# **City of Ann Arbor**

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



# **Meeting Minutes - Draft**

Monday, January 4, 2021

7:00 PM

This meeting will be broadcast live on CTN Cable Channel 16, ATT Channel 99, and online at a2gov.org/watchCTN

To speak at public comment call: 877 853 5247 or 888 788 0099

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Council meets in Caucus at 6:00 p.m. on the Sunday prior to each Regular Session.

## **CALL TO ORDER**

Mayor Christopher Taylor called the electronic meeting of the Ann Arbor City Council to order at 7:00 p.m. in accordance with current State and County health orders.

#### **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 - Mayor Christopher Taylor, Councilmember Julie Grand,

Councilmember Jeff Hayner, Councilmember Kathy

Griswold, Councilmember Elizabeth Nelson,

Councilmember Ali Ramlawi, Councilmember Erica Briggs, Councilmember Lisa Disch, Councilmember Linh Song, Councilmember Jen Eyer and Councilmember Travis

Radina

## APPROVAL OF AGENDA

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

#### AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Tom Crawford, City Administrator, introduced City Attorney Stephen Postema to make an announcement.

Mr. Postema announced to City Council and the public that he intends to retire from the City of Ann Arbor in the year 2022. Mr. Postema stated his plans to retire are due to personal family needs. He thanked Council for the opportunity to serve them for so many years.

Mr. Crawford presented the following written reports for the information of Council:

AC-1 21-0023 City Administrator's Report - January 4, 2021

Received and Filed

AC-2 21-0026 Agenda Response Memo and eComments - January 4, 2021

Received and Filed

## INT INTRODUCTIONS

INT-1 20-1995 Independent Community Police Oversight Commission (ICPOC) Monthly Update

Lisa Jackson, Chair of the Independent Community Police Oversight Commission, gave an update on the Commission's work.

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. Blaine Coleman - We are Against Military Aid to Israel

Blaine Coleman, resident, spoke about his efforts over the last twenty years to encourage City Council to boycott Israel.

## 2. Mozhgan Savabieasfahani - We are Against Military Aid to Israel

Mozhgan Savabieasfahani, resident, spoke about her decades long advocacy for Palestine, urging City Council to boycott Israel.

#### CC COMMUNICATIONS FROM COUNCIL

#### COUNCILMEMBER SONG

Councilmember Song spoke about an upcoming hearing at the County regarding public housing. She urged the public to take a countywide survey regarding housing needs. The survey can be located at Washtenaw.org/oced

#### COUNCILMEMBER GRISWOLD

Councilmember Griswold updated Council on her work with Councilmember Eyer regarding proposed changes to the Council Rules.

Councilmember Griswold thanked the new members of Council for attending Caucus on Sunday evening. She urged all to attend.

Councilmember Griswold acknowledged the remarks from Dr. Lisa Jackson, chair of the Independent Community Police Oversight Commission.

She also spoke about the issues regarding crosswalk lighting. She urged staff to make this a priority.

#### COUNCILMEMBER RADINA

Councilmember Radina stated there will be a virtual happy hour to introduce the City's new LQBTQ liaison to the community.

## COUNCILMEMBER RAMLAWI

Councilmember Ramlawi addressed the retirement news from City Attorney Postema. He also thanked new councilmembers for their attendance at Caucus.

#### MC COMMUNICATIONS FROM THE MAYOR

## MC-1 20-1914 Nominations and Appointments

Mayor Taylor requested confirmation of the following appointments that were presented to Council at the December 21 Regular Session:

Downtown Development Authority Jonathan Massey Downtown Resident 505 E. Huron St. Ann Arbor, MI 48104 Term: Ending May 31, 2023

Employees' Retirement System Board of Trustees Jordan Schreier -Reappointment 2260 Tilsby Ct. Ann Arbor, MI 48103 Term: Ending December 31, 2023

A motion was made by Councilmember Grand, seconded by Councilmember Briggs, that the Appointments be approved. On a voice vote, the Mayor declared the motion carried.

#### CA CONSENT AGENDA

#### **CONSENT AGENDA ITEMS REMOVED**

With unanimous consent of Council, the following Consent Agenda items were removed from the Consent Agenda and placed at the end of same:

CA-11 Resolution to Approve Memorandum of Understanding (MOU) between the City of Ann Arbor and the University of Michigan for the Hubbard Road/Huron Parkway Stormwater Outlet Repair Project (\$210,000.00)

## Passed on consent agenda

A motion was made by Councilmember Briggs, seconded by Councilmember Ramlawi, 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-4, CA-5 and CA-9.

