

ROUGHLY EDITED TRANSCRIPT

CITY OF ANN ARBOR  
CITY COUNCIL MEETING  
MARCH 15, 2021  
6:30 P.M.

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>> Mayor Taylor: Welcome to the March 15<sup>th</sup> meeting of the Ann Arbor city council.

If you are able, please rise for a moment of silence, followed by the Pledge of Allegiance.

>> I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: One nation under God, indivisible, with liberty and justice for all.

>> Mayor Taylor: Would our clerk please call the roll of council?

>> Clerk Beaudry: Councilmember Hayner.

>> Councilmember Hayner: Here.

>> Clerk Beaudry: Councilmember Disch.

>> Councilmember Disch: Here.

>> Clerk Beaudry: Councilmember Griswold.

>> Councilmember Griswold: Here.

>> Clerk Beaudry: Councilmember Song.

>> Councilmember Song: Here.

>> Clerk Beaudry: Councilmember Grand.

>> Councilmember Grand: Here.

>> Clerk Beaudry: Councilmember Radina.

>> Councilmember Radina: Here.

>> Clerk Beaudry: Mayor Taylor.  
>> Mayor Taylor: Here.  
>> Clerk Beaudry: Councilmember Eyer.  
>> Councilmember Eyer: Here.  
>> Clerk Beaudry: Councilmember Nelson.  
>> Councilmember Nelson: Here.  
>> Clerk Beaudry: Councilmember Briggs.  
>> Councilmember Briggs:  
Here.  
>> Clerk Beaudry: Councilmember Ramlawi.  
[ Silence ]  
Councilmember Ramlawi?  
>> Councilmember Ramlawi: Here.  
>> Clerk Beaudry: We have a quorum.  
>> Mayor Taylor: May have a motion to approve the agenda?  
>> Councilmember Griswold: I would like to move DC-4 to directly after INT-1.  
>> Mayor Taylor: Is there a second?  
Seconded by Councilmember Nelson S. that friendly to the body?  
Thank you very much.  
Further discussion of the agenda as amended.  
All in favor?  
Opposed?  
The agenda is approved.  
Do we have communications today from our city administrator?  
Was that is a no Mr. Crawford?  
>> City Admin. Crawford: That is a no.  
>> Mayor Taylor: It's our collective loss.  
Our first introduction with respect to the proclamation of Ruth Bader Ginsburg day.  
Under normal circumstances, of course, we will occasionally have folks that come -- community members that come and ask for various days to be proclaimed and those are often read at the council table with members of the public who have initiated them coming forward to speak through a little bit of miscommunication, which in all likelihood occurred on my end, that is not happening today.  
It's my delight and pleasure to read a proclamation with respect to Ruth Bader Ginsburg day and thank community members, mountain community members who have come forward and communicated to me about its importance and their encouragement that we do so.  
And so bearing that in mind, I would like to read a proclamation with respect to Ruth Bader Ginsburg day.  
Whereas Ruth Bader Ginsburg was a feminist role model, LGBTQI rights and women's equal pay rights and affirmative action and whereas Bader Ginsburg began her legal training in Harvard in 1956 in one of nine women in a class of 500.

After encountering gender discrimination and being denied her continued pursuit of her law degree at Harvard, she went to Columbia.

She served on the Harvard law review and Columbia law review.

She tied for first in her class.

Whereas Bader Ginsburg found it difficult to find employment as a lawyer, due to a women.

She served on the women's rights project for the A.C.L. U.

She was a professor at law of Rutgers and became the first tenured faculty member at Columbia law school in 1972.

She was seated to the D.C. circuit court of appeals by Jimmy Carter and nominated to the associate justice of the Supreme Court by Bill Clinton and served until her death in 2020.

She nursed her husband through cancer and continuing to serve on the Supreme Court all while undergoing her own battle with cancer.

Whereas the notorious RBG was known, and was an inspiring pop icon.

She was first Jewish woman serving on the United States Supreme Court.

Her personal strength, legal expertise and dedication to the rule of law will be greatly missed.

Now therefore I, Christopher Taylor, mayor of Ann Arbor do hereby declare Ruth Bader Ginsburg day in Ann Arbor.

RBG day.

[ Inaudible ]

DC-4, Resolution to Acknowledge and Commend Daniel Bicknell for Longstanding Public Service to Identify and Protect Residents of Ann Arbor from Exposure to Harmful Chemicals in Ann Arbor Freshwater Sources.

Moved by Griswold and seconded by Disch.

>> City Admin. Crawford: Mayor, we have a council question on this item.

I believe there was going to be a comment at the beginning.

>> Mayor Taylor: My earnest.

>> City Atty. Postema: No, there is no council question on this.

I think the council question had to do with something related to the EPA F.A.Q.s and the litigation, but it's not -- it's not related to this issue.

I already talked to Councilmember Griswold.

Thank you.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: Thank you.

Yes.

I apologize for that confusion.

There were some questions and then just some comments and for the viewing audience, we have a new process where in addition to agenda questions that are due by the Wednesday prior to our meeting, we also have an opportunity if questions come up over the weekend, or say, at caucus last night, as they did, to submit those questions to staff, and have them answered prior not agenda item.

So I just want to say thank you to staff again.

I think this is -- is going to work out really well, as soon as I get some of the kinks

out of my way of asking questions.

Back to the resolution, dc4, I have become a personal friend of Dan Bicknell's and I consider him a trusted advisor on matters regarding Gelman and the EPA. Many of you may remember that Dan Bicknell discovered 1, 4, dioxane when he was a University of Michigan student.

He's continued to work in the area of water cleanup.

His whole career.

And he is active in card and in other roles supporting the community in ours to address 1, 4, dioxane plume.

>> Mayor Taylor: Councilmember Hayner?

>> Councilmember Hayner: Thanks, Mr. Mayor.

Yes, I think it's -- I think it's great that environmental commission has brought this forward for us to recognize Mr. Bicknell and the work he's done over the decades, really on the Gelman plume issue specifically.

And I guess the only thing I would add is, you know, it's very well written and it speaks to the facts and his knowledge and we really have been able to -- he's freely shared his knowledge and experience with us over the years about this issue, and I think that's terrific.

He's been a great citizen advocate for it.

And I guess the only thing I would add to this is at some point, I think I would want to bring the same forward for citizen advocate Roger rail.

He and Dan worked on this together hand in hand for many years now.

I think it's right to recognize Dan tonight and I think we'll be -- I hope to do the same for Roger in the future.

Thanks for putting this forward through the environmental commission and I think it's -- it's nice that the environmental commission understands where we are at with this, and -- and that they are, you know, chiming in on what we need to do and in this case what we need to do is listen to some experts on this.

His much appreciated his expertise and the free sharing of it.

So thank you for this.

Thank you, Mr. Bicknell.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: I just want to mention that Dan Bicknell is on the phone and is available to speak at the pleasure of council.

I would also like to mention that this recognition was recommended by John Mersky from the energy commission and the resolution was written by Rita Mitchell who is I the vice chair of the environmental commission.

So it really was a group effort.

And would council allow Dan Bicknell to speak, either now or after we vote?

>> Mayor Taylor: Now probably makes -- now probably makes the best sense since we'll be -- after the vote we move on.

>> Councilmember Griswold: Okay.

>> Mayor Taylor: Mr. Bicknell?

>> If Mr. Bicknell can raise his hand.

I'm not seeing him.

>> Councilmember Griswold: There he is.

>> Mayor Taylor: Star nine.

>> Good evening.

I want to thank you all very much for the kind words and recognition, and it's really been my honor to work with the local citizens here and the elected officials to obtain a proper Gelman site cleanup, protected with public health and the environment.

This has been a big project and a very big team effort.

So I want to thank everyone for their participation as well.

Thank you very much.

>> Mayor Taylor: Well, thank you.

Further discussion?

All in favor?

All opposed?

It is approved and it is unanimous.

Had we now come to public comment reserve time.

Public comment reserve time is an opportunity for members of the public to speak to council and the community about matters of municipal interest.

To speak at public comment reserve time, one need to have signed up in advance by contacting our city clerk.

Speakers may -- oh, I lost my -- my ologies -- my apologies.

To speak at public comment reserve time, enter the number on your screen 877-853-5247.

877-853-5247.

Once you are connected please enter meeting I.D.94212732148.

94212732148.

Having been connected, please enter star nine to indicate that you wish to speak.

When it is your turn to speak, our clerk will identify you by the last three digits of your telephone number, thereby letting you know it is time to speak.

Please pay close attention to the time.

Our clerk will notify you when 30 seconds are remaining and when your time has expired.

When your time has expired, please conclude your remarks and cede the floor.

Our first speaker today is Frances Todoro.

>> Clerk Beaudry: Caller with the phone number ending in 579.

>> Hi, my name is Frances Todoro, I'm here as the vice chair of the independent community police oversight commission regarding item DC-3.

Member of the police oversight commission have and continue to discuss the use of unarmed responders such as social workers to mental health crisis calls.

Currently, we have had incidents where only Ann Arbor police officers are responding to such calls with the assistance of Huron valley ambulance.

While we understand that there are times when police officers are needed at these calls, we are interested in a wider discussion.

Commissioners are happy to see the money earmarked in DC-3 will allow the city administrator to work with various groups to find the solution that best fits the city

of Ann Arbor.

There are many programs around the country that we can learn from.

On several occasions members of the commission have -- several occasions, members of the commission have discussed the cahoots program.

The alternative discussed may create new programs or build on existing programs.

Either way, the money allocation that we will have with the approval of DC-3 will ensure that all groups involved, whether uniform or civilian are properly staffed and trained to respond safely to a crisis incident.

The independent police oversight commission looks forward to being one of the groups that will have the opportunity to work with the city administrator on future programs and policies.

Thank you.

>> Mayor Taylor: Thank you.

Our next speaker is Glenn Nelson.

>> Clerk Beaudry: Mr. Nelson, phone number 733?

You can go ahead and give your comment.

>> I strongly support the resolution in DC-3, committing the marijuana rebate.

The body of the resolution states the rationale very well.

So I will not repeat this material.

I will add that improved services to at-risk use are particularly important.

We should improve our ability to provide professional mental health assessments and to guide youth to needed therapy and other medical services, and especially diverse at-risk youth from the juvenile justice system to the healthcare system.

Now is a particularly important time for councilmembers to support better mental health services.

Our city has once again opted out of the federal mental health parity and addiction equity act.

The purpose of this act is to prevent health plans from discriminating against those needing mental health or substance use disorder benefits.

By opting out our city is reserving the right to discriminate against employees needing mental health or substance use disorder benefits relative to those needing other medical services.

This decision enshrined an unethical position in policy.

Mental health parity is widely accepted as a right.

Our senior senator, Debbie Stabenow is national recognized as a fierce and effective advocate for parity.

We should be joining her rather than rejecting her position.

In addition, the decision to opt out hurts our reputation among those we would like to respect us.

Jurisdictions known as progressive typically do not opt out.

For example, no jurisdiction in Massachusetts or Minnesota will opt out.

Jurisdictions that are considered more conservative are more commonly in the opt out category.

For example, many jurisdictions in Texas and Utah opt out.

>> Clerk Beaudry: 30 seconds.  
>> I urge you to do two things.  
First, pass the resolution in DC-3.  
This is the right thing to do.  
It reflects our values in Ann Arbor.  
Second, in the near future, introduce a resolution instructing the city administrator to stop opting out of the mental health parity act, as soon as possible.  
Thank you.  
>> Mayor Taylor: Thank you.  
Our next speaker is Ariaah Schugat.  
>> Mr. Schugat, phone number ending in 145.  
You can speak.  
Phone number 145.  
>> My name is Ariaah Schugat.  
I'm calling on behalf of DC-3.  
I want to say that I'm very much behind this.  
This is a good thing that the city is working towards.  
My only real concern in that it is kind of vague on where the money -- [ No audio ]  
>> Mayor Taylor: Ms. Schugat, if you can hear, we seem to have lost the connection.  
>> Councilmember Hayner: It's showing muted again.  
>> Clerk Beaudry: Caller 145, if you can press star six to unmute your phone.  
>> I think it's a good idea.  
It's too vague on where the money is going.  
So I figured I would offer up a few suggestions.  
Hawk or the shelter association of Washtenaw County, I think it would do good.  
They are understaffed and underfunded.  
And especially during COVID, it can put their weeks behind.  
I also think it could just go to, you know, the Delonis center itself.  
Get bus tokens out there.  
That would help the members.  
If we lift then up, we can lift everyone else up with them.  
So I think if we focus on spending the money on the most vulnerable members or having something done so we can expunge the records of nonviolent drug charges.  
It's a good thing.  
I'm glad the city is doing it.  
Thank you, Mr. Ramlawi coming prepared.  
I listened to you speak last night and I was very impressed by the way you spoke very clearly and, you know, showed that you understood what was being proposed.  
I thank you for that.  
Everyone, have a good night.  
>> Mayor Taylor: Thank you.  
Our next speaker is Trische Duckworth.

>> Clerk Beaudry: Ms. Duckworth, phone number ending in 075, you can go ahead and speak.

Caller with the phone number 075, do you have a comment?

Caller 075, do you have a comment?

>> Yes, I do.

Can you hear me?

>> Mayor Taylor: Yes, we can.

>> Okay.

Thank you.

Good evening.

I wanted to start by thanking the council American who sponsored DC-3.

We understand the atrocities committed against African Americans and we see many folks who criminalizes the black and brown folks and so we honor you all for even drafting up this resolution and it is our hope and we stand in strong support of it and ask for just one small adjustment to be made.

That when it comes to where this money is disbursed and because it does recognize what happens to African Americans could there be a consultant who is an African American that can work with the city on disbursement of this funding? When it comes to African Americans, we often have decisions made for us without us.

And so it is an honor to have something like this to be proposed, but it would even be a greater honor for us to be a part of the process of disbursing the funds. We thank you all for that.

We are looking to continue to amplify the voice of racial equity and social and racial justice and we think this is a great step towards that.

I Sen over a proposal this morning -- I Sen over a proposal in regard no having you Mayor Taylor and the city councilmembers to look at having Juneteenth as a legally observed holiday in the city of Ann Arbor.

Again, we want to look at the history of African Americans and how we helped to build this country and how there still is a lock lack -- lack of honor for our contributions.

I believe that small steps like this are a way to not only recognize, acknowledge, but also empower and educate the broader community about some of our contributions as well and to have a celebration, but also, again, make it a legal holiday.

We believe that this is something that will be, again, another great step and I believe that it's something that you all here at the table can accomplish and we would strongly, you know, ask if that would be a possibility and thank you all for considering the possibility of doing something like that, and for the drafting of DC-3.

I yield the rest of my time.

>> Clerk Beaudry: 30 seconds.

>> Thank you.

>> Mayor Taylor: Thank you.

Our next speaker is Michelle Hughes.



>> Clerk Beaudry: Michelle Hughes, phone number 677, do you have a comment?

>> Hi.

This is Michelle Hughes.

I'm talking about transgender day visibility.

In 1999, I saw a speech by Lincolnway, who is a U of M who created VLSI techniques.

She talked about being a trans woman and I came home from that speech and I was like, wait, you can do that?

And I came home and started talking to all of my friends saying I was going to be transitioning.

It occurs to me that transitioning is scary and dangerous.

I went back into denial for 20 years.

Finally in 2019, transitioning felt a lot less scary and I immediately stopped feeling depressed.

No one should ever feel afraid to be themselves.

The decision to live authentically should not be a scary one.

It should be comfortable.

The at the can do two things to help.

One is to raise awareness of transgender visible.

This is something that's normal and positive.

This resolution does that.

Of course, anyone can do that.

But the thing that only the city can do to make trans people safer is to change the laws and policies.

Ann Arbor's nondiscrimination ordinance protects trans people, along with many other categories, but not enough people know about it, or know what to do if they are being discriminated against.

Even if people figure out what to do, which is contact the human rights commission, they will find -- they will find that the commission is staffed by volunteers.

We need a phone number, staffed by a professional civil rights attorney.

We need to publish this far and wide.

There should be a sign at every place of business.

The problem is not theoretically.

I know someone who was fired for being trans in 2018.

I know someone else who quit a job in 2019.

Just last week, I had a trans friend be denied.

The city should make it easy.

There's other things the city can do.

Trans people are overred in sex work.

They are excluded from traditional sex work.

The city's own ordinance criminalize sex work, strikes them down.

