Birmingham City Commission Minutes
April 12, 2021
7:30 P.M.
Virtual Meeting
Meeting ID: 655 079 760
Vimeo Link: https://vimeo.com/event/3470/videos/527622821/

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Alexandra Bingham, City Clerk, called the roll.

Present: Mayor Boutros (location: Birmingham, MI)
Mayor Pro Tem Longe (location: Birmingham, MI)
Commissioner Baller (location: Birmingham, MI)
Commissioner Hoff (location: Hilton Head, SC) (left at 10:33 p.m.)
Commissioner Host (location: Birmingham, MI)
Commissioner Nickita (location: Birmingham, MI)
Commissioner Sherman (location: Birmingham, MI)

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Police Chief Clemence, City Planner Dupuis, City Attorney Kucharek, Planning Director Ecker, Finance Director Gerber, Interim HR Director/Assistant City Manager Hock, Building Official Johnson, City Attorney Kucharek, DPS Director Wood

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

- Proclamation Condemning Any and All Violence or Discrimination Against a Person Based on Race, Color, Natural Origin, Religion, Gender, Age or Disability.
- Proclamation Recognizing April 24 as Armenian Genocide Remembrance Day.

IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

None.

V. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

04-100-21 Consent Agenda

The following items were pulled from the Consent Agenda:

Mayor Pro Tem Longe: Item A – City Commission Meeting Minutes of March 22, 2021

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To approve Consent Agenda with the exclusion of Item A.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Nickita
Commissioner Hoff
Mayor Boutros
Commissioner Baller
Commissioner Host
Mayor Pro Tem Longe

Nays, None

B. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 24, 2021, in the amount of $530,224.21

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 31, 2021, in the amount of $341,598.97

D. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 7, 2021, in the amount of $845,806.53

E. Resolution to approve a request from the Huntington Disease Society of America-MI Chapter to hold Yoga in the Park in Shain Park on June 26, 2021 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any modifications or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event, due to public health and safety measures.

F. Resolution to award the project for Birmingham Museum Phase I Heritage Zone Landscape Improvement Project to Worry Free Outdoor Services, Inc. in the amount of $33,400.00, to be charged to the Allen House Other Contractual Services account, #101-804.002-811.0000 and further; to approve the appropriation and budget amendment to the fiscal year 2020-2021 General Fund and Capital Projects Fund budgets as follows:

General Fund

Revenues:

101-000.000-400.0000 Draw from Fund Balance	$(15,000)
	101-000.000-699.0401
Transfer in Capital Projects Fund	$ 15,000
Total Revenue	$ -0-

Capital Projects Fund

Revenues:

401-000.000-400.0000	Draw from Fund Balance	$15,000

Expenditures:

401-804.001-999.0101	transfer to General Fund	$15,000

G. Resolution to approve the purchase of the Larvicide material from Clarke Mosquito Control in the amount not to exceed $9,987.78. Further, to waive the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.

H. Resolution to approve the purchase of one (1) 2021 Ford F-150 Responder Crew Cab 4x4 from Gorno Ford through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed $39,692.00. Funds for this purchase are available in the Auto Equipment Fund account #641-441.006.971.0100.

I. Resolution to confirm the City Manager's credit card purchase authorization for the Blazer Brass .40 S&W training ammunition expenditure in the amount of $4,544.57 from BULKAMMO.COM; further to charge this emergency expenditure to account number 101-301.000-734.0000.

J. Resolution to set a public hearing date for May 10, 2021 to consider a Final Site Plan and Special Land Use Permit Amendment for 211 S. Old Woodward to allow the change in ownership of the Class C liquor license in use at Birmingham 8 Theater from Birmingham Theatro, LLC to CH Birmingham, LLC.

