

CONTINUED REGULAR SESSION OF FEBRUARY 7, 1994

FEBRUARY 14, 1994

The continued regular session of the Ann Arbor City Council was called to order at 7:40 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Larry Hunter, Tobi Hanna-Davies, Peter Fink, Jane Lumm, Robert C. Grady, Ulrich Stoll, Peter Nicolas, Julie Creal, Thais Anne Peterson, David F. Stead, Mayor Ingrid B. Sheldon, 11.

ABSENT : 0.

MOTIONS AND RESOLUTIONS (CONT.)

AMENDED AND DEFEATED

RESOLUTION REGARDING LENGTH OF COUNCIL MEETINGS

The Resolution Regarding the Length of Council Meetings was previously placed on the table for consideration at the February 7 regular session.

Council agreed that the last paragraph of the resolution be amended as follows:

RESOLVED, That the Council Rules be amended to read as follows:

No session of City Council shall extend beyond ~~<11:30 p.m.>~~ **12:00 MIDNIGHT**. At ~~<10:30>~~ **11:00** and ~~<11:00>~~ **11:30 p.m.** the City Clerk or her designee shall inform the Council of the time. At ~~<11:30 p.m.>~~ **12:00 MIDNIGHT** all debate shall cease and the Chair shall recognize only three motions from the floor....The second shall be a motion to recess the meeting to ~~<5:00 p.m. on the day following the meeting>~~ **THE FOLLOWING MONDAY AT 7:30 P.M.**...

The question being the resolution as amended, on roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Nicolas, Creal, Mayor Sheldon, 5;

Nays, Councilmembers Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies; 6.

The Mayor declared the motion defeated.

The resolution as amended and defeated reads as follows:

RESOLUTION REGARDING LENGTH OF COUNCIL MEETINGS

Whereas, During the last year, it has become the rule that regular sessions of the City Council begin at 7:30 p.m. and do not end until 1:00-2:00 a.m. the following morning;

Whereas, Forcing members of Council to make policy decisions at such late hours of the night is unfair to the members of Council, the staff and the public as decisions cannot be clearly and properly made at such late hours;

Whereas, The Ann Arbor City Council is a part-time, policy-making body, and its part-time status implies that members work full-time jobs elsewhere in order to earn a living;

Whereas, In most cases, individuals employed full-time must report to work between 8:00 and 9:00 a.m.;

Whereas, To remain in good health and sound mind, an individual must sleep between 7 and 8 hours per night;

Whereas, The current meeting schedule reduces the sleeping time for Councilmembers as well as City staff who attend the Council meetings to as little as 4.5 hours;

Whereas, It is poor public policy to discourage members of the public from serving on City Council because they have full-time jobs and/or because they must attend to their young children in the morning to get them to school or daycare; and

Whereas, It is poor public policy for our staff to arrive at work so exhausted on days following a Council meeting that they cannot properly attend to the business of the City;

RESOLVED, That the Council Rules be amended to read as follows:

No session of the City Council shall extend beyond 12:00 midnight. At 11:00 and 11:30 p.m. the City Clerk or her designee shall inform the Council of the

time. At 12:00 midnight all debate shall cease and the Chair shall recognize only three motions from the floor. The first shall be a motion to adjourn if all scheduled business of the Council is complete. The second shall be a motion to recess the meeting to the following Monday at 7:30 p.m. The third shall be a motion to suspend the rules and continue the meeting, subject to super-majority approval as outlined in the Council Rules.

DEFEATED

RESOLUTION AMENDING MEMBERSHIP REQUIREMENTS FOR THE ANN ARBOR TRANSPORTATION AUTHORITY BOARD

Whereas, Members of Council have expressed an interest in having closer communication ties with members of the Ann Arbor Transportation Authority Board to discuss issues of mutual interest; and

Whereas, Such communication ties between the Council and other boards and commissions is strengthened by having a Councilmember serve as a voting member of those boards and commissions, including the Planning Commission and the Zoning Board of Appeals;

RESOLVED, That the membership requirements of the AATA be amended to require that one of the seven members be a member of City Council;

RESOLVED, That the Mayor appoint a Councilmember to the next vacancy on the AATA Board of Directors for a term not to extend beyond the next reorganization of the Council; and

RESOLVED, That in future years, Councilmembers shall serve on the AATA Board for a term of one year expiring upon reorganization of the Council.