Then instruct the police and enforce the state laws against sex work is the lowest priority just like you did with mushrooms.

Trans people are over represented among housing insecure people.

>> Clerk Beaudry: 30 seconds.

>> Trans people are targeted for harassment and abuse by the place.

To support trans people, defund the police.

Spend that money on unarmed responders and affordable housing.

Don't just tell trans people we're welcomed, but make it so.

Thank you.

>> Mayor Taylor: Thank you.

Our next speaker, Blaine Coleman.

>> Clerk Beaudry: Mr. Coleman, phone number ending in 941, do you have a comment?

Mr. Coleman, if you press star six, you should be able to unmute your phone.

>> My name is Blaine Coleman and I'm here to speak for the seven word resolution which says "we are against military aid to Israel."

Now, you hear a lot of posturing from the mayor and from councilmembers about how they claim that they really don't like racism.

They claim that they really don't like human rights violations.

And here they are, up until this moment, throwing all of their weight against the simple resolution that says "we are against military aid to Israel."

Michelle Hughes just spoke about the need to make trans people safe.

Of course, trans people should be safe.

Of course, people should be safe in who they are, but if you actually believe that -- if you actually believe that, you would be pushing very hard for the resolution against military aid to Israel, because -- because Palestinians are not safe.

Palestinians are physically, extremely unsafe because Israel keeps massacring Palestinians.

Palestinians in the United States, in Ann Arbor, on liberty street are unsafe because their family and loved ones in Palestine are in real danger of being killed by the Israeli military.

Tell me if 1,034 people were petitioning you for anything -- for anything at all, you would scrum.

To have a public hearing.

Would you jump to have a public hearing and a vote.

Guess what, 1,034 people are petitioning you, the Ann Arbor city council to approve this resolution against military aid to Israel.

Simply to express your view that we should not be giving \$38 billion in military aid to Israel.

Israel, a country that has massacred so many thousands of Palestinians.

Israel, a country that's using all of its might to prevent Palestinians from even getting a COVID vaccine.

>> Clerk Beaudry: 30 seconds.

>> Do you really want to give Israel \$38 billion to keep killing Palestinians and to keep them from getting COVID vaccines?

I certainly hope this is a no-brainer.

You really have to vote for the resolution against military aid to Israel.  
If you want to pretend to be against racism, vote for the resolution.

>> Clerk Beaudry: Time.

>> Hello.

>> Mayor Taylor: Thank you.

Our next speaker is Mozhgan Savabieasfahani.

>> Can you hear me?

>> Mayor Taylor: Yes, we can.

We can hear you.

>> Hello?

If you didn't know better, you would listen to Mr. Taylor or mayor, you would think he actually cares about human rights.

You would think he actually cares about all of these good things he went on and on about.

But he really doesn't.

He has sat for years and watched Palestinians get brutalized and murdered, killed in daylight, and he has but every effort in silencing any resolution against Israel.

He pretends to be antiracist, but his behavior marks him and every city council since the '80s as racist.

I say that because for the past 20 years, I have come to the city council meetings with hundreds of primarily Muslim and Arab people of this community demanding that Israel be held accountable.

Israel be reprimanded, cut off military aid to Israel.

We have brought this resolution for so many years and so many ways and your response has been turning a blind eye to us, turning a deaf ear to us by your behavior, you have marked yourself as racist against Muslims and Arabs.

You have an opportunity now to undo that humongous damage that you have done.

1,034 people are now petitioning you to pass a resolution simply saying that you are against military aid to Israel.

That is all.

This resolution doesn't say that you should go out there and cut off military aid, go to the Congress or do anything.

It just says tell the world that you are against military aid to Israel.

This is a bare bone resolution.

If you want to appear that you are not racist against Muslims and Arabs, if you want to --

>> Clerk Beaudry: 30 seconds.

>> If you want to do good this time, you should pass this resolution.

1,034 people are putting this resolution to you.

Israel is an apartheid state.

Israel is preventing COVID vaccines from getting to people of Palestine and

Israel is being rewarded by American taxpayers by giving them \$38 billion.

\$380 billion.

Therefore, I am asking you -- \$38 billion.

I'm asking you to do the right thing.

Stop being racist against Arabs and Muslims, which you have been for the past 20 years.

>> Clerk Beaudry: Time.

>> Pass the resolution.

We are against military aid to Israel.

>> Mayor Taylor: Thank you.

Our next -- thank you.

Our next speaker is Nancy stone.

>> Clerk Beaudry: Nancy stone, caller with the phone number ending in 619, do you have a comment?

>> Yes, are we connected?

>> Mayor Taylor: Yes, we are.

>> Great.

Thank you, mayor and council.

I'm Nancy stone.

Fifth ward resident, speaking today on behalf of Washtenaw, zero waste coalition.

The coalition has been discussing possible directions for the city's next budget and is pleased to see there are many positive areas of overlap, especially in supporting the city's carbon neutrality.

The councilman and staff have received a copy of the coalition's more detailed suggestions.

I will briefly summarize four areas.

First, organics.

According to a recent city audit, nearly 40% of the city's waste is from food scraps and yard debris.

The food waste is linked to preventable food scarcity and hunger issues.

The city is in a strong position to aggressively promote food waste prevention and composting through enhancing community education to homes and schools, and increasing the availability of compost carts and providing periodic winter compost cart pickups.

Second addressing the persistent alley problems in the downtown area.

The city has sponsored several insightful D.D.A. alley reports, however, the conclusions tend to promote a few collection-focused solutions and overlook unique situations.

We suggest using a more decentralized assessment approach, such as used by industrial materials management managers.

This engages business clusters to conduct self-audits, identify specific problem areas and create innovative solutions to meet their waste generation, storage, collection, education, and enforcement needs.

Third, for other commercial waste sectors, Ann Arbor business sectors are recycling at a disappointing average of only 10%.

Short term, we suggest the city concentrates on a specific non-D.D.A.

commercial corridor in order to see what works best to boost their recovery. And lastly, we are encouraged to see the expansion of community waste dropoff options in the budget.

We also suggest considering a voucher to Ann Arbor rights to defray the current dropoff station \$3 entry fee.

>> Clerk Beaudry: 30 seconds.

>> Agreement with Pittsfield township and the city of Ypsilanti.

Thank you for considering these ideas.

>> Mayor Taylor: Thank you.

Our next speaker is Glenn Heber.

>> Mayor, I don't see Glenn Heber on the calm.

>> Mayor Taylor: Mr. Heber, if you are here, please enter star nine.

Star nine to indicate that you wish to speak.

Star nine.

We move on to our next speaker Mohammad Hamad.

>> Hi, can you hear me?

>> Mayor Taylor: Yes, we can.

>> Okay.

Great.

Good evening, everyone.

My name is Mohammad, and I am calling to defend the campaign against military aid to Israel.

I'm a faculty member at John Jay college of criminal justice.

I'm also a Palestinian, but, of course, our environment movement is global, intersectional and growing.

As a resident of New York City, I have seen the devastating effects of U.S./Israel exchange programs on our communities.

This is not to say that the American police dilemma started in the Middle East, right?

This has been a century's problem, but these programs and exchanges have devastated our communities.

That's a result of these kinds of programs.

Intensifying state violence and disproportionate responses with respect to police and community engagements, the suppressing of protests and dissent, I can personally speak on this as someone who attended the LGBTQ pride March, and we were amazed.

We were amazed by the police at the 50<sup>th</sup> anniversary of Stonewall.

These are not isolated incident.

The oppression is not disconnected from the thousands of Palestinian protesters who were shot by Israeli snipers.

And so antiracist groups on ground, across ethnic, religious and sexual boundaries or working for a future that protects people not profits or the military industrial complex and some of the leading voices in this work are actually Jewish progressive groups and the campaign is called ending the deadly exchange between the police and Israel.

So it's time to invest this money and this energy back into our communities and lifting marginalized people.

Thank you.

>> Mayor Taylor: Thank you.

Has Mr. Heber come back?

>> Clerk Beaudry: Mayor, I do not see him on the call.

Bar.

>> Mayor Taylor: Mr. Heber, if you are here.

We will move on.

Are there communications today from council?

Councilmember Ramlawi?

>> Councilmember Ramlawi: Thank you, mayor and welcome, everybody.

I wanted to respond to our residents who have been emailing us these last seven or so days about plans to reduce solid waste pickup.

I just want to say that I'm not a part of any of the conversations that are occurring regarding the reduction of frequency of pickup service to solid waste and -- for solid waste and recycling and I'm not sure if this body is, but I understand those talks are being had at the committee level and the commission level, but, again, I want to reiterate that I would not be in support of any type of reduction to our residents in that fashion.

In fact, we would like to see -- and I would like to see increased compost to 11 outs of the year.

So I'm not sure exactly how that -- I know well that the MLive article came out and that's what really spurred all the emails, but to my knowledge, there's no interest in doing that at this level.

Thank you.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: Thank you.

I just wanted to give two brief updates from committees.

One because it was a relatively late addition to the agenda is that the public art commission has submitted as part of the clerk's report their recommendations for possible enhancements to capital improvement projects and the budgeting process and so as you have time to review those and look those over and have questions, please let me know.

I'm happy to either try to answer them or at least direct them to the appropriate individuals on the commission.

And I also just wanted to thank the work of our human rights commission in appointing two members to the a subcommittee to continue exploring a ban on facial recognition technology here in Ann Arbor.

So I'm looking in order to the work that will come from that, in partnership with ICPOC.

And so I wanted to let you know that that process is continuing to move forward and we are continuing to work on that.

Thank you so much.

>> Mayor Taylor: Councilmember Disch.

>> Councilmember Disch: Hi, everybody.

I want to echo Councilmember Ramlawi's point that there is currently no proposal up for vote on council about decreasing the frequency of trash pickup.

And when we say trash, we just mean the stuff that you throw into your -- oh, I guess it's gray bin.

There is -- a draft proposal for council to request staff to do a study.

That is very, very far away from a service cut.

And that draft proposal is actually -- it's part of a broader conversation about waste reduction.

So it may turn out that this draft proposal looks a lot different when it finally gets out of the works and if it gets in front of council, because since the goal is waste reduction, maybe biweekly trash pickup is not the best way to encourage that.

No worries.

Nothing is happening right now.

But if you want to join the conversation about the relationship between our carbon neutrality goals and solid waste, we talk a lot about energy.

We don't talk a lot about trash.

Trash should be a part of this conversation.

Please tune in on Wednesday, March 31<sup>st</sup> from 6 to 8 p.m.

The office of sustainability is hosting a panel discussion on the relationship between various waste reduction strategies, reuse, recycling, composting and our carbon neutrality goals as stated in the A2Zero plan.

Attendance is free, but registration is required, and you can register at the office of sustainability initiatives website.

I made a post on my Facebook page, and the link is there.

So hope to see all of you folks who are engaged around this issue.

I hope to see you at that webinar.

>> Mayor Taylor: Councilmember Song.

>> Councilmember Song: I just wanted to echo this interest in trash.

It's a new interest since I'm not on the committee.

And thank our commissioners who can think to our potential to handle trash differently.

And for our potential to maybe reduce our waste production so that will be exciting in a couple of years maybe with community engagement.

I also wanted to thank parks with opening up summer camps.

There's summer camp enrollment that opened at midnight earlier today.

I know I heard from families in ward 2, that you are beyond excited in being outdoors and participating in a beloved, beloved city program.

And Councilmember Griswold and I have been working with Brett Lenart in planning and organizing a town hall in response to some interest on a development on Ehrhardt road by toll brothers.

We hoped to put it out -- have it done by the end of this month, but now it's looking towards early April so we can have folks on the call from traffic and planning.

So Councilmember Griswold and I will make sure that's communicated out on

social media.

Thanks.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: I want to read an announcement regarding the meeting that's scheduled for this Thursday.

It's being sponsored by Councilmember Debbie Dingle and Sue Shink.

You are invited to participate in the Gelman community information session on March 18<sup>th</sup>, at 5 p.m.

At the meeting representatives from the United States EPA and the Michigan department of environment, Great Lakes and energy, known as E.G.L.E. will answer questions from the community and local officials around the status of the plan and the plume that's the 1, 4, dioxane plume and discuss next steps.

There's an opportunity for public comment.

So I don't see the meeting posted on the city website or the county website, but I'm sure it will be.

I will repost the information on my Facebook and on my twister account.

And I expect there will be an article in MLive before Thursday.

If anyone can't find the information, just email me at my city email address and I will share the information with you.

Thank you.

>> Mayor Taylor: Council member Hayner.

>> Councilmember Hayner: And thanks, councilwoman Griswold.

That's Thursday at 5:00.

We are all getting our heads together to get a resolution to this.

I wanted to briefly mention a couple of things.

I had a meeting with our police chiefs and assistant chiefs at our monthly board meeting.

We got to meet the new data specialist that the city council approved hiring of.

They have gone a long way to working to have the type of tech in place that they are going to -- that is going to help serve better for the community policing and to be more responsive and have more officers out on the street, working with the community and integrating themselves in the community in a way that's beneficial for us all.

And I was excited to see that and also, I posed the question, it came up online earlier this week and hard no believe, but this is what they said.

If you are a resident and you have an abandoned scooter in front of your house and it's beeping and asking to be returned.

They say go ahead and call 911 and tell them its not an emergency they will dispatch community standards to deal with that scooter for you.

I had been putting the nonemergency and some other numbers out there for community standards but they said they don't mind it gets logged through 911 as part of the new record keeping.

They want to know everything that is going on in a timely manner.

That was interesting.

I wanted to mention, we did get some correspondence about Juneteenth and I



dug into a little bit.

Prior to the first Juneteenth in 1994, the city of Ann Arbor proclaimed Saturday June 18<sup>th</sup>, 1994 as the first Juneteenth national freedom day.

I think it would be interesting to redo that so many years later and let's declare that an ongoing holiday in the city.

It already is for so many folks and we have enjoyed the Juneteenth celebrations at Willard park and the parades and so on and talk about important issues.

I think I will look to get that forward so we can do that before this Juneteenth rolls up.

Thank you for that reminder.

We can build only what our predecessors did in 1994.

And build on it.

>> Mayor Taylor: Councilmember.

Thank you.

Councilmember Grand.

>> Councilmember Grand: I would like to congratulate the housing staff on closing on Laurie terrace.

I hope it's one of many opportunities for housing and it's just tremendous and there is so much work and I know it wasn't just Ms. Hall.

There's also a lot of other staff including our city administrator and many of our staff at the attorney's office.

So thank you for making that happen.

I also just want -- if there's any amateur or otherwise historians out there who would be interested in exploring the history of our city parks, there's a new tune to research a park and that information will then be placed up on the website, because with -- especially with the pandemic and so many people enjoying our parks, there is a renewed interest in the history of those parks.

So if you are interested in that project, you can contact me.

You can contact park staff, and they will be pleased to get you started.

Thanks.

Further communication from council.

>> Mayor Taylor: I would like to request the following -- I would like to request confirmation of the following appointments presented to city council for consider on March 1<sup>st</sup>.

To the commission on disability issues Kinsey Button and Janis Bobrin.

Moved by Ramlawi and seconded by Griswold.

Discussion?

All in favor?

All opposed?

It's approved.

I would like to recommend the following nomination for your consideration to the Ann Arbor housing commission, Deanna Boer, and a resolution to appoint mark Perry to the airport advisory committee both for your consideration at our next meeting.

For my part, I would like to give a very brief update.

I along with a couple of councilmembers are working on our resolution with respect to asking the city administrator to move forward and explore unarmed public safety response, unarmed civilian response in connection with events that do not require interaction.

That's, we hope, will be available for distribution in advance the upcoming meeting and hopefully our next meeting in early May -- pardon me, early April. Early April.

Excellent.

We now come to the consent agenda.

May I have a motion to approve the consent agenda.

Moved by Councilmember Griswold and seconded by Ramlawi.

Discussion.

Consent agenda.

Councilmember Eyer.

>> Councilmember Eyer: I would like to pull item 2 for discussion, please.

>> Mayor Taylor: CA-2.

Councilmember Ramlawi.

>> Councilmember Ramlawi: CA-9.

>> Mayor Taylor: Further discussion of the consent agenda.

All in favor the consent agenda -- I'm sorry, Councilmember Griswold.

>> Councilmember Griswold: I would like to pull CA-10.

>> City Admin. Crawford: Mayor just a reminder, CA-6 was removed.

>> Mayor Taylor: Thank you.

Further discussion of the consent agenda.

