

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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



Meeting Minutes

Monday, October 2, 2017

7:00 PM

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

City Council

CALL TO ORDER

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

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

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

APPROVAL OF AGENDA

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

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard S. Lazarus presented four written reports for information of Council and also reported on the following:

Mr. Lazarus met with DDA Director Susan Pollay regarding Council's directive on suicide prevention measures for the City's parking structures, including the construction of physical barriers such as rooftop fencing. He stated Ms. Pollay is proceeding with discussions with vendors regarding the cost of installation for fencing.

AC-1 [17-1565](#) Ann Arbor Economic Development Summit - September 12, 2017 - Final Report

Received and Filed

AC-2 [17-1576](#) Memorandum from City Administrator - Winter 2018 Deer Management Planning Efforts and Objectives

Received and Filed

AC-3 [17-1578](#) City Administrator's Report - October 2, 2017

Received and Filed

AC-4 [17-1575](#) Agenda Response Memo - October 2, 2017

Received and Filed

INT INTRODUCTIONS

INT-1 [17-1566](#) Energy Efficiency Day 2017 proclamation

Mayor Taylor read a proclamation declaring October 5, 2017 as Energy Efficiency Day in Ann Arbor and urged residents to participate. A copy of the presentation is on file in the City Clerk's Office.

Received and Filed

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

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

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

1. Laura Stowe - 1140 Broadway Proposal (C-1)

Laura Stowe, 1327 Broadway, spoke in opposition to C-1, the rezoning of 1140 Broadway, stating the building masses are out of scale with the surrounding neighborhood.

2. Steve Kaplan - Lowertown Broadway Development (C-1)

Steve Kaplan, 406 N. Division, spoke in support of the proposed rezoning

of 1140 Broadway.

3. Nirmala Hanke - Deer (AC-2)

Nirmala Hanke, 2263 Manchester, spoke about the City's upcoming deer cull and urged the City to consider non-lethal methods.

4. Sabra Sanzotta - 450 Feet Rule Not Being Observed in the Deer Management Plan (AC-2)

Sabra Sanzotta, 3087 Glazier Way, spoke in opposition to the City's upcoming deer cull and the waiving of the 450 feet rule regarding shooting near residential homes.

5. Kermit Schlansker - Starting a Revolution

Kermit Schlansker, Saline resident, spoke about alternative energy sources and urged Mayor and Council to be the advocates for this change and to promote energy education in schools.

6. Adam Brent - Protest of Appointment of New Vendor for RFP-17-25

Adam Brent, Cocoa Compost Founder and CEO, expressed concerns about the current state of the City's compost operation and the renewal of the WeCare Organics contract under RFP 17-25.

7. Charles Ream - Dispensary Closures

Charles Ream, 1911 Packard, spoke about his history with cannabis legislation in Ann Arbor and Michigan. He urged the Mayor and Council to support the existing medical marijuana businesses in Ann Arbor and to support legislation that protects them.

8. Gordon Smith - Housing

Not present.

9. Kai Petainen - Train Station

Kai Petainen, resident, spoke about the proposed train station in Ann Arbor, stating the federal government or the University of Michigan should pay for the site. He spoke in support, but also urged the City to use funds to support the environment.

10. Chandani Wiersba - Research Project on Diversity in Local Elected Officials

Chandani Wiersba, CivCity intern, spoke about diversity in local government and elected officials. She stated she will be sending out a survey after the November election regarding diversity, which will include categories such as race, age, education, etc.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER EATON

Councilmember Eaton stated he was happy to hear that the City Administrator had met with the DDA regarding suicide prevention measures on the City's parking structures, noting that another death occurred today. He also urged the City to ensure the bid process for the fencing and other physical barriers is a public process.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy spoke about self-driving vehicles and the City's crosswalk ordinance. She stated the engineers involved in the autonomous vehicle program were aware of the RRFBs in Ann Arbor, but not the requirement to stop for someone waiting without entering the crosswalk.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski spoke about the incidents that occurred today, including the mass shooting in Las Vegas. He urged all Councilmembers and community members to take part in the County blood drive on October 20 or to give blood at any time. He also reminded Council of the Skate Against Hate event on Sunday, October 8. He urged all to attend.

