

City of Ann Arbor

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



Action Minutes

Monday, April 2, 2018

7:00 PM

Larcom City Hall, 301 E Huron St, Second floor, City Council
Chambers

City Council

CALL TO ORDER

Mayor Taylor called the meeting of the Ann Arbor City Council to order at 7:00 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron Street.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

Mayor Taylor led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: 10 - Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl, Councilmember Kirk Westphal, Councilmember Zachary Ackerman, Councilmember Chip Smith and Councilmember Anne Bannister

Absent: 1 - Councilmember Jane Lumm

APPROVAL OF AGENDA

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Agenda be approved with the following changes:

Move Closed Session before DC-1.

Move DB-1 before Closed Session.

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

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard S. Lazarus submitted the following reports for information of Council:

AC-1 [18-0515](#) Winter 2018 Deer Management Program - Year Two Summary Report - March 19, 2018

Attachments: 180319 City Administrator's Update - Final.pdf

Received and Filed

AC-2 [18-0530](#) Memorandum from City Administrator: Chapter 120 (Solicitation of

Immigrant Status) Annual Report - March 26, 2018

Attachments: 180326- Chapter 120 Report on Violation Complaints.pdf

Received and Filed

AC-3 [18-0566](#) City Administrator's Report - April 2, 2018

Attachments: 180402 City Administrator's Update - Final.pdf

Received and Filed

AC-4 [18-0567](#) Agenda Response Memo and eComments - April 2, 2018

Attachments: Agenda Responses 4-2-18.pdf, eComments 4-2-18.pdf

Received and Filed

INT INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

*** (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

*** ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

1. Hadil Ghoneim - National Arab American Heritage Month

Hadil Ghoneim, 805 Sycamore Place, addressed Council regarding National Arab American Heritage Month.

2. Kathy Griswold - Streetlights and Crosswalks

Kathy Griswold, 3565 Foxhunt Drive, addressed Council regarding streetlights and crosswalks and expressed concern about crosswalks near schools that remain unlighted.

3. Jonah Copi - Art Fair Zoning Compliance Permits

Jonah Copi, 225 Briarcrest #206, addressed Council regarding Art Fair Zoning Compliance Permits and urged Council to reconsider the changes being proposed on April 16 that will adversely affect business owners.

4. Lefiest Galimore - Police Task Force

Lefiest Galimore, 3139 Plymouth, addressed Council regarding the Police Task Force membership, stating he remains concerned about how the members were selected and the racial make-up of the group.

5. Lisa Abrams - Deer Management Program (AC-1)

Lisa Abrams, 2745 Ember Way, addressed Council regarding the Deer Management Program. She urged Council to focus on fixing potholes, not on a deer cull.

6. Eric Lipson - Y-Lot (DC-1)

Eric Lipson, 1318 Rosewood, thanked the City Council for hiring Mr. Lazarus as City Administrator. He also addressed Council regarding the Y Lot buyback resolution. Mr. Lipson also suggested a "Victor's Walk" on campus to support funding for pedestrian safety.

7. David Silkworth - Resolution regarding 350 South Fifth (DC-1)

David Silkworth, Ward Five, spoke about the re-acquisition of the Y Lot, stating many residents have concerns about the budget impact of this purchase.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER BANNISTER

Councilmember Bannister announced that she would miss the Work Session on Monday, April 9.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski spoke about last year's blood drive, "Blood Battle" challenge with the County. He stated since the City won the competition, they have chosen the community service event for the County Commissioners on April 28, from 12-2pm, for rain garden maintenance at West Park. He stated Councilmembers are also encouraged to attend. RSVP to Adopt-A-Park@a2gov.org. The public welcome as well.

MC COMMUNICATIONS FROM THE MAYOR

None.

CA CONSENT AGENDA

Passed on consent agenda

A motion was made by Councilmember Krapohl, seconded by Councilmember Smith, that the following Consent Agenda Items be approved as presented. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement of CA-3 and CA-13.