K. To award the Grant Street Paving Project #1-21(P), to DiPonio Contracting, Inc. contingent upon execution of the agreement and meeting all insurance and bonding requirements. In the amount of $1,139,199.00, to be charged to the following accounts:

		Bid Amount	
Sewer Fund, Pub. Imp.	590-536.001-981.0100	$	405,675.00
Water Fund, Lead Water Service Repl.	591-537.005-811.0000	$	3,000.00
Water Fund, Pub. Imp.	591-537.004-981.0100	$	240,931.00
Major Streets Fund	202-449.001-981.0100	$	489,593.00
TOTAL		$	1,139,199.00

To approve the appropriation and amendment to the fiscal year 2020-2021 Sewer Fund budget as follows:

Sewer Fund

Revenues:

590-000.000-400.0000	Draw from Net Position	$245,675
Total Revenue		$245,675

Expenses:

590-536.001-981.0100	Public Improvement	$245,675
Total Expenses		$245,675

To approve the appropriation and amendment to the fiscal year 2020-2021 Water Fund budget as follows:

Water Fund

Revenues:

591-000.000-400.0000	Draw from Net Position	$30,931
Total Revenue		$30,931
Expenses:		
591-537.004-981.0100	Public Improvement	$30,931
Total Expenses		$30,931

To approve the appropriation and amendment to the fiscal year 2020-2021 Major Street Fund budget as follows:

Major Streets Fund

Revenues:		
202-000.000-400.0000	Draw from Fund Balance	$60,768
Total Revenue		$60,768
Expenses:		
202-449.001-981.0100	Public Improvement	$60,768
Total Expenses		$60,768

Also, to authorize the Mayor to sign the contract on behalf of the City.

L. Resolution to adopt a resolution for the City Commission to meet on Monday, May 10, 2021, at 7:30 P.M., for the purpose of conducting a Public Hearing of Necessity for the replacement of sewer and water services within the Grant Street Paving project area.

Be it further RESOLVED, that the City Commission meet on Monday, May 24, 2021 at 7:30 P.M. for the purpose of conducting a Public Hearing on Confirmation of the Roll for the replacement of sewer and water services in the Grant Street Paving project area.

04-101-21 (Item A) City Commission Meeting Minutes of March 22, 2021

Mayor Pro Tem Longe made corrections to the Appointments section of the minutes. She noted that a fourth applicant was interviewed for the Planning Board but not ultimately appointed, and that the minutes should reflect that. She also noted that Mr. Jeffares, incumbent for a Planning Board appointment, was absent from the meeting.

Commissioner Host asked that his comments regarding the Ice Arena accounting method be clarified. He said he recommended a twice-a-year review.

Clerk Bingham said her staff would review the audio from the meeting and revise the minutes accordingly.

MOTION: Motion by Mayor Pro Tem Longe, seconded by Commissioner Host:
To approve the City Commission Meeting Minutes of March 22, 2021 as amended.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Longe
Commissioner Host
Commissioner Nickita
Mayor Boutros

Commissioner Baller
Commissioner Hoff
Commissioner Sherman

Nays, None

VI. UNFINISHED BUSINESS

04-102-21 Parking at 670 S. Old Woodward

CP Dupuis presented the item.

Frank Jarbo, owner, and Dennis Cowan, attorney for the applicant, were present on behalf of the item.

A number of Commissioners commented that they appreciated the applicant's efforts to create a shared parking agreement to reduce pressure on on-street parking.

In reply to Commission inquiries, Mr. Jarbo stated:

- All suites would be limited to one stylist and one client at a time. In rare cases a second client would be waiting, but the stylist would not be working with two clients simultaneously.
- Stylists are allowed to sublease their suites, but two stylists are prohibited from using the suite at the same time. The stylists would use the suite at different times.
- He would require stylists to use the shared parking with the 555 Building or to park in the parking structure via their lease of the suite. He would consider termination of a stylist's lease if there were repeated violations.
- Birmingham real estate is in such high demand he did not have time to determine the parking requirements before purchasing the property because he was competing against other committed bidders.
- Occupancy of 30-60% at peak times is industry standard for these types of salons outside of the pandemic. Vibe Salons have found their peak occupancy to be around 30%, and that has been consistent both during and prior to the pandemic as well.

Commissioner Hoff expressed concern that there are a lot of uses near 670 S. Old Woodward that may not be heavily using parking now, but will likely be doing so once the impact of the Covid-19 pandemic has lifted. She said that allowing 670 S. Old Woodward to be short on parking when there are other high-demand parking uses would increase the parking strain on an already strained area.