COUNCILMEMBER WESTPHAL

Councilmember Westphal spoke about gun policy reform. He also thanked the public speaker who addressed public engagement opportunities and noted the last day to register to vote for the November 7 General Election is October 10.

COUNCILMEMBER LUMM

Councilmember Lumm spoke about the autonomous vehicle program and the questions regarding whether the vehicles can adjust for the City's crosswalk ordinance. She urged the City Administrator to follow-up on this issue.

COUNCILMEMBER GRAND

Councilmember Grand congratulated the Third Ward's Allen Elementary on their award as a Blue Ribbon School.

MC COMMUNICATIONS FROM THE MAYOR**MC-1 [17-1535](#) Appointments and Nominations**

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

Energy Commission

*Charlotte Jameson-Filling remaining term of Ken Wadland (Resigned)
543 Manor Dr.
Ann Arbor, MI 48105
Term: Ending May 31, 2020*

Historic District Commission

*Jessica Quijano-Filling remaining term of Ben Bushkuhl (Resigned)
Architectural Design Professional
2108 Fair St.
Ann Arbor, MI 48103
Term: Ending May 31, 2018*

Referred to the City Council due back on 10/16/2017

[17-1694](#) Appointments and Nominations

Mayor Taylor requested approval of the following nomination in a one-step process:

Local Officer's Compensation Committee (one step appointment-8 votes

needed)

Bryan Weinert -Reappointment

108 Worden Avenue

Ann Arbor, MI 48103

Term: October 1, 2017-September 30, 2024

A motion was made by Councilmember Eaton, seconded by Councilmember Westphal, that the Appointment of Bryan Weinert to the Local Officers' Compensation Committee be approved in a one-step process. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following Consent Agenda items were removed from the Consent Agenda and placed under New Business - Staff:

CA-8 Resolution to Recommend Approval of Three-Year Professional Services Agreements for Engineering Services for Parks and Recreation with SmithGroupJJR, Inc. and ROWE Professional Services Company (NTE Annual \$150,000.00 each firm)

CA-9 Resolution to Approve Three-Year Professional Services Agreements for Architectural Services for Parks & Recreation with Mitchell and Mouat Architects and Kohler Architects (NTE Annual \$150,000.00 per firm)

Passed on consent agenda

A motion was made by Councilmember Krapohl, seconded by Councilmember Smith, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirements of CA-1, CA-2, CA-3 and CA-12.

Resolution to Accept a Water Main Easement at 4090 Geddes Road from Concordia University, Inc. **(8 Votes Required)**

Resolution to Accept a Sanitary Sewer Easement at 4090 Geddes Road

from Concordia University, Inc. (**8 Votes Required**)

Resolution to Accept a Sanitary Sewer Easement at 4090 Geddes Road from Concordia University, Inc. (**8 Votes Required**)

Resolution to Approve a Purchase Order to BS&A Software ("BS&A") for Annual Software Maintenance and Support Agreement for FY2018 (\$26,107.00)

Resolution to Approve a Purchase Order to CalAmp, Inc. for Tracking Fees and Annual Maintenance and Support of the Pre-expansion Automated Vehicle Locator (AVL) Units for FY2018 (\$25,596.00)

Resolution to Approve a Purchase Order to Michigan Supreme Court State Court Administrative Office for Judicial Information System Costs for FY 2018 (Not to Exceed \$44,500.00)

Resolution to Transfer Delinquent Water Utility, Board Up, Clean Up, Vacant Property Inspection and Housing Inspection Fees, and Fire Inspection Invoices to the December 2017 City Tax Roll

Resolution to Approve a Contract with Cross Renovations, Inc. to Construct an Addition at Bryant Community Center (\$315,750.00)

Resolution to Award a Purchase Order to Universal Filtration & Pumping Solutions, Inc. (\$45,940.00)

Resolution to Appropriate Funding (\$327,000.00) and Approve a Construction Contract with Anlaan Corporation for the Watershed Drive Retaining Wall, ITB No. 4510 (\$241,875.10) (**8 Votes Required**)

Resolution to Approve the Purchase of Bituminous Patching Materials from Cadillac Asphalt, LLC (\$115,000.00; ITB-4509)

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

Held and Closed

Resolution to Approve the McCowan Lots 27, 28 and 30 Annexation, 2633, 2647 and 2651 Dexter Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve the McCowan Lots 27, 28 and 30 Annexation, 2633, 2647 and 2651

Dexter Road. Notice of public hearing was published September 25, 2017.