All in favor of the consent agenda with the exception of CA-2, 9, 10 noting the removal of CA-6, please say aye.

[Chorus of ayes]

All opposed?

The consent agenda as modified is approved.

CA-2 resolution to award a construction contract to the Diponio Contracting Inc. for the Dunmore, Waverly, Weldon, Hartford water main replacement, projecting \$1,311,467.

>> City Admin. Crawford: We have the public utilities Craig Hupy.

>> And I have Colin Spencer, the purchasing manager and they are here to review the process of reviewing the I. T.B.s and how I.T.B.s are handled.

>> From the perspective of engineering, when we have a bid that comes in, what we do in the engineering department is we review the bid tabs.

We reviewed the unit prices and we look for mathematical errors.

We look for unbalancing of a bid that might be something that we're -- contractor may be trying to take advantage of the city on that.

With new contractors we haven't worked before, we check their references as well.

And then I just wanted to mention real quickly that in addition to this item, this will be the first of probably at least a dozen, if not eight or ten contracts that will be coming up over the next few council meetings.

With that, I will turn it over to Colin.

>> Thank you, council, I'm Collin Spencer, the purchasing manager for the city. It's a pleasure to be here.

To clarify the city's process for bids, I will pry an overview of the invitation of the bid process.

To start, the unit determines the I.T.B. document.

The I.T.B. document and any applicable plans are published on mitten and bidlines.

Written questions from bidders are received and responded to publicly, which is published on midden.

The bids are open publicly and they are read and recorded by the requesting unit on a bid tabulation sheet.

No immediate decisions regarding award are made upon bid opening.

Bids are provided to the requesting unit and requested by both the unit and the purchasing.

Once reviewed the calculations, the reference, checks, unbalanced bid and responses to the responsible contractor period, it makes a recommendation no purchasing for award.

From there, an email notification is to the non-award firms of the intent to award pending council approval and the intent to award language is published on the city's website.

The unit then pursued council approval.

The typical bid time frame from publication to the I.T.B. to when the bids are due, is about four weeks.

I welcome any questions that council may have.

>> Mayor Taylor: Council member eyer.

>> Councilmember Eyer: Thank you.

Just as a mind of clarification, what's the staff introduction requested for this item?

Yeah, okay.

That's what I figured but it just wasn't clear.

Okay.

>> Mayor Taylor: I'm sorry.

I should have made that clear from the outset.

>> Councilmember Eyer: Fine.

Yep.

Okay.

So I would like to move to a substitute resolution for this, and I send it to Ms. Beaudry and if she could circulate it.

In the meantime, I will make any remarks.

The bidder who was referred here, Diponio's responses to specific responsible contractor criteria questions in the I.T.B. are in my view inadequate or nonresponsive, such that the bid should be rejected as nonresponsive in its entirety.

Question number 10 asks the bidder to submit documentation as to employee

pay rates but the bidder does not submit any document.

On question 11, the bidder's answer is vague and nonresponsive.

It does not provide information on whether this -- whether they provide specific benefits to their workers or what benefits they do provide or pay for.

Question 12 asks the bidder to explain the bidder's equal opportunity employment program, and supporting documents or other evidence.

But the bidder provided a cursory statement that all of its employment is E.E.O. No documents were submitted.

Question 19 finally asks whether the bidder has a registered apprenticeship program and if not, asks for details on how it assesses employee qualifications and skills.

The bidder provided a statement saying that they are assessed by skill level by the foreman or the superintendent.

Which is inadequate.

I believe that this bid is nonresponsive and I move the substitute resolution that I submit it to clerk Beaudry to award the construction contract to Bailey excavating incorporated.

>> Mayor Taylor: Is there a second.

Second by Councilmember Radina.

Radina, Ramlawi and Nelson in the queue on the amendment.

Councilmember Radina.

>> Councilmember Radina: I will pass to the extent that this is to the amendment at this point.

Everything that Councilmember Eyer said to the previous bid, I agree in its entirety.

I personally feel that, you know this is -- there are a number of questions here that are statements of our values that were entirely nonresponsive and I think particularly when we are looking at bids upwards of \$1 million, we -- you know when we ask questions about registered apprenticeship programs and things like that, that require skill and on-the-job experience and if they are not participating in those to provide examples of how folks are going to be assessed and the fact that they are assessed by their supervisor, those are -- particularly we see things like recent example of 10,000 gallons of sewage being spilled on main street.

I think we need to pay attention to these details.

I'm not comfortable with approving the previous one and I'm fully supportive of the substitute.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you.

I have a parliamentary question of sorts.

I know this is on the consent agenda.

This is being brought by staff and then having councilmember bring a substitute agenda to -- to replace it.

I don't know if we had this before on the consent agenda.

Maybe we have and I just don't remember.

Wouldn't it be best if we voted one down and then have staff bring another

resolution back for us to vote up or down rather than us as councilmember be bringing substitute resolutions in on matters as such?

>> City Atty. Postema: You are asking whether it's better or not.

It's now before you in this resolution.

So you have an ability -- you certainly could vote this down and, you know, we provided advice on this.

So the -- you can vote -- you can certainly vote something up or down, and if it's voted down, then you could bring another resolution at another time if you wanted.

>> Councilmember Ramlawi: But staff brings these, though.

This is not necessarily -- this is not a council-sponsored resolution.

>> City Atty. Postema: Right.

But once it's before you, it's a resolution that the council is going to vote on and so at that point, you can do -- you can do what you want with it.

It's before you, but I -- you know, I -- you know that's my initial indication.

I don't have --

>> Councilmember Ramlawi: Thank you for that advice.

I would just -- you know, my -- my wishes would just be to vote this down and have staff come back with -- with a different contract by a different contractor.

I appreciate the concerns that have been raised.

They are valid.

I'm not sure that this is time sensitive and needs to be voted on.

If we have a four-week turnaround to when we put a bid out and when we close it, it seems like these things can be turned around, not to say that other bids condition be entertained.

I would rather see that being done than a councilmember being a replacement contract to replace one that's been brought and vetted by staff.

I know they all have.

Thanks.

>> Mayor Taylor: Councilmember Nelson.

I want to echo some of the comments of Councilmember Ramlawi.

Was going to say my take-away from the four-weeks timeline is almost the opposite of his.

We have professional staff who have a significant amount of expertise in reviewing these contracts.

I don't think that anyone at this table has their expertise in reviewing these contracts and we are basically undoing four weeks of their work.

And I -- this -- and everybody at this table, we only saw two contracts.

We had much less than four weeks to look at them.

And study all the details that they just reported they had studied in them.

I -- I know that we have gotten advice from staff and I would be interested in moving forward with the process as it was meant to go forward as with all the analysis that we rely on our staff to give us.

And if we believe they didn't have enough guidance to make the decision that we would have liked in this one, I'm really not interested in second guessing people

with as little time as we have to devote to this when really this is their area of expertise.

I'm really uncomfortable without picking a contract without all the information.

Our staff looked at all the contracts and all the bids that were submitted.

We sort of picked one and found fault and picked another and decided that that was better.

And that seems opposite of the kind of thorough process and attention to details that we would be seeking in a situation like this.

Thanks.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: I guess this would -- I don't know who would address this question.

But the way that this resolution -- the substitute resolution is written, I will make the assumption that it's the same in every way as the previous resolution, except for naming Bailey as opposed to Diponio as the award contractor.

So when we have a bidder list like this, and is it -- if I'm reading this correctly, because we have a bidder and now we are saying we have a new one, a new recipient in this contract, when it says things like -- that they were the -- it's uncomfortable.

Now we say Bailey excavator was the lowest bidder and you are saying that Diponio was not responsible.

But if we have someone else on our bid sheet, the file sheet, the 2018-033, so we're essentially saying that they weren't responsible because of concerns over the responses to our questionnaires.

Is that -- is that an accurate assessment of what is going on here?

They were the lowest -- now Bailey's is the lowest responsible bidder, although Diponio, Bailey was considered more responsible?

>> Mayor Taylor: I will step in and say I believe that's the premises of the substitute.

>> Councilmember Hayner: Okay.

>> Mayor Taylor: I'm sorry, councilmember, I'm being corrected on that.

So I will let the -- I'm going to let the --

>> City Atty. Postema: Attorney Wilhelm can answer this.

>> Councilmember Eyer has identified deficiency to responsiveness, not responsible as by the definition used in the city's code.

So this is more about the adequacy and the completeness of the bid response than it is the responsibility of the contractor or bidder.

>> Mayor Taylor: So if I may step in, the prior party was not a -- was not even a bid because it was inadequate is the point; is that correct?

>> Mr. Mayor, that's correct.

>> Councilmember Hayner: So it failed to meet the standards for our bid?

>> Correct.

>> Councilmember Hayner: Thank you.

>> Mayor Taylor: Thank you.

My apologies for having erred on that up front.

Councilmember Radina.

>> Councilmember Radina: Thank you.

And I wanted to address a couple of the concerns.

I know that Councilmember Eyer can speak to this but to the extent that this substitute is coming forward, it was obviously, I think -- I think it's quite clear from the language included, it was obviously drafted in consultation with staff and our attorneys and this is not just something that Councilmember Eyer is bringing forward.

I have worked with her on this.

Our staff has been involved every step of the way.

And the process by which, we are not simply picking one versus the other, we are picking a replacement.

The way that this process would ultimately work if this body does agree that the initial bid is nonresponsive, then the bid would go to the next lowest responsible bidder which is the resolution that you have before you as the substitute.

They are relatively similar in cost, but ultimately, I think a cursory glance at the bids would show you that Bailey excavating was relatively thorough in their process, significantly more details and attachments and evidence and did their homework on this.

So I'm comfortable with the answers that they have provided.

I don't believe that Diponio provided the answers that should even be considered for awarding this contract.

>> Mayor Taylor: Mr. Wilhelm, I will let you jump the queue.

>> Mr. mayor, raise back to the process question, it would be prudent to take action on the resolution that's pending as part of the agenda before addressing the substitute.

If that's -- I'm not sure if there are other steps that have to be taken in parliamentary terms but that would be my recommendation would be action on what's pending before council, and a separate action on the substitute.

>> Mayor Taylor: So is what you are saying -- are you saying then that you would advise us to take action on the first resolution and then open up the agenda to add this resolution, rather than substitute this resolution for the first resolution?

>> Yes.

Okay.

Does anybody have a problem with us doing that?

I guess I'm reading that as a -- is there -- as a friendly -- it's not that language.

Motion -- let's see.

>> Councilmember Ramlawi: I just have a question.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: I appreciate the clarification on that.

The question was to staff, whether it should be put on April 5<sup>th</sup> with Bailey, would that push back and delay what needs to be done?

Do we need to get something signed and agreed on with a contractor without postponement when it comes to this project?

Is it time sensitive?

>> Yes, I can address that.

Yes, if this was moved to April 5<sup>th</sup>, we would still have adequate time to get all the work done that we needed to do.

>> Councilmember Ramlawi: I would suggest not reopening the agenda, and bring it back to the 5<sup>th</sup> of April.

>> Mayor Taylor: That's a subject for the body.

I suggest that we by acclamation table this resolution -- table -- actually, it's an amendment.

Let's -- does anyone have an objection if the amendment is being withdrawn?

>> Councilmember Nelson: Once it's been seconded, can it be withdrawn?

>> Mayor Taylor: It can be withdrawn by the mover, if the body consents to the withdrawal.

Do we want to get back to?

Let's deem it to have been withdrawn, if the withdrawal is friendly.

Now we are back to the main motion.

I have the queue on the main motion of Griswold and eyer.

Councilmember Griswold.

>> Councilmember Griswold: A question for staff.

Why was this brought forward if it was deficient and are we changing the rules in the middle of the bid process in terms of we have didn't used to be quite as thorough in the review or did possibly the bidder give you some of that information orally or in a different format?

This is a question for Mr. Hutchinson or Mr. Hupy.

How did we get to the point we are at today, where staff recommended a bid that least one councilmember is indicating is deficient?

>> The --

>> Go ahead.

>> City Atty. Postema: I think overall the issue is, yes, a councilmember has found this to be nonresponsive.

That's a -- that's an issue ultimately for the council, but the staff process was already complete and I will let many Hupy look at that or discuss that.

>> The staff or two fold that looks at it.

Mr. Hutchinson looks at it from an engineering standpoint that the -- the adequacy of the contractor past history, et cetera.

Mr. Spencer looks at the compliance with the our details such as in turn says that bid bonds and responsible bidder questions.

>> Councilmember Griswold: Then I guess my question is, if it's not complete enough, should the bidder be given the opportunity to complete it, if it's determined to be deficient in areas that aren't normally reviewed by staff?

>> I would defer to the purchasing manager and/or the attorneys as to the legalities, et cetera, of allowing a modification of a bid.

>> Councilmember Griswold: Okay.

I don't want to ask too many questions but when I was on the school board, we had to approve, you know, hundreds of millions of dollars of bonds and this is a very strict process in having elected officials make changes or get involved in the



process makes me very nervous.

>> If I can jump in here, as to councilmember Griswold's question, I think the question she raised is one of council.

If council, as the majority of council wants to make a decision whether this bid or recommended award of contract is going to be approved and it's not basis is for it -- the reasons identified that the bid is possibly not responsive or deemed not responsible by that councilmember, that's really the issue before the council.

As I see, it it's the proposed resolution to award the contract and if not, the reasons for not approving it.

>> Mayor Taylor: Councilmember Eyer.

>> Councilmember Eyer: I will vote down this contract, obviously, to the questions that others have had, I think it's important for people to understand that this process is -- and I think everyone at the table understands this, but for those who are watching, you know, the council -- the city, by charter has no go with the lowest responsible bidder and so Bailey excavating was next lowest bidder on the list and so that was the end -- and their bid was extremely thorough and provided all the documentation necessary.

And so that's why the substitute resolution has -- you know, has Bailey's name on it.

I hope we can move forward on this and I hope we can open up the agenda and consider the Bailey resolution so that staff can get started on this.

It's not like there is going to be another bidder to consider at this point.

So that's it.

I will leave it at that.

>> Mayor Taylor: Councilmember Ramlawi on the main motion.

>> Councilmember Ramlawi: I appreciate our colleagues bringing our attention to the deficiencies of the Diponio bid.

I have some questions.

The question is that staff has raised concerns on the confusion between the policies we set and the most recent one passed in July of 2020, which has made it a little confusing in awarding contracts.

And if I could have staff maybe explain that new policy that was adopted in 2020 of July, that it's complicated, execution or there's -- or there's some misunderstandings here on where we -- so we are all on the same page.

It's all on the same page.

Anybody on staff have time to respond to that question?

Interest?

>> I will jump in here.

So I was involved in drafting the ordinance, and I want to be to the point and short on this answer.

Staff was not provided a lot of information or policy objectives when this ordinance was presented and there were internal discussions by staff, about how it was implemented and what type of information would be submitted.

Other than -- so we are kind of learning how to implement this, but basically, we were not given a lot of direction by the council at the time, and that's not a

criticism but it's a reality for us on the staff level is I think there is some question between staff and what -- how do we implement this and what council expected and how it was going to be implemented, and I think it was largely just because of the way it rolled out.

I don't know that there's any specific cause that I can point to.

>> Councilmember Ramlawi: Well, Mr. Wilhelm, I'm sorry.

I appreciate your candor and honesty and willingness to answer that question.

I hate to put you on the spot and others but it's good to flesh it out and get it out in the open.

I will be voting this down and I will suggest that because this is not a time-sensitive issue that it just -- a substitute contract get put on the April 5<sup>th</sup> agenda so we can just move this along and have -- and have time to do the due diligence and have the proper optics in how we do business.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: Thanks to speak to the motion briefly.

I mean I think it's appropriate that we express concerns over things like, you know, the lack of details of an apprenticeship program.

Apprenticeship programs are important.

And the living wage program.

And it's long since due for a federal minimum wage of \$15 and I would like to lead by example.

For example, you know, the city doesn't pay a \$15 wage to the temporary park employees.

We don't pay a \$15 wage to everybody that we hire either, full-time or temporary time or part-time.

It's a challenge.

We should look at all of our employment opportunities when it comes to doing the right thing.

I just want to hang that out there.

>> Mayor Taylor: Councilmember Briggs.

Appreciate all the staff and councilmembers.

I'm good with voting this down based on the unresponsive nature of the bid regarding certain questions that we are seeing as particularly policy -- important policy goals for our community.

