

City of Ann Arbor

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



Action Minutes

Tuesday, September 5, 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 7:03 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 Westphal, seconded by Councilmember Grand, 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 his Agenda Response Memorandum and City Administrator's Written Report for information of Council and also reported on the following:

The Stadium Boulevard bridge construction work has been completed and the road is open again. He thanked the Public Services staff for their work on this project.

Mr. Lazarus reminded Council and the public that the upcoming Work Session on September 11 would focus on City revenue options.

Mr. Lazarus thanked Officer Elizabeth Cornell for her attendance at the meeting.

AC-1 [17-1415](#)

City Administrator's Report - September 5, 2017

Attachments: 170905 City Administrator's Update Final.pdf

Received and Filed

AC-2 [17-1417](#) Agenda Response Memo - September 5, 2017

Attachments: Agenda Responses 9-5-17Final.pdf, ecomments_export 090517.pdf

Received and Filed

INT INTRODUCTIONS

None.

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. **Kermit Schlansker - Description of an Energy Farm**

Kermit Schlansker, Saline resident, spoke about the future of energy and the need for alternative energy such as solar.

CC **COMMUNICATIONS FROM COUNCIL**

COUNCILMEMBER LUMM

Councilmember Lumm thanked staff for the completion of the Nixon/Dhu Varren Road street construction project.

COUNCILMEMBER EATON

Councilmember Eaton updated the public on an upcoming public participation meeting regarding 430 S. Maple on Wednesday, September 6 at 6:30 p.m. at the Pittsfield Branch of the District Library.

Councilmember Eaton stated he would be bringing a resolution to the next City Council meeting to direct Public Services staff and the Council Policy committee to review the City's existing pedestrian crossing ordinance.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy also spoke about the completion of the Nixon Road project and thanked the residents in that area for their patience.

COUNCILMEMBER GRAND

Councilmember Grand noted that it is officially "back to school." She thanked the AAPD for their increased enforcement efforts at pedestrian crosswalks.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski suggested that City Council challenge the Washtenaw County Board of Commissioners to a blood drive competition.

MC COMMUNICATIONS FROM THE MAYOR**MC-1** [17-1375](#) Appointments and Nominations

Attachments: Thaddeus Jabzanka app. 2017.pdf

Mayor Taylor presented the following nomination for approval at a later date:

Housing and Human Services Advisory Board

Thaddeus Jabzanka -Filling partial term

At Large Representative

1400 Morton Ave. #1C

Ann Arbor, MI 48104

Term: Ending May 31, 2020

Referred to the City Council due back on 9/18/2017

MC-2 [17-1388](#)

Resolution to Appoint Thomas Wright to Cable Communications Commission (**7 Votes Required**)

Attachments: Thomas Wright app. 2017.pdf

Mayor Taylor presented the Resolution for approval at a later date.

Referred to the City Council due back on 9/18/2017

CA **CONSENT AGENDA**

Passed on consent agenda

A motion was made by Councilmember Ackerman, seconded by Councilmember Krapohl, 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 requirement of CA-3, CA-4, CA-5, CA-6, and CA-15.

CA-1 [17-1256](#)

Resolution to Approve the Closing of East Washington and North University Streets between Thayer and Fletcher Streets for the University of Michigan Bicentennial "HAILstorm!" Light Show and Third Century Expo from Wednesday, October 25, 2017 through Sunday, October 29, 2017

Attachments: U of M Bicentennial HAILstorm Light Show Map.pdf, U of M Bicentennial Third Century Expo Map.pdf

Enactment No: R-17-321

CA-2 [17-1261](#)

Resolution to Approve Street Closings for the Ann Arbor Thanksgiving Day Turkey Trot - Thursday, November 23, 2017

Attachments: Turkey Trot Map 2017.pdf

Enactment No: R-17-322

- CA-3** [17-1188](#) Resolution to Accept a Water Main Easement at 1608 South University Avenue (Angell Elementary) from the Ann Arbor Public Schools **(8 Votes Required)**

Attachments: Angell Elementary Water Main Map.pdf

Enactment No: R-17-323

- CA-4** [17-1189](#) Resolution to Release Water Main Easements recorded at Liber 4719, Page 133 and Liber 4912, page 264 of Deeds, Washtenaw County Records and Accept in Their Place a Water Main Easement at 912 Barton Drive (Ann Arbor STEAM at Northside), from the Ann Arbor Public Schools **(8 Votes Required)**