Mr. Cowan noted that for every restaurant or retail store that begins using parking again post-Covid-19, there will be just as many offices in the area that will no longer require parking spaces for daily parkers, thus mitigating the increase in demand. He also noted that salons are drivers of business to other establishments, and that allowing this salon would only help the restaurants and shops in the area.

Commissioner Hoff noted that 555 S. Old Woodward reserved the right to cancel the proposed shared parking agreement with 90 days written notice which could also create an additional strain on parking in the area.

Seeing no public comment, Mayor Boutros welcomed a motion.

Commissioner Baller moved the recommended motion, which failed for lack of a second.

Public Comment

David Bloom said this project, combined with the proposed RH project, would put intense pressure on parking in this area of the City. He said that if this project were approved it would limit the parking available to RH, and that if this project were not approved it would not be fair to make allowances for RH in terms of parking. He asked that parking in this area of the City be reviewed.

Commissioner Host said parking ordinances needed to be addressed.

Commissioner Hoff said the Commission could only review this project based on its own merits. She said she wanted the business to be successful but was reluctant to allot the eight spaces to the business' parking count, especially given the Commission's general trend of not approving similar requests.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Sherman:
To deny the use of 8 parking spaces in the right-of-way adjacent to the property located at 670 S. Old Woodward.

Commissioner Sherman echoed Commissioner Hoff's comments. He said he might have voted differently if the City had the capacity to require the tenants' usage of the shared and offsite parking in order to decrease the pressure on the on-street parking via a SLUP, but noted the City does not currently have that option.

Commissioner Nickita said he was not concerned about the pressure on parking in the area. He said the restrictions on neighborhood parking prevent commercial parking from spilling over into the residential areas and if that was not the case the Commission could always increase the restrictions. He stated that his main concern was precedent. Salons are a parking-heavy use, and he was reluctant to allow the on-street parking to count towards 670 S. Old Woodward's parking requirements.

Public Comment
Mr. Bloom disputed the fact that the City's neighborhood parking requirements in this area sufficiently prevent commercial parking from encroaching into the residential neighborhoods. He also stated he expected Commissioner Nickita to maintain the same stringency regarding allowing on-street parking spaces to be counted towards parking requirements when reviewing the upcoming RH project.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Longe
Commissioner Host
Commissioner Nickita
Mayor Boutros
Commissioner Hoff
Commissioner Sherman

Nays, Commissioner Baller

04-103-21 Public Hearing continued – Status Update - Lavery

PD Ecker provided an update.

Jason Canvasser, attorney for the project, and Fred Lavery, owner, were present on behalf of the item.

Mr. Canvasser clarified that the estimated 12 variances would be fewer once the schematic drawings are complete. He said he anticipated that at least six of the variances would no longer be needed, and that others could be minimized if they could not be eliminated. He said that some of the variance requests would be out of Mr. Lavery's hands since they are requirements enforced by Porsche.

CM Markus reiterated his comments from the previous discussion of this item that this proposal would undergo the normal review process in front of both the Planning Board and the Board of Zoning Appeals. He said that Mr. Lavery's Porsche dealership is a viable business that benefits the City.

Commissioner Baller said the Commission should be clear on what the possible outcomes are of losing Mr. Lavery's Porsche dealership.

Commissioner Nickita said the proposal still seemed to be detrimental to the goals of the Triangle Plan and detrimental to the general area. He expressed concern that if this development is allowed it would negatively influence other development in the area. He said he would need to see more information showing how this updated proposal would be less detrimental to the Triangle District than the original proposal.

CM Markus noted that the Triangle Plan specifically allows for interim uses. He said that since the City has not yet provided parking in the Triangle District per the Triangle Plan, which would encourage the kind of development the City wants, it makes sense to allow this proposal to move forward in the interim. He noted that Porsche is a desirable business and that the City may have difficulty getting another similarly-desirable business to replace it.

Mr. Canvasser cautioned that if his Porsche dealership has to leave Birmingham, his Audi dealership would have to leave the City as well.

Commissioner Baller asked Mr. Lavery why he could not build something more in line with the Triangle Plan.