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

A APPROVAL OF COUNCIL MINUTES

- A-1** [17-1539](#) Work Session of September 11 and Regular Session Meeting Minutes of September 18, 2017

A motion was made by Councilmember Smith, seconded by Councilmember Krapohl, that the Minutes of the Work Session of September 11 and Regular Session of September 18, 2017 be approved. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

C ORDINANCES - FIRST READING

C New Business - Staff:

- C-1** [17-1419](#) An Ordinance to Amend Chapter 55 (Zoning), Zoning of 6.4 Acres from PUD (Planned Unit Development) to C1A/R (Campus Business Residential District) WITH CONDITIONS, 1140 Broadway Rezoning, (CPC Recommendation: Approval - 6 Yeas and 1 Nays) (Ordinance No. ORD-17-17)

A motion was made by Councilmember Ackerman, seconded by Councilmember Westphal, that the Ordinance be approved on First Reading to the City Council, due back on 11/9/2017. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

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

Enactment No: ORD-17-17

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

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

Resolution to Approve a Second Supplemental Agreement for Siller Terrace at Virginia Park **(8 Votes Required)**

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 to Support Ann Arbor STEAM at Northside School Application for Safe Routes to School Funding

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 Extend the Temporary Moratorium on Ground Mounted Solar Panels and Arrays in the Front Open Space in Residential and Parking Zoning Districts

DB New Business - Boards and Commissions:

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

Resolution to Approve the McCowan Lots 27, 28 and 30 Annexation, 2633, 2647 and 2651 Dexter Road (CPC Recommendation: Approval - 8 Years and 0 Nays)

DS New Business - Staff:

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

Resolution to Recommend Approval of Three-Year Professional Services Agreements for Engineering Services for Parks and Recreation with SmithGroupJJR, Inc. and ROWE Professional Services Company (NTE Annual \$150,000.00 each firm)

Resolution to Recommend Approval of Three-Year Professional Services Agreements for Engineering Services for Parks and Recreation with SmithGroupJJR, Inc. and ROWE Professional Services Company (NTE Annual \$150,000.00 each firm)

Councilmember Eaton moved the following amendment, supported by Councilmember Lumm:

Modify last resolved clause as follows:

RESOLVED, That the [Mayor and City Clerk be authorized and directed to execute said] Professional Services Agreements will be returned to Council for final approval after approval as to substance by the City Administrator and approval as to form by the City Attorney for an amount not to exceed \$150,000.00 per consultant per fiscal year for three years.

[Brackets] indicate deleted language.

Add NEW Resolved Clause after the last clause:

RESOLVED, That the amount of this contract will not be used for any purpose related to the design or planning of a train station.

The motion was withdrawn.

A motion was made by Councilmember Eaton, seconded by Councilmember Kailasapathy, that the Resolution be postponed to the City Council and should be returned by 10/16/2017. On a voice vote, the Mayor declared the motion carried.

Resolution to Recommend Approval of Three-Year Professional Services Agreements for Engineering Services for Parks and Recreation with SmithGroupJJR, Inc. and ROWE Professional Services Company (NTE Annual \$150,000.00 each firm)

A motion was made by Councilmember Eaton, seconded by Councilmember Kailasapathy, that the Resolution be approved.

Resolution to Approve Three-Year Professional Services Agreements for Architectural Services for Parks & Recreation with Mitchell and Mouat Architects and Kohler Architects (NTE Annual \$150,000.00 per firm)

A motion was made by Councilmember Eaton, seconded by Councilmember Kailasapathy, that the Resolution be postponed to

the City Council and should be returned by 10/16/2017. On a voice vote, the Mayor declared the motion carried.