## CA-1 20-1798 Enactment No: R-21-001

**Approved** 

Resolution to Approve an Agreement with Washtenaw County on Behalf of Its Sheriff's Office to Provide Drug Abuse Screening Services to Sobriety Court, Veterans Treatment Court, and Mental Health Court Participants (\$39,899.00)

### CA-2 20-1799 Enactment No: R-21-002

**Approved** 

Resolution to Approve an Agreement with Dawn, Inc., d/b/a Dawn Farm, to Provide Drug Abuse Counseling and Rehabilitative Services to Sobriety Court, Veterans Treatment Court, and Mental Health Court Participants (\$106,375.00)

## CA-3 20-1800 Enactment No: R-21-003

Approved

Resolution to Approve an Agreement with Washtenaw County Community Mental Health to provide Mental Health Treatment Services to Sobriety Court and Mental Health Court Participants (\$84,705.00)

## CA-4 20-1915 Enactment No: R-21-004

**Approved** 

Resolution to Release an Easement (Liber 4701, Page 884) and Accept Replacement Water Main and Sanitary Sewer Easements at Blue Heron Pond of Ann Arbor Condominium from NDC - Blue Heron Pond, LLC (8 Votes Required)

#### CA-5 20-1771 Enactment No: R-21-005

**Approved** 

Resolution to Approve a Construction Contract with Z Contractors, Inc. for the City of Ann Arbor Bridge Capital Preventative Maintenance Repair Project (\$1,042,460.77) (ITB 4647) and Appropriate \$233,569.00 from the Street, Bridge & Sidewalk Millage Fund to the Existing Major Street Bridge Capital Preventative Maintenance Repair Project (8 Votes Required)

## CA-6 20-1772 Enactment No: R-21-006

**Approved** 

Resolution to Approve a Professional Services Agreement with WSP Michigan Inc. for Construction Inspection Services (\$158,379.92) for the Bridge Capital Preventative Maintenance Repair Project (RFP 20-32)

#### CA-7 20-1802 Enactment No: R-21-007

**Approved** 

Resolution to Approve Construction Contract Change Order No. 2 with RAM Construction Services of Michigan, Inc. for the Water Treatment Plant 2018

Architectural and Structural Repairs Project - ITB No. 4553 (\$746,275.00)

CA-8 20-1853 Enactment No: R-21-008

Approved

Resolution to Approve an Increase to the Purchase Order with Morton Salt, Inc. for Early Fill Supply Ice Control Salt (\$18.93) for a Total Not to Exceed Amount of \$61,168.93

CA-9 20-1865 Enactment No: R-21-009

**Approved** 

Resolution to Appropriate Funds from the Sewage Disposal System Fund Balance to the FY21 Sewage Disposal System Operating and Maintenance Budget (\$900,000.00) for Sewer Inspection and Cleaning (8 Votes Required)

CA-10 20-1946 Enactment No: R-21-010

Approved

Resolution to Ratify an Emergency Purchase Order Increase Request to Bell Equipment for Solid Waste Truck Rental (\$66,090.95)

CA-11 20-1782 Enactment No: R-21-011

**Approved** 

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

Resolution to Approve Memorandum of Understanding (MOU) between the City of Ann Arbor and the University of Michigan for the Hubbard Road/Huron Parkway Stormwater Outlet Repair Project (\$210,000.00)

## PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 20-1625 An Ordinance to Amend Chapter 55 (Unified Development Code) Zoning 26 City-Initiated Annexed Properties to RIC and R1D (Single Family Dwelling District) (CPC Recommendation: Approval 8 Yeas and 0 Nays) (ORD-20-31) (8 Votes Required)

A public hearing was conducted on the proposed amendment to Chapter 55, (Unified Development Code), Zoning 26 City-Initiated Annexed Properties to RIC and R1D (Single Family Dwelling District). Notice of public hearing was published December 17, 2020.