Commissioner Baller's question to Mr. Lavery was not answered. Mr. Lavery reiterated Mr. Canvasser's statement about some of the variance requests being mitigated and his statement that if the Porsche dealership were to leave the Audi dealership would have to leave as well.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Host:
To continue the public hearing for 34350 Woodward and 907 – 911 Haynes Street to the Commission's April 26, 2021 meeting.

Commissioner Nickita asked Staff to return with a list of projects that have been developed or are in development in the Triangle District that align with the Triangle Plan. He said the idea that the Triangle District is stagnant because of a lack of parking may not be accurate.

<u>Public Comment</u>
Mr. Bloom suggested that RH and Mr. Lavery consider swapping parcels, saying that each business would be more appropriate in the other's location.

Andrew Haig asked if the former Land Rover dealership could be used in some way to help address some of these issues Mr. Lavery is facing with the Porsche dealership. He said he was against putting a development in the Triangle District that is so antithetical to the Triangle Plan.

Jen Zachary said the City should support the Laverys as long-term Birmingham business owners, especially in light of the difficulties caused to all businesses by the Covid-19 pandemic.

ROLL CALL VOTE: Ayes, Commissioner Hoff
Commissioner Host
Commissioner Nickita
Mayor Boutros
Commissioner Baller
Commissioner Sherman
Mayor Pro Tem Longe

Nays, None

VII. NEW BUSINESS

04-104-21 Water Main Replacement - BBAC Parking Lot

The Commission moved the item to a vote without a presentation. Consulting City Engineer Surhigh was available to answer questions. No questions were posed by the Commissioners.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Sherman:
To confirm the City Manager's authorization for the emergency expenditure related to the replacement of the water main across the BBAC parking lot by Bidigare Contractors, for a cost not to exceed for $54,500.00 to be charged to the Public Improvements account #591-537.004- 981.0100, pursuant to Sec. 2-286 of the City Code.

ROLL CALL VOTE: Ayes, Commissioner Baller
Commissioner Sherman
Mayor Pro Tem Longe
Commissioner Host
Commissioner Nickita
Mayor Boutros
Commissioner Hoff

Nays, None

04-105-21 Hunter House HVAC Unit Replacement

The Commission moved the item to a vote without a presentation. No questions were posed by the Commissioners.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Longe:
To waive the competitive bidding requirement and to authorize an expenditure in the amount of $6,982 to Kropf Mechanical, Inc., for replacement of the Hunter House HVAC unit; $1,000 to be charged to the Hunter House Equipment Maintenance account, #101-804.001-933.0200; and to approve the budget amendment to reduce Allen House Other Contractual Services account, #101-804.002-811.0000 by $5,982 and increase Hunter House Equipment Maintenance account #101-804.001-933.0200 by $5,982.

General Fund

Expenditures:

101-804.001-933.0200	$1,000
101-804.001-933.0200	5,982
101-804.002-811.0000	(5,982)
Total Expenditures	$6,982

ROLL CALL VOTE: Ayes, Commissioner Sherman
Mayor Pro Tem Longe
Commissioner Host
Commissioner Nickita
Mayor Boutros
Commissioner Hoff
Commissioner Baller

Nays, None

04-106-21 Ice Arena General Contractors

DPS Director Wood introduced the item.

Robert Stempien from Plante Moran Cresa presented the item.

There was discussion regarding the increase in the cost estimate. Both DPS Director Wood and Mr. Stempien noted the $5.1 million estimate was produced in 2018, and that costs for all aspects of the project have increased since then.

DPS Director Wood said she expected that only about $200,000 would be spent on owner contingency which means the deviation between the $5.1 million estimate and the current proposal would be closer to $500,000.

Mr. Stempien stated that the various upgrades required are intertwined, which was why the proposal did not separate the mechanical upgrades from the other requested upgrades.

Commissioner Sherman noted that the current proposal was over-budget by about 15%, even though the underslab piping for the studio rink was removed. He stated that upgrading the studio rink would cost another $400,000. He opined that while voters approved the Parks bond in November 2020, they did not approve the substantial cost increases being described. He expressed concern that the costs would increase even further as the project advances.

