

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

<http://a2gov.legistar.com/Calendar.aspx>



Meeting Minutes

Monday, December 19, 2016

7:00 PM

Please note that Council will not meet in Caucus on December 18.

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

City Council

City Council will meet in caucus the Sunday prior to each regular session at 3:30 p.m. in Council Chambers.

CALL TO ORDER

Mayor Taylor called the meeting of the Ann Arbor City Council to order at 7:02 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron Street.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

Present: 11 - Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl, Councilmember Kirk Westphal, Councilmember Zachary Ackerman, Councilmember Chip Smith and Councilmember Jason Frenzel

APPROVAL OF AGENDA

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

ADMINISTRATION OF OATH OF OFFICE - COUNCILMEMBER FRENZEL

City Clerk Jacqueline Beaudry administered the oath of office to newly appointed Councilmember Jason Frenzel.

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

AC-1 [16-1794](#) Agenda Response Memo - December 19, 2016

City Administrator Howard Lazarus presented his Agenda Response

Memo for information of Council.

Received and Filed

INT INTRODUCTION

INT-1 [16-1744](#) Rotary Club Presentation to the Mayor for the New Gallup Park Playground

Mayor Taylor accepted a \$450,000.00 check from members of the Rotary Club in support of the City's Universal Access Playground project at Gallup Park.

Received and Filed

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

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

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

1. Kathy Griswold - Transportation Safety

Kathy Griswold, 2nd Ward, spoke about pedestrian safety, noting it is the two-month anniversary of the death of a Huron High student.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski spoke about a proclamation he was able to present to City resident Curtis Higgs, for his assistance in the apprehension of a suspect in a number of shootings at Pauline Place Apartments.

Councilmember Warpehoski also spoke about the Council's recent retreat and their priorities this year and last year. He noted that it is not accurate to say that the ADU ordinance was the Council's top priority.

COUNCILMEMBER WESTPHAL

Councilmember Westphal thanked the Rotary Club and staff for the

achievement in developing the Universal Access playground at Gallup Park. Councilmember Lumm concurred.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [16-1674](#) Appointments - Confirmations

Mayor Taylor requested confirmation of the following appointments that were placed on the December 5, 2016 agenda for consideration of Council:

Ann Arbor Public Art Commission

David Zinn-Partial term

432 Fifth St.

Ann Arbor, MI 48103

Term: Ending May 31, 2019

Cable Communications Commission

Sean Wright-Partial term

2933 Leslie Park Circle

Ann arbor, MI 48105

Term: Ending May 31, 2021

Downtown Area Citizens Advisory Council

Chaz Stucken-Partial term

318 W. Liberty

Ann Arbor, MI 48103

Term: Ending May 31, 2018

Kathleen Nolan-Partial term

223 E. Ann St.

Ann Arbor, MI 48104

Term: Ending May 31, 2019

Joan French-Partial term

505 E. Huron St.

Ann Arbor, MI 48104

Term: Ending May 31, 2019

Hugh Sonk-Partial term

*505 E. Huron
Ann Arbor, MI 48104
Term: Ending May 31, 2019*

*Nate Stevens-Partial term
332 E. William St.
Ann Arbor, MI 48104
Term: Ending May 31, 2018*

*Donald Duquette- Partial term
505 E. Huron St.
Ann Arbor, MI 48104
Term: Ending May 31, 2019*

*Peter Honeyman-Partial term
113 S. Fourth Ave.
Ann Arbor, MI 48104
Term: Ending May 31, 2018*

*John Chamberlin- Partial term
315 Second St.
Ann Arbor, MI 48103
Term: Ending May 31, 2019*

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

MC-2 **16-1759** Appointments & nominations for 12/19/16

Mayor Taylor recommended the following nominations for approval at a later date:

Commission on Disability Issues

*Timothy Hull
Disclosed ADA Disability
2475 Lancashire Dr.
Ann Arbor, MI 48105
Term: Ending May 31, 2019*

Recreation Advisory Commission

Kelsey Zimmerman

2041 Charlton St.
Ann Arbor, MI 48103
Term: Ending May 31, 2019

Referred to the City Council due back on 1/3/2017

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, CA-9, a Resolution Establishing a Defined Contribution Plan for the City and Approving an Administrative Service Agreement for 457 Plan and New 401a Plan with ICMA-RC, was removed from the Consent Agenda and placed under DS, New Business.

