

City of Ann Arbor

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



Action Minutes

Monday, June 6, 2016

7:00 PM

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 7:00 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

Council Member Warpehoski arrived at 7:02 p.m.

Present: 11 - Councilmember Sabra Briere, 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 and Councilmember Chip Smith

APPROVAL OF AGENDA

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

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Interim City Administrator Tom Crawford presented the following reports for information of Council:

AC-1 16-0855 Deer Management Report - Winter 2016

Attachments: Deer Management Report- Winter 2016

Received and Filed

AC-2 16-0876 Taxi Use of Loading Zones After 6pm

Attachments: Communication to DDA from Taxicab Board Re Commercial Loading Zones 0516.pdf, Taxi Bd Recommendation for Loading Zones -

20160526.pdf

Received and Filed**AC-3 16-0875** Agenda Response Memo - June 6, 2016

Attachments: Agenda Responses 6-6-16 - revised -correct scrivener's error in DC-4,
Agenda Responses 6-6-16

Received and Filed**AC-4 16-0879** Communication from Police Chief James Baird regarding the November 2015 Human Rights Commission Report

Attachments: Police Response to HRC memo

Received and Filed**INT INTRODUCTIONS****INT-1 16-0819** Volunteer of the Month for June 2016-Kate Chapel

Attachments: Vol. of the Month June 2016- Kate Chapel.pdf

Mayor Taylor read a proclamation in honor of the Parks Volunteer of the Month for June 2016, Kate Chapel. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed**INT-2 16-0857** Proclamation for National Pollinator Week

Attachments: National Pollinator Week 2016.pdf

Mayor Taylor read a proclamation recognizing National Pollinator Week in Ann Arbor June 15 - 21. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed**INT-3 16-0858** Proclamation honoring Youth Poet Laureate Carson Borbely

Attachments: Youth Poet Laureate Carson Borbely.pdf

Mayor Taylor recognized the first Youth Poet Laureate in Ann Arbor, Carson Borbely. Ms. Borbely read an original poem from the voice of Phoebe from the 1990s show, Friends. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

INT-4 16-0477 Historic District Commission Annual Historic Preservation Awards

Attachments: 2016 HDC Awards Powerpoint 6-1-16.pdf

Susan Weinberg, Historic District Commissioner, presented the 32nd annual historic preservation awards. A copy of the presentation and this year's recipients are 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. Rita Mitchell - New Amtrak Station (DC-1)

Rita Mitchell, 621 Fifth Street, spoke in support of resolution DC-1 and the release of City communications regarding the proposed new Amtrak station.

2. Neel Hajra - Coordinated Funding (DS-1)

Neel Hajra, 2408 Sun Valley Drive, spoke about DS-1, the resolution regarding the annual coordinated funding plan. He spoke in support of the community coordinated funding model versus individual funding from each agency.

3. Rebecca Esselman - Pavement Sealant Ordinance (C-1)

Rebecca Esselman, 1100 N. Main, on behalf of the Huron River Watershed Council, spoke in support of C-1, an ordinance regulating coal tar pavement sealers. She spoke about the environmental risks of using coal tar sealants and urged Council to support the proposed regulations.

4. Eileen Dickinson - Bee Safe Neighborhoods (DC-5)

Eileen Dickinson, 534 Fourth Street, thanked the City for bringing forward the Bee City resolution and urged Council's support. She stated the public can pledge support at various levels, including not using lawn chemicals and planting bee-friendly plants.

5. Vince Caruso - New Amtrak Station (DC-1)

Vince Caruso, 556 Glendale, spoke in support of DC-1 and urged Council to release City communications regarding the City's plans for a new Amtrak station.

6. Dave Cicotte - Commercial Quadricycle Operating Permit Fees (DC-3)

Dave Cicotte, High Five Pedal Tours (Note: this speaker's comments addressed B-1 and he was referred to speak on this topic during the public hearing section of the agenda.)

7. Michael Miller - FY17 & FY18 Allocations to Non-Profit Entities (DS-1)

Michael Miller spoke in support of DS-1 and the coordinated funding model.

8. Linda Smith - Swift Run Project

Linda Smith, 3171 LaSalle, spoke in opposition to the Swift Run project, including proposed right-of-way rain gardens. She stated the "pop-outs" are dangerous to traffic. She urged Council to consider a larger street such as Packard for this project.