There was some discussion as to whether delaying the project to Fall 2021 would decrease the costs a bit since construction costs were spiking at the present time.

Mr. Stempien said there was no way to know for sure that construction costs would come down. In addition, he cautioned that waiting and having to re-bid might erase any savings the City would gain by delaying the project.

Commissioner Sherman lost connection at 9:46 p.m. He rejoined the meeting at 9:49 p.m.

Commissioner Host said that costs were unlikely to decrease in the future.

Mayor Boutros said that it would be better to undertake these repairs while Covid-19 was limiting visitors to the Ice Arena. He cautioned against waiting until Fall 2021.

MOTION: Motion by Commissioner Host, seconded by Mayor Pro Tem Longe:
To award the Birmingham Ice Arena Renovation and Addition project to General Contractor C.E. Gleeson Constructors, Inc. in the amount of $4,891,200.00. Also, to approve the Owner Contingency amount of $391,296.00 and the related soft costs for $515,110.00. Funds are available in the Capital Projects Fund account #401-901.001- 977.0000 and the Parks System Construction Fund account #408-752.000-977.0000 for this project. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurances.

Public Comment

Ann Lipp, Steve Carroll, Gary Piotrowicz, Matthew Gadlage, Robert Runco, Jen Zachary, Susan Collins, Andrew Harris, and Brandon Reinke spoke in support of the motion. Ms. Lipp expressed disappointment that closing the studio rink during the summer would cause the City to miss out on revenue opportunities. Mr. Runco noted that well over 50% of the Birmingham Hockey Association players are Birmingham residents.

Mr. Haig recommended that the upgrades be ranked in terms of priority and the scope of the project be reviewed accordingly.

Mr. Hofley asked how the overage would impact other Parks spending.

DPS Director Wood said the final cost increases for this would be known in August or September 2021. She also noted that all the other cost estimates for the Parks projects were estimates as well.

ROLL CALL VOTE: Ayes, Commissioner Host
Mayor Pro Tem Longe
Commissioner Nickita
Mayor Boutros
Commissioner Hoff
Commissioner Baller

Nays, Commissioner Sherman

Commissioner Hoff asked DPS Director Wood to explore the possibility of asking groups that use the Ice Arena regularly to fundraise for the repairs to the underslab piping in the studio rink.

04-107-21 Motion to Extend Meeting

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To extend the meeting by 30 minutes.

ROLL CALL VOTE: Ayes, Commissioner Baller
Commissioner Host
Commissioner Sherman
Commissioner Nickita
Commissioner Hoff
Mayor Pro Tem Longe

Mayor Boutros

Nays, None

04-108-21 GCAB Grave Release

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Baller:
To defer consideration of the release of 38 graves in section B, rows 17-C, 16-C, 15-C, and 14-A to be available for purchase in Greenwood Cemetery to the April 26, 2021 Commission meeting.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Baller
Mayor Pro Tem Longe
Commissioner Host
Commissioner Nickita
Mayor Boutros
Commissioner Hoff

Nays, None

04-109-21 Lot Splits and Combinations for 294 E. Brown, 300 S. Old Woodward, and 394 S. Old Woodward

The Commission moved the item to a vote without a presentation. No questions were posed by the Commissioners.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To set a public hearing date of May 10, 2021 to consider the proposed lot splits/rearrangements for 294 E. Brown (Parcel #1936204021), 300 S. Old Woodward (Parcel# 1936204006) and 394 S. Old Woodward (Parcel #1936204014) and the lot combination of the resulting parcels at 300 and 394 S. Old Woodward.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Nickita
Mayor Boutros
Commissioner Hoff
Commissioner Baller
Mayor Pro Tem Longe
Commissioner Host

Nays, None

04-110-21 Potential City Park at Chesterfield Fire Station

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To defer consideration of directing the Parks and Recreation Board to study designating a portion of the Chesterfield Fire Station property as a City Park to a future Commission meeting selected by the City Manager.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Nickita

Mayor Boutros
Commissioner Hoff
Commissioner Baller
Mayor Pro Tem Longe
Commissioner Host

Nays, None

04-111-21 Bistro Applications

PD Ecker summarized the item.