In terms of process of bringing this back versus kind of moving forward with this tonight, my understand is that, you know, we have received some advice on this matter I'm not sure the benefits of voting tonight versus a few weeks.

I would like to understand from staff, is there anything different that might happen in a couple of weeks if we opened to not approve the bid in front of us tonight and waited.

It seems like what will be brought back to us is basically this resolution with the lowest bidder which is Bailey which has gone through staff approval.

So a little more clarity on what would happen with those couple of weeks would be helpful for me.

>> Mr. Hutchins, are you able to comment on that?

>> I guess I'm not entirely sure I understand what the question was.  
I'm sorry.

>> Councilmember Briggs: I'm just asking from your perspective is there a need for a couple more weeks?

Is there something that might happen if we voted down this contractor and moved forward with -- is there anything you would need to do in terms of bringing back a different resolution for those couple of weeks?

Is there any need for additional staff time I guess is what I'm asking?

>> I don't see any.

The substitute resolution that was submitted is essentially the same resolution, awarding it to a different contractor.

So there's no additional need for -- on my end, anyway.

>> Councilmember Briggs: Okay.

That's helpful.

Thank you.

And yeah -- I think the other things have been said so I won't repeat them.

Thank you.

>> Mayor Taylor: Mr. Wilhelm.

>> It would appear that the concept of bringing back a new resolution that is substitute or looks like substitute resolution is predicated on council acting on the deficiencies noted as to the Diponio.

If -- that direction is needed for staff to do anything.

Council has raised the question of whether it's deficient or satisfactory, I think there needs to be action on that before staff can bring anything different back.

If that helps make it any clearer.

>> Also to clarify, the substitute resolution would be different, to match up with the bid submitted by Bailey.

>> Mayor Taylor: Councilmember Nelson.

>> Councilmember Nelson: I'm still very uncomfortable with subverting our process and we have gotten advice contrary to what -- the direction it looks like we are going in now.

But I did want to -- I did want to suggest that the last time that I recall council questioning a contract, it was -- it wasn't because we were digging through the weeds and trying to redo the work that the staff has done.

It was literally sticker shock.

And staff was directed to go back to that contractor and renegotiate a lower price to satisfy our concerns.

And so my question is: Could we direct staff to go to Diponio and ask for better answers to these questions?

Is that not an option before us as well?

>> I will jump in here.

We do have the flexibility to ask for additional information or clarifying questions to any of the responses provided in the responsible contracting criteria that's included in our I.T.B. documents.

>> Councilmember Nelson: Thank you.

>> Mayor Taylor: Further discussion.

Councilmember Briggs?

>> Councilmember Briggs: Yeah, I mean I -- I recognize we have a lot of -- we have different options in front of us tonight.

Given the importance of projects like this and recent errors we have seen in our community, not from this contractor but from others, I would expect that a contractor could appropriately fill out the responsive document to us, to entrust them with this level of work in our community.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: I'm very concerned that we are opening ourselves up to the risk of a lawsuit given that it sounds like council changed a policy, wasn't really clear on what we expected from staff, and this may be the first time that we have had a contract where we are expecting the additional information. If that's the case, I apologize the misinformation.

I would support going back to the bidder and complete that information, given that this is a new process and it's not really clear cut and our expectations to staff were not as clear as probably they should have been.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: I want to respond briefly to a few of the things that I just heard and I would second the suggestion by Councilmember Briggs that particularly for a contract of this size, and this scope and the importance of this project, you know, I -- I wouldn't necessarily think that we would need to go back to a potential contractor and ask them to complete the document that was part of their bid.

So I personally don't want to even see that.

I think it's important to set a standard in that you can't come in with a low bid but not actually provide all the details and expect that council is going to extra time to get your homework done and prove that you are able to complete this work in a responsible way.

I think they were nonresponsive.

They left questions essentially blank, where they were asked to provide additional details.

And I think frankly as we are looking to spend over \$1 million on a project, I think we should expect more from the contractors who we're going to do business with. And I think to council Griswold's concern, I don't think this is a change in policy, necessarily.

I think this is a situation where contractor did not complete the questionnaire.

It's not a matter that something that is changed.

They didn't answer the questions.

So I will be voting this down.

I'm comfortable opening the agenda back up and voting in an alternative tonight.

>> Mayor Taylor: Councilmember Disch.

>> Councilmember Disch: Yes, I just wanted to say I think there is a conflation of a couple of things.

There may be a lack of clarity from council to staff about the status of these

responses to us.

We into Ed to clarify that and I hope we will do what we need to do to make that clear.

But the form is clear.

The form asks for responses.

One contractor and perhaps others in the pool, I don't know responded to those questions.

Another contractor did not and had the lowest bid and so it was brought to us.

It is perfectly within our sphere of whatever we have authority to enforce the policy that was passed this June.

And the policy that was passed this June, was we have concern values as a community and we expect our contractors to give us detail about how they meet them.

So I will be voting down the contract that's on the consent agenda and because the entire review has been completed, and because Councilmembers Eyer and Radina worked with staff to find the next lowest responsible bidder, I feel comfortable about voting for that when it is brought not agenda.

>> Mayor Taylor: Further discussion of the main motion?

For my part, for the reasons stated by Councilmember Eyer, Disch and Radina, I'm going to be voting against the main motion and comfortable that that is -- that passes.

That a substitute resolution be brought.

Further discussion?

Roll call vote, please, starting with Councilmember Disch.

>> Councilmember Disch?

>> Councilmember Disch: No.

>> Clerk Beaudry: Council member Griswold.

>> Councilmember Griswold: No.

>> Councilmember Song: No.

>> Councilmember Grand: No.

>> Councilmember Radina: No.

>> Mayor Taylor: No.

>> Councilmember Eyer: No.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: No.

>> Councilmember Ramlawi: No.

>> Councilmember Hayner: Yes.

>> Clerk Beaudry: The motion fails.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: I would move to open the agenda.

>> Mayor Taylor: Move to open up the agenda.

Seconded by Councilmember Eyer.

>> Mayor Taylor: Discussion?

Councilmember Ramlawi.

>> Councilmember Ramlawi: I would like to have reciprocity in terms of my

need.

I find this completely unorthodox and I'm uncomfortable with putting in a substitute contract resolution on the fly, when we have been told by staff, this is not time sensitive.

This can be put back on the April 5th agenda.

Give the public and everyone else an opportunity to see the contract soak it in and have the proper optics.

This just seems really unorthodox and unnecessary.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: I respect that you are not comfortable with this Councilmember Ramlawi.

For my part, I believe that all of council has had the language provided in the substitute since last Thursday, when Mr. Wilhelm provided it to us.

So I have had plenty of time to review it and I'm comfortable voting on it tonight.

>> Mayor Taylor: Councilmember Grand?

>> Councilmember Grand: Thanks.

I would like to say thank you to Councilmember Eyer and Radina for their thorough dive into this and for helping us realize when the potential contracts are not aligning with our values.

So thank you to the both of you for working with staff and bringing forward something that will help us move forward on this important project.

We have had a lot of issues with contractors not doing so well with pipes in the ground.

This is important that we pay attention to who is doing that work and that.

>> Mayor Taylor: On opening the agenda.

>> Councilmember Grand: I think we will see, you know, evidence that reciprocal relationship on my part.

I intend to move forward with what was expressed by my colleague.

So, you know, by definition goes both ways.

>> Mayor Taylor: Councilmember Hayner?

>> Councilmember Hayner: I guess this question might be for Mr. Spencer.

What can we as a body do to clarify our instructions from the previous resolution that added these sorts of questions to the bidding process.

What can we do and how can we achieve that in a timely manner --

>> Mayor Taylor: The question before us is to open up the agenda.

>> Councilmember Hayner: Feel free.

>> Mayor Taylor: Does anyone else have --

>> I was wondering if we are voting on opening up the agenda?

>> Mayor Taylor: Thank you for the inquiry.

Yes, that is the motion.

Roll call vote starting with Councilmember Disch, opening up the agenda.

>> Councilmember Disch: Yes.

>> Councilmember Griswold: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.  
>> Mayor Taylor: Yes.  
>> Councilmember Eyer: Yes.  
>> Councilmember Nelson: Yes.  
>> Councilmember Briggs: Yes.  
>> Councilmember Ramlawi: Yes.  
>> Councilmember Hayner: Yes.  
>> Clerk Beaudry: Motion carries.  
>> Mayor Taylor: The agenda is open.

Councilmember Eyer?

>> Councilmember Eyer: Thanks.

As has been stated, I'm perfectly comfortable voting on this, having worked with staffer and understanding that this is the process --

>> Mayor Taylor: Sorry a motion to amend the agenda or the addition of resolution to award contract Bailey excavating --

>> Councilmember Eyer: I'm jumping the gun.

>> Mayor Taylor: Is that a motion to add that to the agenda, councilmember?

Seconded by Councilmember Radina.

Discussion of adding that to the agenda?

Councilmember Ramlawi?

>> Councilmember Ramlawi: Just to staff here, I know we have the comfort satisfied by a couple of members of council, but as a body, I would like to know whether staff is comfortable or has any concerns.

Are there any material differences between this contract and the services that will be provided versus the Diponio in terms of schedule, materials being used, other than the \$80,000.

I apologize, nick.

Go ahead.

>> That's okay.

There's no material differences.

It's the same work.

No substantial differences there.

>> Councilmember Ramlawi: And we had plenty of experience with this contractor in the city I assume?

>> Yes, they have done a lot of work for us and we are very familiar with them.

>> Mayor Taylor: Further discussion of adding this to the agenda?

All in favor?

Opposed?

Approved.

That is approved.

And we have the addition of resolution to award a construction contract to Bailey.

Moved by Councilmember Eyer and seconded by Radina.

Discussion of the main motion.

Councilmember Eyer.

>> Councilmember Eyer: Now I can say.

>> Mayor Taylor: Yes.

>> Councilmember Eyer: And I won't repeat myself.

The only thing I want to add here is that, you know, I want to address the questions surrounding the whole process.

The questions for getting my questions answered for the Diponio contract was enlightening and concerning to me.

Although the problem with the contract was that the bidder was nonresponsive, a quite separate issue is that the responsive contractor need to be redone as I understand.

I have worked on responsible contractor policies previously.

So as I said before, the charter for public improvements should be let to the lowest responsible bidder.

That makes responsible binary determination, either someone is responsible or they are not.

And it led to the city of the cheapest bid of those responsible.

It precludes staff from weighing different factors and selecting the contractor that provides best value to the city.

Determination that includes skills, straining and social responsibility.

So I just want to say in response to that, I will be pursuing a charter amendment to add two words into the charter, in that line that I cited.

So that we can -- so that we can have it read each contract for public improvement should be let to the lowest and most responsible bidder.

I will be working with others in the legal department to determine any changes to the RCP in the meantime to ensure that staff request provide the best value to the city and not just the cheapest bid.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: And this is in response to some of the comments that my colleague just made.

Everything we have been hearing from staff and from professionals is that contracting is in short supply and our needs are immense.

Our budgets are tiny.

I know we have ambitious aspirational and enlightening goals.

You know, the rubber is hitting the pavement at some point and I don't know if we are going to be able to get everything we want and be able to afford it or even find it.

As you work on the language and the proposed changes, I have that concern of mine in fulfilling the work as it is asked.

>> Mayor Taylor: Councilmember Griswold.

You are on mute.

>> Councilmember Griswold: I agree with the statements that Councilmember Eyer has made.

My issue is with the process in terms of how far back was looking in that these contracts were responsive and complete or was it a random occurrence that the councilmember looked more deeply into this contract.

>> Councilmember Griswold: Do we have contracts from the near past, in the



last two month or three months that we approved the contract without this additional language?

We all fill out forms and after a while, we know what part people are looking for and we don't out every box on the form because we don't have time.

I want to make sure that we didn't change the rules mid-process.

So do we have other contracts that were recently approved that didn't have this information?

>> I will jump in.

Council has five RCP with criteria questions.

Five were awarded without the type of scrutiny being provided in this Dunmore, Waverly bid.

>> Councilmember Griswold: So I'm concerned that we are changing the results into the middle of a bid rather than making it very clear what you are expectations are at this point in time.

Councilmember Eyer.

>> Councilmember Eyer: Very briefly, I think the answer to that is there are new people on council.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Of these five that have been awarded have they been awarded since the new council has been set, any of them?

>> Yes.

>> Councilmember Ramlawi: And could you tell me how many of the five have been awarded since late November?

>> All five.

>> Councilmember Ramlawi: Thank you.

>> Mayor Taylor: Further discussion?

You know, for my part, I think that the issue is that this is first -- and I guess this is not really on the substitute resolution.

This is a little bit of talking about the prior resolution, and one which we all -- with which we recently rejected by a substantial majority.

This is the first time that I found a bid to be nonresponsive.

If prior bids were similarly nonresponsive, then they too would have been rejected.

Councilmember Briggs.

>> Councilmember Briggs: I was going to echo -- I was echoing your comments in the sense that once we understand something is happening, it's our responsibility to pay attention to it.

And so to the degree that we know about this issue right now, I think it's our responsibility to act appropriately and change our direction moving forward.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: Thank you.

Very briefly, I will also say I want to thank councilwoman eyer for her work on this and drawing some of these questions forward.

I know that I'm particularly looking at these contracts every time they are on our agenda and I know Councilmember Eyer and I have had conversations about

them in the past.

This is the first time that the difference level in terms of responsiveness between the first bidder and the second bidder was so stark that this is, in fact, a problem we need to pay more attention to.

There have been contracts in the past that they had some nonresponsive questions and I felt there were similar problems and so I think it's important for us to state as a body that, you know, we are expecting more from our contractors, particularly when we are looking at spending millions of dollars of public funding on these projects.

We need to set some standards in what level of responsive that we expect and make sure that we get the answers that's we ask questions for.

Thank you, again, Councilmember Eyer for bringing this forward and I appreciate working with you on it.

>> Mayor Taylor: Councilmember Nelson.

>> Councilmember Nelson: I want to clarify for anybody listening we actually -- if we were to get all of these contractors in all of their detail, I was told that it would be hundreds and hundreds of pages.

We don't get those as a matter of practice.

So these contracts had to be specifically requested.

And this goes back to -- council only had access to two of the contracts in detail and staff looked at all of them.

So I just throw that out there.

As -- I mean, I will support this, because it's a ward four project and it needs to happen and I support it, but it's unfortunate that this is not going through the usual process and it's happening here at the table in this way.

Thank you.

>> Mayor Taylor: Perhaps we can call it a night on this?

A roll call vote on this.

Starting with Councilmember Disch?

>> Councilmember Disch: Yes.

Yes.

>> Councilmember Griswold: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.

>> Mayor Taylor: Yes.

>> Councilmember Eyer: Yes.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: Yes.

>> Councilmember Ramlawi: No.

>> Councilmember Hayner: No.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: CA-9, resolution to approve downtown street closures for restaurant and retail use.

Moved and seconded by Councilmember Ramlawi.

>> Councilmember Ramlawi: I think this will get the unanimous support of the body.

I appreciate the work Mr. Crawford and others on staff, the merchant associations who have been meeting, the D.D.A. and discussing this resolution, this summer programming of our downtown streets.

This resolution calls for closures to occur beginning Thursday evening and lasting until 6 a.m. Monday morning with ultimate discretion coming back down to the city administrator if there's any reasons he sees things unsafe, things can be changed.

The D.D.A. has committed \$90,000 towards barricades and the bagging of the meters and on-street repurposing costs associated with these street closures we have gotten a lot of emails in support from it.

One survey, 98% are in favor TV and want to see it.

They not only want to see it this year but want to see this type of activity recurring in future years and normal times.

So hopefully we can learn things from this and implement them in better times and not when people are down so much and under a lot of stress.

And this here offers folks to dine with more comfort and the businesses to begin a recovery.

As you know, we are still suffering down here.

Things are still quiet in the downtown.

And throughout the state, obviously, and into the world.

Thank you.

Councilmember Song.

>> Councilmember Song: I went to these meetings Councilmember Ramlawi and the D.D.A. and the merchants association.

I wanted to point out to how hard this group has worked in the past year.

So well before I was on council and I appreciate the work that everyone was so collaborative in trying to figure out staffing.

Even if this is approved, what does staffing look like with high demand, especially now with the good news of vaccines being more widely available.

So I just wanted to point out we are in a different situation than when we were considering a street closure before and how is this is a really fun and collaborative project.