Attachments: Northside STEAM Water Main Map.pdf

Enactment No: R-17-324

- CA-5** [17-1195](#) Resolution to Accept a Solid Waste Easement at Banyan Court from 1654 South Maple Road LLC **(8 Votes Required)**

Attachments: Banyan Court Solid Waste Easement Map.pdf

Enactment No: R-17-325

- CA-6** [17-1196](#) Resolution to Accept an Easement for Water Main and Sanitary Sewer at Banyan Court from 1654 South Maple Road LLC **(8 Votes Required)**

Attachments: Banyan Court Water Sewer Easement Map.pdf

Enactment No: R-17-326

- CA-7** [17-1097](#) Resolution to Approve an Increase to the Purchase Order with Liquid Calcium Chloride Sales, Inc for Dust Suppressant Treatments in the Amount of \$889.78

Attachments: 2017 Liquid Calcium written quote and comparisons

Enactment No: R-17-327

- CA-8** [17-1153](#) Resolution to Authorize a Sole Source Purchase Order to Jack Doheny Companies, Inc. of Northville, Michigan for the Purchase of Parts and

Service for Water, Sanitary and Storm Sewer Equipment (\$60,000.00 annually)

Attachments: Jack Doheny Sole Source

Enactment No: R-17-328

CA-9 [17-1154](#) Resolution to Approve a Purchase Order with Trojan Technologies for Replacement Parts at the Wastewater Treatment Plant (\$85,000.00)

Attachments: Trojan Quote FY18

Enactment No: R-17-329

CA-10 [17-1155](#) Resolution to Approve the Purchase of One Single Axle Bucket Truck and One Single Axle Digger Derrick Truck from Terex Utilities Inc. (National Joint Purchasing Alliance; \$412,165.00)

Attachments: TEREX Bucket Truck w Elev, TEREX Digger-Derrick

Enactment No: R-17-330

CA-11 [17-1156](#) Resolution to Approve the Purchase of One Trackless Multi-Purpose Tractor with Accessories from Bell Equipment Inc. (MiDeal - \$160,186.15)

Attachments: Trackless MiDeal Contract, Trackless Quote

Enactment No: R-17-331

CA-12 [17-1157](#) Resolution to Approve the Purchase of One Compact Tractor with Broom from Deere & Company (MiDeal - \$36,746.98)

Attachments: Facilities Tractor Broom Quote, MiDeal Contract - Facilities Tractor Broom, Deere & Co Forms

Enactment No: R-17-332

CA-13 [17-1184](#) Resolution to Approve the Sale of Surplus Equipment

Enactment No: R-17-333

CA-14 [17-1197](#) Resolution Approving a Purchase Order with Oakland County for CLEMIS Information Services for FY2018 (Not to Exceed \$90,000.00)

Enactment No: R-17-334

- CA-15** [17-1201](#) Resolution to Approve Purchase Order to Azteca Systems for CityWorks Enterprise License and Annual Maintenance and Support Agreement for FY2018 (\$83,000.00) and Appropriate Washtenaw County Reimbursement of Its Share of FY2018 Costs (\$20,000.00)(**8 Votes Required**)

Enactment No: R-17-335

- CA-16** [17-1203](#) Resolution to Approve Schedule 22-A to the Interagency Agreement for Collaborative Technology and Services Designating Washtenaw County as a Participating Entity to the City's Enterprise License Agreement for Cityworks Software with Azteca, Inc.

Attachments: Schedule 22 - Collaborative Technology Services Sharing of Cityworks Software Licensing-renewal.docx

Enactment No: R-17-336

- CA-17** [17-1128](#) Resolution to Approve Fiber and Conduit Use Agreements with the Ann Arbor Area Transportation Authority, the Ann Arbor District Library, and the Downtown Development Authority

Attachments: Fiber Conduit Use Agr & Exhs--AAATA.pdf, Fiber Conduit Use Agr & Exhs--AADL.pdf, Fiber Conduit Use Agr & Exhs--DDA.pdf

Enactment No: R-17-337

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1** [17-1130](#) An Ordinance to Amend Sections 1:553, 1:555, and 1:605 of Chapter 18, Employees Retirement System, Title I of the Code of the City of Ann Arbor, to Limit Participation by Certain Part-Time Employees, to Implement Changes Required by Federal Law Related to Military Service and to Correct a Scrivener's Error (Ordinance No. ORD-17-15)

Attachments: ORD-17-15 Briefed and Approved.pdf, 17-15 Employees Retirement System Ordinance Briefed and Approved.pdf, Chapter 18 Part time and Military Leave and City contribution changes

A public hearing was conducted on the proposed amendment to Sections 1:553, 1:555, and 1:605 of Chapter 18, Employees Retirement System, Title I of the Code of the City of Ann Arbor, to Limit Participation by Certain Part-Time Employees, to Implement Changes Required by Federal Law Related to Military Service and to Correct a Scrivener's Error. Notice of public hearing was published August 28, 2017.