CA-1 [18-0523](#) Resolution to Approve Street Closings for the Dexter-Ann Arbor Run on Sunday, June 3, 2018

Attachments: Dexter - Ann Arbor Run Map 2017

Enactment No: R-18-103

CA-2 [18-0524](#) Resolution to Close Streets for the Ann Arbor Goddess 5K to Benefit Michigan Ovarian Cancer Alliance on Sunday, May 13, 2018

Attachments: Ann Arbor Goddess 5K Map

Enactment No: R-18-104

CA-3 [18-0521](#) Resolution to Accept Conveyance of Land for Public Park at North Sky West Condominium from Pulte Homes of Michigan, LLC (**8 Votes Required**)

Attachments: North Sky Park Donation Map.pdf

Enactment No: R-18-105

CA-4 [18-0382](#) Resolution to Approve a Service Contract with Northwest Pools, Inc. for On-Call Pool Mechanical Services at the City Pools for an Amount Not to Exceed \$75,000.00 Annually for FY18 - FY20, with a Two-Year Renewal Option Not to Exceed \$75,000.00 Annually for FY20 - FY22

Attachments: RFP 18-05 Parks Pool Mechanical services jdl.pdf, Northwest Pools PSA ext.pdf, Northwest Pools PSA ext.docx

Enactment No: R-18-106

CA-5 [18-0373](#) Resolution to Approve an Increase to the Purchase Order to Detroit Salt Company for Additional Ice-Control Salt (\$42,932.00)

Attachments: Seasonal Salt Backup.pdf

Enactment No: R-18-107

- CA-6** [18-0376](#) Resolution to Approve Amendment #1 to the City's Contract with Tex Hahn Media, Inc. ("Tex Hahn") for the Public Outreach and Marketing Plan for Utilities (the "Contract") (\$23,165.00)
- Attachments:** HPC Proposal_AA Water Rates Comm.pdf, Hahn Contract.pdf, A2 Rates Budget Phase I.pdf, TexHahnCommunciations_Amendment1.pdf

Enactment No: R-18-108

- CA-7** [18-0242](#) Resolution to Award a Construction Contract ("Contract") to Doan Construction Co. ("Doan") (Bid No. 4522) for the 2018 Ramp and Sidewalk Repair Project ("Project") (\$1,057,320.54)
- Attachments:** Sidewalk Repair Program 2018 Map.pdf, ITB 4522 Doan 2018 Ramp and Sidewalk Repair Project.pdf, ITB 4522 Bid Tabulation.pdf

Enactment No: R-18-109

- CA-8** [18-0263](#) Resolution to Award a Construction Contract ("Contract") to CLI Concrete Leveling Inc. ("CLI") (Bid No. 4523) for the 2018 Ramp and Sidewalk Repair Project ("Project") (\$66,500.00)
- Attachments:** Sidewalk Leveling Program 2018 Map.pdf, ITB 4523 Bid Tabulation.pdf, ITB 4523 CLI 2018 Sidewalk Leveling Project2.pdf

Enactment No: R-18-110

- CA-9** [18-0325](#) Resolution No. 2 - Federal Commerce Green Sidewalk Gap Project - Sidewalk Special Assessment
- Attachments:** Sidewalk Assessment Maps-Federal Commerce Green.pdf, Federal Commerce Green Special Assessments.pdf

Enactment No: R-18-111

- CA-10** [18-0370](#) Resolution to Submit a Funding Application under the Local Bridge Program to Perform Preventative Maintenance on the E. Medical Center Drive Bridge over the Wolverine Line
- Attachments:** 2018 LBP Complete Funding Application - 180228.pdf

Enactment No: R-18-112

- CA-11** [18-0362](#) Resolution to Award a Construction Contract to RedZone Robotics Inc. for the Northside Interceptor Condition Assessment Project

(\$381,824.50, Bid No. ITB-4521)

Attachments: ITB 4521 Bid Tab, ITB 4521 Contract, ITB 4521 Plans

Enactment No: R-18-113

- CA-12** [18-0437](#) Resolution to Authorize a Sole Source Purchase Order to CineMassive Displays, LLC. in the Amount of \$55,891.00 for a Traffic Center Video Wall Controller

Enactment No: R-18-114

- CA-13** [18-0425](#) Resolution to Appropriate the Downtown Development Authority's Contribution to the Liberty Street and Kerrytown Market Street Lighting Replacement Project (\$150,038.00) **(8 Votes Required)**

Attachments: DDA Kerrytown Liberty Cost Sharing Agreement Signed.pdf

Enactment No: R-18-115

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1** [18-0182](#) An Ordinance to Amend Chapter 55 (Zoning), Zoning of 10.44 Acres from TWP (Township District) to PL (Public Land), 1200 and 1400 Chalmers Drive (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-18-05)

Attachments: 18-05 200 & 1400 Chalmers Rezoning Ordinance Briefed and Approved.pdf, 18-05 200 & 1400 Chalmers Rezoning Ordinance Briefed.pdf, Braun Park Zoning Council Ordinance.pdf, Braun Park A & Z Staff Report with Attachments.pdf, 18-05 200 & 1400 Chalmers Rezoning Ordinance Approval Notice.pdf

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 10.44 acres from TWP (Township District) to PL (Public Land), located at 1200 and 1400 Chalmers Drive. Notice of public hearing was published March 12, 2018.