I appreciated Councilmember Ramlawi pushing for a Thursday night street closure so that restaurants and businesses could be easily open for Friday, Friday lunches without having to do a quick setup on that Friday morning.

I hope for everyone's support for this.

I think it will enliven our community and our downtown again.

Thanks.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: I want to say thank you to Councilmember Ramlawi and Councilmember Song in working with downtown businesses to bring this forward and the merchant associations and also to all of those who wrote in to us and expressed their support and also I'm glad to hear that folks are maybe

interested in seeing this continue in other times as well.

I was thinking about reclaiming our public spaces to make our community more livable.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: I will support this as it is.

I know this is supposed to have gone through the merchant associations.

I had a some downtown businesses why don't we have larger street closure and it should go to Thompson to state instead of Maynard to state.

And that's one suggestion that people have suggested.

I know there was some logic behind it, but I got a feeling that the merchant associations are going to be getting reached out to by some businesses as things open up or restrict to ask for even more of this.

So obviously it's working to are some people and I would like to see it work for some more.

So I will support this and then the expectation is that we will expand this and that will come back to council.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: I see Mr. Fournier has worked on this.

Thank you.

He has also worked on this, but the association.

The state street association is well aware of their members needs and this was not an easy this thing last year.

That's why we delegated that to the businesses and not have the city be involved with the granular issues.

In the area that you described.

They want the street closure because they wanted curbside available for their customers.

Even in the same industry, there's opposing preferences.

>> Mayor Taylor: Further discussion?

For my part, I'm delighted this is moving forward.

So many businesses were empowered to make it through the former fall, and part of winter with cede streets right-of-way for their usage.

It enabled restaurants to survive and many other bids in our downtown survive and it gave people a place to safely congregate outside.

As we continue to start opening up further as the vaccine is rolled out more broadly, you know, I look forward to having folks downtown and I concur that this is a program that I think will live beyond COVID because of its plain and obvious benefits.

Further discussion all in favor.

Opposed?

It's approved.

CA-10, the resolution to approve amendment number one to temporary employment agreement between Abigail Elias and the city of Ann Arbor. \$15,000.

Moved and seconded.

Councilmember Griswold.

>> Councilmember Griswold: Yes.

I have been frequently concerned with our rising legal costs related to Gelman. In this case, I would like to say that Abigail Elias definitely earned this money and probably more with the excellent brief that was submitted last week to the courts and it clearly outlines a dual path.

It also identifies communication problems, let's say, mildly, for Gelman, where things may not have been presented exactly as they are, as well as attributing characteristics to interveners that were not deserved.

And I want to commend Abigail Elias and I will support this resolution.

>> Mayor Taylor: Further discussion?

All in favor?

Opposed?

It's approved.

We now come to a set of public hearings.

Public hearings are opportunities for members of public to speak to council and the community, about a specific item on the agenda.

That is to say, a specific subject matter of the public hearing.

Speakers do not need to sign up in advance, however, their speech must relate to the subject matter of the public hearing.

To speak at a public hearing please enter the number on your screen, that is 877-853-5247.

877-853-5247.

Upon connecting please enter meeting I.D. 94212732148, 94212732148.

Once you are connected and once the public hearing at which you wish to speak has begun, please enter star nine.

Star nine.

This will raise your hand to indicate that you wish to speak during this public hearing.

Our clerk will identify you by the last three digits of why you are telephone -- your telephone number, when it's your time to speak.

You will three minutes in which to speak.

So please pay close attention to your time.

Our clerk will tell you when 30 seconds is remaining and when your time has expired.

Public hearing number one.

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.3 Acres from TWP (Township District) to R1A (Single-Family District), Talpos-Knight Property, 2731 Newport.

Is there anyone who would like to speak at this public hearing?

>> Clerk Beaudry: Mayor, I don't see any of the callers with their hands up.

>> Mayor Taylor: Seeing no one this public hearing is closed.

Public hearing number two, An Ordinance to Amend Section 1:271(4) of Chapter 12 (Financing Local Public Improvements) of Title I of the Code of the City of Ann Arbor.

Is there anyone who would like to speak at this public hearing?

>> Clerk Beaudry: Mayor, I don't see any callers with their hands up for this item.

>> Mayor Taylor: Seeing no one this public hearing is closed.

Public hearing number three, an Ordinance to Add Chapter 122 (Fair Chance Access to Housing) to Title IX of the Code of the City of Ann Arbor.

Folks who wish to speak at this public hearing should know that it's my belief that the amendments to the ordinance will be presented at council, which if relating to the conformity -- enabling landlord conformity with federal, state law, if those resolutions are passed, then this ordinance will go back to first reading, giving folks an opportunity to speak again in a couple of week's time.

>> Clerk Beaudry: Caller with the phone number ending in 185, do you have a comment?

>> Mayor Taylor: Please enter star six to unmute your phone.

>> Hello?

>> Mayor Taylor: Hello.

>> My name is Aaron Paluskian, I own a rental home in Ann Arbor.

My main concern about this proposed ordinance is the landlord property rights and I emailed council about this too.

The one tool that landlords have is doing a criminal background check when they are looking for tenants.

And basically this ordinance, the way it -- the way it's written, it will take that tool away from us.

And I think that's a major problem.

I had a bad experience with a tenant a few years ago, where we had a situation where I.C.E. executed a search warrant on the house, and it was a scary situation.

The neighbors were scared when it happened.

So I have had a bad experience like that and doing criminal background checks is the only tool we've got to try to keep the property and the neighborhood safe and it's -- it's just taking that tool away from us that that's the way I see it.

It's denying us -- it's denying landlords any say in deciding whether a person is a potential problem in the house and also in the neighborhood.

>> Clerk Beaudry: 30 seconds.

>> Thank you.

>> Clerk Beaudry: Caller if the phone number ending in 677 do you have a comment?

>> Hello, this is Michelle Hughes and I want to call and say I'm real excited about this.

I understand it might not pass tonight, but I hope that passes the next time.

I think that it's a really important thing to do because when we talk about criminal background, we are talking about people's past.

We are talking about their history and that means that these people -- that we are talking about people who have served their time.

And it simply should not be the case that every time you are convicted of a crime, that you get a life sentence.

And if we allow people to discriminate on the basis of criminal history, then that's what we are telling people is every conviction you have is a life sentence because there will always be landlords keeping you out of housing.

There will always be jobs that won't let you have a job and won't let you reintegrate into society.

What people need when they have served their sentences is they need to -- they need our help in reintegrating in society.

Ideally, I think it would be better if we gave them that help in the first place, instead of taking them out of society so they wouldn't need reintegration.

I think we should change the way that we do -- change the way that we think of crime and justice and we should give people help up front.

Given that these are people who already paid their debt to society, we should allow their debts to be paid and not discriminate against them in housing.

So this is great.

Please pass us as soon as possible.

Thank you.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 898, do you have a comment?

>> Yes.

Hi.

Good evening.

My name is Elizabeth McCreary.

I'm the chief operating officer of a company called Aztec properties.

We are one of the largest property management companies in the nation.

We also own and manage hundreds of units in and around Ann Arbor.

This is an issue that we have struggled with internally.

If you don't pass the resolution tonight, I would like to offer my assistance in meeting with council to share with you ways that we have been able to mitigate some of the second chances without putting the safety of our residents at risk.

The reason that the federal government has restrictions on criminals is to protect the owners, lenders and other from potential liability.

A government body, you know, as you guys are there is to protect the safety of the residents I have been do this for 30 years.

I support second chance.

I can tell you at our properties across the nation, when we have climb at a community, particularly serious crime, rape, illicit drug use, frequently, it is a person who has a criminal record, who has been brought into the community illegally by a family member or a significant other.

And again, I'm speaking from 30 years of experience.

So I would like to offer that I would be willing to meet with council to talk to you about ways that with have structured our rental criteria to be inclusive.

I will leave it at that and thank you for your time.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Mayor, I don't see any other callers with their hands up right

now.

>> Mayor Taylor: Please press star nine.

>> Clerk Beaudry: Caller with 589, do you have a comment?

>> Hi, can you hear me?

>> Yes, we can.

>> Hi.

Thank you, council.

Thank you, mayor.

My name is Aaron C. Runnima, I want to thank everyone who has put work into this ordinance and getting this this far, especially council person Nelson, and grand and Radina and Margaret Radabaugh and all the other folks.

I'm hearing the property owners loud and clear but from the other side, I have to offer, you know, another perspective.

I realize that we live in a country that foundationally says if we work hard enough, we can succeed on our own merits.

Some that's something that we all hold dear and not only raising ourselves on our own merits.

But the fact of the matter is that most people don't realize that they live in a gated community.

As the HRC noted, one in four Americans has a criminal record.

And this massively, you know, shows up in people's color, especially black men, where they can be expected to serve in a lifetime.

Can you imagine what that does to individuals and the families and their psyches?

And how that affects people.

I'm speaking to you as a resident of Ann Arbor.

I'm very Ann Arbor.

So, you know, I have been going to Jerusalem garden ever since we moved here in 1992.

And, you know, but the fact of the matter is we have got about 200 people coming home from prison, over 3400 a year going through the jail.

The majority of the people who get convictions, felony convictions, as a matter of fact are never sentenced to jail or prison which means shortly after the time.

--

>> Clerk Beaudry: 30 seconds.

>> The prosecutor deemed that they were not a threat to the community.

I guess where I'm going with this is I myself, formerly incarcerated.

I have been out of prison for 12 years.

I graduated from grad school.

I have served on various nonprofit boards and I I'm committed to building a healthier community.

The fact of the matter is that I believe in second chances and that second chances need to start somewhere.

The idea categorically and systemically denying people access to housing is wrong.



Redlining was once a standard and accepted practice and I don't want to live in that era.

Let's not look back at it.

I urge the council to support this second chance and let's open doors and opportunities to go and build a healthier community.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 501, do you have a comment?

Caller 501, if you press star six, you can unmute your phone.

Caller 501, do you have a comment?

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

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

>> Yeah, high, this is Joe Spalding.

I'm calling from Holland, Michigan.

I wanted to say once again thank you to the councilmembers who brought this forward originally.

Nobody and that means absolutely nobody deserves to be judged by the absolute worst thing that they have done in their lives and unfortunately, that's one of the side effects of systemic racism and how it was put together in this country, is that a whole class of individuals are perpetually perceived by society the worst thing they have done in their lives no matter how much restitution they paid.

So I understand that this is going to be a struggle.

In 2017, there were three big ballot initiatives across the country that were driven by all.

And the third one was making Florida a second chance state.

And the republicans in Florida pushed back hard and gutted that voter approved initiative and this is going to be a fight statewide and nationwide.

And I just wanted to commend the council for continuing the fight on this one, on this specific issue because it's important for all of the reasons stated.

But -- and for me, absolutely, this is the tip of the iceberg of the -- of the problem of racism in housing and when we have a lop sided criminal justice system that disproportionately harms black and brown citizens and residents, we are dealing with a system that's going to be more discriminatory against them in housing when they come out of prison unfortunately because they are more targeted.

So I think we have seen some evidence of that racism from a landlord on this call tonight.

So thanks a lot, everyone and keep pushing for this one.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 50, do you have a comment?

Caller with the phone number ending in 501, press star six to unmute yourself.

>> My name is Charlie foster.

I have been a land lord in Ann Arbor for 40 years.

I have rented to people from a variety of people.

The thing that concerns me with this not being able to do the background checks are there's some people that when they release from prison, they can move on into society and there's other ones that still struggle with that.

I think as landlords, we should have that right to -- could have more checks put in the system than what you are offering us.

That being said, I had a tenant about ten years ago that developed a relationship with a prisoner.

And he was a predator.

He ended up taking her money and murdering the girl.

Not that that happened to all people in prison because some come out and they are constructive citizens.

If we could have some more checks on this and not just latently have no background checks at all, I think it would help us out.

Thank you very much.

>> Mayor Taylor: Thank you.

Is there anyone else who would like to speak at this public hearing?

>> Clerk Beaudry: Mayor I don't see any other people with their hands up or they have already spoken.

>> Mayor Taylor: Seeing no one, this public hearing is closed.

Public hearing number 4.

Resolution to Approve the Issa Annexation, 1.24 Acres, 201 Scio Church.

Is there anyone who would like to speak at this public hearing?

>> Clerk Beaudry: Mayor, I don't see any callers for this hearing.

>> Mayor Taylor: Seeing no one, this public hearing is closed.

Resolution number 5.

Resolution to Approve Lewis Jewelers Site Plan, 300 South Maple.

Is there anyone who would like to speak at this public hearing?

If you wish, please press star nine now.

>> Clerk Beaudry: Mayor, I don't see any callers with their hands up for this hearing.

>> Mayor Taylor: Everyone, Work Sessions of February 8 and February 22, Special Session of February 10 and Regular Session Meeting Minutes of March 1, 2021.

May I have a motion to approve these minutes?

Moved by Councilmember Griswold and seconded by Councilmember Eyer.

Discussion of A-1.

A-1 approved.

B-1.

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.3 Acres from TWP (Township District) to R1A (Single-Family District), Talpos-Knight Property, 2731 Newport.

Moved by Hayner and seconded by Disch.

Cushion of b-1.

All in favor?

Opposed?

It's approved.

B-2.

An Ordinance to Amend Section 1:271(4) of Chapter 12 (Financing Local Public Improvements) of Title I of the Code of the City of Ann Arbor.

Moved by:

Councilmember Hayner, seconded by Councilmember Nelson.

Discussion of b-2?

All in favor?

Opposed?

It's approved.

B-3.

An Ordinance to Add Chapter 122 (Fair Chance Access to Housing) to Title IX of the Code of the City of Ann Arbor.

Moved by Councilmember Radina, seconded by Councilmember Nelson.

Discussion of b-3.

Councilmember Grand.

>> City Admin. Crawford: Mayor, if I could interrupt?

>> Mayor Taylor: Yes.

>> City Admin. Crawford: There was a question from council on this and we have senior assistant attorney Radabaugh here to introduce it.

>> Mayor Taylor: Thank you very much.

>> Hi, yes.

So this is an ordinance as you just heard about, to end discrimination in housing, based on criminal record.

The idea is to give people with criminal records a fair shot at competing to rental housing.

So we received a question this morning from Councilmember Griswold.

The question was: If we make a change for landlords taking federal vouchers, will we have to make the change for all landlords?

So the change that we did make would apply to all landlords.

It's just that there's a special federal requirement that apply to landlords receiving federal assistance.

And so the change was made uniformly, but it allows landlords to comply with federal and state law when required to run a criminal background check.

>> Mayor Taylor: Thank you, Ms. Radabaugh.

Councilmember Grand?

>> Councilmember Grand: Thank you.

I feel like with the amendment that I know is forthcoming, I look forward to supporting this three times instead of the normal two, which is great because this is such important work.

I do want to thank attorney Radabaugh and I know we have a couple of commissioners and Winkler and Cowan who are here.

We heard from the residents who was instrumental in bringing this forward earlier, but one thing that I just -- I don't think did I have -- there will be others who will say things but we had a comment that was really damaging and before

we bring forward that amendment, which I will certainly support and don't have anything to say about it because I know it was fully vetted by the HRC and our attorney's office, that -- that the neighbors who had to witness I.C.E. coming in were not the -- were not the individuals who were most harmed in that situation. My assumption is that the people who were taken by I.C.E. were those who were most harmed in that situation.

So I just wanted to respond to that because if it -- it was for harmful to me, I'm sure it was harmful to others in the communities and I want to respond to that.  
>> Mayor Taylor: Councilmember Disch and then perhaps Councilmember Disch and someone else could bring the actual amendment, which is included in the packet.

>> Councilmember Disch: I would like to make one additional clarification before the amendment comes up.

The discussion we are having tonight is not about tools.

It this ordinance passes, landlords have a powerful screening tool in credit checks.

This ordinance prohibits landlords from treating persons with criminal records as a suspect class.

It prohibits discrimination there is no right to discriminate.

What must it mean to a person who has a crime on their record, who are locked out of society whether they served jail time or not.

What must it do to a person that no matter what they do in the present, there will always be a cloud hanging over them from the past.

They will always be a suspect.

This is not about tools.

This is about grace, which is something that we all need.

>> Mayor Taylor: Councilmember Hayner and Radina.

>> Councilmember Hayner: I was going to move we introduce the substitute amendment rath -- the proposed amendment that was included in the packet as item number four, fair chance access to housing ordinance proposed amendment.

>> Mayor Taylor: Thank you.

Is there a second.