9. Alan Haber - Library Lot

Alan Haber, 531 Third Street, spoke about the need for a central park in the City, noting that he turned in over 5000 signatures today to place this question on the ballot.

10. Mozghan Savabieassahani - Boycott Israel (Declined to speak.)

Ms. Savabieassahani declined to speak.

Alternates:**1. Greg Briggs - International Refugee Day**

Greg Briggs, local minister, spoke in support of DC-6, the Welcoming Communities Campaign, and urged community support for our Muslims neighbors and refugees.

2. Blaine Coleman - Boycott Israel

Blaine Coleman, resident, urged Council to boycott Israel. He questioned the lack of support from Council on a resolution critical of Israel.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER LUMM

Councilmember Lumm spoke about a public meeting regarding the Dhu Varren, Nixon, Green Roads intersection on Wednesday, June 8 at Clague Middle School in the Multi-purpose Room from 6 - 8 p.m. City staff and consultants will be present to answer questions.

COUNCILMEMBER BRIERE

Councilmember Briere spoke about the Dexter Ann Arbor Run and the change in the route course for the 5K race. She stated race organizers did not alert neighbors or the public of the change and residents on Pontiac Trail were stuck for more than an hour due to the street closure changes. She urged staff to try harder with event planning and communications.

COUNCILMEMBER KRAPOHL

Councilmember Krapohl alerted Council and the public that today is the anniversary of D-Day. He recognized and thanked the Veterans in Ann Arbor for their service.

Councilmember Krapohl also informed Council of a Lansdowne Neighborhood meeting on Tuesday, June 7 in the Lawton School Auditorium from 6 - 8 p.m. regarding the Delaware pedestrian bridge project funding and next steps.

COUNCILMEMBER EATON

Councilmember Eaton spoke to Mr. Coleman and stated that Councilmember Warpehoski is not alone. Council as a whole has chosen not to pass a resolution to boycott Israel.

Councilmember Eaton also spoke about the Delaware Pedestrian Bridge meeting and urged other Council Members to attend the meeting.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski spoke about the Lansdowne Delaware bridge and stated he is now supportive of the funding level.

He also addressed the Historic District Commission awards, noting that the University

was recognized this year with three awards. Councilmember Warpehoski urged the UM to continue to preserve and protect their buildings going forward.

COUNCILMEMBER GRAND

Councilmember Grand stated there is a citizen participation meeting on Tuesday, June 7 at Mallet's Creek Library from 6:30 - 8 p.m. regarding a proposed rezoning on Packard.

Councilmember Grand also addressed the public comments directed at Councilmember Warpehoski and spoke in defense of him, stating she is glad to have Councilmember Warpehoski as a colleague.

COUNCILMEMBER WESTPHAL

Councilmember Westphal spoke about a proposed cell phone use while driving ordinance, that he had previously indicated he would be sponsoring. Councilmember Westphal stated he has since learned that the State has preempted municipalities from regulating this issue. Councilmember Westphal stated he is working with the City Attorney's Office on other ways to address distracted driving locally.

COUNCILMEMBER ACKERMAN

Councilmember Ackerman spoke about an ordinance he plans to bring forward that would allow waivers and fee reductions for low-income families to connect alarm systems.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 16-0739 Appointments - Confirmations

Sponsors: Taylor

Attachments: Katie Lewit.pdf, Kaitlyn Dougherty app..pdf

APPOINTMENTS APPROVED

Mayor Taylor requested confirmation of the following appointments that were presented to Council at the May 16, 2016 Regular Session of City Council:

*Recreation Advisory Commission**Katie Lewit Re-appointment*

1685 Northbrook Dr.

Ann Arbor, MI 48103

Term: Ending -May 31, 2019

Kaitlyn Dougherty Filling Vacancy

803 E. Kingsley St. Apt. 6

Ann Arbor, MI 48104

Term: Ending- May 31, 2018

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

MC-2 16-0843

6/6/16 Appointments and nominations

Attachments: Darren McKinnon app. 2016.pdf

REFERRED

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

*Ann Arbor Area Transportation Authority**Roger Hewitt-Partial term*

1350 Astor Ave., #1811

Ann Arbor, MI 48104

Term: term ending May 1, 2021

*Downtown Development Authority**Darren McKinnon*

809 Daniel St.

Ann Arbor, MI 48103

Term: August 19, 2016-May 31, 2020

Referred to the City Council due back on 6/20/2016

CA CONSENT AGENDA

Passed on consent agenda

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

CA-1 16-0462 Resolution to Close North Fourth Avenue for the OutFest: Celebration - August 5-6, 2016