Passed on consent agenda

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

Approved

Resolution to Approve Professional Services Agreement with Varnum LLP, for Legal Services Relative to MPSC Case No. U-18091 (\$48,000.00) and to Appropriate Funds (\$48,000.00) **(8 Votes Required)**

Resolution to Approve a Construction Contract with LiquiForce Services (USA), Inc. for the Nichols Arboretum Sewer and Siphon Rehabilitation Project (\$890,900.00)

Resolution to Approve Amendment #1 to the Professional Services Agreement with Rowe Professional Services Company for General Civil Engineering and Surveying Services (\$30,000.00)

Resolution to Approve Contracts for the Rotary Club of Ann Arbor Universal Access Playground at Gallup Park with Penchura for Fabrication and Supply of the Playground Equipment (\$391,577.00), and with Michigan Recreational Construction, Inc. for Installation of Equipment and Associated Site Work (\$547,756.31), Appropriate Funds, and Amend the Project Budget for Construction **(8 Votes Required)**

Resolution to Approve a Participation Agreement with Washtenaw County

and the University of Michigan for the Acquisition and Maintenance of a Firearms and Force Options Simulator Training System and Appropriate Necessary Funds (\$50,833.00)(**8 Votes Required**)

Resolution Approving Administrative Services Agreement for I.T. Services between Oakland County and City of Ann Arbor for CLEMIS Public Safety Information Sharing

Resolution to Approve Contracts to J. Ranck Electric, Inc. (\$1,209,995.00) and Turnkey Network Solutions (\$1,050,285.00) for Fiber Optic Network Construction Services (RFP 973), and to Approve Appropriation of Funds (\$877,677.00) (**8 Votes Required**)

Resolution to Approve a Purchase Order with SEHI Computers for FY2017 PC Replacement Program (\$250,000.00)

Resolution to Approve the Renewal Contract with Medicare Part D Advisors, Inc. to Fulfill Administrative and Actuarial Services to the City and to Authorize the City Administrator to Execute the Necessary Documentation

Resolution to Authorize Payments with Unum Life Insurance Company to Provide Group Term Life and Disability Coverage to City Employees and their Eligible Dependents and to Authorize the City Administrator to Execute the Necessary Documentation

Resolution to Approve the Renewal Contracts with Blue Cross Blue Shield of Michigan to Provide Health Care Coverage, Third Party Administrator Services and Excess Insurance Coverage to City Employees and Retirees and Their Dependents and Authorize the City Administrator to Execute the Necessary Documentation (\$1,442,114.00)

Resolution Recognizing Eberwhite School Parent Teacher Organization as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Resolution to Approve an Amendment to the Contract with Bornor Restoration, Inc. for the Farmers Market Structure Rehabilitation, ITB #4434 (\$5850.00)

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [16-1312](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 7.7 Acres from

R1C (Single-Family Dwelling District) to R1E (Single-Family Dwelling District) WITH CONDITIONS, Weber Rezoning, 2857 Packard Road (CPC Recommendation: Approval - 6 Yeas and 1 Nays) (Ordinance No. ORD-16-20) **(8 Votes Required)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 7.7 Acres from R1C (Single-Family Dwelling District) to R1E (Single-Family Dwelling District) WITH CONDITIONS, Weber Rezoning, located at 2857 Packard Road. Notice of public hearing was published December 1, 2016.

The following people were present to speak at the hearing:

Ethel Potts, 1014 Elder Boulevard, spoke about the number of protest petitions that have been received and urged Council to listen to the concerns of the neighbors.

Neal Skov, 2728 Cranbrook, spoke in opposition.

There being no further comment, the Mayor declared the hearing closed.

Held and Closed

A APPROVAL OF COUNCIL MINUTES

A-1 [16-1779](#) Regular Session Meeting Minutes of December 5, 2016

Councilmember Warpehoski noted that the report of Council emails indicates that Councilmember Kailasapathy sent an email. He stated this should reflect that she received an email.