Councilmember Radina.

Is that friendly to the body?

Any objection?

Thank you.

It's friendly.

Councilmember Hayner, you still have the floor.

>> Councilmember Hayner: So I appreciate everybody who brought this forward and Councilmember Nelson and I have been talking about working on different things on our tenure.

I was happy that I was allowed to help cosponsor this.

I didn't do too much work on this.

We received a lot of information from folks in the last couple of weeks when they

heard this was going to be on the agenda.

I looked into Transunion and all the other background checks used by landlords, various professional services and there are about half a dozen of them based on some information I received from a constituent.

And there is an extreme difficulty in separating this information.

It's -- in many of these cases, it's an all or nothing request that is made.

You know, that wraps up the credit check, a background history and all of these other things.

We recognize that that landlords will receive this and I think our recognition -- and our resolution rightly recognizes that and it also discusses the fact that they have to ask for these types of things from their tenant.

I think we are on the right track here with this, and I recognize the concerns that landlords have, but it's really not changing the way you do business if you are doing business fairly.

And that's the bottom line that this is the right thing to do.

It's right goal to have as a city and we have to make sure that our language around it is implementing it properly.

Sometimes when you have a felony, it does follow you forever.

We have a sexual registry.

You can see they are getting rental housing.

You can find that public information.

And so in some cases it does follow you around and there's nothing we can do as a city to prevent that.

But what I would encourage folks to do is -- hopefully we can adopt this amendment and I think it will answer the questions that the landlords big and small have had about this and recognize that this is an important goal for us as a community there's no punishment for this but what we have done instead create opportunities for people who feel harmed and that's more important in my opinion, and I want to thank the folks who wrote it up and took the time to do so. It's just another step in making the vast majority of the -- you know are -- well, not the vast majority -- the people who are renting in our community to give them better rights.

I appreciate this, and I think we should pass it.

>> Mayor Taylor: The amendment was friendly to the body, and it's already amended.

Councilmember Briggs.

>> Councilmember Briggs: I appreciate that we have gotten a lot of feedback, most in favor of this resolution.

And a fair amount opposed and primarily coming from folks who are property managers, landlords around our community.

I have to say for the most part -- to the feedback we have gotten is actually it fills me with concerns.

I would like to read them into the public record here briefly.

One person wrote, considering recidivism rate of criminals, we don't want to take a chance of exposing our tenants to felons.

Thank you to attorney Radabaugh from providing this memo from H.U.D. The guidance is that a policy or practice that fails to consider the nature, severity, and so much of the feedback that we are getting from the community is actually in direct opposition to what the current guidance is.

But, you know, to the larger point of protecting our community and making it safe, which, you know, I appreciate that concern that -- that folks have, you know, I would just like to point to the issue of recidivism.

We know that's linked to housing insecurity and connection to society.

Whether there are issues this is a step we can take to try to make our community safer and I would like to -- one of the comments was on -- around being a gated community and, point to if we are not allowing folks this chance to compete fairly for rental housing in our community, what community are we suggesting that they should go to?

Because we are explicitly suggesting that our community is not open to them but that this problem should be somebody else's problem.

Which I don't think is a very equitable way for us to approach policy issues.

I trust that our criminal justice system has its many flaws but it's not a role for our housing to participate in.

>> Mayor Taylor: Radina and Ramlawi.

I understand this will be coming back to us at our next -- at our next meeting, this having been converted into a first reading after the amendment.

Councilmember Radina.

>> Councilmember Radina: Thank you, I will be able to be relatively brief because Councilmember Briggs mentioned almost everything that I was planning on saying more eloquently.

So instead I want to use my time to thank commissioners Winkler and Colin and the human rights commission and also attorney Radabaugh for all the work that went into this.

I came relatively late to this project, I know Councilmember Nelson and grand have been working on this before I have been on this body and just in the last week, I saw the amount of work and thought and really thoroughness that went into this by staff and by the human rights commissioners and I'm just in awe at the amount of work that they do to make this step to make sure that our community is ending this form of discrimination and I'm really grateful for it.

It's going back to first reading because of the sizable change and I look forward to supporting this tonight, and again at our next meeting.

Thank you.

>> Mayor Taylor: Further discussion.

Since there was a reference to a substantive change.

It was indeed changed but it was changed in a manner that was for want of a better word ratified by HRC, legal aid and others for the purpose of enabling landlords to comply with our ordinance and state and federal law S. that fairly stated, Ms. Radabaugh?

Excellent.

Further discussion of the main motion as amended.

All in favor?

[Chorus of ayes]

Opposed?

It's approved and I know we all look forward to seeing it come back.

HRC folks, thank you so much.

DB-1, Resolution to Approve the Issa Annexation, 1.24 Acres, 201 Scio Church.

Moved by Councilmember Disch.

Seconded by Councilmember Eyer.

Discussion of db-1.

All in favor?

[Chorus of ayes]

Opposed.

It's approved.

DB-2, Resolution to Approve Lewis Jewelers Site Plan, 300 South Maple.

Moved by Councilmember Disch, seconded by Councilmember Ramlawi.

Discussion of DB-2.

Councilmember Disch.

>> This is approving the site plan for Lewis jeweler retail plaza which will be in the site that was partially occupied by corner bistro and it will bring a 24 -- over 24,000 square foot shopping mall basically with a suite for Lewis jewelers and suites for six other tenants and essentially this project takes a parking lot that has been inhospitable and turned it into a walkable, usable site, and will have the jeweler and a coffee shop and who knows what else will go into those suites.

The north side of the building will be handicapped accessible and there will be a nice outdoor patio and there will be lawn areas.

This is a great, great change that I think we will all appreciate.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: I want to thank planning commission for taking a look drive thru component of this and not moving that part of the proposal forward.

I don't think it would have made it walkable and I think we might want to consider the role of drive thrus and special exception use.

Now that I'm not on planning commission, I can't bring up that issue there.

>> Mayor Taylor: Further discussion?

All in favor?

Opposed.

It's approved.

C-1, An Ordinance to Amend Chapter 55 (Unified Development Code), Zoning Of 1.2 Acres from PUD (Planned Unit Development) to R4C (Multiple-Family Dwelling), Near North Rezoning, 700 North Main Street.

Moved by Councilmember Disch and seconded by Ramlawi.

Discussion, please, of c-1.

>> Councilmember Disch: Get, super quickly.

This is fifth site plan on this site since it's been rezoned from office to have housing on it.

So there's been a lot of different projects, some of which deposit work because of

financing and others didn't work because floodplain maps were changed.

This latest plan is very exciting.

There will be two rows of town houses, 22 total.

Then they will be linked by a courtyard and lots of open space.

And it will look great from the street.

There will be electric heating in all of the units except the corner.

And the developer is providing 23 E.V. charging stations, which will be every space in their underground parking.

And note the parking is underground.

This is more than our E.V. ordinance requires.

And they are doing this because this is a planned project meaning that -- I don't want to go into the weeds there but they asked for site plan modifications and they had to throw in a couple of sweeteners for us to approve that and they will have E.V. ready spaces for visitors and whatever.

So, again, another project that is really exciting and will fill in an area on north main that has been empty for a long time.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: The only thing I would add to that good summary.

Yes, this is a stressed site for a while and really.

The it was an attempt to come up with the funding in a very stressful time, and so, you know, there shun be any concerns that we're leaving a PUD hanging out there like we had in other situations.

The plans project modifications, I guess the only thing I would say about that, they asked for those no increase the setback and they got some more units out of it.

There were no substantial complaints from the neighbors and planned project modifications will be coming back to council because we set up this pick one sort of thing and it's affordability or sustainability and it's easier to build in sustainability for developers and so I think we are going down the road where they are always going to pick sustainability rather than affordability.

I think when the plans project modifications are a thing that we should do away with, you know, it may be growing on us.

It's nice to see this brownfield type lot, even though it looks green right now being redeveloped in a critical area there close to the train station and close to downtown and Kerrytown.

So we welcome this addition to our housing.

The market rate though it may be and we look forward to having that filled in.

Thanks.

>> Mayor Taylor: Further discussion.

All in favor?

All opposed?

It's approved.

C-2, An Ordinance to Amend Section 9:46 of Chapter 107 (Animals - Dog Licenses) of Title IX of The Code of The City of Ann Arbor.

Moved by Councilmember Grand and seconded by Ramlawi.



Discussion, please, of c-2.

Councilmember Ramlawi.

>> Councilmember Ramlawi: I want to thank the clerk and the staff for the forward-thinking policy here and be bringing us in line with better customer service to our residents when it comes to licensing their dogs and so it was an acknowledgment of bringing us into the 2021, you know, way of doing things. So thank you.

>> Mayor Taylor: Further discussion?

All in favor?

Opposed?

It's approved.

C-3, an Ordinance to Amend Section 4.60 of Chapter 47 (Streets) of Title IV of The Code of the City of Ann Arbor.

Moved by Councilmember Ramlawi.

Seconded by Councilmember Disch.

Discussion of C-3.

>> Councilmember Ramlawi: Thank you, mayor.

I know we talked a lot about snow removal and complaints that we have been getting surrounding snow removal.

This resolution, I brought in response to many constituents who had sticker shock with fines they were issued after failing to clear their sidewalks.

And sometimes people were hilt with more than one ticket in the same week, not because they were ignoring their responsibilities but just bad luck and the discretion given to the officers issuing the ticket.

That being said, there's a \$40 court fee assessed to these clients.

So the city's portion prior to season or including tonight is \$100 for the first offensive and the \$40 court fee, the recipient of the tickets is \$140.

And in this case, we would reduce the city to \$60 and a \$40, and the net for \$100 for the property owner for failing to comply with the snow clearing ordinance.

I wanted to bring this now.

I appreciated Councilmember Nelson's questions on this item.

As we can tell from the response, there was almost 1 how call -- 1,000 calls to community services, community standards that is when it comes to sidewalk clearance which is much higher than any other time in recent memory.

Anyhow, I hope to get from this body in reducing that first ticket issued to the property owners to 60 from the current \$100.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: I have a question for Councilmember Ramlawi on this, perhaps in terms of why now?

Obviously staff, we just directed staff to take a look at our policies.

And I can imagine certainly our enforcement procedures and rates and all of that might be something that might be included in that, I'm not necessarily opposed to this, but it seems like it's part of our package in terms of thinking about we obviously our ultimate goal is to make sure that our sidewalks -- that we are clear out the winter and as much as I would like people to do that, sometimes it

requires a little bit of -- you know, why now as opposed to think about it in terms of other policies or procedures might get shifted.

>> Councilmember Ramlawi: I appreciate the question.

Why now?

I guess now is as good as any time.

It was a small lift by staff.

I felt it was a good a time as any, like I said.

The direction we have given staff to go and look at our policies currently, I don't think really addressed this small issue with the enforcement and the fines that are assessed.

We are looking at cost and feasibility and piloting some programs but I don't think that directive had an enforcement on the fees.

I feel it's separate from that greater body of work that will be done and might as well get the low hanging fruit.

It will keep the second and third offenses, the cost of those high, substantially high.

It's just for first time offenders, instead of \$140, instead of \$100.

It's as good a time as any to get things done.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: I want to thank staff for the postcards and education that was done.

I would rather get to proactive enforcement.

The fact that we expect people to complain about their neighbor and then the neighbor receives a \$140 fine when there may be ten other homes in the neighborhood that don't get fined because no one has complained about them, just seems very unfair.

So if we can lower the fine to \$100, that seems reasonable.

And while we do have a comprehensive program to ensure that our sidewalks are snow and ice-free in the future, part of the solution is -- we have a solution for low-income elderly who are unable to do it themselves.

There are a number of different options that we are looking at and so I just think this -- that this proposal tonight is consistent with the direction that we are moving in long term.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: I want to offer an historical perspective since I'm one of two people who voted for this.

I think when we had the pedestrian safety and access task force make these recommendations there was a lot of concern about just having some teeth in the ordinance so that people understood that we value as a community that our sidewalks are clear.

And there's a real emphasis, especially for, you know, just the mobility issues that I think we are now probably more comfortable with today than we were in the past.

And so I think, you know, part of -- part of what we are doing with taking this more comprehensive look is important.

I'm comfortable with this as a stop gap measure.

I think when we do the comprehensive assessment, we need to look at all different things if we determine that we are not able to clear sidewalks as a city. But I have seen myself that enforcement is incredibly uneven and this winter has certainly raised a lot of issues around equity, seeing the places where in my own ward, where at least anecdotally, there is a pattern there and it's not one I'm particularly comfortable with.

I don't know that we thought that they would complain about a neighbor and they would ticket a house five houses down.

I think there's unintended consequences.

I'm comfortable in supporting this understanding that we will take a much more comprehensive look at all of these issues going forward.

>> Mayor Taylor: Ramlawi and then perhaps this is first reading.

I'm sorry, Councilmember Hayner.

I didn't see it up there in the queue.

Councilmember Hayner.

>> Councilmember Hayner: I want to appreciate councilwoman Nelson's question about frequency of violations because when I talked with the chiefs and the deputy chiefs today, we talked about the community standards and the police putting together data that was more realtime.

I would encourage us as we move forward if we adopt this at second reading, that we look into a relationship with community standards, there might very well be a reason, whatever the reason is, it might be a senior citizen who can't get out there and do it.

So that maybe somehow we can have reports come back to us in the practice, and reach out to the resident and not just hang out there with the ticket fee in the hope that they will change their behavior and what can we do about it and this ties in with the concerns about snow clearing generally, and trying to hook up good citizens with people who are unable to clear their sidewalks for whatever reason.

You know, use an app or whatever else.

And so I'm hopeful that we can, you know, take better notes.

You can see when you look at the complaints that were listed that they vary wildly from year-to-year and month-to-month.

I'm not sure what that tells us.

I think it's part of a general look we need to take at parsing our data better as a city and a community.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Thanks for the opportunity again.

I appreciate the comments made by my colleagues that we want more education and it seems like this will get support here at the first reading and I appreciate Councilmember Hayner's insights on folks who are maybe repeat offenders who need help in other ways and finding other ways that we can help folks that can't do the work themselves, that affect everybody else in the area.

So anyway, it sounds like it's a pretty positive discussion.

Thanks for the support.

>> Mayor Taylor: Further discussion?

All in favor?

Opposed?

It's approved.

DC-2, Resolution for Community Events Fund Disbursements from the FY 2021 Budget.

Moved by Councilmember Grand, seconded by Councilmember Disch.

Discussion, please of DC-2.

Councilmember Griswold.

>> Councilmember Griswold: I have been trying to look at all of our resolutions and actions as much as possible from an antiracist standpoint and so I would like to suggest that in future years we consider the Juneteenth celebration and the African American festival.

I know that these are very popular events and well-deserving but I would like to see more equity in our disbursements.

Thank you.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: I do want to respond to that comment.

These -- I note Sarah Higgins who basically does all the work for this program, and meets with us a couple of times and we tell her how wonderful she is and asks a couple of questions and thank you to her.

These are -- I know that the African American festival is one that has received funding annually, that Ms. Higgins reaches out to all groups who have received funding in the past and makes sure they know well ahead of time about the ability to apply.

It's just that this year our allocations are limited because of COVID.

If there are other opportunities for events as they come up, I could see where we could even be coming back in they were able to be done safely, but I appreciate the comment but know that anything in that needs money to offset some of the city's costs, we consider all applications as part of the process.

>> Mayor Taylor: Councilmember Disch.

>> Councilmember Disch: I wanted to add as a clarification, that I did look back and the African American downtown festival did not apply this year and I believe in the meeting, Ms. Higgins said she reached out to the people who had received funding in the past and let them know, you can apply.

They did not apply.

As far as I could see on the spreadsheet, Juneteenth did not apply and never been funded.

I'm not sure why that would be or maybe there are not that many expenses because, you know, streets aren't blocked off.

So there was no directing the funding towards in I particular favor -- any particular favorite organizations and we gave -- we gave the money to the people who applied for it.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: I didn't mean to criticize in any way.  
It was just an awareness where I thought we should at least ask the question.  
So I'm happy to get the answers.

>> Councilmember Grand: It was not taken as a criticism.

>> Mayor Taylor: Further discussion?

All in favor?

Opposed?

Approved.

DC-3, Resolution to Commit Marijuana Excise Tax Rebate Funds.

>> Councilmember Ramlawi: Excuse me, mayor, could we possibly take a break.

We are approaching three hours.

>> Mayor Taylor: I don't mind taking a break, it's 9:54.

