



City of Ann Arbor

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

Meeting Agenda - Final City Council

Monday, November 16, 2015

7:00 PM

Larcom City Hall, 301 E Huron St, Second Floor,
City Council chambers

Please note that Council has changed the time of Caucus to 3:30 p.m.

City Council will meet in caucus the Sunday prior to each regular session at 7 p.m. in Council Chambers.

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

APPROVAL OF AGENDA

ADMINISTRATION OF OATH OF OFFICE

ORGANIZATION OF NEW COUNCIL

15-1356 Resolution Electing 2016 Mayor Pro Tem and Establishing Order of Succession for Acting Mayor

(City Council)

Sponsors: Taylor

(Revised 11/13/15)

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

AC-1 15-1412 Report on Arthur Miller House Relocation

(City Administrator - Steven D. Powers, City Administrator)

Attachments: Memo Regarding Arthur Miller House Relocation, Appendix A - Documentation and Recordation Report prepared by Ilene R. Tyler and Susan Wineberg, Appendix B - Wolfe House and Building Movers' Estimate for Relocation

AC-2 [15-1445](#) Agenda Response Memo - November 16, 2015
(City Administrator - Steven D. Powers, City Administrator)
(Added 11/16/15)

INT INTRODUCTIONS

INT-1 [15-1411](#) 11/16/15 NAP Volunteer of the Month proclamation for Ted Hejka
(Mayor's Office)

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 - The Government Role
2. Kathy Griswold - Water Main Easement at 3611 Plymouth Road (DS-6)
3. Brian Morton - Civic Engagement
4. Alan Haber - Arthur Miller House (AC-1)

CC COMMUNICATIONS FROM COUNCIL

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [15-1377](#) Appointments - Confirmations
(Mayor's Office)
Attachments: Michael Castle app..pdf

MC-2 [15-1416](#) Appointments & Nominations
(Mayor's Office)
(Added 11/16/15)

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [15-0786](#)

An Ordinance to Amend Chapter 55 (Zoning), Zoning of 69 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District) WITH CONDITIONS, Nixon Farm North Zoning, 3381 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. Ord-15-15) **(8 Votes Required)**

(Community Services - Sumedh Bahl, Community Services Area Administrator)

Attachments: NixonFarmsNorthOrdinance - Conditional Zoning, NixonFarmNorthStatement 10-14.pdf, NixonFarmsNorthStatement, 15-15 Nixon Farm North Rezoning Briefed.pdf, Ordinance to Zone Nixon Farm North (3381 Nixon Road).pdf, 12/16/15 Planning Staff Report, 12/16/14 Planning Commission Minutes, 10/21/14 Planning Staff Report, 10/21/14 Planning Commission Minutes, Nixon Farm North Zoning Protest 8VOTES 08-14-15, Nixon North and South protest petitions 081215, Nixon Farm rezoning 100ft objection letters 081115, Letter of protest Nixon North - H. Peng 081015, Nixon Farm Concerns and Opposition Emails.pdf, Nixon Farm Opposition Email.pdf, Nixon Farm Protest Emails 8-6-15.pdf, Nixon Farm Protest Letters 8-7-15.pdf, Ann Arbor letter of rezoning objection, Nixon Farm Opposition emails 8-14-15.pdf, Nixon Farm Opposition Email 8-16-15.pdf, Nixon Farm Opposition Email 8-17-15.pdf, Nixon Farm Opposition Email 8-17-15.pdf, Nixon Farm Communication from Jason Minock.pdf, Toll Brothers memo request to postpone, Xiaoping Shen Communication Email re Nixon Farm Development.pdf

(See B-1)

PH-2 [15-0953](#)

Resolution to Approve Nixon Farm North Site Plan and Development Agreement with Modifications to Chapter 62 Landscaping and Screening, and Wetland Use Permit, 3381 Nixon Road (CPC Site Plan Recommendation: Denial - 5 Yeas and 2 Nays) (CPC Modifications and Wetland Use Permit Recommendation: Approval - 7 Yeas and 0 Nays)