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

**Held and Closed** 

PH-2 20-1629 An Ordinance to Add Sections 5.14.2 And 5.27 And Amend Sections 5.18.4, 5.18.6.D, 5.23.4, 5.29.1, 5.29.3.F, 5.29.8.C, 5.29.12.D, 5.37.2.B, 5.37.2.C, 5.37.2.F, 5.37.2.L, 5.37.2.N, 5.37.2.M, And 5.37.2.S of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Floodplain Management Overlay District and Regulations)

## **Sponsors:** Taylor

A public hearing was conducted on the proposed amendment to Chapter 55, (Unified Development Code), of Title V of the Code of the City of Ann Arbor (Floodplain Management Overlay District and Regulations). Notice of public hearing was published December 17, 2020.

January 4, 2021

There being no one present for comment, the Mayor declared the motion carried.

**Held and Closed** 

## A APPROVAL OF COUNCIL MINUTES

**A-1 21-0005** Work Session of December 14, Special Session of December 16 and Regular Session Meeting Minutes of December 21, 2020

A motion was made by Councilmember Eyer, seconded by Councilmember Nelson, that the Work Session of December 14, Special Session of December 16 and Regular Session Meeting Minutes of December 21, 2020 be approved as presented. On a voice vote, the Mayor declared the motion carried.

#### B ORDINANCES - SECOND READING

B-1 20-1625 An Ordinance to Amend Chapter 55 (Unified Development Code) Zoning 26 City-Initiated Annexed Properties to RIC and R1D (Single Family Dwelling District) (CPC Recommendation: Approval 8 Yeas and 0 Nays) (ORD-20-31) (8 Votes Required)

A motion was made by Councilmember Disch, seconded by Councilmember Briggs, that the Ordinance be adopted at Second Reading.

Councilmember Grand moved the following amendment, supported by Councilmember Briggs:

Add New Section 3:

Section 3: That if a valid zoning protest petition is filed and verified by the City in regards to any of the properties proposed for rezoning, and if this ordinance does not receive at least eight affirmative votes of City Council, then the rezoning will fail only as to those specific properties subject to the protest, and the rezoning of those properties will be removed from publication of the ordinance and the denial of the rezoning of those properties will be noted by the Clerk in the final record of the action by the Council.

The motion was considered friendly by the Body.

#### **Amended**

The question being, the motion made by Councilmember Disch, seconded by Councilmember Briggs, that the Ordinance be adopted as amended on Second Reading. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

**B-2** 20-1629 An Ordinance to Add Sections 5.14.2 And 5.27 And Amend Sections 5.18.4, 5.18.6.D, 5.23.4, 5.29.1, 5.29.3.F, 5.29.8.C, 5.29.12.D, 5.37.2.B, 5.37.2.C, 5.37.2.F, 5.37.2.L, 5.37.2.N, 5.37.2.M, And 5.37.2.S of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Floodplain Management Overlay District and Regulations)

**Sponsors:** Taylor

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

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

#### DC New Business - Council:

Purchase Order with Axon Enterprise, Inc for FY21 In-Car Equipment
Project Fund (\$69,848.00 in FY21) for Axon Fleet Dashboard Cameras,
Evidence.com Cloud Storage and Wi-Fi Offload Hardware Used in all Police

Patrol Vehicles and related six-year quote (\$348,308.00 Total)

**Sponsors:** Song

A motion was made by Councilmember Song, seconded by Councilmember Radina, that the reconsideration of the December 21, 2020 vote to approve R-20-466, Resolution to Approve a Purchase Order with Axon Enterprise, Inc for FY21 In-Car Equipment Project Fund (\$69,848.00 in FY21) for Axon Fleet Dashboard Cameras, Evidence.com Cloud Storage and Wi-Fi Offload Hardware Used in all Police Patrol Vehicles and related six-year quote, be approved. Ms. Song voted on the prevailing side of the original motion, which was to approve the Resolution.

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

20-1795 Enactment No: R-20-466 Approved

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

Resolution to Approve a Purchase Order with Axon Enterprise, Inc for FY21 In-Car Equipment Project Fund (\$69,848.00 in FY21) for Axon Fleet Dashboard Cameras, Evidence.com Cloud Storage and Wi-Fi Offload Hardware Used in all Police Patrol Vehicles and related six-year quote (\$348,308.00 Total)

#### DC-2 20-1841 Enactment No:

**Deleted from Agenda** 

**Sponsors:** Taylor **Deleted from Agenda** 

Resolution to Approve the City of Ann Arbor Membership in the Washtenaw Regional Resource Management Authority (WRRMA)

This item was deleted from the agenda.