Let's come back at 10:04.

[ Break ]

>> Mayor Taylor: We are back after a short break.

DC-3, Resolution to Commit Marijuana Excise Tax Rebate Funds.

>> Moved and seconded.

>> Councilmember Ramlawi: Thank you, mayor and thank you to the cosponsors and staff in helping to craft this piece of legislation for us to consider tonight.

Back in October of 2018, council had a lengthy discussion to opt in or out of recreational marijuana.

And I think we opted in to allow for the recreational sales to occur.

We knew at that time that there would be excise taxes collected and given back to the municipalities who opted in.

At that time, we did not know how much would be coming and we knew it was nothing to make plans for.

It was a nonrecurring revenue.

That being said, within the last few weeks, we had received notification from the state of Michigan of our portion of the \$46 million collected in the excise tax and the portion for Ann Arbor represents a whopping 1% which is pretty significant considering the minuscule fractional we received in the formula, but that being said, in those discussions in October, we talked about -- of '19, we talked about how we could perhaps use this money in ways for social justice issues, mental health issues, substance abuse issues.

That time now has come to -- fast forward to today.

And so I reached out to council member Nelson and Councilmember Hayner and quickly got to work outlining this resolution and outlining why we think it's important and where this money should be directed.

In the second whereas clause, it lists six bullet points.

I won't necessarily go through them all.

It's rather prescriptive.

We wanted to leave it up for the professionals to weigh in on this matter to better prescribe where the need is greatest and hopefully work with other agencies in

the county, and in state and the federal government, with other programs that perhaps may be available.

But hopefully my intend is to go to programs that currently don't exist that are -- that this could be used in ways that are innovative and responsive to the issues we hear from our community, based on the need for unarmed emergency response and I will leave it at that for now.

Thank you.

>> Mayor Taylor: Councilmember Nelson.

>> Councilmember Nelson: Thank you.

Councilmember Ramlawi gave a good summary of this I want to reiterate, for me, this is the beginning of the conversation and the fact that it is -- I would argue in the context of our budget, it's a small amount, but based around the conversations -- the presentation we heard from the housing commission of the \$235,000 that was being directed to unarmed response and conversations around, like, how that was not really enough to think about contemplating big solutions.

I'm hopeful about some of this money perhaps supporting efforts that are already underway.

I -- we talked -- Councilmember Ramlawi, and Hayner and I talked about how to craft this generally enough for creativity to happen but to go to the goals that we were really aiming at.

And I think we landed in a good spot with significant help from staff.

I want to give a shout out to Arianna Slay who reminded us -- there is actually administrative costs and fees around expunging record.

So if there's a policy of expunging records, then it's not an automatic win for people.

It's a process and offering support to people who are doing down that path is something that's specifically referenced by staff.

I hope everybody will support it.

I feel like it's the beginning of really good conversations and it's sort of intentionally vague in places, but hopefully specific enough that we are moving in the right direction.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: To follow up on the last point that Councilmember Nelson did.

We are asking this body to agree in principle that this goes towards community uses.

When we saw the excise tax refund portion was coming back being we instantly started thinking what can we do with it and the needs identified.

I went out and spoke with the growers and retailers and other people in the industry and looked at what other communities have done.

We said, how would you like this money to be spent?

And overwhelmingly to the last person, it must be spent in a way -- it must do public good in areas that are underfunded, unfunded or have a great deal in our community.

So that was where we started with that.

It was easy to identify those.

We had calls for at-risk youth and interventions and so on.

It's the 2022 budget.

I know we are putting a little bit on the city administrator.

We want to consider that we match what Ms. Hall came up with in her grant to get that started.

In talking with the police about their response -- I said how would you feel if we said that.

He they don't like to be the only response.

They would like to be a responder and suggest the calls that we would rather not do.

We have a real opportunity for the partnership with the police to get the kinds of things moving forward that we want with them, and this is certainly one of them. Because it comes through 911, this will be some relationship with the county, of course, in there.

But I think it's perfectly optimal.

And it tempers the notion that, you know, marijuana, recreational marijuana sales in our city are an evil, utility might say, but it also really puts it to good use.

I know it's essentially a general fund return from the state, and yet I ask you to support us in targeting these areas and I want to thank councilwoman Nelson and Ramlawi for everybody else to jump on to sponsor on this.

I think it's great that there's interest to spend the money for the community good.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: I want to thank the original three sponsors who put in a lot of work in drafting this and Councilmember Ramlawi and Nelson in particular for engaging me in dialogue around this over the last week.

I think rather than repeating all the things that they said about this being a step in the right direction.

I was glad to join as a cosponsor.

I think this is a great start.

I think suggested other things that we should be supporting as' community and recognizing it's a relatively limited pool of money.

I have think this is a good starting point for us and provide sympathy direction as the budgeting process starts out.

I think it's important to note that the community is paying attention to this and responding as well.

Councilmembers Eyer and Griswold were with me at a survivors speak protest this weekend.

And this came up as a positive step that council was taking to help support communities of color and Black residents in particular who are generally negatively impacted by some of the drug enforcement, and I'm happy to see that we will re-invest this in the community and I'm proud to join as a cosponsor and I'm looking forward to voting for it.

Thank you.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: Thank you.

I would like to echo the statements of Councilmember Radina and ask to be listed as a cosponsor.

>> Mayor Taylor: Councilmember Grand?

>> Councilmember Grand: Thanks.

I certainly appreciate where this is coming from and plan to support it.

I think looking at this, there are places where it's too specific and places where I feel it's not specific enough.

You know, I get a little uncomfortable honestly in resolve clauses, even though we are not committing to certain things calling them out.

I feel like there's an engagement piece that's missing in a resolve clause here that I think we heard from Ms. Duckworth about how important it is to engage with members of the Black community in terms of getting their input.

There's also, you know -- I don't know if it was intentional or not, but there is an absence of any language and referring to race.

How the war on drugs, it seems odd to me that when we talk about populations that were disproportionately impacted by Maryland and other drugs and the percentages of -- marijuana and other drugs and the percentages of black men that are incarcerated.

So I'm hopeful.

In the admin committee, we have been working on some ideas on how to be a little more transparent in our processes.

One of them was talking to different groups, different commissions and council liaisons to different commissions.

Housing was brought up.

I hope that is a tool that could shed a little more light on the process in the future.

But I think overall if we are giving great discretion to staff and giving intent, I'm comfortable in supporting it, but I wish there was something about engagement in here.

>> Mayor Taylor: Councilmember Song.

>> Councilmember Song: I want to give a little context of what is going on at the state level.

The state's marijuana regulatory initiative.

They have a social equity program in place, and in Washtenaw County, it includes Ann Arbor and Ypsi.

And that speaks to a sobering statistic.

So let's speak directly to the impact and the disparity on how of these policies have impacted BIPOC communities.

African American residents in Michigan in the state of Michigan, African American residents are three times more likely to be arrested for marijuana crimes than white residents.

That matches the national disparity.

And we should also note that that disparity persists even as the arrest rates drop in the states where marijuana is legalized.



I hope we can directly address this disparity, that it's tracked and reported to council, and then it meets our own strategic goals when it comes to equity work. I hope that we can look at -- I hope we can speak to the state gives licensing discounts to participants, including those with marijuana misdemeanor and felony convictions.

So they give discounts on past conviction histories we can match that discount and more fully address racial and equity disparities a result of past marijuana enforcement.

Thanks.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: I want to say thank you to the original cosponsors. I think this is a good resolution in terms of creating a new fund really recognizing past issues creating a fund that we can then specifically dedicate to restorative and community support and I think that pairs well with what Mayor Taylor was discussing, and moving in order with an unharmed response.

We know that that's an unfunded need and I appreciate that there's many unfunded needs around this area.

I think that we have had some other issues where we dedicated them to unfunded needs but I think this is -- this is important work and important for us to begin dedicating to funds and we know that we will need more.

So thank you.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: I want to respond to some of the positive comments. Disadvantaged communities of color and people of lower socioeconomic status. We recognize that it's evident and named that we recognize who has really had the most harm on the war on drugs.

We talk about the innovation grants.

I visualized the micro grant program and then with ask our administrator to seek supplemental funding.

So Councilmember Song, that's that opportunity there.

And hopefully that -- you know, it's tough to know what will be in place, we have the COVID rules and the marijuana rules, and so hopefully Mr. Crawford you have -- in this resolution, enough to act on on this in a meaningful way and advantage of opportunities that are out there as the law was written.

That's our hope in this.

I appreciate everybody's support and enthusiasm for it.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: I will echo Councilmember Hayner's sentiments around the discussion.

We did call it out in the first whereas clause the concerns that Councilmember Grand has raised and also throughout this resolution, I think it's -- I think it's implicitly implied in this to where the benefits of these funds would go.

It's going to be going to the people that have been most greatly affected by the devastating war on drugs.

We are talking about at-risk use and mental health and substance abuse

treatment programs and so hopefully inherently it does affect and get to the people that need it the most.

And that there's enough here that the city administrator can go on.

This is for the fiscal year '22 budget.

We still have several months to get a better plan in place and hopefully get some of the matching dollars that Councilmember Song talked about and others that might be applicable to this and really get something special going here so we can have people say, look at what they are doing in Ann Arbor.

Look at what they are doing in Washtenaw County, instead of us saying the other way around.

Thank you.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: So whereas is not binding.

So it doesn't actually address my concern.

I do have a question about the stakeholders from the cosponsors, which -- in your conversations with staff.

I would like to know who staff is going to reach out to, to work with this because I do have concerns about not being duplicative because we get calls from people who are asking us to do things that the county does better or that the nonprofit community does better.

And I just -- I feel better supporting it having -- I don't think it has to be a resolve clause but knowing who the stakeholders are who are actually going to have input.

We can have ideas for days.

But someone is an assumption that will be spent on acts.

And others it could be spent on anything!

So who are the stakeholders that you are going to talk to?

>> Mayor Taylor: Mr. Crawford?

>> City Admin. Crawford: We don't have a plan yet for that.

As you'd if this passes, I would envision trying to get a group of people together, including some of your boards and commissions, like human rights commission, ICPOC, but I also envision some members of the courts, I would say.

Members of the leaders of the black community.

I would view all of those as members but people we would reach out to.

But I really, really haven't developed that yet.

But welcome council's suggestions if you have more.

>> Mayor Taylor: Councilmember Song.

>> Councilmember Song: I have suggestions!

So Grand Rapids has an amazing program and they actually speak to how they developed the stakeholder program with nonprofits, local businesses, and how that works with the courts and collaborating with the city when it comes to zoning, licensing, but when I spoke with folks, I learned that the most progressive program, when it comes to social equity and re-investing in the community using this windfall is actually in Illinois.

And it's a program called restore, reinvest and renew.

It specifically speaks to restorative justice work.

And you can actually -- there's actually a map where you can see the organizations that are collaborating with the participants.

So should you take a look, I would recommend taking a look at Grand Rapids' program, and Illinois' -- the Illinois justice project's program.

>> City Admin. Crawford: Mayor, may I add --

>> Mayor Taylor: Please.

>> City Admin. Crawford: You know this sum of money -- I mean so, staff has -- we have got to figure out what we want to pursue.

If we are looking at doing supporting an unarticled response-type model, that would be a substantial effort of staff's commitment to look into that.

And to coordinate with some partner -- community partners in that regard.

We could probably do a few other things looking at that but I think we have to be realistic about what we can run off and do this year on top of everything else we already have.

But we can certainly try to do a few other small programs.

If you would like to point to priorities, my I would be welcomed to hear what you are thinking, but absent anything else right now, I heard a lot of conversation about unarmed response, which would be a pretty significant effort to help evaluate.

>> Mayor Taylor: Councilmember Hayner, I see your hand up but you have spoken twice.

>> Councilmember Hayner: I didn't know if that question was addressed to one the original sponsors or writers, from Councilmember Grand.

>> Mayor Taylor: Oh, Councilmember Radina.

>> Councilmember Radina: For my part I know that Councilmember Nelson and I spoke about this, at least briefly with the human rights commission.

And Councilmember Song and I discussed it housing and human services advisory board.

We are making sure that groups are aware of this as this is going through process.

My assumption and maybe this is a question for administrator Crawford is that by delegating this -- by essentially taking these funds and putting it in a separate being and using them for these purposes that we would go through a relatively normal budgeting process where we would have to engage with stakeholders to determine where the money is spent; is that correct?

>> City Admin. Crawford: Yes.

I'm hearing -- well, interest in separating the funds hasn't they could be encumbered but they could not be expended, but it takes as long as it takes to come up with the program, if that answers your question.

>> Councilmember Radina: It does.

>> Mayor Taylor: Further discussion?

For my part, I'm delighted to support this, and thank the original drafters for putting this together.

I would like to be added as a cosponsor.

We in Ann Arbor realized that the war on drugs is a failure and worse than that, it was -- you know, an effort that destroyed communities and individuals' lives and the legalization of marijuana has been a small step to reverse the side.

The use of these monies in the legalization of marijuana in restorative for community support is, you know, I think entirely proper and is something that I'm glad that we are going to be doing going forward.

Further discussion?

All in favor?

[Chorus of ayes]

>> Mayor Taylor: Opposed?

It is approved.

DC-5, Resolution to Amend and Restate the 5-Year General Service Agreement between Recycle Ann Arbor and the City of Ann Arbor for the Residential Customer Recyclables Collections (estimated \$7,392,746.00 as amended) with the Option for one 2-Year Extension (estimated additional \$3,193,892.00 as amended).

Moved by Councilmember Radina and seconded by Councilmember Eyer.

Discussion, please, of DC-5.

Councilmember Ramlawi.

>> Councilmember Ramlawi: Well, I will keep this brief, I hope.

I know that we were told about this when we approved the contract at our last meeting, where costs of acquiring the trucks has gone up and this they need to pass along the costs to us in this arrangement.

I hope that the care and the maintenance done with these trucks will improve from how they were treated years ago.

Taxpayer dollars going to support a nonprofit and getting to our community goals. I hope that the use and the maintenance of these trucks is done in a fashion as if they were being paid for by the organization itself.

You know, the way I care for things in my business.

Anyhow, that's all I got to say.

I hope these assets get treated well.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: Thanks, Mr. Mayor.

The only thing I wanted to say about this, really has less to do with the contract.

I noticed when we were advancing the other one, the previous meeting that -- and I assume something would have been said.

We have a nonprofit, with the law firm.

I know Mr. Mayor that we have spoken to this in the past and there's no business relationship between yourself and -- because there's never been a request for recusal.

At some point, I think it's great that we have a big firm in town that does a lot of work, right?

And just jumped out at me again.

Oh, we have to notify hooper Hathaway if we have something that goes wrong with this contract.

And our city attorney.

I have recused myself on several land deals, you know, for direct financial consequences.

So I'm going to give the opportunity to --

>> Mayor Taylor: Actually, I -- they are not a client that's at all connected with me at the firm and so I did not even though that they were a firm client.

>> Councilmember Hayner: I appreciate that.

>> Mayor Taylor: I had not gotten to the bottom.

The point does bear repeating, the way my finances work at the firm, the work that comes that is performed by other attorneys has no bearing on my compensation.

>> Councilmember Hayner: I appreciate that.

Thank you.

>> Mayor Taylor: Thank you.

I will double confirm that that's an arrangement I have communicated all of these years with the city attorneys and they have continued to ratify that as proper for me.

>> City Atty. Postema: It's not a direct financial interest under the rule.

>> Mayor Taylor: Thank you.

Further discussion.

All in favor?

[Chorus of ayes]

Opposed?

It is approved.

DC-6, Resolution Recognizing Transgender Day of Visibility.

Moved by Councilmember Radina, seconded by Councilmember Griswold.

Discussion of DC-6.

Councilmember Radina.

>> Councilmember Radina: Thank you, Mr. Mayor.

And I appreciate you allowing me to move this forward as a resolution as opposed to a proclamation as many of our days normally are.

I think it's worth restating once again our values as a community but also, I think marking transgender day of visibility, I think, is an important -- an important piece of our ongoing education and awareness of our transgender community and the issues that they face here in Ann Arbor and throughout our country.

You know, 2020, since we have last saw this day, 2020, has actually had some pretty enormous successes.

We had a Michigan woman, Amy Stevens who won a landmark decision at the Supreme Court.

Unfortunately they passed before that happened.

The 2020 election cycle was -- was a record-breaking year for transgender candidates being elected to office.