Attachments: Outfest Map

Enactment No: R-16-202

CA-2 16-0812 Resolution to Close East Washington Avenue between Fourth and Fifth Avenues for the Ann Arbor Book Festival on Saturday, June 18, 2016 from 9:00 A.M. to 7:00 P.M.

Attachments: Ann Arbor Book Festival Map

Enactment No: R-16-203

CA-3 16-0816 Resolution to Approve E. Washington Street Closing for the Arbor Brewing Company 21st Anniversary Celebration - Friday, July 15, 2016 from 1:00 PM until 1:00 AM on Saturday, July 16, 2016

Attachments: Arbor Brewing Companys 21st Anniversary Map

Enactment No: R-16-204

CA-4 16-0817 Resolution to Approve Street Closing for the NTI Block Party - Wednesday, August 3, 2016

Attachments: NTI Block Party Map

Enactment No: R-16-205

CA-5 16-0777 Resolution to Accept a Fair Food Network Grant for the Ann Arbor Farmers Market for \$50,000.00 and Appropriate Funds **(8 Votes Required)**

Attachments: 2016 Double Up Grant Agreement City of Ann Arbor 051116

Enactment No: R-16-206

CA-6 16-0577 Resolution to Approve a Michigan Department of Natural Resources Trust Fund (MNRTF) Grant Development Project Agreement for Gallup Park Universal Access Playground and Site Renovations and Accept and Appropriate Up to \$300,000.00 in Funding (**8 Votes Required**)

Attachments: MDNRTF Project Agreement, Gallup Playground amended signature page grant MNRTF2015

Enactment No: R-16-207

CA-7 16-0797 Resolution to Approve a Contract Agreement with the Michigan Department of Transportation for the Border to Border Trail Reconstruction - Gallup Park Segment, Contract #16-5187 (\$699,100.00)

Attachments: MDOT TAP Project Agreement

Enactment No: R-16-208

CA-8 16-0688 Resolution to Approve a Contract with Blue Star, Inc. for Property Demolition, Clean Up and Site Restoration at 3013 Huron River Drive (\$93,300.00)

Attachments: ITB document

Enactment No: R-16-209

CA-9 16-0784 Resolution to Accept a Water Main Easement at 1541 Washtenaw Avenue from New Life Church of Ann Arbor (**8 Votes Required**)

Attachments: Drawing-1541 Washtenaw-Water Main Easement

Enactment No: R-16-210

CA-10 16-0646 Resolution to Approve Purchase of Sodium Hexametaphosphate for Water Treatment from Sterling Water Technologies \$40,000.00 annually, Bid No. ITB-4436

Attachments: Bid Form ITB 4436 Sterling Technologies, Bid Sheet ITB 4436, ITB_4436_Document

Enactment No: R-16-211

- CA-11 16-0652** Resolution to Approve a Professional Services Agreement with Fishbeck, Thompson, Carr & Huber, Inc. for Water Treatment Professional Engineering Services (\$200,000.00) RFP-963
Attachments: PSA_RFP963_for resolution_FTCH, RFP_963_Document.pdf

Enactment No: R-16-212

- CA-12 16-0653** Resolution to Approve a Professional Services Agreement with Stantec Consulting Michigan, Inc. for Water Treatment Professional Engineering Services (\$200,000.00) RFP-963
Attachments: PSA_RFP963_for resolution_Stantec, RFP_963_Document.pdf

Enactment No: R-16-213

- CA-13 16-0654** Resolution to Approve a Professional Services Agreement with Tetra Tech of Michigan, PC for Water Treatment Professional Engineering Services (\$200,000.00) RFP-963
Attachments: PSA_RFP963_for resolution_TetraTech, RFP_963_Document.pdf