(Community Services - Sumedh Bahl, Community Services Area Administrator)

Attachments: NixonFarmNorthDevAgree11-13rev, NixonFarmNorthDevAgree11-12rev, TrafficMitigationAgreement 11-12, Site Plan for Council Approval NORTH, 12/16/14 Planning Staff Report, 10/21/14 Planning Staff Report, 12/16/14 Planning Commission Minutes, 10/21/14 Planning Commission Minutes, Nixon_Farms_Traffic Agreement Draft 8-14-15, Exhibit B - Conceptual Plan

(See DB-1)

PH-3 [15-0787](#)

An Ordinance to Amend Chapter 55 (Zoning), Zoning of 41 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District) WITH CONDITIONS, Nixon Farm South Zoning, 2999 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-15-16) **(8 Votes Required)**

(Community Services - Sumedh Bahl, Community Services Area Administrator)

Attachments: NixonFarmsSouthOrdinance - Conditional Zoning, NixonFarmsSouthStatement 10-14.pdf, NixonFarmsSouthStatement, Ordinance to Zone Nixon Farm South (2999 Nixon Road).pdf, Nixon Farm South Staff Report 12-16-14 w Attachments.pdf, 12/16/14 Planning Commission Minutes, Nixon Farm South Staff Report with Attachments 10-21-14.pdf, 10/21/14 Planning Commission Minutes, Nixon Farm South Zoning Protest 8VOTES 08-14-15, Northbury condo Nixon south protest 081315, Nixon Farm south protest letter 081315, Nixon North and South protest petitions 081215, 2765 Nixon Road protest Nixon South 081215, Lakehurst residents objections Nixon south 081215, Nixon Farm rezoning 100ft objection letters 081115, Nixon Farm Concerns and Opposition Emails.pdf, Nixon Farm Opposition Email.pdf, Nixon Farm Protest Emails 8-6-15.pdf, Nixon Farm Protest Letters 8-7-15.pdf, Ann Arbor letter of rezoning objection, Northbury condo vp president ltr 081415, Nixon Farm Opposition emails 8-14-15.pdf, Nixon Farm Opposition Email 8-16-15.pdf, Nixon Farm Opposition Email 8-17-15.pdf, Nixon Farm Communication from Jason Minock.pdf, Toll Brothers memo request to postpone, Xiaoping Shen Communication Email re Nixon Farm Development.pdf

(See B-2)

PH-4 [15-0954](#)

Resolution to Approve Nixon Farm South Site Plan and Development Agreement, with Modifications to Chapter 62 Landscaping and Screening, and Wetland Use Permit, 2999 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

(Community Services - Sumedh Bahl, Community Services Area Administrator)

Attachments: NixonFarmSouthDevAgree11-13rev, NixonFarmSouthDevAgree11-12rev, TrafficMitigationAgreement 11-12, Site Plan for Council Approval SOUTH, 12/16/14 Planning Staff Report, 10/21/14 Planning Staff Report, 12/16/14 Planning Commission Minutes, 10/21/14 Planning Commission Minutes, Nixon_Farms_ Traffic Agreement Draft 8-14-15, Exhibit B - Conceptual Plan

(See DB-2)

PH-5 [15-1269](#)

Resolution to Approve the 3355 Geddes Annexation, 1 Acre, Geddes Road east of Windy Crest (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

(Community Services - Sumedh Bahl, Community Services Area Administrator)

Attachments: 3355 Geddes Staff Report with Attachments

(See DB-3)

A APPROVAL OF COUNCIL MINUTES

- A-1 [15-1413](#) Regular Session Meeting Minutes of November 5, 2015
(City Clerk - Jacqueline Beaudry)
Attachments: 11-05-15 Draft Minutes, Council emails 11-5-2015_Redacted