## DC-3 21-0022 Enactment No:

**Sponsors:** Griswold

A motion was made by Councilmember Griswold, seconded by Councilmember Hayner, to Reconsider the December 21, 2020 vote to approve an Ordinance to Amend Section 2:63 of Chapter 29 (Water Rates) of Title II of the Code of the City of Ann Arbor (ORD-20-32), having voted on the prevailing side, which was to approve the Ordinance.

Motion to Reconsider the Vote to Approve ORD-20-32, an Ordinance to Amend Section 2:63 of Chapter 29 (Water Rates) of Title II of the Code of the City of Ann Arbor

## 21-0022 Enactment No:

Lay on the table

A motion was made by Councilmember Griswold, seconded by Councilmember Ramlawi, that the Motion to Reconsider be tabled. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas:

11 - Mayor Taylor, Councilmember Grand, Councilmember Hayner, Councilmember Griswold, Councilmember Nelson, Councilmember Ramlawi, Councilmember Briggs, Councilmember Disch, Councilmember Song, Councilmember Eyer and Councilmember Radina

Nays: 0

Motion to Reconsider the Vote to Approve ORD-20-32, an Ordinance to Amend Section 2:63 of Chapter 29 (Water Rates) of Title II of the Code of the City of Ann Arbor

#### **DB** New Business - Boards and Commissions:

Resolution to Approve the Distribution of the Draft Plan, Ann Arbor Moving Together Towards Vision Zero - City of Ann Arbor Comprehensive Transportation Plan (CPC Recommendation: Approved - 6 Ayes and 0 Nays)

#### DS New Business - Staff:

#### E COMMUNICATIONS FROM THE CITY ATTORNEY

Mr. Postema provided written remarks regarding his retirement announcement.

Mayor and Council:

In 2016, I assured the City Council that I would stay in my position as City Attorney until at least July 2020 and also to provide at least one year notice before resigning or retiring from the position. This was to assure the Council, first, that I would complete a crucial succession planning process for the Office. In specific, over this time I have replaced 5 positions, with 5 attorneys retiring or leaving that had an average of 37 years legal experience and an average of over 16 years of experience with the City. Three of these current replacements were made in 2017, one in 2019, and one in 2020.

Because of the importance of succession planning, I also promised at least a year notice on my own plans so that the City Council could plan accordingly. While some wondered whether I would retire in July 2020, relating back to the date made in my earlier promise. I clarified last March in my public statements, I would not be completing my succession planning until the end of 2020. The pandemic arrived, the Council was going to undertake a hiring process for a new City Administrator, and I had not yet finished succession planning, so I did not contemplate providing retirement notice for any time in the near future.

However, circumstances have changed recently and I am now providing the City Council with notice of my intent to retire from the position of City Attorney at some point in the year 2022. The exact date is not specific and I will work with the Council Administration Committee on this further. This timing allows the City Council to do a careful plan of succession for my position. In 2022, I will have served the City in this position for nineteen years. And it has been an honor to do so.

So there is no confusion about my reason for leaving at this time, my intent is to achieve a more flexible work schedule that allows me to spend more time with family. More specifically, my wife was diagnosed recently with cancer and has been fighting this battle with the excellent care team of the UofM Hospital. We have had to address shorter and longer term implications of her condition and it is clear that I will need to cut back my work commitments in the longer term to address this situation.

This time frame also allows time for the City Council to gain its bearing this coming year before undertaking a search process. Further, it allows me time to work with the new City Administrator as he charts a course for the City with the City Council. Finally, the City Attorney's office has many excellent attorneys and staff and this time will further allow them to all work together on behalf of the City before any change is made in this position.

I applied for the position eighteen years ago last week. My cover letter included the following introductory sentence: "I would be proud to represent the City of Ann Arbor as its City Attorney." That sentiment remains.

As the City Council moves into 2021, which will have many challenges, I hope that the City Council moves forward in a manner that will frame governance in a positive way so as encourage many attorneys to step forward and consider this position and opportunity for public service.

I look forward to working with the City Council in this New Year in the important task of taking care of the City.