Enactment No: R-16-214

- CA-14 16-0655** Resolution to Award a Construction Contract to Douglas N Higgins, Inc. for the Ferdon Wells Storm Sewer Rehabilitation Project (\$413,343.50; Bid No. ITB-4433)
Attachments: ITB_4433_Document_Higgins, Bid Tabulation - Ferdon Wells

Enactment No: R-16-215

- CA-15 16-0645** Resolution to approve a Construction Contract with Lacaria Concrete Construction, Inc. for the Broadway/Division/Detroit Street Planter Wall and Sidewalk Repair Project (\$55,078.00)
Attachments: contract documents - planter wall repairs - 160426, lacaria concrete construction - original bid submittal - 160420

Enactment No: R-16-216

- CA-16 16-0660** Resolution No. 1 - Prepare Plans and Specifications on Proposed Stone School Sidewalk - Sidewalk Special Assessment Project

Attachments: Location Map

Enactment No: R-16-217

CA-17 16-0725 Resolution to Award a Construction Contract to Scodeller Construction, Inc. for Street Crack Treatments - 2016 (ITB No. 4421; \$220,436.15).

Attachments: Crack Sealing List - Major Streets.pdf, Crack Sealing List - Minor Streets.pdf, ITB 4421 Street Crack Treatment-2016_Bid Tabulation.pdf, 2016-023 Street Crack Treatments-2016_Construction Contract_2016-06-20.pdf

Enactment No: R-16-218

CA-18 16-0665 Resolution to Amend an Approved Emergency Purchase Order (Sutphen Corporation - \$999.07)

Enactment No: R-16-219

CA-19 16-0704 Resolution to Approve the Purchase of Three Automated Side Loading Refuse Trucks from Fredrickson Supply, LLC. (CoPro+ Cooperative Purchasing Contract) (\$970,497.00)

Enactment No: R-16-220

CA-20 16-0705 Resolution to Approve the Purchase of a Dump Trailer from Spector Manufacturing Inc. (\$67,696.00)

Attachments: Dump Trailer Bid Tab 0516, Spector Mfg Bid, ITB 4443 - Dump Trailer

Enactment No: R-16-221

CA-21 16-0716 Resolution to Approve the Purchase of Six Utility Bodies from Cannon Truck Equipment (\$70,269.00)

Attachments: Cannon Truck Eq Bid, Utility Bodies Bid Tab 0516, ITB 4444 - Utility Truck Bodies

Enactment No: R-16-222

CA-22 16-0618 Resolution to Approve the Purchase of Two Backhoes from AIS Construction Equipment Corp. (State of Michigan MiDeal Contract \$195,792.00)

Enactment No: R-16-223

- CA-23 16-0668** Resolution to Approve the Purchase of an Elgin Street Sweeper from Bell Equipment Company (State of Michigan MiDeal Contract # 071B1300075 - \$207,309.10)

Enactment No: R-16-224

- CA-24 16-0353** Resolution to Approve a Professional Services Agreement with CH2M Hill Engineers, Inc. for the Sanitary and Stormwater Systems Asset Management Plans (RFP No. 937, \$1,170,537.00)

Attachments: final contract

Enactment No: R-16-225

- CA-25 16-0674** Resolution to Approve a Service Agreement with Earthcom, Inc. for a Distributive Antenna System at the Wastewater Treatment Plant (\$68,278.71)

Attachments: Earthcom, Inc. Proposal - Ann Arbor Waste Water Treatment Facility (Dixboro), Earthcom Inc DAS Contract 6-16.pdf

Enactment No: R-16-226

- CA-26 16-0675** Resolution to Approve an Increase to the Sole Source Purchase Order to Carrier and Gable, Inc. for the Purchase of Traffic Signal Materials (\$130,000.00)

Attachments: CouncilAction17-Nov-2015-08-32-47.pdf

Enactment No: R-16-227

- CA-27 16-0612** Resolution to Award a Contract to Margolis Companies, Inc. for the Purchase, Delivery and Planting of Trees along City Street Rights-of-Way (\$302,450.00; Bid No. ITB-4428)

Attachments: Service Agreement between Margolis Companies, Inc for Street Tree Planting.pdf, FY17_TreePlantingPlan.pdf, ITB4428_FY17StreetTreePlanting.pdf, ITB4428_BidTab.pdf