CA CONSENT AGENDA

- CA-1 [15-1218](#) Resolution to Approve the Purchase of Odor Control Chemicals from D3W Industries, Inc. for the Wastewater Treatment Plant (\$97,350.00 - estimated)
(Keith Sanders - Craig Hupy, Public Services Area Administrator)
Attachments: D3W sole source aa.pdf
- CA-2 [15-1225](#) Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Perimeter Engineering, LLC (\$10,000.00) for Construction Inspection Services
(Project Management Services - Craig Hupy, Public Services Area Administrator)
Attachments: Perimeter Amend #.pdf
- CA-3 [15-1315](#) Resolution to Approve the Purchase of 10.1 acres of Parcel Tax ID Number I-09-10-450-001, Located at the Northwest Corner of Nixon and Dhu Varren Roads and Appropriate \$39,850.00 from the Open Space and Parkland Preservation Millage Proceeds **(8 Votes Required)**
(Community Services - Sumedh Bahl, Community Services Area Administrator)
Attachments: 13001862 North LAC AREA.pdf

B ORDINANCES - SECOND READING

B-1 [15-0786](#)

An Ordinance to Amend Chapter 55 (Zoning), Zoning of 69 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District) WITH CONDITIONS, Nixon Farm North Zoning, 3381 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. Ord-15-15) **(8 Votes Required)**

(Community Services - Sumedh Bahl, Community Services Area Administrator)

Attachments: NixonFarmsNorthOrdinance - Conditional Zoning, NixonFarmNorthStatement 10-14.pdf, NixonFarmsNorthStatement, 15-15 Nixon Farm North Rezoning Briefed.pdf, Ordinance to Zone Nixon Farm North (3381 Nixon Road).pdf, 12/16/15 Planning Staff Report, 12/16/14 Planning Commission Minutes, 10/21/14 Planning Staff Report, 10/21/14 Planning Commission Minutes, Nixon Farm North Zoning Protest 8VOTES 08-14-15, Nixon North and South protest petitions 081215, Nixon Farm rezoning 100ft objection letters 081115, Letter of protest Nixon North - H. Peng 081015, Nixon Farm Concerns and Opposition Emails.pdf, Nixon Farm Opposition Email.pdf, Nixon Farm Protest Emails 8-6-15.pdf, Nixon Farm Protest Letters 8-7-15.pdf, Ann Arbor letter of rezoning objection, Nixon Farm Opposition emails 8-14-15.pdf, Nixon Farm Opposition Email 8-16-15.pdf, Nixon Farm Opposition Email 8-17-15.pdf, Nixon Farm Opposition Email 8-17-15.pdf, Nixon Farm Communication from Jason Minock.pdf, Toll Brothers memo request to postpone, Xiaoping Shen Communication Email re Nixon Farm Development.pdf

(See PH-1)

DB-1 [15-0953](#)

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(Community Services - Sumedh Bahl, Community Services Area Administrator)

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(See PH-2) (Revised 11/13/15)

- B-2 [15-0787](#) An Ordinance to Amend Chapter 55 (Zoning), Zoning of 41 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District) WITH CONDITIONS, Nixon Farm South Zoning, 2999 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-15-16) **(8 Votes Required)**

(Community Services - Sumedh Bahl, Community Services Area Administrator)

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(See PH-3)

- DB-2 [15-0954](#) Resolution to Approve Nixon Farm South Site Plan and Development Agreement, with Modifications to Chapter 62 Landscaping and Screening, and Wetland Use Permit, 2999 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

(Community Services - Sumedh Bahl, Community Services Area Administrator)

Attachments: NixonFarmSouthDevAgree11-13rev, NixonFarmSouthDevAgree11-12rev, TrafficMitigationAgreement 11-12, Site Plan for Council Approval SOUTH, 12/16/14 Planning Staff Report, 10/21/14 Planning Staff Report, 12/16/14 Planning Commission Minutes, 10/21/14 Planning Commission Minutes, Nixon_Farms_ Traffic Agreement Draft 8-14-15, Exhibit B - Conceptual Plan

(See PH-4) (Revised 11/13/15)