There being no one present for comment, the Mayor declared the hearing closed.

Held and Closed

Enactment No: ORD-18-05

A APPROVAL OF COUNCIL MINUTES

- A-1** [18-0540](#) Work and Special Session of March 12 and Regular Session Meeting Minutes of March 19, 2018
- Attachments:** 03-12-18 Special Session Minutes.pdf, 03-12-18 Work Session Minutes.pdf, 03-19-18 Draft Minutes.pdf, Council Emails 3-19-2108.pdf

A motion was made by Councilmember Ackerman, seconded by Councilmember Westphal, that the Minutes of the Work and Special Session of March 12 and Regular Session Meeting Minutes of March 19, 2018 be approved. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

- B-1** [18-0182](#) An Ordinance to Amend Chapter 55 (Zoning), Zoning of 10.44 Acres from TWP (Township District) to PL (Public Land), 1200 and 1400 Chalmers Drive (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-18-05)
- Attachments:** 18-05 200 & 1400 Chalmers Rezoning Ordinance Briefed and Approved.pdf, 18-05 200 & 1400 Chalmers Rezoning Ordinance Briefed.pdf, Braun Park Zoning Council Ordinance.pdf, Braun Park A & Z Staff Report with Attachments.pdf, 18-05 200 & 1400 Chalmers Rezoning Ordinance Approval Notice.pdf

(The complete copy of the text of Ordinance No. ORD-18-05 is on file in the City Clerk's Office.)

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-18-05

C ORDINANCES - FIRST READING

C New Business - Staff:

- C-1** [18-0377](#) An Ordinance to Amend Sections 5:1 and 5:10.4 of Chapter 55 (Zoning) of the Code of the City of Ann Arbor to Modify the Definition of Fraternity or Sorority House and Amend Corresponding Special Exception Use Standards (Ordinance No. ORD-18-06)
- Attachments:** 18-06 Fraternity Special Exception Ordinance Briefed.pdf, Fraternity Special Exception Ordinance.pdf, Memorandum to CPC - 8-11 .pdf, Planning Commission Minutes August 15, 2017.pdf, Letter of Opposition from Stephen Bernstein.pdf

(The complete copy of the text of Ordinance No. ORD-18-06 is on file in the City Clerk's Office.)

A motion was made by Councilmember Ackerman, seconded by Councilmember Westphal, that the Ordinance be approved on First Reading to the City Council and should be returned by 5/7/2018. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-18-06

C-2 [18-0451](#)

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 4.52 Acres from PL (Public Land District) to R1A Single-Family Dwelling District), 2301 Highland Road Rezoning, 2301 Highland Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-18-07)

Attachments: 2301 Highland Rezoning Ordinance.pdf, 2301 Highland Rezoning Staff Report with Attachments 022718

(The complete copy of the text of Ordinance No. ORD-18-07 is on file in the City Clerk's Office.)

A motion was made by Councilmember Westphal, seconded by Councilmember Ackerman, that the Ordinance be approved on First Reading to the City Council and should be returned by 5/7/2018. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-18-07

D **MOTIONS AND RESOLUTIONS**

DB-1 [18-0456](#)

Resolution to Approve Participation Agreement with Ann Arbor Township and Appropriate Funds Not to Exceed \$315,500.00 from the Open Space and Parkland Preservation Millage for Purchase of Development Rights on Stiles-Kaldjian Property (**8 Votes Required**)

Attachments: Stiles and Kaldjian Aerial Map v2.pdf, Stiles and Kaldjian Protected Map v2.pdf

A motion was made by Councilmember Grand, seconded by Councilmember Westphal, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-18-116

DC **New Business - Council:**

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

A motion was made by Councilmember Grand, seconded by Councilmember Krapohl, that Council enter into Closed Session under the Michigan Open Meetings Act, MCLA 15.268 (E) and (H) to discuss pending litigation and attorney/client privileged communication. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned in Closed Session at 7:32 p.m.:

Yeas: 10 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister

Nays: 0

Absent: 1 - Councilmember Lumm

MEETING RECONVENED

A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 8:31 p.m.

DC-1 [18-0552](#) Resolution to Amend the Budget and Appropriate Funds Not to exceed \$4,200,000.00 from the General Fund Balance to Effect the City's Ownership of 350 South Fifth Avenue **(\$4,200,000.00) (8 Votes Required)**

Sponsors: Taylor

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Resolution be approved.

