

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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



Meeting Minutes

Thursday, November 8, 2018

7:00 PM

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

City Council

CALL TO ORDER

Mayor Taylor called the Regular Session of the Ann Arbor City Council to order at 7:05 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. Mayor Taylor requested that Council Members and the public think about the family of Lt. Lyle Sartori of the AAPD, who passed away unexpectedly this week.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

Present: 10 - Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Kirk Westphal, Councilmember Zachary Ackerman, Councilmember Chip Smith and Councilmember Anne Bannister

Absent: 1 - Councilmember Graydon Krapohl

APPROVAL OF AGENDA

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

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard Lazarus submitted the following written reports for information of Council and also reported on the following:

Thank you to the City Clerk and her team for a successful election on Tuesday, with record turnout for a midterm election.

Thank you to outgoing Councilmembers Kailasapathy, Westphal, Krapohl and Warpehoski for your service.

The City's budget priority survey is still available online. Mr. Lazarus encouraged members of the public to participate.

City parks are available at no charge to Veteran's on Sunday, November 11.

AC-1 [18-1929](#) Agenda Response Memo and eComments - November 8, 2018

City Administrator Howard Lazarus submitted his Agenda Response Memo for information of Council.

Received and Filed

AC-2 [18-1930](#) City Administrator's Report - November 8, 2018

City Administrator Lazarus submitted his Administrator's Report for information of Council.

Received and Filed

INT INTRODUCTIONS

INT-1 [18-1920](#) Proclamation for National Hunger and Homelessness Awareness Week

Mayor Taylor read a proclamation recognizing National Hunger and Homelessness Awareness Week. A copy of the proclamation 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. Tom Stulberg - Trinitas Lawsuit (DC-4)

Tom Stulberg spoke in favor of DC-4 and stated the community needs to be prepared for more lawsuits if the current development climate doesn't change.

2. Ken Garber - Trinitas Lawsuit (DC-4)

Ken Garber, 2387 Hilldale, spoke in favor of DC-4 and urged Council to fight against this developer.

3. Deborah Katz - Trinitas Lawsuit (DC-4)

Deborah Katz, resident, spoke in support of DC-4, the hiring of outside counsel for the Trinitas lawsuit.

4. Glenn Nelson - City's Spending of County Mental Health & Public Safety Millage Proceeds (DC-3)

Glenn Nelson, 1323 S. Forest, spoke in support of DC-3, a resolution to conduct a survey of residents to assess community preferences regarding the City's use of the County Mental Health and Public Safety Millage proceeds.

5. Kathy Griswold - City's Spending of County Mental Health & Public Safety Millage Proceeds (DC-3)

Kathy Griswold, former school board member, stated she agrees with the former speaker's comments. She also spoke about pedestrian safety around the Ann Arbor Public Schools and student safety.

6. Alan Haber

Alan Haber, resident, spoke about the City's Charter amendment regarding the Library Lot site and the voters' approval of a Community Commons.

CC COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER BANNISTER**

Councilmember Bannister stated there would be a community reception before the next meeting of Council. She stated the reception will take place in the atrium from 6 p.m. to 7 p.m. prior to the start of the Council meeting.

COUNCILMEMBER EATON

Councilmember Eaton stated he would be bringing forward an amendment to the postponed item regarding Climate Action. He stated it will not include travel funds or salary increases.

COUNCILMEMBER LUMM

Councilmember Lumm urged residents to take the City's online budget survey and to let Council know the community's priorities.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy spoke about the City of Boston's participatory budget process.

COUNCILMEMBER ACKERMAN

Councilmember Ackerman concurred with Councilmember Kailasapathy's comments and said he would be interested in a participatory budget process.

COUNCILMEMBER GRAND

Councilmember Grand stated a meeting will be held at the Burns Park Senior Center to discuss the impacts of fraternity behavior on near campus neighborhoods.

Councilmember Grand also spoke about recent mass shooting events.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski also addressed mass shootings and gun violence. He spoke about his resolution, DC-6, requesting ICE Stay the deportation of Mohamed Soumah.