Sincerely,

Stephen K. Postema

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

## Passed on consent agenda

A motion was made by Councilmember Nelson, seconded by Councilmember Disch, 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 The following communications were referred as indicated:

F-1	20-2020	Communication from Michigan Department of Environment, Great Lakes, and Energy (EGLE) regarding National Pollutant Discharge Elimination Systems (NPDES): Permit No. MIG760039 - Ann Arbor WWTP - Public Services - Sustainability
F-2	20-2022	Communication from Michigan Department of Environment, Great Lakes, and Energy (EGLE) regarding National Pollutant Discharge Elimination Systems (NPDES): Permit No. MIG760045 - Ann Arbor WWTP - Public Services - Sustainability
G The following minutes were received for filing:		
G-1	20-1507	August 13, 2020, Historic District Commission Meeting Minutes
G-2	20-1508	September 10, 2020, Historic District Commission Meeting Minutes
G-3	20-1593	Minutes of the September 15, 2020 PAC Meeting
G-4	20-1870	Ann Arbor Public Art Commission Meeting Minutes - October 2020
G-5	20-1991	Council Administration Committee Minutes - November 4, 2020
G-6	20-2029	Employees' Retirement System Board Meeting Minutes of November 19, 2020
G-7	20-2031	Retiree Health Care Benefit Plan & Trust Board of Trustees' Board Meeting Minutes of November 19, 2020
G-8	21-0001	Council Policy Agenda Committee meeting minutes for September 22, 2020

## **PUBLIC COMMENT - GENERAL (3 MINUTES EACH)**

Michele Hughes, resident, spoke about sidewalk shoveling and urged City Council to make it a priority, stating the work should be done by the City to ensure consistency and the ability for residents to safely travel.

Zachary Storey, resident, urged Councilmember Hayner to resign from City Council.

Jamie Magiera, Ward 3, spoke about non-violent communication and best practices for respectful dialogue.

Ralph McKee, Ward 5, spoke about his concerns with the ongoing short-term rental housing debate.

Joe Spaulding, of Oakland CA, spoke about the First Amendment and free speech.

#### **COMMUNICATIONS FROM COUNCIL**

#### COUNCILMEMBER HAYNER

Councilmember Hayner addressed public commentary that utilized profane language. He urged the Rules Committee to look at appropriate regulations for comments.

#### COUNCILMEMBER RAMLAWI

Councilmember Ramlawi also asked for a review of Council Rules, stating he often doesn't feel comfortable in Council meetings due to pressures regarding meeting length.

#### COUNCILMEMBER NELSON

Councilmember Nelson stated she would like a resolution to be brought forward requesting clarification of the rules surrounding free speech and public commentary.

Councilmember Nelson stated there are also renewed talks regarding the use of University housing vacancies for homeless shelter. She stated these conversations have continued with student activists.

#### COUNCILMEMBER EYER

Councilmember Eyer thanked Michele Hughes for her comments regarding sidewalks and stated she will be looking into this issue.

#### COUNCILMEMBER GRISWOLD

Councilmember Griswold also discussed sidewalk clearing; she acknowledged a recent postcard sent by staff to City residents.

### COUNCILMEMBER GRAND

Councilmember Grand concurred with other comments that a

conversation is needed about free speech and public comment. She stated the profanity used tonight in its context was not particularly offensive.

#### COUNCILMEMBER BRIGGS

Councilmember Briggs addressed the comments regarding free speech, and noted that it is a privilege to sit at the table as a Councilmember. She stated being a Council Member sometimes means hearing unpleasant remarks.

## COUNCILMEMBER SONG

Councilmember Song noted she is new to the Housing and Human Services Advisory Board and she would be attending her first meeting next week.

## COUNCILMEMBER DISCH

Councilmember Disch encouraged Council to listen to each other.

#### COUNCILMEMBER RADINA

Councilmember Radina addressed concerns about meeting efficiency, stating it was never his attempt to silence voices. He stated he is looking for ways to make routine business more efficient and transparent.

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 Song, seconded by Councilmember Briggs, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:37 p.m.

## COMMUNITY TELEVISION NETWORK (CTN) COMCAST CHANNEL 16, AT&T CHANNEL 99:

LIVE: MONDAY, JANUARY 4, 2021 @ 7:00 P.M. REPLAY: FRIDAY, JANUARY 8, 2021 @ 8:00 P.M.

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

Videos are also available for a nominal fee by contacting CTN at (734) 794-6150.

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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 made available upon request.