Councilmember Nicolas moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Nicolas, Creal, Mayor Sheldon, 5;

Nays, Councilmembers Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies, 6.

The Mayor declared the motion defeated.

R-39-2-94 APPROVED AS AMENDED

RESOLUTION TO AMEND A PROFESSIONAL SERVICES AGREEMENT WITH WASHTENAW ENGINEERING COMPANY, INC. FOR DESIGN ENGINEERING SERVICES FOR THE FULLER ROAD PROJECT

A resolution to amend the professional services agreement with Washtenaw Engineering Company, Inc. for design engineering services for the Fuller Road project was considered.

Councilmember Lumm moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the following paragraph be added to the resolution:

RESOLVED, That the City Administrator be directed by City Council to seek substantial funding from the University of Michigan for both the design and the construction.

On a voice vote the Mayor declared the motion carried.

The question being the resolution as amended, on a voice vote the Mayor declared the motion carried.

The resolution as adopted reads as follows:

R-39-2-94

RESOLUTION TO AMEND A PROFESSIONAL SERVICES AGREEMENT WITH WASHTENAW ENGINEERING COMPANY, INC. FOR DESIGN ENGINEERING SERVICES FOR THE FULLER ROAD PROJECT

Whereas, On November 4, 1991, a professional services agreement in the amount of \$186,670.00 was approved with Washtenaw Engineering Company, Inc. to undertake the design of roadway improvements necessary to allow for the planned Veterans Administration Medical Complex expansion;

Whereas, With City Council approval on February 1, 1993, of the laneage requirements of the Fuller Road/Oak Way Realignment Project (5 lanes west of Glazier Way, 2/3 lanes east of Glazier Way), Fuller Road from Bonisteel Boulevard to Glazier Way

was set as a five-lane roadway;

Whereas, With City Council approval on February 7, 1994 of the Fuller Road Bridge - Phase II Site Plan, Fuller Road will become four/five lanes from Glen Street to Cedar Bend Drive; and

Whereas, The approved 1993-1999 Capital Improvements Plan contains Project E16, Fuller Road, which specifies the reconstruction of Fuller Road to four/five lanes from the Huron River to Bonisteel Boulevard as a priority 1 project;

RESOLVED, That an amendment in the amount of \$25,733.80 be approved to the Professional Services Agreement with Washtenaw Engineering Company, Inc.;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to execute said amendment after approval as to form by the City Attorney and as to substance by the City Administrator;

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution; and

RESOLVED, That the City Administrator be directed by City Council to seek substantial funding from the University of Michigan for both the design and the construction.

R-40-2-94 APPROVED AS AMENDED

RESOLUTION TO AUTHORIZE SUPPLEMENTAL APPROPRIATION TO THE CITY CLERK'S BUDGET FOR THE MARCH 15, 1994 SPECIAL ELECTION

A resolution to authorize a supplemental appropriation to the City Clerk's budget for the March 15, 1994 special election was considered.

Councilmember Stead moved that the resolution be adopted.

Councilmember Fink moved that the following paragraph be added to the resolution:

RESOLVED, That any reimbursement be directed to the fund balance.

On a voice vote the Mayor declared the motion carried.

The question being the resolution as amended, on a voice vote the Mayor declared the motion carried.

The resolution as adopted reads as follows:

R-40-2-94

RESOLUTION TO AUTHORIZE SUPPLEMENTAL APPROPRIATION TO THE CITY CLERK'S BUDGET FOR THE MARCH 15, 1994 SPECIAL ELECTION

Whereas, The City Clerk's General Fund expenditures are expected to exceed its appropriations by \$35,000.00 because of the Special Election on March 15, and the reimbursement from the State will not be received until sometime in the 1994-95 fiscal year;

RESOLVED, That a supplemental appropriation of \$35,000.00 from the General Fund balance to the City Clerk's current year 1993-1994 budget be herein approved; and

RESOLVED, That any reimbursement be directed to the fund balance.

R-41-2-94 APPROVED AS AMENDED

RESOLUTION TO EXPAND RECYCLED PRODUCT PURCHASES

A resolution to expand recycled product purchases was considered.

Councilmember Stead moved that the resolution be adopted.