Councilmember Warpehoski spoke about the Library Lot proposal and the loss of funds for affordable housing.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [18-1900](#) Appointments and Nominations

REFERRED

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

Park Advisory Commission

Rachel Skylis-Partial Term

1411 Natalie Lane

Ann Arbor, MI 48105

Term: Ending May 31, 2021

Referred to the City Council due back on 11/19/2018

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 at the end of same:

CA-13 Resolution to Approve Amendment No. 2 to the Agreement with White Buffalo, Inc. for Wildlife Management Services (\$182,198.50)

Passed on consent agenda

A motion was made by Councilmember Warpehoski, seconded by Councilmember Ackerman, that the following Consent Agenda 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-6, and CA-11.

CA-1 18-1793 Enactment No: R-18-431 Approved

Resolution to Accept a Water Main Easement at Kingsley Condominiums from Kingsley Condominiums LLC **(8 Votes Required)**

CA-2 18-1829 Enactment No: R-18-432 Approved

Resolution to Accept a Water Main Easement at 1958 S. Industrial Highway from Colonial Lanes Plaza, L.L.C. **(8 Votes Required)**

CA-3 18-1726 Enactment No: R-18-433 Approved

Resolution to Approve a Purchase Order to Dell Marketing L.P. for Replacing Server Equipment (\$34,675.82)

CA-4 18-1648 Enactment No: R-18-434 Approved

Resolution to Approve the Purchase and Replacement of Carbon from Carbon Activated Corporation for Odor Control Units at the Wastewater Treatment Plant (\$82,000.00)

CA-5 18-1724 Enactment No: R-18-435 Approved

Resolution to Award Contract for the WTP Ozone Building Chiller Replacement Project to Erie Welding & Mechanical Contractors, Inc., ITB 4550 (\$474,920.00)

CA-6 18-1845 Enactment No: R-18-436 Approved

Resolution to Approve Change Order No. 1 with Kiser Hydro LLC for Barton Dam Hydroturbine Project and Appropriate Funds (\$151,260.63) **(8 Votes Required)**

CA-7 18-1661 Enactment No: R-18-437 Approved

Resolution to Approve the Purchase of a Stump Cutter from Vermeer Corporation (Sourcewell - \$51,182.00)

CA-8 18-1723 Enactment No: R-18-438 Approved

Resolution to Approve the Purchase of Vehicles from Signature Ford (Macomb County Bid, MiDeal Bid - \$244,536.00)

CA-9 18-1728 Enactment No: R-18-439 Approved

Resolution to Approve the Purchase of a Pickup Truck from Berger Chevrolet (Oakland County Bid - \$30,691.00)

CA-10 18-1684 Enactment No: R-18-440 Approved

Resolution to Re-Petition the Washtenaw County Water Resources Commissioner (WCWRC) for Design and Construction of Stormwater Management Control Measures for the Churchill Park Pond (\$3,200,000.00)

CA-11 18-1704 Enactment No: R-18-441 Approved

Resolution to Approve the Purchase of a Henderson BrineXtreme Infinity Brine Making System from Knapheide Truck Equipment (Sourcewell - \$101,157.50) and Appropriate Funding from the Unobligated Major (\$84,112.50) and Local Street's (\$17,045.00) Fund Balances **(8 Votes Required)**

CA-12 18-1820 Enactment No: R-18-442 Approved

Resolution of Intent to Vacate the Alley in Block 7 of the Plat of Hamilton, Rose and Sheehan's Addition to the City of Ann Arbor

CA-14 18-1776 Enactment No: R-18-443 Approved

Resolution to Approve an Interim Right-of-way License Agreement with Bird Rides, Inc., for the Operation of Electric Scooters in the City of Ann Arbor

CA-13 18-1834 Enactment No:

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

Resolution to Approve Amendment No. 2 to the Agreement with White Buffalo, Inc. for Wildlife Management Services (\$182,198.50)

18-1834 Enactment No: Postponed

A motion was made by Councilmember Smith, seconded by Councilmember Warpehoski, that the Resolution be postponed to the City Council, due back on November 19, 2018. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 3 - Councilmember Warpehoski, Councilmember Grand and Councilmember Smith