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1** [15-1376](#) Resolution Authorizing Membership in and Commitment to Washtenaw Health Initiative (WHI) Charter 2015 Statement of Commitment and Appropriation of Membership Fee (\$10,000.00) **(8 Votes Required)**
(City Council)
Sponsors: Taylor
Attachments: WHI Charter 2015-2017 - Returning Members, WHI 2015-2017 Description - revised 10-19-15, WHI - Structure Chart 10-19-15
- DC-2** [15-1409](#) Resolution Recognizing the Second Monday in October as Indigenous Peoples Day
(City Council)
Sponsors: Warpehoski
(Revised 11/16/15)
- DC-3** [15-1385](#) Resolution Authorizing the City Administrator to Allocate up to \$89,040 for the 2015-16 Winter Emergency Shelter and Warming Center Response **(8 Votes Required)**
(Community Development - Brett Lenart, Interim Director)
Sponsors: Briere
Attachments: Winter Shelter Workgroup Report Proposal - 2015
- DC-4** [15-1407](#) Resolution to Enter an Easement Agreement with the University of Michigan for Sidewalk and Roadway at 1319 S. Main Street **(8 Votes Required)**
(City Attorney Services - Stephen K. Postema, City Attorney)
Sponsors: Taylor
Attachments: Drawing-UM Easement 1319 S. Main.pdf
(Added 11/16/15)

DB New Business - Boards and Commissions:

- DB-3** [15-1269](#) Resolution to Approve the 3355 Geddes Annexation, 1 Acre, Geddes Road east of Windy Crest (CPC Recommendation: Approval - 6 Yeas and 0 Nays)
(Community Services - Sumedh Bahl, Community Services Area Administrator)
Attachments: 3355 Geddes Staff Report with Attachments
(See PH-5)

DS New Business - Staff:

- DS-1** [15-1365](#) Resolution Calling a Public Hearing Concerning the Issuance of Bonds by the Wisconsin Public Finance Authority for the Benefit of the University Corporation for Advanced Internet Development (a/k/a Internet2)
(Financial and Administrative Services - Matthew V. Horning, Treasurer/Interim CFO)
Attachments: EXHIBIT A - Notice of Public Hearing on Issuance of Bonds - Internet2.pdf
- DS-2** [15-1223](#) Resolution to Appropriate 100% of the Funds Received from the State of Michigan for Public Act 84 of 2015 for Road Maintenance **(8 Votes Required)**
(Public Services - Craig Hupy, Public Services Area Administrator)
- DS-3** [15-1251](#) Resolution to Approve Amendment #2 to the Professional Services Agreement with Hubbell Roth & Clark, Inc. for the Geddes Avenue Improvements Project (\$232,328.00)
(Public Services - Craig Hupy, Public Services Area Administrator)
Attachments: HRC Amendment #2.pdf
- DS-4** [15-1271](#) Resolution to Approve Third Amendment with Varnum LLP for Legal Services to Contest the National Pollutant Discharge Elimination System (NPDES) Permit for the Wastewater Treatment Plant (\$100,000.00)
(City Attorney Services - Stephen K. Postema, City Attorney)
Attachments: Varnum Amendment 3 final.pdf
- DS-5** [15-1380](#) Resolution to Approve the Transfer of Community Housing Alternative's Properties at 1911 & 1913 Dexter to Avalon Housing and 100, 102, 112 & 114 Glendale to Avalon Second Nonprofit Housing Corporation
(Office of Community and Economic Development - Brett Lenart, Interim Director)
- DS-6** [15-1354](#) Resolution to Accept a Water Main Easement at 3655 S. State Street from Twenty-Five Sac Self-Storage Limited Partnership **(8 Votes Required)**
(City Attorney Services - Stephen K. Postema, City Attorney)
Attachments: DRAWING - Water Main 3655 S. State Street.pdf
- DS-7** [15-1355](#) Resolution to Accept a Water Main Easement at 3611 Plymouth Road from Diequez Marsh Properties, L.L.C. **(8 Votes Required)**
(City Attorney Services - Stephen K. Postema, City Attorney)
Attachments: DRAWING - 3611 Plymouth.pdf

- DS-8 [15-1381](#) Resolution to Enter into an Easement Agreement for Sidewalk at 601 W. Stadium Boulevard (Pioneer High School) from the Public Schools of the City of Ann Arbor **(8 Votes Required)**