Councilmember Fink moved that the fourth paragraph of the resolution be amended as follows:

RESOLVED, That the City Administrator be directed to allocate funding for the City's Buy-Recycled Initiative **AS A LINE ITEM** in the fiscal 1994/95 budget, such funds to be deposited and allocated through the Solid Waste Department budget;

The question being the resolution as amended, on a voice vote the Mayor declared the

motion carried.

The resolution as adopted reads as follows:

R-41-2-94

RESOLUTION TO EXPAND RECYCLED PRODUCT PURCHASES

Whereas, Finding and developing markets for collected recyclables continues to be a major element in the overall economics of recycling;

Whereas, Recycling creates more jobs than other waste management alternatives and serves as a tool for local and regional economic development; and

Whereas, Staff has now issued its report to expand recycled product procurement pursuant to the direction of City Council in April, 1993;

RESOLVED, That the City Administrator be directed to allocate funding for the City's Buy-Recycled Initiative as a line item in the fiscal 1994/95 budget, such funds to be deposited and allocated through the Solid Waste Department budget;

RESOLVED, That a team be established to carry out the City's Buy-Recycled Initiative, such team to be appointed by the City Administrator;

RESOLVED, That as of July 1, 1994 the City adopt the current U.S. EPA guidelines for recycled paper content purchasing as its minimum standard for paper and that any deviation from these standards will require a written waiver from the Administrative Services Director;

RESOLVED, That these standards shall also be in effect for all contract printing bids undertaken by individual departments;

RESOLVED, That a one-year set-aside fund for non-paper product purchases be established through the 1994/95 budgetary process, the criteria for award of said fund to be proposed by the buy-recycled team outlined above, with the approval of City Council;

RESOLVED, That set-aside purchases of non-paper recycled content products not exceed 15% of the purchase price of an equivalent virgin product purchase unless approved by City Council, with the fund intended to finance the differential between the virgin and recycled content product;

RESOLVED, That City Council encourage the Parks and Recreation Department, working with the Park Advisory Commission and neighborhood residents, to continue pursuing the development of a playground using recycled content products in 1994/95;

RESOLVED, That on-going training and monitoring of the City's recycled content purchases continue, with an annual report submitted to City Council at the conclusion of fiscal 1994/95 outlining major activities in this area; and

RESOLVED, That a report be submitted to City Council no later than January 1995 outlining recycled content recommendations for fiscal 1995/96 and beyond.

R-42-2-94 APPROVED

RESOLUTION TO APPROVE CLASS C LIQUOR LICENSE
TRANSFER AT 307 SOUTH MAIN STREET

RESOLVED, That the request from Shalimar of Ann Arbor, Inc. for a transfer of ownership of a 1993 Class C licensed business, located at 307 South Main Street, from Nicholas Manikas, be granted pending final approval and issue of Certificate of Occupancy by the Building and Fire Departments.

Councilmember Creal moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-43-2-94 APPROVED

RESOLUTION RESCINDING NOTICE OF
TERMINATION OF WATER SUPPLY AND WASTEWATER
TREATMENT CONTRACTS WITH ANN ARBOR TOWNSHIP

Whereas, This Council approved Resolution No. R-655-12-90 on December 3, 1990 and Resolution No. R-205-4-92 on April 20, 1992, each of which indicated the City did not wish the wastewater treatment and water supply contracts with Ann Arbor Township to renew automatically at the end of the initial terms and to notify Ann Arbor Township of that fact;

RESOLVED, That Resolution Nos. R-655-12-90 and R-205-4-92 be hereby

rescinded and the City Administrator be directed to inform Ann Arbor Township of the rescission of those resolutions.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-44-2-94 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 3-94, REVISIONS TO CHAPTER 32 - CABLE TELEVISION RATE REVIEW PROCESS

Whereas, The City Charter, Section 7.4, authorizes the publication by summary of ordinances over 500 words in length;

RESOLVED, That the publication of Ordinance No. 3-94 be by the following summary:

Ordinance 3-94 revises Section 2:114 of Chapter 32 by adopting a cable television rate review process consistent with FCC regulations, fulfilling a requirement for the City's cable rate regulatory certification.

The complete text of this ordinance is available in the Office of the City Clerk.