Enactment No: R-16-228

- CA-28 16-0781** Resolution to Approve Amendment No. 3 to the Hosting Agreement with Ultimate Software Group, Inc., Amend the FY17 Budget and Appropriate Necessary Funds (\$57,450.00) for Retiree Medical Plan Participant

Data Conversion to Satisfy Affordable Care Act Requirements (**8 Votes Required**)

Enactment No: R-16-229

CA-29 16-0726 Resolution to Approve Cooperative Purchasing Interlocal Contract with Houston-Galveston Area Council (H-GAC)

Attachments: General-ILC-Form-filled

Enactment No: R-16-230

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 16-0673 An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter, which Chapter Shall be Designated as Chapter 131, Commercial Quadricycles, of Title X of Said Code (Ordinance No. ORD-16-11)

Sponsors: Council Liquor License Review Committee

Attachments: Chapter 131 as Amended at First Reading 060616, 16-11 Commercial Quadricycles Ordinance Briefed.pdf, Chapter 131 Commercial Quadricycle 042616, C-4 Brideau Communication.pdf, C-4 Sussman Communication.pdf, 20160503_PedalPubLetterToAnnArborCityCouncil.doc, Copy of Quadricycle ordinances - MI 060316

A public hearing was conducted on the proposed Ordinance to amend the Code of the City of Ann Arbor by Adding a New Chapter, which Chapter Shall be Designated as Chapter 131, Commercial Quadricycles, of Title X of Said Code. Notice of public hearing was published May 26, 2016.

The following people were present to speak at the public hearing:

David Cicotte, owner of High Five Pedal Pubs, expressed concern about the proposed ordinance including a requirement for passenger seatbelts, citing some safety concerns. He also encouraged Council to allow alcohol consumption on the quadricycles. Mr. Cicotte also urged Council to allow operation on special event days, such as UM football games, stating this is how his business gets noticed and he gets future customers.

The manager of Trolley Pub, Tristan, spoke in opposition to the restriction of alcohol consumption on quadricycles. He urged Council to reconsider this restriction. He also concurred with the comments of the previous speaker.

Kyle Lady, Vice-chair of the Taxicab Board, questioned the restriction of commercial quadricycle operation on all Michigan Stadium event days.

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

Held and Closed

Enactment No: ORD-16-11

PH-2 16-0735 Resolution to Approve City of Ann Arbor Bryant Community Center Public Project, 3 & 5 W. Eden Court (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

Attachments: Bryant Community Center Staff Report with Attachments2

A public hearing was conducted on the proposed Resolution to Approve City of Ann Arbor Bryant Community Center Public Project, 3 & 5 W. Eden Court. Notice of public hearing was published May 26, 2016. There being no one present for comment, the Mayor declared the hearing closed.

Held and Closed

Enactment No: R-16-235

A APPROVAL OF COUNCIL MINUTES

A-1 16-0851 Regular Session Meeting Minutes of May 16, 2016

Attachments: 05-16-16 Draft Minutes, Council emails 5-16-16_Redacted

A motion was made by Councilmember Krapohl, seconded by Councilmember Smith, that the Minutes of the Regular Session of May 16, 2016 be approved. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

B-1 16-0673 An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter, which Chapter Shall be Designated as Chapter 131, Commercial Quadricycles, of Title X of Said Code (Ordinance No. ORD-16-11)

Sponsors: Council Liquor License Review Committee

Attachments: Chapter 131 as Amended at First Reading 060616, 16-11 Commercial Quadricycles Ordinance Briefed.pdf, Chapter 131 Commercial Quadricycle 042616, C-4 Brideau Communication.pdf, C-4 Sussman Communication.pdf, 20160503_PedalPubLetterToAnnArborCityCouncil.doc, Copy of Quadricycle ordinances - MI 060316

(The complete copy of the text of Ordinance No. ORD-16-11 is on file in the City Clerk's Office.)

A motion was made by Councilmember Lumm, seconded by Councilmember Eaton, that the Ordinance be adopted on Second Reading.

Enactment No: ORD-16-11

An amendment was offered by Councilmember Lumm, and seconded by Councilmember Ackerman, to remove the sections of the ordinance referencing the requirement for passenger seatbelts. The proposed amendment was considered friendly by the Body.