A motion was made by Councilmember Eaton, seconded by Councilmember Bannister, that the Resolution be postponed to the City Council, due back on 4/16/2018. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 4 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton and Councilmember Bannister

Nays: 6 - Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Absent: 1 - Councilmember Lumm

The question being, a motion made by Councilmember Ackerman, seconded by Councilmember Grand, that the Resolution be approved, on a roll call, the vote was as follows with the Mayor declaring the motion defeated without eight votes:

Yeas: 6 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Ackerman and Councilmember Smith

Nays: 4 - Councilmember Kailasapathy, Councilmember Eaton, Councilmember Westphal and Councilmember Bannister

Absent: 1 - Councilmember Lumm

RECESS

The Mayor declared a recess at 9:18 p.m. and reconvened the meeting in Open Session at 9:23 p.m.

[18-0552](#)

Resolution to Amend the Budget and Appropriate Funds Not to exceed \$4,200,000.00 from the General Fund Balance to Effect the City's Ownership of 350 South Fifth Avenue **(\$4,200,000.00) (8 Votes Required)**

Sponsors: Taylor

Councilmember Westphal noted that he would like to reconsider the resolution for the purpose of postponing to a meeting that includes a full complement of Council.

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

Yeas: 10 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister

Nays: 0

Absent: 1 - Councilmember Lumm

A motion was made by Councilmember Westphal, seconded by Councilmember Eaton, that the Resolution be postponed to the next meeting. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 10 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister

Nays: 0

Absent: 1 - Councilmember Lumm

DC-2 [18-0554](#) Resolution Authorizing Notice and Issuance of General Obligation Bonds
- 350 South Fifth Avenue (**6 Votes Roll Call**)

Sponsors: Taylor

Attachments: 350 South Fifth Bond Resolution EXT.pdf

A motion was made by Councilmember Krapohl, seconded by Councilmember Smith, that the Resolution be approved.

A motion was made by Councilmember Smith, seconded by Councilmember Warpehoski, that the Resolution be postponed until the next meeting. On a voice vote, the Mayor declared the motion carried.

DB New Business - Boards and Commissions:

None.

DS New Business - Staff:

None.

E COMMUNICATIONS FROM THE CITY ATTORNEY

None.

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

F The following communications were referred as indicated:

None.

G The following minutes were received for filing:

Passed on consent agenda

A motion was made by Councilmember Grand, seconded by Councilmember Ackerman, that the Clerk's Report of Communications, Petitions and Referrals be approved as presented. On a voice vote, the Mayor declared the motion carried.

- G-1** [17-1963](#) Historic District Commission Meeting Minutes of October 12, 2017
Attachments: 10-12-2017 HDC Meeting Minutes.pdf
- Approved**
- G-2** [18-0454](#) Downtown Development Authority Board and Executive, Finance, Operations and Capital Improvements Committees meeting minutes from February 2018
Attachments: DDA Minutes February 2018
- G-3** [18-0455](#) Downtown Area Citizens Advisory Council Meeting Minutes for March 6, 2018
Attachments: CAC Minutes March 6 2018
- G-4** [18-0471](#) Employees' Retirement System Board Meeting Minutes of February 15, 2018
Attachments: B February 15, 2018 Minutes.pdf
- G-5** [18-0472](#) Retiree Health Care Benefit Plan & Trust Board Meeting Minutes of February 15, 2018
Attachments: B February 15, 2018 Minutes.pdf
- G-6** [18-0510](#) Ann Arbor Housing Commission January 17, 2018 Board Minutes
Attachments: AAHC Board minutes 1.17.2018.pdf

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Ed Vielmetti, Ward 4, spoke about the history of the Y Lot property.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER ACKERMAN

Councilmember Ackerman addressed Council's vote on DC-1. He stated a no-vote to buying back the property is giving the decision-making authority over the property to the developer. He stated constituents should be asking questions about this decision and the relationship some members have with the developer.

COUNCILMEMBER BANNISTER

Councilmember Bannister addressed Councilmember Ackerman's comments about campaign contributions, stating she received one contribution from Mr. Dahlman, which she returned uncashed.

ADJOURNMENT

A motion was made by Councilmember Grand, seconded by Councilmember Warpehoski, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:32 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, APRIL 2, 2018 @ 7:00 P.M.

REPLAYS: WEDNESDAY, APRIL 4, 2018 @ 8:00 A.M. AND FRIDAY, APRIL 6, 2018 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

CTN's Government Channel live televised public meetings can be viewed in a variety of ways:

Live Web streaming or Video on Demand: <https://a2ctn.viebit.com>

Cable: Comcast Cable channel 16 or AT&T UVerse Channel 99

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

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

Requests made with less than two business days' notice may not be able to be accommodated.

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

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary