

City of Ann Arbor

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



Action Minutes

Tuesday, February 21, 2017

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 7:04 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: 11 - Councilmember Jane Lumm, 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 Jason Frenzel

APPROVAL OF AGENDA

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

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

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

AC-1 17-0244 Memo from City Administrator - Enforcement of Prevailing Wage Requirements - February 14, 2017

Attachments: 170214 - Certified Payroll Requirements Final.pdf

Received and Filed

AC-2 17-0285 Agenda Response Memo - February 21, 2017

Attachments: Agenda Responses 2-21-17.pdf

Received and Filed

INT INTRODUCTIONS**INT-1 17-0251 Proclamation for February Volunteer of the Month-Habitat for Humanity**

Attachments: Habitat for Humanity Proc. Vol. of mo. 2017

Mayor Taylor presented a proclamation to the University of Michigan Chapter of Habitat for Humanity for their work with the City's Give 365 program. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

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

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

1. Jane Klingsten - Environment and Water

Jane Klingsten, Ward Two, spoke about the impacts to water and to the environment as a result of the Toll Brothers Nixon Farm development. She urged the City to protect the City's wetlands and not to rely on the DEQ for protection.

2. Jessica Prozinski - Solicitation of Immigrant Status Ordinance (C-1)

Jessica Prozinski, 446 Larkspur, spoke about C-1, Solicitation of Immigrant Status Ordinance, urging City Council to take more action to protect immigrants, than what is proposed in this ordinance. Ms. Prozinski expressed concern with the exceptions called out in the proposed ordinance for public safety officers.

3. Laticia Valdez - Solicitation of Immigrant Status Ordinance (C-1)

Laticia Valdez, resident of Ann Arbor, spoke about C-1 and urged Council to support the proposed ordinance. She suggested strengthening the ordinance with more defined protections for undocumented residents in Ann Arbor.

4. Keysha Wall - Solicitation of Immigrant Status Ordinance (C-1)

Keysha Wall, Organizer for Stop Trump Ann Arbor, spoke about C-1. Ms. Wall expressed concern about the limitations of the ordinance and urged Council to remove the language allowing public safety officers to ask about immigration status.

5. Alexandra Shultz - Solicitation of Immigrant Status Ordinance (C-1)

Alexandra Shultz spoke in support of a strong ordinance protecting undocumented residents and urged Council to do more.

6. Leslie Stambaugh - Hillard Heintze Contract and the Solicitation of Immigrant Status Ordinance (CA-14 & C-1)

Leslie Stambaugh, Chair of the Human Rights Commission, spoke in support of CA-14, the contract with Hillard Heintze for an independent analysis of the Ann Arbor Police Department, stating the Human Rights Commission has worked on this issue for over two years. Ms. Stambaugh stated this vendor was supported unanimously by the Human Rights Commission.

7. Dwight Wilson - Professional Services Agreement with Hillard Heintze (CA-14)

Dwight Wilson, Human Rights Commissioner, spoke in support of CA-14, stating he worked on the sub-committee that studied this issue and the actions of the Ann Arbor Police Department. He stated Ann Arbor's policy should be a Human Rights model for other communities.

8. Kathy Griswold - RRFB on Fuller Road at the Crosswalk at Huron High & Entrance to Gallop Park (DC-4)

Kathy Griswold, Ward Two, spoke about the Huron High School crosswalk where a student was killed last Fall. She spoke in support of DC-4, which would improve the Huron High/Fuller Road crosswalk with an RRFB on Fuller Road and a pedestrian refuge island. She urged Council to approve this resolution and make the improvements to this crosswalk.

9. Alissa Beveridge - RRFB at Fuller Road Crosswalk (DC-4)

Alissa Beveridge, 2651 Geddes, A2 Safe Transport, urged Council to make the improvements to the Huron High crosswalk, including the installation of a new RRFB and a narrowed road.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER EATON

Councilmember Eaton announced that he represents City Council on the Ann Arbor Schools Transportation Safety Committee. This group met on February 7 and updates were provided regarding the Schools' grant applications for Safe Routes to School at Huron High and Northside Elementary.

Councilmember Eaton also reported on a neighborhood meeting regarding the proposed Circle K site plan. The developer is hosting this meeting at Morgan and York on Packard Road at 6:30 p.m. on Wednesday, February 22.

COUNCILMEMBER LUMM

Councilmember Lumm stated a public meeting regarding the Arlington Boulevard street resurfacing project will be held at Tappan Middle School on March 1 between 7 and 8:30 p.m.

COUNCILMEMBER GRAND

Councilmember Grand updated Council on the newly created Student Advisory Committee. She stated all members have been appointed and a first meeting will be scheduled soon.

COUNCILMEMBER SMITH

Councilmember Smith updated the public regarding the sinkhole at Seventh and Willow across from West Park. He stated this is due to a sanitary sewer main break and will be repaired in the next few days.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski addressed recent attacks on immigrant populations as well as the Muslim community. Councilmember Warpehoski stated the Muslim community is hosting an Open House on Sunday, March 19 from 4:30 to 8:30 p.m. at their mosque on 2301 Plymouth Road. He stated families are welcome and the public may observe the prayers and ask questions.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy addressed the community's interest in sanctuary city status, stating while the City has to act quickly in response to decisions made at the federal level, there are other considerations as well, including the risk to those who are receiving federal housing dollars.

COUNCILMEMBER ACKERMAN

Councilmember Ackerman spoke about item CA-13, the Resolution to Approve Amendment 1 to the City/DDA Parking Agreement. He stated this amendment will bring an additional \$600,000 to the City's General Fund.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 17-0176 Appointments - Confirmations

Attachments: Colleen Crawley app. 2017

Mayor Taylor requested confirmation of the following appointment that was presented to Council for consideration at the February 6, 2017 Regular Session:

Ann Arbor Public Art Commission

Colleen Crawley-Filling Partial Term

Designer

1331 Culver Road

Ann Arbor, MI 48103

Term: May 31, 2017

A motion was made by Councilmember Lumm, seconded by Councilmember Smith, that the Appointment be approved. On a voice vote, the Mayor declared the motion carried.

MC-2 17-0252 Resolution to Appoint Alexandra Cacciari to the Public Market Advisory Commission (7 Votes Required)

Attachments: Alexandra Cacciari application 2017

Mayor Taylor presented the following resolution to nominate a member to the Public Market Advisory Commission for approval at a later date:

Public Market Advisory Commission

Alexandra Cacciari-Filling remaining term of Jill Lada (Resigned)

Daily Vendor-Produce

2150 Warren Rd.

Ann Arbor, MI 48105

Term: Ending May 31, 2018

Referred to the City Council due back on 3/6/2017

CA CONSENT AGENDA

Passed on consent agenda

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

- CA-1 17-0182** Resolution to Approve Street Closings for Fool Moon - Friday, April 7, 2017
Attachments: Fool Moon Map.pdf

Enactment No: R-17-038
- CA-2 17-0183** Resolution to Approve Street Closings for FestiFools Parade - Sunday, April 9, 2017
Attachments: FestiFools Map

Enactment No: R-17-039
- CA-3 17-0184** Resolution to Approve Street Closings for the 2017 Take Back the Night (Rally and March) - Thursday, April 6, 2017
Attachments: Take Back The Night Map

Enactment No: R-17-040
- CA-4 17-0185** Resolution to Approve Street Closure of North University Street between Thayer and Fletcher Streets for MUSIC Matters SpringFest on Friday,

April 14, 2017

Attachments: Spring Fest Map.pdf

Enactment No: R-17-041

CA-5 17-0186 Resolution to Approve the Closing of Maynard Street for the Rock the District Special Event on Saturday, April 22, 2017 from 12:00 Noon until Midnight

Attachments: Rock the District Map

Enactment No: R-17-042

CA-6 17-0187 Resolution to Approve Street Closing for the 5th Annual Ann Arbor Cinco de Mayo Party on Friday, May 5 to Saturday, May 6, 2017

Attachments: Cinco de Mayo Map.pdf

Enactment No: R-17-043

CA-7 17-0188 Resolution to Close Streets for the 17th Annual Mayor's Green Fair, Friday, June 9, 2017

Attachments: Mayor's Green Fair Map.pdf

Enactment No: R-17-044

CA-8 17-0127 Resolution to Approve a Service Contract with the Domestic Violence Project, Inc., a.k.a. SafeHouse Center, for Confidential Victim Support Services (\$115,875.00)

Attachments: D15-DomesticViolenceProjectContract

Enactment No: R-17-045

CA-9 17-0136 Resolution to Approve the Purchase of the Cireson Business Management Solution Software and Professional Consulting Services (\$81,125.00), and Appropriate the Necessary Funds **(8 Votes Required)**

Attachments: Software Quote AnnArbor_BMS_Cireson (2-28-17), Best Source Justification, C-D-Ann Arbor -SM01 v1_1, C-D-Ann Arbor-AM01 [2 Week Quick Start] v1_1, C-D-Ann Arbor-APS01 v1_1, C-D-Ann Arbor-APS02 v1_1

Enactment No: R-17-046

- CA-10 17-0105** Resolution to Approve a Professional Services Agreement with NTH Consultants, Ltd. for the Barton Dam Piezometer Installation and Slope Stability Analysis Project \$ 189,400.00 and Appropriate \$20,000.00 from General Fund, Fund Balance **(8 Votes Required)**

Attachments: PSA_Barton Piezometers_NTH_20170117

Enactment No: R-17-047

- CA-11 17-0058** Resolution to Approve Amendment No. 1 to a Professional Services Agreement with Fishbeck, Thompson, Carr & Huber (\$16,591.23) for the Nichols Arboretum Sewer and Siphon Rehabilitation

Attachments: ftch - psa amendment no i - 170109.pdf, resolution to approve psa with ftc&h - passed 160620.pdf

Enactment No: R-17-048

- CA-12 17-0112** Resolution to Approve Wage Increase for School Crossing Guards and Appropriate the Necessary Funds (\$12,913.00) **(8 Votes Required)**

Enactment No: R-17-049

- CA-13 17-0205** Resolution to Approve Amendment No. 1 to the City/DDA Parking Agreement

Attachments: RES 20% FY2018, City DDA Parking Agreement, City DDA Parking Agreement Amendment 1 021417

Enactment No: R-17-050

- CA-14 17-0210** Resolution to Approve a Professional Services Agreement with Hillard Heintze, LLC (NTE \$200,000.00) and Appropriate Necessary Funds (\$150,000.00) for Independent Analysis of Ann Arbor Police Department Community Engagement Practices **(8 Votes Required)**

Attachments: Hillard Heintze Updated Response to Ann Arbor RFP 2-10-17.pdf, Draft Meeting Minutes - February 8 2017.pdf, 161101 - Responses to Audit Draft RFP Feedback.pdf, RFP_990_Addendum1.pdf, RFP_990_Document.pdf

Enactment No: R-17-051

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

None.

A APPROVAL OF COUNCIL MINUTES

A-1 17-0196 Work Session of January 9, 2017 and Regular Session Meeting Minutes of February 6, 2017

Attachments: 01-09-17 Draft Minutes.pdf, 02-06-17 Draft Minutes.pdf, Council Emails 2-6-2017_Redacted.pdf

A motion was made by Councilmember Ackerman, seconded by Councilmember Krapohl, that the Minutes of the Work Session of January 9, 2017 and the Regular Session Meeting Minutes of February 9, 2017 be approved as presented. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

None.

C ORDINANCES - FIRST READING

C-1 17-0257 An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter Which New Chapter Shall be Designated as Chapter 120 (Solicitation of Immigrant Status) of Title IX of Said Code

Sponsors: Eaton, Kailasapathy, Taylor and Warpehoski

Attachments: Chapter 120 Solicitation of Immigrant Status

A motion was made by Councilmember Eaton, supported by Councilmember Warpehoski, that the Ordinance be approved at First Reading.

A motion was made by Councilmember Eaton, seconded by Councilmember Kailasapathy, that the Ordinance be postponed at First Reading to the City Council and should be returned by 3/6/2017. On a voice vote, the Mayor declared the motion carried.

D MOTIONS AND RESOLUTIONS**DC New Business - Council:**

DC-1 17-0189 Resolution to Withdraw Objection to Renewal of Class C Liquor License and Permits Held by A2MI Old Carolina Barbeque Company, LLC (d/b/a Old Carolina Barbeque Company)(Business ID. No. 235153)(Liquor License No. 234843-2016), SAE Young Corporation (d/b/a Nagomi Sushi and Noodles)(Business ID No. 235045) (Liquor License No. 235762-2016) and 5Z Restaurants Ann Arbor, LLC (d/b/a BurgerFi) (Business ID No. 232181)(Liquor License No. 23085-2016) and Approve the Application for Renewal for the 2017-2018 License Year

Sponsors: Council Liquor License Review Committee and Lumm

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

Enactment No: R-17-052

DC-2 17-0223 Resolution Recognizing Orchard Hills Athletic Club as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Sponsors: Westphal and Lumm

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

Enactment No: R-17-053

DC-3 17-0255 Resolution to Amend the 2017 Council Calendar

Sponsors: Lumm

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

Enactment No: R-17-054

DC-4 17-0258 Resolution to Install Rectangular Rapid Flashing Beacon (RRFB) on

Fuller Road at the Crosswalk at Huron High School and the Entrance to Gallup Park (\$50,000.00)

Sponsors: Lumm, Eaton, Westphal and Smith

Friendly Amendment by Warpehoski, supported by Smith:

RESOLVED, that City Council directs the City Administrator to purchase and install an [RRFB] A CROSSING BEACON SUCH AS AN RRFB, HAWK, OR RED RECTANGULAR RAPID FLASHING BEACON on Fuller Road at the Crosswalk at Huron High School and the entrance to Gallup Park as soon as possible and practical; and

RESOLVED, That City Council approves \$50,000.00 for this purpose with funding from either the Alternative Transportation Fund balance; [or] the General Fund balance; THE STREET, BRIDGE AND SIDEWALK MILLAGE; OR THE WASHTENAW COUNTY MILLAGE, at the City Administrator's discretion.

[Brackets] indicate deleted language. ALL CAPS indicate new language.

A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that the Resolution be approved as amended. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-17-055

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:

Passed on consent agenda

A motion was made by Councilmember Krapohl, 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.

F-1 **17-0230** Ann Arbor SPARK Semi-Annual Report: City of Ann Arbor July 1, 2016 - December 31, 2016

Attachments: SPARK Semi-Annual Report July - Dec 2016.pdf

G The following minutes were received for filing:

G-1 **16-1002** Housing Board of Appeals Minutes for June 14, 2016

Attachments: HBA June final 2016.pdf

G-2 **16-1281** Building Board of Appeals Board Meeting Minutes of August 11, 2016

Attachments: BBA Final August 2016.pdf

G-3 **16-1320** Housing Board of Appeals Meeting Minutes for July 12, 2016

Attachments: HBA JULY 2016 Final Minutes.pdf

G-4 **16-1360** Airport Advisory Committee Minutes - July 20, 2016

Attachments: AAC Minutes 072016, AAC Minutes 072016a.pdf

G-5 **16-1382** Environmental Commission Meeting Minutes August 2016

Attachments: Formal Environmental Commission Minutes 25-AUG-2016

G-6 **16-1433** Housing Board of Appeals Meeting minutes of September 2016

Attachments: BBA September Minutes Final 2016.pdf

G-7 **16-1539** Housing Board of Appeals Meeting Minutes of October 11, 2016

Attachments: HBA October final minutes 2016.pdf

- G-8** **16-1701** Building Board of Appeals Minutes November 10, 2016
Attachments: BBA November Final Minutes 2016.pdf
- G-9** **16-1751** Zoning Board of Appeals Minutes of August 24, 2016
Attachments: 8-24-2016 ZBA Minutes with Live Links.pdf
- G-10** **16-1752** Zoning Board of Appeals Minutes of September 28, 2016
Attachments: 9-28-2016 ZBA Minutes with Live Links.pdf
- G-11** **16-1800** Building Board of Appeals Meeting December 8, 2016
Attachments: BBA December 2016 Minutes Final.pdf
- G-12** **16-1802** Housing Board of Appeals December 13, 2016
Attachments: HBA December 2016 Final Minutes.pdf
- G-13** **17-0056** Environmental Commission Minutes of July 28, 2016
Attachments: Formal Minutes of 7-28-16 Environmental Commission
- G-14** **17-0075** Environmental Commission Minutes of December 1, 2016
Attachments: Formal Minutes 12-1-2016
- G-15** **17-0079** Airport Advisory Committee Minutes - November 16, 2016
Attachments: AAC Minutes 111616
- G-16** **17-0130** Council Liquor License Review Committee Meeting Minutes of January 6, 2017
Attachments: 2017-01-06 liquor committee minutes.pdf

- G-17** **17-0139** Cable Communications Commission Meeting Minutes of August 3, 2016
Attachments: CCCMinutesAug32016
- G-18** **17-0151** Human Rights Commission Meeting Minutes, November 2016
Attachments: Final November Minutes HRC
- G-19** **17-0152** Human Rights Commission Meeting Minutes, December 2016
Attachments: Final December 2016 Minutes
- G-20** **17-0153** Elizabeth Dean Fund Committee Meeting Minutes November 8, 2016
Attachments: DFCMeetingMinutes_110816.pdf
- G-21** **17-0158** Cable Communications Commission Meeting Minutes of November 2, 2016
Attachments: CCCMinutesNov22016
- G-22** **17-0162** Downtown Development Authority Board and Executive, Partnerships, Finance, Operations, and Capital Improvements Committees Meeting Minutes from January 2017
Attachments: DDA Minutes January 2017
- G-23** **17-0166** Downtown Area Citizens Advisory Council Meeting Minutes for January 31, 2017
Attachments: Downtown Area Citizens Advisory Council Meeting Minutes 013117
- G-24** **17-0209** Council Policy Agenda Committee Meeting Minutes
Attachments: 17.24.01 Council Policy Agenda Committee minutes

G-25 **17-0247** Taxicab Board Meeting Minutes of November 17, 2016

Attachments: 111716 Taxicab Board Minutes.pdf

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Ed Vielmetti, 1210 Brooklyn, spoke about the Clerk's Report items, stating that minutes continue to be submitted to Council many months after the original board or commission meeting date.

Jane Klingsten, 3347 Elsinore, spoke about ADA issues and accessibility to public meetings and local government. She expressed concern about some of the programs used on the City's website, including Trakit and Legistar.

David Silkworth, Ward 5 resident, spoke about the upcoming Library Lot sale to CORE Spaces. He expressed his opposition to the proposal due to the large number of petition signatures submitted by voters to place this issue on the ballot. He stated the voters should decide and he urged Council to place this issue on the ballot.

Stephanie Preston, A2 Safe Transport, thanked Council for passing the resolution to fund an RRFB on Fuller Road at Huron High School.

Kathy Griswold, Ward Two, thanked Council, staff and City Administrator Howard Lazarus for their support of the resolution to fund an RRFB. She thanked Mr. Lazarus for his support of best engineering practices with regard to pedestrian safety.

Sara Rosenthal spoke in support of the proposal discussed tonight to strengthen the language in the Solicitation of Immigrant Status Ordinance. She urged Council to support human rights and work out the funding concerns.

Steve Carter, Ward 5, spoke about Ordinance C-1, stating Ann Arbor is wealthy and federal funding shouldn't be an issue when making this decision.

Jim Mogensen spoke about C-1, urging Council to support a strong ordinance. He talked about the funding issues.

COMMUNICATIONS FROM COUNCIL

None.

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).

None.

ADJOURNMENT

A motion was made by Councilmember Westphal, seconded by Councilmember Ackerman, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:48 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: TUESDAY, FEBRUARY 21, 2017 @ 7:00 P.M.

REPLAYS: WEDNESDAY FEBRUARY 22, 2017 @ 8:00 A.M. AND FRIDAY, FEBRUARY 24, 2017 @ 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