serve. That's where we're at. And it's late. I'll end it there. Thanks.

>> Councilmember Griswold.

>> I want to thank my colleagues for supporting DC-4. A resolution in violation to Gelman. I think this is very, very important work and, again, I think that when you're in jail or 25,000 dollars per day in fines may send a clear message to Gelman that we are serious about taking action and we value clean water in this community.

Thank you. Further communication from council? You know I guess I'll say this, you know, it is true that we have -- people using profanity much more freely -- this meeting and if I recollect correctly the prior meeting and the reason for that is I think because the body reacted when, you know, when a public commenter used profanity. They reacted in a way that was -- aggressive and in a way which I think we could reasonably have been construed as chilling. The fact is, you know, I think these profanity is unnecessary and hinders a speaker's ability to be influential but I also think that it's communicative. I also think that it is -- it doesn't really matter what I think. The fact is that profanity intertwined with political speech per the ACLU is fundamentally protected under the First Amendment. In the context of a public comment at a local government meeting. So my advice, in order to diminish the use of profanity is to stop feeding it. Is to stop getting mad about it. Deal with it with equanimity. It'll never reduce. That's my belief. I don't think it does anybody any good. Right now it's a matter of, you know, right now I think it's a contest.

But -- that -- folks on council who are upset about it now they're not going to win because the First Amendment's on the side of the speaker. And so just let it ride for a little bit. Turn the other cheek. And move on. Further discussion? Mr. Postema, are we left today with a closed session of the open meetings act?

>> Not at this hour, mayor. Also I have no comment under attorney communication. I was skipped over but I take no offense but I have no communication.

>> That is -- well thank you for correcting me. Motion to adjourn, please. Moved. Discussion? All in favor? Opposed? We're adjourned.