A motion was made by Councilmember Warpehoski, seconded by Councilmember Ackerman, that the Ordinance be amended as follows:

Strike Section 10:226 regarding alcohol prohibition.

On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

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

Enactment No: ORD-16-11

An amendment was offered by Councilmember Grand, seconded by Councilmember Warpehoski, that the requirement in Section 10:214 (8)(c) for a driver's weight to be printed on an ID badge be stricken. The amendment was considered friendly by the Body.

Councilmember Warpehoski moved to strike Section 10:223 (2)(a) regarding special events. (The motion was withdrawn and staff was requested to review this language before the next Second Reading.)

The question being, a motion made by Councilmember Lumm, seconded by Councilmember Eaton, that the Ordinance be approved as amended on First Reading, on a roll call, the vote was as follows with the Mayor declaring the motion carried.

Yeas: 7 - Councilmember Briere, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal and Councilmember Ackerman

Nays: 4 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton and Councilmember Smith

Enactment No: ORD-16-11

RECESS

Mayor Taylor called a recess at 9:15 p.m. and reconvened the meeting at 9:20 p.m.

C ORDINANCES - FIRST READING

C New Business - Council:

C-1 16-0808 An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter, Which Chapter Shall Be Designated Chapter 71, Pavement Sealant, of Title VI, Food and Health, of Said Code (Ordinance No. ORD-16-12)

Sponsors: Briere and Smith

Attachments: ORD-16-12 Chpt 71 Pavement Sealant.pdf, Chapter 71 Pavement Sealant, Coal Tar trifold, FAQ Coal Tar Based Sealcoats_HRWC, USGS Coal Tar Fact Sheet 2016

(The complete copy of the text of Ordinance No. ORD-16-12 is on file in the City Clerk's Office.)

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-16-12

D MOTIONS AND RESOLUTIONS**DC New Business - Council:****DC-1 16-0842** Resolution to Disclose Information Regarding Potential Locations for a New Amtrak Train Station

Sponsors: Eaton, Lumm and Kailasapathy

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

Staff was asked to check with MDOT and the FRA and ascertain their opinions regarding the City's release of the previously redacted emails.

A motion was made by Councilmember Eaton, seconded by Councilmember Lumm, that the Resolution be postponed to the City Council until 6/20/2016. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

- Yeas:** 5 - Councilmember Briere, Councilmember Lumm, Councilmember Warpehoski, Councilmember Eaton and Councilmember Ackerman
- Nays:** 6 - Councilmember Kailasapathy, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal and Councilmember Smith

The question being, the motion made by Councilmember Eaton, seconded by Councilmember Kailasapathy, that the Resolution be approved, on a roll call, the vote was as follows with the Mayor declaring the motion defeated:

- Yeas:** 5 - Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski and Councilmember Eaton
- Nays:** 6 - Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

DC-2 16-0783 Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to Zingerman's Delicatessen, Inc., dba The Greyline, 100 N. Ashley

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

Enactment No: R-16-231

DC-3 16-0821 Resolution to Approve New Fees for Commercial Quadricycle Operating Permit

Sponsors: Council Liquor License Review Committee

A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that the Resolution be approved.

A motion was made by Councilmember Lumm, seconded by Councilmember Ackerman, that the Resolution be postponed until 6/20/2016. On a voice vote, the Mayor declared the motion carried.

DC-4 16-0852 Resolution Opposing Oil Transport through the Enbridge Energy Line 5 Pipeline

Sponsors: Smith, Briere, Taylor, Warpehoski, Westphal and Ackerman

Attachments: List of Municipal Governments that have passed similar resolutions urging the immediate shutdown of Enbridge Line.docx, OWMD-Sign-On-Letter-to-Gov-AG-DEQ-DNR_4-11-16 (1).pdf

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.

Enactment No: R-16-232

DC-5 16-0839 Resolution Designating Ann Arbor, Michigan a BEE CITY USA®

Sponsors: Briere, Krapohl, Taylor, Warpehoski and Grand

Attachments: EBFContinentalrx13FINAL,
Reducing_Risks_to_Pollinators_from_Pest_Control_factsheet

Council requested additional information regarding the staff assigned to this project and the amount of funding required to support the effort.