Nays: 7 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton, Mayor Taylor, Councilmember Westphal, Councilmember Ackerman and Councilmember Bannister

Absent: 1 - Councilmember Krapohl

Resolution to Approve Amendment No. 2 to the Agreement with White Buffalo, Inc. for Wildlife Management Services (\$182,198.50)

18-1834 Enactment No: R-18-444 Approved

The question being, the motion made by Councilmember Smith, seconded by Councilmember Eaton, that the Resolution be

(The complete copy of the text of Ordinance No. ORD-18-31 is on file in the City Clerk's Office.)

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

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

DC Unfinished Business - Council:

DC-1 18-1695 Enactment No:

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

Resolution to Approve Bylaws of the Independent Community Police Oversight Commission

18-1695 Enactment No:

Amended

Amended

Resolution to Approve Bylaws of the Independent Community Police Oversight Commission

Councilmember Warpehoski moved, seconded by Councilmember Ackerman, that the bylaws be amended as follows:

4.3 The term of each voting member is three years, except that youth member, if any, is one year. The term of the Council liaisons shall be determined by City Council consistent with Council appointments for committees. Appointments shall be staggered so that one third of the voting members' terms expire each year. At least three months before the expiration of the term of any member of the Commission, the Commission shall initiate a community-wide effort to recruit new applicants, identifying any skills it believes new Commission members should ideally have, but such skills shall not be deemed requirements for membership. THE COMMISSION SHALL ADVISE THE CITY COUNCIL LIAISONS REGARDING NOMINATIONS TO THE COMMISSION.

Nays: 5 - Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Absent: 1 - Councilmember Krapohl

Resolution to Conduct a Survey of Ann Arbor Residents to Assess Community Preferences Regarding the City's Spending of County Mental Health & Public Safety Millage Proceeds

DC-4 18-1923 Enactment No: R-18-447 Approved

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 unanimously, thus satisfying the eight-vote requirement.

Resolution to Approve the Professional Services Agreement with Rosati, Schultz, Joppich, & Amtsbuechler P.C., for Legal Services Relative to Trinitas Development, LLC (\$150,000.00) **(8 Votes Required)**

DC-5 18-1924 Enactment No: R-18-448 Approved

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 unanimously, thus satisfying the eight-vote requirement.

Resolution to Fund Three Outdoor Ice Rinks for FY2019 **(8 Votes Required)**

DC-6 18-1926 Enactment No: R-18-449 Approved

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.

Resolution Requesting ICE Stay the Deportation of Mohamed Soumah

RECESS

Mayor Taylor called a recess at 9:41 p.m. and reconvened the meeting at 9:52 p.m.

DB New Business - Boards and Commissions:

DB-1 18-1693 Enactment No:

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

Resolution to Approve Midtown Ann Arbor Condominium Site Plan and Development Agreement, 1420 South Maple Road (CPC
Recommendation: Approval - 6 Yeas and 0 Nays)

18-1693 Enactment No:

Postponed

A motion was made by Councilmember Eaton, seconded by Councilmember Kailasapathy, that the Resolution be postponed to the City Council, due back on 12/3/18. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 4 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister

Nays: 6 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Absent: 1 - Councilmember Krapohl

Resolution to Approve Midtown Ann Arbor Condominium Site Plan and Development Agreement, 1420 South Maple Road (CPC
Recommendation: Approval - 6 Yeas and 0 Nays)

18-1693 Enactment No: R-18-450

Approved

The question being, the motion made by Councilmember Eaton, seconded by Councilmember Warpehoski, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 7 - Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

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

Absent: 1 - Councilmember Krapohl

Resolution to Approve Midtown Ann Arbor Condominium Site Plan and Development Agreement, 1420 South Maple Road (CPC
Recommendation: Approval - 6 Yeas and 0 Nays)

DB-2 18-1721 Enactment No: R-18-451 Approved

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.