A motion was made by Councilmember Smith, seconded by Councilmember Westphal, that the Minutes of the Regular Session of December 5, 2016 be approved with corrections. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

B-1 [16-1312](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 7.7 Acres from R1C (Single-Family Dwelling District) to R1E (Single-Family Dwelling District) WITH CONDITIONS, Weber Rezoning, 2857 Packard Road (CPC Recommendation: Approval - 6 Yeas and 1 Nays) (Ordinance No. ORD-16-20) **(8 Votes Required)**

A motion was made by Councilmember Grand, seconded by Councilmember Lumm, that the Ordinance be adopted on Second Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried and satisfying the eight-vote requirement:

Yeas: 9 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Nays: 2 - Councilmember Kailasapathy and Councilmember Eaton

C ORDINANCES - FIRST READING

- C-1** [16-1692](#) An Ordinance to Amend the Code of the City of Ann Arbor by Repeal of Chapter 18, Employees Retirement System, Title I, of the Code and Adding a New Chapter 18, Employees Retirement System, Title I of Said Code (Ordinance No. ORD-16-28)

A motion was made by Councilmember Lumm, seconded by Councilmember Krapohl, that the Ordinance be approved on First Reading to the City Council and should be returned by 1/3/2017. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-16-28

D MOTIONS AND RESOLUTIONS

DC Unfinished Business - Council:

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

Resolution to Appoint Raymond Detter as Near-Downtown Neighborhood Liaison to the Downtown Area Citizens Advisory Council

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

Resolution to Approve 2017 Council Committee Appointments

The motion to consider the substitute resolution with the proposed list of appointments provided by Councilmember Warpehoski was considered friendly.

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

Resolution to Appoint Councilmembers to the Environmental Commission

Councilmember Warpehoski moved, seconded by Councilmember Ackerman, that the substitute resolution be considered. The amendment was considered friendly and the substitute resolution was considered.

DC New Business - Council:

A motion was made by Councilmember Smith, seconded by Councilmember Warpehoski, that the Resolution be approved as amended. On a roll call, the vote was as follows with the Mayor declaring the motion carried and satisfying the seven-vote requirement:

Yeas: 8 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Nays: 3 - Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

Resolution to Re-Appoint Eli Cooper to Ann Arbor Area Transportation Authority Board (**7 Votes Required**)

Councilmember Warpehoski moved an amendment to the language of the resolution, noting a citizen requested clarification regarding the Charter reference. The motion was considered friendly.

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

Resolution to Approve 2017 Council Rules

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

Resolution to Approve 2017 Council Rules

Councilmember Warpehoski moved the following amendment:

Rule 4

Strike the following language: Except by unanimous vote of the members present, Executive or Closed Sessions may not commence any time after 11:00 p.m. and must end no later than 12:00 a.m.

A motion was made by Councilmember Warpehoski, seconded by Councilmember Grand, that the Resolution be amended. On a voice vote, the Mayor declared the motion carried.

Resolution to Approve 2017 Council Rules

Councilmember Warpehoski moved the following amendment:

Rule 5 Preparation of the Agenda:

Move the second Council Communications to just after Public Commentary General Time.

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

Resolution to Approve 2017 Council Rules

Councilmember Warpehoski moved the following amendment:

Rule 7

Members of Audience Addressing Council Upon the request of a member of the Council, a member of the audience shall be permitted to address the Council at a time other than during public commentary, unless [three] A MAJORITY OF members of Council object.

*ALL CAPS indicates new language.
[Brackets] indicates deleted language.*

A motion was made by Councilmember Warpehoski, seconded by Councilmember Grand, that the Resolution be amended. On a voice vote, the Mayor declared the motion carried.

Resolution to Approve 2017 Council Rules

Councilmember Warpehoski moved the following amendment:

Rule 19

Council [] adopted rules may be altered or amended by a vote of the members [] elect] at THE TIME OF THEIR ANNUAL ADOPTION UNDER RULE 1. COUNCIL-ADOPTED RULES MAY BE ALTERED OR ADOPTED AT ANY OTHER [a] regular Council meeting, if notice of the changes proposed to be made shall have been distributed to all members of the Council in advance of the meeting as part of the distribution of the Council agenda and materials. THIS NOTICE REQUIREMENT DOES NOT PRECLUDE COUNCIL MEMBERS FROM OFFERING AMENDMENTS TO PROPOSED RULE CHANGES FROM THE FLOOR.

*ALL CAPS indicates new language.
[Brackets] indicates deleted language.*

The question being, the motion made by Councilmember Smith, seconded by Councilmember Warpehoski, that the Resolution be approved as amended, on a voice vote, the Mayor declared the motion carried.