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

Enactment No: R-16-233

DC-6 16-0874 Resolution Affirming The City of Ann Arbor's Participation in the Welcoming Communities Campaign

Sponsors: Warpehoski, Krapohl, Briere, Grand, Taylor and Ackerman

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

Enactment No: R-16-234

DB New Business - Boards and Commissions:

- DB-1 16-0735** Resolution to Approve City of Ann Arbor Bryant Community Center Public Project, 3 & 5 W. Eden Court (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

Attachments: Bryant Community Center Staff Report with Attachments2

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

Enactment No: R-16-235

- DB-2 16-0785** Resolution to Approve the Purchase of Development Rights on the Lloyd and Betty Guenther Property in Lodi Township and Appropriate Funds in the Amount of \$866,014.00 **(8 Votes Required)**

Attachments: Guenther Protected Map

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

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

Nays: 1 - Councilmember Lumm

Enactment No: R-16-236

DS New Business - Staff:

- DS-1 16-0730** Resolution to Approve FY 17 and FY 18 Allocations to Non-Profit Entities for Human Services (\$1,247,529.00 General Fund)

Attachments: FY 2016-18 Program Ops FAQs

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

Enactment No: R-16-237

A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that Council suspend Rule 4 regarding entering Closed Session after 11:00 p.m. On a voice vote, the Mayor declared the motion carried.

COMMUNICATIONS FROM COUNCIL

None.

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 Warpehoski, seconded by Councilmember Grand, that the Clerk's Report be approved as presented. On a voice vote, the Mayor declared the motion carried.

- F-1 16-0788** Communication from the State of Michigan Public Service Commission regarding a Notice of Hearing for Customers of DTE Electric Company in Case No. U-17680-R - Attorney's Office, Systems Planning
Attachments: DTE Communication Case No. U-17680-R.pdf
- F-2 16-0804** AAATA financial and performance reports for the month ended April 30, 2016 - File
Attachments: 4a Weekday rider graphs.pdf, 4b Performance Reports.pdf, 7a April 2016 Financial Report.pdf, 7b April 2016 Financial Notes.pdf, 7c April 2016 Report to Treas.pdf
- F-3 16-0826** Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for DTE Customers in Case No. U-18005 Scheduled for June 7, 2016 - City Attorney, Systems Planning

Attachments: DTE Communication re U-18005 Public Hearing Notice.pdf

G The following minutes were received for filing:

G-1 16-0070 Public Market Advisory Commission Meeting Minutes of December 17, 2015