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

Held and Closed

Enactment No: ORD-17-15

A APPROVAL OF COUNCIL MINUTES

A-1 [17-1287](#) Regular Session Meeting Minutes of August 21, 2017

Attachments: Council Emails 8-21-2017.pdf, 08-21-17 Draft Minutes.pdf

A motion was made by Councilmember Frenzel, seconded by Councilmember Ackerman, that the Minutes of the Regular Session of August 21, 2017 be approved as presented. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

B-1 [17-1130](#) An Ordinance to Amend Sections 1:553, 1:555, and 1:605 of Chapter 18, Employees Retirement System, Title I of the Code of the City of Ann Arbor, to Limit Participation by Certain Part-Time Employees, to Implement Changes Required by Federal Law Related to Military Service and to Correct a Scrivener's Error (Ordinance No. ORD-17-15)

Attachments: ORD-17-15 Briefed and Approved.pdf, 17-15 Employees Retirement System Ordinance Briefed and Approved.pdf, Chapter 18 Part time and Military Leave and City contribution changes

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

Enactment No: ORD-17-15

C ORDINANCES - FIRST READING

C New Business - Staff:

- C-1** [17-1282](#) An Ordinance to Amend Section 9:70 of Chapter 108 (Disorderly Conduct) of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-17-16)

Attachments: Solicitation Ordinance Amendment.pdf, ORD-17-16 Briefed.pdf

A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, that the Ordinance be approved on First Reading to the City Council and should be returned by 9/18/2017. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-17-16

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

- DC-1** [17-1407](#) Resolution Authorizing the City of Ann Arbor to be Listed as a Supporting Municipality in an Amicus Brief to be filed with the United States Supreme Court in *State of Hawaii and Ismail Elshikh. v. Donald J. Trump, et al.*.

Sponsors: Taylor, Smith, Krapohl, Warpehoski, Eaton and Grand

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.

Enactment No: R-17-338

DB New Business - Boards and Commissions:

- DB-1** [17-1101](#) Resolution to Approve Participation Agreement with Washtenaw County Parks and Recreation for the Purchase of the Development Rights on the Donald H. Drake Trust Property in Lodi Township, and Appropriate Funds, Not to Exceed \$174,997.00, from the Open Space and Parkland Preservation Millage Proceeds **(8 Votes Required)**

Attachments: Drake North Aerial Map, Drake North Protected Map v2

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

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

Enactment No: R-17-339

DB-2 [17-1143](#)

Resolution to Approve the Purchase of Development Rights on the Seeley Farm LLC Property in Ann Arbor Township, Approve a Participation Agreement with Washtenaw County Parks and Recreation, and Appropriate Funds, Not to Exceed \$143,367.00, from the Open Space and Parkland Preservation Millage Proceeds (**8 Votes Required**)

Attachments: SeeleyFarm_Aerial, SeeleyFarm_ProtectedLandsl

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

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

Nays: 2 - Councilmember Lumm and Councilmember Eaton

Enactment No: R-17-340

DB-3 [17-1185](#)

Resolution to Approve Participation Agreement with Ann Arbor Township and Washtenaw County Parks and Recreation for the Purchase of the Development Rights on the Stiles-Kaldjian Property in Ann Arbor Township, and Appropriate Funds, not to Exceed \$242,500.00, from the Open Space and Parkland Preservation Millage Proceeds (**8 Votes Required**)

Attachments: Stiles and Kaldjian Aerial Map v2, Stiles and Kaldjian Protected Map v2

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

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

Enactment No: R-17-341

DB-4 [17-1176](#)

Resolution to Approve the Distribution of the Draft Plan, The Treeline - Allen Creek Urban Trail Master Plan, (CPC Recommendation: Approved - 6 Ayes and 0 Nays)

Attachments: Treeline - Allen Creek Urban Trail Notice to Plan Distribution Memo to CPC.pdf, Treeline_MasterPlan_Draft.pdf, Treeline_Appendix_File_Reduced2.pdf, 8-15-2017 Master Plan Res-Treeline-Allen Creek Urban Trail-Minutes.pdf

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

Enactment No: R-17-342

DS **New Business - Staff:**

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 Ackerman, seconded by Councilmember Westphal, that the Clerk's Report of Communications, Petitions and Referrals be approved as presented. On a voice vote, the Mayor declared the motion carried.