But yet as you will see in the series of whereas clauses and resolutions our transgender community here locally and nationally continue to face disproportionate levels of discrimination and harm and so what I also want to

state, I think, unequivocally, is that this cannot be the start and the end of the work around the issues that the transgender community faces, particularly black and other -- black, Indigenous and other People of Color who are transgender who see even further instances of harm.

But in keeping with that, I have luckily had conversations with a couple of transgender activists locally and with our LGBTQ liaison and we are going to be sitting down here in the very near future, I think later this week to actually start talking about some of the ways we can address some of these issues here locally.

Some of them are systemic issues that will bring back broad changes obviously homelessness where transgender individuals are more likely to be homeless. They will be huge systemic issues that need to tackle.

Making sure that there's awareness of non-discriminating ordinances even at businesses and things like that, and so we're going to be a discussing a variety of things that we can bring forward to begin addressing some of these issues and I hope that in the future iterations, I will have this body's support in addressing some of these so that in the future years we can be celebrating the transgender community and not also going through this process of listing the significant harms that they continue to face because of the discrimination and the oppression that is happening.

So thank you so much and I hope that you will all join me in supporting this and in celebrating transgender day of visibility on March 31<sup>st</sup>.

>> Mayor Taylor: Councilmember Griswold?

>> Councilmember Griswold: I want to recognize all of the advocacy of Michelle Hughes in this area, and request that I be listed as a cosponsor, please.

Thanks.

>> Mayor Taylor: Councilmember Song.

>> Councilmember Song: I just want to echo my support and also reflect on when I brought this up with communicate members how meaningful it is to parents with transgender children, meaningful to my own children's friends and peers, and I'm really glad to see that we are a community that's supportive in action and word.

And oh, if I may, if I could be added as a cosponsor.

Thank you.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: I knew we were flying the flag are a.

I see that in the first resolve, it says continue to fly the flag on the 31<sup>st</sup>.

So I appreciate that, and then also, you know, equally so, the second resolve clause after that, which is where we are directing the city administrator to ensure that all operations in the city are centers in the values of diversity, equity, inclusion and justice.

Yes, I want to -- obviously, I will support this and I wanted to call that out especially because, you know, it does seem sometimes to folks in our community that we are not.

I know we made that commitment and I think it's never -- it's never a wasted

opportunity to double down or triple and say that we do want to center these things.

I saw some -- I got kind of a disturbing email where someone had expressed some concerns about the -- the population of our Ann Arbor community academy being a certain way and that way was very white.

And, you know I thought, okay there was an opportunity to integrate D.I. and other concerns about race into our processes.

Another instance of that, we got the administrator's report and it said we still haven't implemented the Rooney rule that we voted on internally that we interview for front office or higher management positions to people from overlooked communities.

How long has that been?

We haven't implemented that.

I think -- I appreciate that second resolve clause where we reiterate our commitments to the D.I. processes.

Thank you for that and thanks for writing that up and it, of course, has my support.

>> Mayor Taylor: Councilmember Disch.

>> Councilmember Disch: I would like to thank the cosponsors for this resolution and I would like to be added as one, please.

>> Mayor Taylor: Councilmember Nelson.

>> Councilmember Nelson: Thank you.

I would like to echo some remarks from Councilmember Song, because this is more meaningful for those of us who are hold enough to have the relationships with those transgender.

It was remarkable to see my son's experience of a better -- such a better understanding of really everything around this issue than I remember from 30 years ago.

I think everyone sitting around this table has some memory of how badly things are misunderstood 30 years ago and I think this is an opportunity for those of us are older than it's a terrible way to make a real effort to move forward.

And I -- I want to say that I'm really optimistic about the future just based on the conversations that I have with my own children and I know that's true to Councilmember Song as well.

Thank you.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: Thank you.

And appreciate the second chance, Councilmember Hayner reminded me of a couple of things I should have mentioned.

There are a couple of resolve clauses.

And I recognize that obviously these resolve clauses do not go nearly far enough in resolving the issues addressed in the whereas clauses.

And largely because I think there's a lot of work that needs to go into addressing some of those things but I thought it was important, particularly because since the last time this may have come forward, we do have a new H.R. director.

We have a new city administrator, although he's not new to the city. We have -- and frankly, I think having this conversation at the table is really important around highlighting what our values under the work we do and how it should be centered in -- the work that we do and how it should be centered in the work that we do.

And I will commend Dr. Stults at O.S.I. for doing that and leading that in much of her work already.

I think also the second resolve clause that's also worth noting is some work around just continuing to evaluate nondiscrimination laws and policies for any necessary enhancements and specifically calling out some work that's actually already been started with the human rights commission, but to evaluate our process for reporting and making sure that reporting is easier and accessible and that residents are aware of it.

And so I thank the administrator for working with me on those things and making sure that that process is already starting before we even pass this today.

But thank you, Councilmember Hayner for pointing out those resolve clauses as well.

>> Mayor Taylor: Councilmember Eyer.

>> Councilmember Eyer: Thanks.

Coincidentally, I was just having a conversation with my son last night, about, you know, displaying pronouns and why we do that, and, you know, why I was -- I was explaining why I do that here in city council meetings with my name, and he's a 14-year-old boy and he gets it.

It's really hardening when you think about how the kids who are teenagers now and younger, are growing up with such a better understanding of these issues and I'm proud to vote for this and I would like to be added as a cosponsor.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: Yes, I will echo the praises and I thank Councilmember Radina for bringing this forward and continue the conversation around what we need to do better in our community to make sure that we are the inclusive community that we want to be, recognizing that we have come -- we have come a long distance but we have a long distance still to go.

I hope we can use this as an opportunity to -- as you mentioned with coming new H.R. director coming on, you know, taking a look at what our internal processes are when somebody comes to the front desk, when somebody is -- using an opportunity to have a conversation with our police department about what our local response is.

And so I appreciate this work and I would love to be added as a cosponsor as well.

>> Mayor Taylor: Further discussion?

I would like to thank Councilmember Radina also for his leadership on this.

I was delighted to join him.

Discrimination against transgender and gender non-conforming folks is contrary to the values of our community, but it is -- it is similarly and tragically commonplace.



I don't think -- this is a place where this is not acceptable.

We are doing more to protect those members of our community and we're encouraging other members of our community to express their values and their support for their community members who are -- who suffer discussion of this kind.

Further discussion?

All in favor?

[Chorus of ayes]

All opposed?

It is approved.

We now have a closed session under the Michigan open meeting acts, including but not limited to, labor negotiations, strategy, purchase or lease of real property, pending litigation and attorney/client privileged communications set forth in incorporated in mcla15.268c, d, e and h.

May I have a motion to go into closed session for the purpose of -- Mr. Postema.

>> City Atty. Postema: It's pending litigation.

It is a federal lawsuit entitled Sarah Wimberley and Sheldon Wimberly vs. Ann Arbor et al.

>> Mayor Taylor: May I have a motion to go into closed session?

Moved and seconded.

Discussion, please.

Roll call vote, please starting with Councilmember Grand.

>> Councilmember Grand: I think it's councilwoman Disch.

But I'm okay.

>> Mayor Taylor: You are so right.

Councilmember Disch.

>> Councilmember Disch: Yes.

>> Councilmember Griswold: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.

>> Mayor Taylor: Yes.

>> Councilmember Eyer: Yes.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: Yes.

>> Councilmember Ramlawi: Yes.

>> Councilmember Hayner: Yes.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: We're in closed session.

See you on the flip side.

[ Closed session ]

>> Mayor Taylor: We are back in open session.

May I have a motion to open up the agenda.

Moved by Councilmember Grand, seconded by Councilmember Disch.

Discussion in all in favor?

>> City Atty. Postema: Councilmember, I would ask that you consider adding a resolution regarding a case called Wimberly vs. the city of Ann Arbor. Federal district court case number 20-13341, and once that's added to the agenda, you have it all.

I will read through it, and then, you know, explain briefly what happened in the case so that you can discuss it and it is a settlement and release of all claims.

>> Mayor Taylor: May I have a motion to amend the agenda to Sarah Wimberly and the city of Ann Arbor et al.

Moved by Councilmember Disch and seconded by Nelson.

All in favor?

Opposed?

The agenda amendment is proposed.

We have a resolution regarding Sara Wimberly and Sheldon Wimberly, 20-13341 court case.

Moved by Disch and seconded by Ramlawi.

Discussion, please, Mr. Postema.

>> City Atty. Postema: Council, for your consideration, this is a resolution requesting a settlement agreement and release of all claims for a total of \$50,000.

The resolve clause is simple as you have in other cases that we have settled.

Resolve that the city council authorizes the city attorney to fully resolve the case entitled Sarah and Sheldon Wimberly vs. the city of Ann Arbor, et al, federal district court, 20-13341 with acceptance of a full release of all claims and dismissal of all claims with prejudice by the plaintiffs and a payment by the city to each of the plaintiffs in the amount of \$25,000.

The city attorney and the city administrator are authorized to sign such a settlement agreement and release along with the mayor and the clerk.

City attorney is authorized to sign any other documents needed to dismiss this case, which will be a dismissal with prejudice.

For the benefit of the council, this involves a -- an action by the Ann Arbor police department and it was a lawsuit where the plaintiffs sued for damages, based on the fact that the members of the Ann Arbor police department entered their home at night, without their consent, breaking down their door and entering their home, which they assert is a violation of the law.

This incident took place when the police were responding to an emergency 911 call, claiming a home invasion in progress at another apartment in the same general building complex.

And with that resident, specifically consenting for the police to break down the door to immediately aid them.

When the police went in, the error was found out and the police immediately apologized and obviously went to the other -- went to the other emergency, but -- and they stayed with them and the door was eventually fixed the next day.

This is a federal Civil Rights lawsuit.

I have had discussions with the attorney and they brought forth today a settlement offer that we brought and discussed -- we went over with the council.

And this type of settlement, it's specific is a type of settlement where Ann Arbor acknowledges the distress caused by the plaintiffs and is provided a payment to symbolize that acknowledgement and aid the plaintiffs in their healing from this incident.

And so certainly we recognize the unusual situation that -- you know, that happened in this case and so I brought this agreement from the plaintiff's attorney through discussions that I've had with him and I bring it for your consideration and certainly under the circumstances, believe that you should consider it.

>> Mayor Taylor: Further discussion?

All in favor?

[Chorus of ayes]

All opposed?

Approved.

We now have before us the clerk's report of communications, petitions and referrals.

May I have a motion to approve the clerk's report.

Moved by Councilmember Griswold, and seconded by Disch.

Discussion?

All in favor?

R opposed the clerk's report is approved.

Is there further communication from our city attorney?

>> City Atty. Postema: Mayor, I just highlight communications that the clerk was kind enough to put on which is first the public memos that the council has wanted me to do, that has been attached.

The other one I had hoped to get both of these, but I had a rush of activity this weekend on other matters and second memo that you requested, I'm hoping can get out in a day or two, and it will likewise be attached in a similar manner.

And so you will have both of what you have asked for, two weeks ago, and they are substantial memos each, but each of them has a summary analysis that people who don't want to wade through all of it, can get a summary of -- of this issue.

So you have asked for it and now you have one of the two and you will have the other.

Thank you for your continued interest in this area.

>> Mayor Taylor: We now come to public comment general time.

It's an opportunity for members of public to speak public and community at matters the interest.

Call the number on your screen 877-853-5247, enter meeting I.D., 94212732148.

Once you have connected please enter star nine.

Star nine to indicate that you wish to speak.

Speakers have three minutes in which to speak so please pay close attention to the time.

Our clerk will notify you when 30 seconds are remaining and when your time has expired.

When your time has expired, please conclude your remarks and cede the floor.  
Is there anyone who would like to speak at public comment?

>> Clerk Beaudry: Caller with the phone number ending 205.

>> Hey, this is Joe Spalding, real briefly, I wanted to thank Councilmember Song for mentioning Grand Rapids.

They have done quite a bit of work.

I wanted to put that name and organization in y'all's ears because they have done a lot of work from criminal expungement fairs to helping black and brown folks go through the approval process for getting dispensaries approved, as well as the new micro licensing that's been going on.

So if there needs to be a really, really quick way to get a bunch of information when it cannabis, Denovi Demojet will probably be a very, very good place to look if you are already looking at the success in Grand Rapids.

Thanks, everyone.

>> Clerk Beaudry: Caller with the phone number ending in 556, do you have a comment?

>> Hi, this is Ralph McKee, fifth ward, can you hear me?

>> Mayor Taylor: Yes, we can.

>> I wanted to thank council in general and the sponsors in particular, for the Dan Bicknell resolution.

Mr. Bicknell has been instrumental along with Roger ray and or card members in researching Gelman and advocating for a better cleanup, particularly including his recent spearheading the effort to convince this body, city council and other elected officials to go forward with requesting EPA involvement.

We finally have all of elected bodies, city, Scio township, county, and Ann Arbor township rowing in the same direction.

Hopefully at the meeting on Thursday, Governor Whitmer will hear loud and clear that both citizens and elected officials want the EPA involved.

And the Diponio contract, I applaud Councilmember Eyer for doing the hard work of vetting some relatively obvious issues with bare bones staff seeing this.

It's kind of reminiscent of what Councilmember Lumm used to do.

She didn't toot her own quite that loud, though.

The difference was the new council, I think you used.

She would get accused of micromanaging.

Maybe that campaign pledge didn't go quite as far as you thought in terms of letting staff just do their job and leaving them alone.

I assume you asked the lawyer working with you to research the possibility that Diponio could sue for not being informed of the defects in their bed before they go -- bid before they go with the next bid.

I can tell you they are a very litigious bunch.

And just from a process standpoint if any member of the public would want to have any input here, how would that be possible given this substitute resolution?

I do really appreciate and I want to emphasize this, but I do appreciate you doing the work to start it, and to -- and to get the original thing voted down.

But there was no harm in leaving it go until April.

What if, for example, the subcompany just ran into a big financial problem or something like that?

I do assume that staff vetted all of that.

Because going forward without doing that would be a little hard to deal with.

>> Clerk Beaudry: 30 seconds.

>> Thank you very much and that's all I have for tonight.

>> Mayor Taylor: Thank you.

Is there anyone else who would like to speak at public comment?

If you are on the line, and you wish to speak at public comment, please enter star nine now.

Star nine.

>> Clerk Beaudry: Anne Bannister, do you have a comment?

Press star six on your phone to unmute yourself.

>> Hello.

Can you hear me now?

>> Mayor Taylor: Yes, we can.

>> Okay.

Great.

I would like to echo the public comments from Glenn Nelson from the beginning of the meeting and thank council for passing the resolution to commit marijuana excise tax rebate funds.

But I would also like to echo what he said about urging council to pass a resolution to stop opting out of the mental health parity and addiction equity act, as soon as possible.

Improved services to at-risk youth are particularly important, especially now during the pandemic.

And we should be improving our ability to provide professional mental health assessments and to guide youth to needed therapy and other medical services and divert them from the juvenile justice system and into the healthcare system instead.

So now is an urgent time for councilmembers to support better mental health services.

The purposes of the federal mental health parity and addiction equity act as Glenn told us are to prevent health plans from discriminating against those needing mental health or substance use disorder benefits.

And by opting out, our city is reserving the right to discriminate against employees needing mental health or substance use disorder benefits relative to those needing other medical services.

So the decision to continue to opt out enshrined and unethical position in the policy, and mental health parity is widely accepted as a right.

Senator Debbie Stabenow is nationally as a fierce and effective advocate for parity and we should be joining with her rather than rejecting her position.

In addition, the decision to opt out hurts Ann Arbor's reputation among those who we would like to be associated.

With jurisdictions known as progressive, typically do not opt out.

For example, no --

>> Clerk Beaudry: 30 seconds.

>> No jurisdictions in Massachusetts and Minnesota opt out; whereas jurisdictions known as conservative and less welcoming to diversity or more common to opt out, such as Texas and Utah.

So thanks again for passing the resolution.

And in the near future, please introduce a resolution to stop opting out of the mental health parity act.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Mayor, I have one caller on the line who has not spoke and their hand is not up.

>> Mayor Taylor: If wish to speak, press star nine now.

Star nine.

Seeing no one further, public comment is closed.

Is there communication from council?

Seeing none, may I have a motion to adjourn, please.

Moved by Councilmember Ramlawi, seconded by Griswold.

Discussion?

All in favor?

[Chorus of ayes]

Opposed?

We're adjourned.

Thank you, everyone.