Councilmember Stoll moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

POSTPONED

RESOLUTION AUTHORIZING AMENDMENT TO NON-UNION PAY SCHEDULES TO INCORPORATE FISCAL YEAR 1993-94 SALARY ADJUSTMENT

Whereas, The City Administrator traditionally recommends to City Council, on or

about July 1, a yearly adjustment to the non-union pay schedules to allow for a non-union pay increase;

Whereas, The amount of this increase historically follows a pattern set by the result of union labor contracts and is solely dependent upon the economic health of the City;

Whereas, City Council approved a 2% non-union pay increase in the 1992-1993 Fiscal Year; and

Whereas, On-going contract negotiations have forced a delay of this recommendation until this date;

RESOLVED, That the City Administrator be authorized to take all administrative action to amend all non-union pay schedules to incorporate a 3% non-union pay increase in FY 1993-1994; and

RESOLVED, That these increases be retroactive to July 1, 1993.

Councilmember Hunter moved that the resolution be adopted.

Councilmember Fink moved that the resolution be postponed to the March 7, 1994 regular session of Council.

On a voice vote the Mayor declared the motion carried and the resolution postponed.

SUBSTITUTE RESOLUTION
AMENDED AND DEFEATED

(Original Resolution):

RESOLUTION REGARDING FISCAL YEAR 1994-95
BUDGET DEVELOPMENT PROCESS

Whereas, Development of the City's 1994/1995 budget has begun, and the Administrator has indicated a potential revenue/expenditure gap of about \$2 million;

Whereas, City Council did not increase the total millage rate for the 1993/1994 fiscal year, and Council has maintained an objective of limiting property tax increases to the rate of inflation (as defined by the average rate of SEV increase);

Whereas, City Council, in its budget deliberations, would benefit from a better understanding of fund surpluses and balances, including existing balances, levels deemed prudent, and the role of surpluses in the budgeting process.

Whereas, City Council, in its budget deliberations also would benefit from a better understanding of the Administrator's priorities and of the implications of potential cost reductions and/or revenue enhancements; and

Whereas, City Council's modest success a year ago in identifying reductions from the Administrator's submitted budget was largely attributable to the process of focusing on "bottom line" targets and utilizing the list of potential cost reductions developed by the Administrator;

RESOLVED, That City Council reaffirms its goal of limiting average annual property tax increases to the rate of inflation;

RESOLVED, That the 1994/1995 budget material presented by the Administrator to Council clearly identify the recommended average percentage property tax increases by classification, and that the material include a detailed review of fund balance in the general fund including estimated 1993/1994 fiscal year-end balance, potential uses, and rationale for the fund balance level; and

RESOLVED, That the 1994/1995 budget material include a list, prioritized by the Administrator, of potential cost reductions or non-tax revenue enhancements. The list should identify actions totaling the greater of 3% of the general fund budget or that amount which is required to reduce the average annual property tax increase to the rate of inflation. Implications of each action on the list should be detailed, including anticipated effects on staffing, fund balances, and level of services provided.

Councilmember Lumm moved that the resolution be adopted

Council agreed that the following substitute resolution be placed on the table for consideration:

(Substitute Resolution):

RESOLUTION REGARDING FISCAL YEAR 1994-95
BUDGET DEVELOPMENT PROCESS

Whereas, Development of the City's 1994/1995 budget has begun, and the Administrator has indicated a potential revenue/expenditure gap of about \$2 million;

Whereas, City Council did not increase the total millage rate for the 1993/1994 fiscal year, and Council has maintained an objective of limiting property tax increases to the rate of inflation (as defined by the average rate of SEV increase);

Whereas, City Council, in its budget deliberations, would benefit from a better understanding of fund surpluses and balances, including existing balances, levels deemed prudent, and the role of surpluses in the budgeting process;

Whereas, City Council, in its budget deliberations also would benefit from a better understanding of the implications of potential cost reductions and/or revenue enhancements; and

Whereas, City Council's ability a year ago to identify reductions from the Administrator's submitted budget was largely attributable to the process of focusing on "bottom line" targets and utilizing the cost reduction scenarios developed by the Administrator;

RESOLVED, That City Council reaffirm its goal of limiting average annual property tax increases to the rate of inflation;

RESOLVED, That the 1994/1995 budget material presented by the Administrator to Council clearly identify the recommended average percentage property tax increases by classification, and that the material include a detailed review of fund balance in the general fund including estimated 1993/1994 fiscal year-end balance, potential uses, and rationale for the fund balance level; and

RESOLVED, That in addition to the Administrator's recommended 1994/1995 budget, the budget material also include several potential budget reduction scenarios.