F-1 [17-1273](#)

Communication from the State of Michigan regarding Notice of Hearing for Electric Customers of DTE Electric Company in Case No. U-18419 and U18242 scheduled for September 7 and 13, 2017 Respectively -

Energy, City Attorney

Attachments: DTE Public Hearing Notices.pdf

F-2 [17-1289](#) Communication from Washtenaw County Board of Canvassers regarding Canvass of Votes Cast at the August 8, 2017 Primary Election

Attachments: canvass_201708161403.pdf

F-3 [17-1370](#) Resignation Email from Ben Bushkuhl as an Ann Arbor Historic District Commission Member

Attachments: Ben Bushkuhl Resignation Email.pdf

G **The following minutes were received for filing:**

G-1 [17-1063](#) Park Advisory Commission Meeting Minutes June 20, 2017

Attachments: PAC Meeting Minutes 6-20-17.pdf

G-2 [17-1222](#) Local Development Finance Advisory Board Meeting Minutes - July 18, 2017

Attachments: LDFA Board Meeting Minutes - July 18, 2017.pdf

G-3 [17-1241](#) Ann Arbor Board of Review Meeting Minutes of July 18, 2017

Attachments: 2017 JULY BOR MINUTES.pdf

G-4 [17-1259](#) Ann Arbor Area Transportation Authority Board Meetings Minutes of June and July 2017

Attachments: AAATA Board Meeting Minutes 06.15.17_Approved.pdf, AAATA Board Meeting Minutes 07.06.17_Approved.pdf

G-5 [17-1301](#) Elizabeth Dean Fund Committee Meeting Minutes of 02/14/2017, 04/06/2017 and 07/11/2017

Attachments: DeanFundCommitteeMeetingMinutes_021417.pdf, DeanFundCommitteeMeetingMinutes_040617.pdf,

DeanFundCommitteeMeetingMinutes_071117.pdf

G-6 [17-1129](#) Election Commission Meeting Minutes of July 17, 2017

Attachments: 2017-07-17 Election Commission Minutes.pdf

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Kathy Griswold, 2nd Ward, spoke about pedestrian safety and urged Council to update the pedestrian crossing ordinance. She stated Ann Arbor's special ordinance could be problematic as autonomous vehicles are designed.

Edward Vielmetti, 4th Ward, spoke about the LDFA meeting and stated agendas of recent meetings have not been posted. He stated he was informed this was a staffing issue. He urged the City to address the issue.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski addressed public concerns regarding the City's pedestrian crossing ordinance. He stated the Federal Highway Safety Administration acknowledges that ordinances that require stopping for pedestrians at the curb are stronger ordinances.

COUNCILMEMBER LUMM

Councilmember Lumm also addressed pedestrian safety and thanked Councilmember Eaton for bringing the issue back to Council. She noted that the pedestrian crossing ordinance in Ann Arbor is so unusual even the UM does not enforce it.

MAYOR TAYLOR

Mayor Taylor also addressed the pedestrian safety ordinance and noted that the University of Michigan does not routinely follow or enforce any of the City's ordinances, as they are not required to under law.

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 Ackerman, seconded by Councilmember Grand, that Council enter into Closed Session under the Michigan Open Meetings Act to discuss pending litigation and the purchase or lease of real property, as set forth or incorporated in MCLA 15.268 (D) and (E). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned into Closed Session at 8:00 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

RECONVENE IN OPEN SESSION

A motion was made by Councilmember Lumm, seconded by Councilmember Ackerman, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened in open session at 8:23 p.m.

ADJOURNMENT

A motion was made by Councilmember Eaton, seconded by Councilmember Westphal, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:23 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: TUESDAY, SEPTEMBER 5, 2017 @ 7:00 P.M.

REPLAYS: WEDNESDAY, SEPTEMBER 6, 2017 @ 8:00 A.M. AND FRIDAY, SEPTEMBER 8, 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.