Resolution to Approve Three-Year Professional Services Agreements for Architectural Services for Parks & Recreation with Mitchell and Mouat Architects and Kohler Architects (NTE Annual \$150,000.00 per firm)

E COMMUNICATIONS FROM THE CITY ATTORNEY

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 Lumm, seconded by Councilmember Ackerman, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- F-1** [17-1534](#) Communication from Comcast regarding Removal of WeatherScan as a Part of the Xfinity Digital Preferred Service - CTN, City Attorney
- F-2** [17-1554](#) Communication from the Ypsilanti City Clerk Frances McMullan regarding Appointment of Caryn Charter to the SmartZone LDFA - Finance
- F-3** [17-1556](#) Communication from the Office of the Great Seal regarding Completion of the DuBuc and Braun Park Annexations - All departments

G The following minutes were received for filing:

- G-1** [17-1093](#) Ann Arbor Housing Commission May 17, 2017 Board Minutes
- G-2** [17-1152](#) Environmental Commission Minutes 6-22-17
- G-3** [17-1174](#) Zoning Board Appeals Minutes of July 26, 2017
- G-4** [17-1425](#) Downtown Development Authority Board and Executive, Finance and

Operations Committees, and Annual Meeting Minutes from July and August 2017

- G-5** [17-1428](#) Downtown Area Citizen's Advisory Council Meeting Minutes June 7 2017
- G-6** [17-1429](#) Downtown Area Citizen's Advisory Council Meeting Minutes September 5, 2017
- G-7** [17-1518](#) Human Rights Commission, August 2017 Meeting Minutes
- G-8** [17-1530](#) Ann Arbor Commission on Disability Issues, June 2017 Final Meeting Minutes
- G-9** [17-1553](#) Council Administration Committee Meeting Minutes - September 18, 2017
- G-10** [17-0373](#) Environmental Commission Minutes 2-23-17
- G-11** [17-1561](#) Council Policy Agenda Committee meeting minutes for September 26, 2017

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Lisa Abrams, Third Ward, spoke in opposition to an increased deer cull effort, urging Council to adopt non-lethal methods. Ms. Abrams stated today is non-violence day.

Peter Eckstein, resident, addressed the recent suicides that have occurred on the City's parking structures. He urged Council to cut the red tape and take action to secure the parking structures with physical barriers to help restrict opportunities for suicide.

Barry Powers, Cranbrook Law Group, spoke about the City's deer cull. He spoke in opposition and suggested that Council is not authorized to manage wildlife under the Michigan State Constitution.

Edward Vielmetti, Fourth Ward, spoke about the DDA's procurement process. He urged Council to oversee the process and ensure an open process.

Kai Petainen, resident, spoke in support of the Broadway Village development. He also addressed the City's problem with suicide and urged the City to partner with the University of Michigan.

Kathy Griswold, Second Ward, spoke about economic development and "right sizing." She also spoke about supply and demand and opportunity cost.

COMMUNICATIONS FROM COUNCIL

None.

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

A motion was made by Councilmember Eaton, seconded by Councilmember Krapohl, that the Council enter into Closed Session under the Michigan Open Meetings Act to discuss pending litigation as set forth in MCLA 15.268 (E). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned in Closed Session at 9:45 p.m.:

Yeas: 11 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Nays: 0

MEETING RECONVENED

A motion was made by Councilmember Lumm, seconded by Councilmember Grand, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:51 p.m.

OPEN AGENDA

A motion was made by Councilmember Lumm, seconded by Councilmember Grand, that the Agenda be re-opened. On a voice vote, the Mayor declared the motion carried.

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

Resolution Approving Settlement of Resource Recovery Systems, LLC and FCR, LLC v. City of Ann Arbor, Eastern District of Michigan Case No. 16-cv-12771

ADJOURNMENT

A motion was made by Councilmember Krapohl, seconded by Councilmember Westphal, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:53 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, OCTOBER 2, 2017 @ 7:00 A.M.

REPLAYS: WEDNESDAY, OCTOBER 4, 2017 @ 8:00 A.M. AND FRIDAY, OCTOBER 6, 2017 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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

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

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

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

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

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

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