After discussion, City Attorney Kucharek said she wanted to look at how best to handle to potential advancement of Maple & One and the French Lady to the Planning Board for review while other bistro applications from Fall 2020 are still in process with the City. She said she would return with more definitive advice at a future meeting.

04-112-21 Motion to Extend Meeting

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Baller:
To extend the meeting by 15 minutes.

ROLL CALL VOTE: Ayes, Commissioner Nickita
Commissioner Baller
Mayor Pro Tem Longe
Mayor Boutros
Commissioner Host
Commissioner Sherman

Nays, Commissioner Hoff

Commissioner Hoff left the meeting at 10:33 p.m.[1]

The Commission ultimately decided to move Commonwealth Café forward because there was still a slot available for an existing establishment in operation more than five years in the City. They decided to wait on any action for Maple & One and the French Lady until City Attorney Kucharek returned with her opinion.

MOTION: Motion by Commissioner Host, seconded by Commissioner Sherman:
To direct Commonwealth Café bistro application(s) to the Planning Board for full site plan and design and Special Land Use Permit review.

It was clarified that Maple & One was actually looking to amend their SLUP, currently issued for Mad Hatter, per their attorney Kelly Allen. Mad Hatter owner Randy Dickow was also present and explained why his establishment was seeking to amend its SLUP.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Sherman:
To direct the City Manager to meet with Ms. Allen, City Attorney Kucharek, and PD Ecker in regards to the Mad Hatter amending their SLUP.

[1] As added at the April 26, 2021meeting.

Commissioner Sherman recommended that Staff look at the previous denial of a SLUP amendment for Bistro Joe's which might inform the discussion regarding the Mad Hatter.

Patrick Howe, attorney for the Whistle Stop, reiterated PD Ecker's statement during her presentation that the Whistle Stop would be moving forward with its application. He also stated that the City does not publicize the 90-day requirement to get all bistro application documentation in anywhere. He stated that he contacted PD Ecker on November 2, 2020 specifically to clarify whether there was a deadline for getting the information in and was told there was not.

James Hayosh, owner of Commonwealth Café, spoke in support of the motion to move his bistro application to the Planning Board.

The following vote was on the motion made regarding Commonwealth Café. No vote was taken on the subsequent motion directing the City Manager to further look into Mad Hatter's SLUP amendment request.

ROLL CALL VOTE: Ayes, Commissioner Host
Commissioner Sherman
Commissioner Nickita
Mayor Pro Tem Longe
Mayor Boutros
Commissioner Baller

Nays, None

MOTION: Motion by Commissioner Baller, seconded by Commissioner Sherman:
To consider bistro applications for Maple & One and the French Lady at a later date.

Commissioner Nickita said the installation of a platform to the north of the crosswalk should also be considered as a way to allow the Mad Hatter sufficient outdoor dining.

ROLL CALL VOTE: Ayes, Commissioner Baller
Commissioner Sherman
Commissioner Nickita
Mayor Pro Tem Longe
Mayor Boutros
Commissioner Host

Nays, None

04-114-21 Motion to Defer Items and Adjourn

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Baller:
To defer consideration of the rest of the items on the evening's agenda to a future meeting and to adjourn the present meeting.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Baller
Mayor Pro Tem Longe
Commissioner Nickita

Mayor Boutros

Nays, Commissioner Host

Commission Discussion on items from prior meetings.

Builder developer street damage. Issues, costs, remedial action and payment proposal.

Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

A. Commissioner Reports
   1. Notice of Intention to appoint to the Board of Building Trade Appeals
   2. Notice of Intention to appoint to the Martha Baldwin Park Board
B. Commissioner Comments
C. Advisory Boards, Committees, Commissions' Reports and Agendas
   1. Ethics Board opinion 2021-01 - Kucharek
   2. Ethics Board opinion 2021-03 – Holland v. Sherman
D. Legislation
E. City Staff
   1. Indexing of Fees
   2. Prior Communications with Restoration Hardware

INFORMATION ONLY

XI. ADJOURN

Mayor Boutros adjourned the meeting at 10:45 p.m.

Alexandria D. Bingham

Alexandria Bingham, City Clerk
/le