Resolution to Approve 2017 Council Rules

Councilmember Warpehoski requested that the Rules Committee review Rule 10 and Rule 17 for future amendments.

RECESS

Mayor Taylor declared a recess at 8:56 p.m. and reconvened the meeting at 9:07 p.m.

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

Resolution Recommending a Nomination and Administrative Actions to the Downtown Area Citizens Advisory Council

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

Resolution to Amend R-07-516 to Establish Preserve Areas with the City Park System

DB Unfinished Business - Boards and Commissions:

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

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

Nays: 1 - Councilmember Kailasapathy

Resolution to Approve the Weber Area Plan, 2857 Packard Road (CPC Recommendation: Approval - 6 Yeas and 1 Nays)

DB New Business - Boards and Commissions:**DS New Business - Staff:**

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

Resolution to Approve First Amendment to Professional Services Agreement with Bodman, PLC, for Legal Services Relative to 1,4-Dioxane from Gelman Sciences, Inc., dba Pall Life Sciences (\$100,000.00)

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

Resolution Establishing a Defined Contribution Plan for the City and Approving an Administrative Service Agreement for 457 Plan and New 401a Plan with ICMA-RC

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER SMITH*

Councilmember Smith stated he will be hosting a sustainability talk on January 12 at the Downtown Library. The program will discuss going

solar, building rain gardens and how to "green" your home.

COUNCILMEMBER EATON

Councilmember Eaton reminded Council and the public about the meeting scheduled for Wednesday, December 21 from 5-7pm at Cobblestone Farm to allow the public the opportunity to discuss the failed Packard Square project with staff and the receiver.

COUNCILMEMBER LUMM

Councilmember Lumm thanked the Public Services staff for managing all of the recent snow fall, noting that more than 11 inches fell in Ann Arbor.

COUNCILMEMBER WESTPHAL

Councilmember Westphal thanked residents for their conscientiousness about sidewalk clearance.

COUNCILMEMBER FRENZEL

Councilmember Frenzel thanked Council for the opportunity to serve. He thanked staff for the thorough orientation program he received.

E COMMUNICATIONS FROM THE CITY ATTORNEY

None.

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

F The following communications were referred as indicated:

Passed on consent agenda

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

the Mayor declared the motion carried.

- F-1 [16-1733](#) Ann Arbor DDA Annual Report FY2016

- F-2 [16-1742](#) Communication from Comcast regarding Changes to the Channel Lineup - CTN

- F-3 [16-1761](#) Communication from AT&T Regarding Amendment Number 3 to Video Service Franchise Agreement - cc: City Attorney

G The following minutes were received for filing:

- G-1 [16-1567](#) Ann Arbor Public Art Commission Meeting Minutes - November 2016

- G-2 [16-1597](#) Airport Advisory Committee Minutes - September 21, 2016

- G-3 [16-1649](#) Public Market Advisory Commission Meeting Minutes of October 20, 2016

- G-4 [16-1738](#) Audit Committee Meeting Minutes - December 1, 2016

- G-5 [16-1743](#) Downtown Development Authority Board and Executive, Partnerships, Finance, Operations, and Capital Improvement Committees Meeting Minutes from November 2016

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Edward Vielmetti, Fourth Ward resident, thanked Council for staffing the downtown citizens advisory board. He urged Council to continue to find citizen volunteers for its various boards and commission appointments.

Kathy Griswold, Second Ward resident, thanked staff and citizens for the use of A2FixIt to address the recent snowfall. She also discussed the raw sewage smell on Arborview.

Kai Petainen, First Ward resident, wished Council well in the new year and thanked them for their work on the Gelman 1,4 Dioxane Plume.

Michael Benson, Taxicab Board Chair, spoke about the appointment

process to boards and commissions. He suggested an orientation process for all board members. He also urged Council to hold joint sessions with other boards besides Planning Commission.

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

None.

ADJOURNMENT

A motion was made by Councilmember Frenzel, seconded by Councilmember Westphal, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:43 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, DECEMBER 19, 2016 @ 7:00 P.M.

REPLAYS: WEDNESDAY, DECEMBER 21, 2016 @ 8:00 A.M. AND FRIDAY, DECEMBER 23, 2016 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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- **Video on Demand: Replay public meetings at your convenience online at <http://a2govtv.pegcentral.com/>**
- **Cable: Watch CTN Government Channel public meeting programming via Comcast Cable channel 16.**

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

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