(City Attorney Services - Stephen K. Postema, City Attorney)

Attachments: DRAWING - AAPS easement.pdf

- DS-9 [15-1410](#) Resolution to Appoint James E. White as Police Chief Effective January 11, 2016

(City Administrator - Steven D. Powers, City Administrator)

COMMUNICATIONS FROM COUNCIL

E COMMUNICATIONS FROM THE CITY ATTORNEY

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

F The following communications were referred as indicated:

- F-1 [15-1363](#) AAATA Reports for the year ended September 31, 2015

(City Clerk Services - Jacqueline Beaudry, City Clerk)

Attachments: AAATA PMER Reports.pdf

- F-2 [15-1378](#) State of Michigan Public Service Commission Notice of Public Hearing for Electric Customers of DTE Electric Company in Case No. U-17920 Scheduled for November 18, 2015 - Systems Planning, City Attorney

(City Clerk Services - Jacqueline Beaudry, City Clerk)

Attachments: DTE Public Hearing Notice U-17920.pdf

- F-3 [15-1379](#) Communication from Barclay Park Condominium Association regarding no Nixon Road Zoning Changes - Planning and Development Services

(City Clerk Services - Jacqueline Beaudry, City Clerk)

Attachments: Nixon Road Zoning Communication.pdf

G The following minutes were received for filing:

- G-1 [15-1118](#) August 5, 2015 City Planning Meeting Minutes

(Planning and Development Services)

Attachments: 8-5-2015 CPC Minutes with Live Links.pdf

- G-2 [15-1168](#) Ann Arbor Housing Commission Board Meeting Minutes of August 19, 2015
Attachments: ActionMinutes 19-Aug-2015-04-50-31.pdf
- G-3 [15-1185](#) August 26, 2015 ZBA Meeting Minutes with Live Links
(Planning and Development Services)
Attachments: 8-26-2015 ZBA Minutes with Live Links.pdf
- G-4 [15-1250](#) Public Market Advisory Commission Meeting Minutes of September 17, 2015
(Public Market Advisory Commission - Sarah DeWitt, Market Manager)
Attachments: PMAC Meeting Minutes 9.17.15
- G-5 [15-1252](#) Election Commission Meeting Minutes of August 21, 2015
(City Clerk Services - Jacqueline Beaudry, City Clerk)
Attachments: 2015-08-21 Election Commission minutes
- G-6 [15-1298](#) LDFA/SmartZone Board Meeting Minutes - September 15, 2015
(Local Development Finance Authority (LDFA))
Attachments: LDFA Board Meeting Minutes 09152015
- G-7 [15-1325](#) Taxicab Board Meeting Minutes of August 27, 2015
(City Clerk Services - Jacqueline Beaudry, City Clerk)
Attachments: 082715 Taxicab Board Minutes
- G-8 [15-1335](#) Ann Arbor Public Art Commission Meeting Minutes - October 21, 2015
(Public Services - Craig Hupy, Public Services Administrator)
Attachments: AAPAC Meeting Minutes Oct 2015.pdf
- G-9 [15-1360](#) Minutes of Ann Arbor Housing Commission Joint Policy and Financial Advisory Committee - October 27, 2015
(City Administrator - Steven D. Powers, City Administrator)
Attachments: AAHCJPFAC Minutes - 10-27-15
- G-10 [15-1370](#) Insurance Board Meeting Minutes - October 22, 2015
(Financial and Administrative Services - Tom Crawford, CFO)
Attachments: Insurance Board Minutes 10222015, Insurance Board Loss Run - September 2015

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

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).

ADJOURNMENT**COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:**

LIVE: MONDAY, NOVEMBER 16, 2015 @ 7:00 P.M.

REPLAYS: TUESDAY, NOVEMBER 17, 2015 @ 10:00 A.M. AND FRIDAY, NOVEMBER 20, 2015 @ 7:30 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

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 www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx**
- **Cable: Watch CTN Channel 16 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 need to be received at least two (2) business days in advance of the meeting.

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