Attachments: December 17, 2015 PMAC Meeting Minutes

G-2 16-0535 Historic District Commission Minutes of the December 10, 2015

Attachments: 12-10-2015 HDC Minutes with Live Links-revised .pdf

G-3 16-0536 Historic District Commission Minutes of the February 11, 2016

Attachments: 2-11-2016 HDC Minutes with Live Links.pdf

G-4 16-0537 Historic District Commission Meeting Minutes of the March 16, 2016

Attachments: 3-16-2016 HDC Minutes with Live Links-revised.pdf

G-5 16-0572 Park Advisory Commission Meeting Minutes of March 15, 2016

Attachments: PAC Meeting Minutes 3-15-16

G-6 16-0584 City Planning Commission Minutes of February 17, 2016

Attachments: 2-17-2016 CPC Minutes with Live Links.pdf

G-7 16-0633 Zoning Board of Appeals Meeting Minutes of February 24, 2016

Attachments: 2-24-2016 ZBA Minutes with Live Links.pdf

G-8 16-0634 Zoning Board of Appeals Meeting Minutes March 23, 2016

Attachments: 3-23-2016 ZBA Minutes with Live Links.pdf

- G-9** **16-0649** Taxicab Board Meeting Minutes of February 25, 2016
Attachments: 22516 Taxicab Board minutes as approved
- G-10** **16-0661** Council Liquor License Review Committee Meeting Minutes of April 21, 2016
Attachments: 2016-04-21 liquor committee minutes
- G-11** **16-0670** City Planning Commission Minutes of April 19, 2016
Attachments: 4-19-2016 CPC Minutes.pdf
- G-12** **16-0699** Downtown Development Authority Board and Executive, Partnerships, Capital Improvements, Finance and Operations Committees Minutes of April 2016
Attachments: DDA Minutes April 2016
- G-13** **16-0700** Downtown Area Citizens Advisory Council Meeting Minutes for May 3, 2016
Attachments: Downtown Area Citizens Advisory Council Meeting Minutes 050316
- G-14** **16-0755** Greenbelt Advisory Meeting Minutes of 2014
Attachments: GAC Minutes 01-02-14, GAC Minutes 02-06-14, GAC Minutes 05-01-14, GAC Minutes 07-03-14, GAC Minutes 10-02-14, GAC Minutes 11-06-14
- G-15** **16-0756** Greenbelt Advisory Commission Meeting Minutes 2015
Attachments: GAC Minutes 02-05-15, GAC Minutes 05-07-15, GAC Minutes 08-06-15, GAC Minutes 10-01-15, GAC Minutes 11-05-15
- G-16** **16-0782** Council Administration Committee Meeting Minutes of May 2, 2016
Attachments: Council Admin Committee Minutes 5-2-16.pdf

- G-17** **16-0786** City of Ann Arbor Employees' Retirement System Meeting Minutes of April 21, 2016
Attachments: B BDMTG APRIL 2016
- G-18** **16-0787** Retiree Health Care Benefit Plan & Trust Meeting Minutes of April 21, 2016
Attachments: B VEBA Bd April 2016
- G-19** **16-0798** Ann Arbor Commission on Disability Issues, Meeting Minutes, March 23, 2016
Attachments: March 23 Minutes - FINAL for Council
- G-20** **16-0799** Ann Arbor Commission on Disability Issues, Meeting Minutes, April 20, 2016
Attachments: April 20 Minutes - FINAL for Council
- G-21** **16-0800** Human Rights Commission, Meeting Minutes, March 9, 2016
Attachments: HRC March 9 Minutes Final
- G-22** **16-0801** Human Rights Commission, Meeting Minutes, April 13, 2016
Attachments: HRC April 13 Minutes Final
- G-23** **16-0805** AAATA Meeting Minutes of April 21, 2016
Attachments: AAATA Board Meeting Minutes 04.21.16_Aproved.pdf

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

EDWARD VIELMETTI

Edward Vielmetti, Fourth Ward resident, spoke about FOIA and Council's debate this evening on the release of previously redacted documents. He noted that the requester of those documents never appealed the City's decision. He urged those who FOIA to consider the appeal process to the City Administrator.

KATHY GRISWOLD

Kathy Griswold, 2nd Ward resident, spoke about the quality of life in Ann Arbor. She stated the Arborview neighborhood has had a sewer smell for twenty years. She also spoke about the need for crosswalk illumination. She also noted that the downtown wayfinding signs direct visitors to the wrong bus station.

DEER CULL

An unidentified Ward 3 resident and member of FAWN thanked the Council Members who voted in support of the release of previously redacted materials. She stated she appreciated a discussion on transparency. She urged Council to have a public discussion on the deer cull. She asked Council to consider peace.

An unidentified resident spoke in opposition to the City's deer cull, speaking about the wasted City resources and the dangerous activities involved in a cull.

TERRY ABRAMS

Terry Abrams, Ward Three resident, thanked Council for their process and debate this evening. He urged Council to use that same thoughtful process and deliberation when discussing the deer cull moving forward.

MICHAEL BENSON

Michael Benson, Ward 2 resident, spoke about Council Rules and the regulation of signs in the Council Chamber, noting an unattended sign in the Chamber. He also encouraged a Council Member to join the City's Taxicab Board.

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 Smith, seconded by Councilmember Krapohl, that Council enter into Closed Session. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned into Closed Session at 11:20 p.m:

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

Nays: 0

MEETING RECONVENED

A motion was made by Councilmember Eaton, seconded by Councilmember Lumm, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened in Open Session at 11:27 p.m.

ADJOURNMENT

A motion was made by Councilmember Westphal, seconded by Councilmember Briere, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:27 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, JUNE 6, 2016 @ 7:00 P.M.

REPLAYS: TUESDAY, JUNE 7, 2016 @ 10:00 A.M. AND FRIDAY, JUNE 10, 2016 @ 7:30 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

CTN's Government Channel live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/watchctn.

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- **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.

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.