Resolution to Approve 132 Hill Street Site Plan (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

DS New Business - Staff:

DS-1 18-1737 Enactment No:

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

Resolution Authorizing 2019 Capital Improvement Refunding Bonds (Limited Tax General Obligation) **(8 Votes Required) (Roll Call Vote Required)**

18-1737 Enactment No: Postponed

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 11/19/2018. On a voice vote, the Mayor declared the motion carried.

Resolution Authorizing 2019 Capital Improvement Refunding Bonds (Limited Tax General Obligation) **(8 Votes Required) (Roll Call Vote Required)**

E COMMUNICATIONS FROM THE CITY ATTORNEY

City Attorney Stephen K. Postema thanked the City Clerk for a well-run election and stated it was a pleasure to serve as part of the Election Commission.

Mr. Postema wished outgoing Councilmembers well and welcomed the new members.

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 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 [18-1778](#) Non-Discrimination Ordinance Contractor Compliance Summary - Calendar Year 2017
- F-2 [18-1802](#) Third Quarter 2018 Investment Portfolio Report
- F-3 [18-1813](#) Ann Arbor Area Transportation Authority Board Meeting Minutes of September 20, 2018
- F-4 [18-1827](#) Resignation from the Local Officers' Compensation Commission by Robert Picken
- F-5 [18-1828](#) Resignation from the Housing and Human Services Advisory Board by Nicholas Yribar
- F-6 [18-1853](#) City of Ann Arbor Public Act 202 of 2017 Pension Report
- F-7 [18-1808](#) Traffic Calming Program Update - Revised
- G **The following minutes were received for filing:**
- G-1 [18-1074](#) Design Review Board Meeting Minutes of April 18, 2018
- G-2 [18-1512](#) City Planning Commission Meeting Minutes of June 19, 2018
- G-3 [18-1575](#) Historic District Commission Meeting Minutes of August 16, 2018
- G-4 [18-1601](#) Parks Advisory Commission Meeting Minutes of July 17, 2018

- G-5** [18-1681](#) City Planning Commission Meeting Minutes of August 8, 2018
- G-6** [18-1682](#) City Planning Commission Meeting Minutes of September 5, 2018
- G-7** [18-1706](#) Downtown Development Authority Board, Executive, Partnerships, Capital Improvements, Operations and Finance Committees Minutes September 2018
- G-8** [18-1709](#) Downtown Area Citizens Advisory Council Meeting Minutes for October 2, 2018
- G-9** [18-1710](#) Greenbelt Advisory Commission Meeting Minutes of July 12, 2018
- G-10** [18-1711](#) Greenbelt Advisory Commission Meeting Minutes of January 4, 2018
- G-11** [18-1801](#) Election Commission Meeting Minutes - August 24, 2018 Special Meeting
- G-12** [18-1848](#) Employees' Retirement System Board Meeting Minutes of September 20, 2018
- G-13** [18-1849](#) Retiree Health Care Benefit Plan & Trust Board Meeting Minutes of September 20, 2018
- G-14** [18-1632](#) Zoning Board of Appeals Meeting Minutes of August 22, 2018

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

State Representative Yousef Rabhi wished the outgoing Councilmembers well and stated he has proclamations for each of them.

Ryan Hughes, Ward 1 Council candidate, stated he would continue to fight for affordable housing. He wished the incoming new members well.

Kai Petainen, City resident, wished all of the outgoing members well.

Ali Ramlawi, Ward 5 Councilmember-elect, spoke about the election and the new incoming Council. He stated he hopes the new Council can work well and deliver for Ann Arbor residents. He thanked the outgoing

members for their service.

An unidentified speaker recognized Councilmembers for their service.

COMMUNICATIONS FROM COUNCIL

Current Councilmembers wished outgoing members of Council well and outgoing Members thanked their colleagues and staff for the opportunity to serve.

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

None.

ADJOURNMENT

A motion was made by Councilmember Westphal, seconded by Councilmember Kailasapathy, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:07 a.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: THURSDAY, NOVEMBER 8, 2018 @ 7:00 P.M.

REPLAYS: FRIDAY, NOVEMBER 10, 2018 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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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.