These scenarios should identify potential cost reductions/non-tax revenue enhancements totaling about \$2 million and the implications of each scenario should be detailed, including anticipated effects on staffing, fund balances, and level of services provided; and

Councilmember Nicolas moved that the question be divided and that each Resolved clause of the substitute resolution be considered as a separate motion.

On roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Nicolas, Creal, Mayor Sheldon, 5;

Nays, Councilmembers Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies, 6;

The Mayor declared the motion defeated.

Council agreed that the following paragraph be added to the resolution:

RESOLVED, That the City Administrator be requested to provide City Council with a plan on how to move forward with planned attrition to reduce expenditures on personnel costs, and provide information on the potential savings of such a plan and on the procedures to be followed to accomplish the plan.

The question being the substitute resolution as amended, on roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Creal, 3;

Nays, Councilmembers Grady, Stoll, Nicolas, Peterson, Stead, Hunter, Hanna-Davies, Mayor Sheldon, 8.

The Mayor declared the motion defeated.

The ***substitute resolution as amended*** and defeated reads as follows:

RESOLUTION REGARDING FISCAL YEAR 1994-95
BUDGET DEVELOPMENT PROCESS

Whereas, Development of the City's 1994/1995 budget has begun, and the Administrator has indicated a potential revenue/expenditure gap of about \$2 million;

Whereas, City Council did not increase the total millage rate for the 1993/1994 fiscal year, and Council has maintained an objective of limiting property tax increases to the rate of inflation (as defined by the average rate of SEV increase);

Whereas, City Council, in its budget deliberations, would benefit from a better understanding of fund surpluses and balances, including existing balances, levels deemed prudent, and the role of surpluses in the budgeting process;

Whereas, City Council, in its budget deliberations also would benefit from a better understanding of the implications of potential cost reductions and/or revenue enhancements; and

Whereas, City Council's ability a year ago to identify reductions from the Administrator's submitted budget was largely attributable to the process of focusing on "bottom line" targets and utilizing the cost reduction scenarios developed by the Administrator;

RESOLVED, That City Council reaffirm its goal of limiting average annual property tax increases to the rate of inflation;

RESOLVED, That the 1994/1995 budget material presented by the Administrator to Council clearly identify the recommended average percentage property tax increases by classification, and that the material include a detailed review of fund balance in the general fund including estimated 1993/1994 fiscal year-end balance, potential uses, and rationale for the fund balance level;

RESOLVED, That in addition to the Administrator's recommended 1994/1995 budget, the budget material also include several potential budget reduction scenarios. These scenarios should identify potential cost reductions/non-tax revenue enhancements totaling about \$2 million and the implications of each scenario should be detailed, including anticipated effects on staffing, fund balances, and level of services provided; and

RESOLVED, That the City Administrator be requested to provide City Council with a plan on how to move forward with planned attrition to reduce expenditures on personnel costs, and provide information on the potential savings of such a plan and on the procedures to be followed to accomplish the plan.

APPROVED AS AMENDED

(Original Resolution):

RESOLUTION TO ESTABLISH A POLICY TO
IMPLEMENT RACE AND GENDER SENSITIVITY
TRAINING FOR THE EXECUTIVE TEAM

Whereas, The recent U.S. Supreme Court decision on sexual harassment in the workplace makes the City potentially liable for City officials' actions that create a work atmosphere hostile or abusive to women;

Whereas, The Ann Arbor City Council wishes to develop and support a diverse work force and a work environment in City Hall which all employees feel valued, respected, and welcomed;

Whereas, Some female employees have expressed concern that the work environment in City Hall does not always offer a supportive and respectful atmosphere for them;

Whereas, There is a need to renew efforts to foster a work environment that promotes equity, non-discrimination and respect for employees regardless of race and or sex;

Whereas, Some employees have expressed concern that full equity and respect is not extended to African American employees;

Whereas, Racial prejudice is a long-standing and deep-seated problem in our community that needs to be confronted and addressed; and

Whereas, The responsibility for fostering an appropriate work environment rests with the City Administrator and other top level administrative staff, who should lead by example;

RESOLVED, That the Ann Arbor City Council hereby establishes a policy that racial and gender sensitivity training shall be provided to the "Executive Team" by hiring an outside consultant;

RESOLVED, That funding for this training will come from the existing conference and training budget; and

RESOLVED, That a plan for implementing training shall be submitted to Council for

final approval within 30 days.

Councilmember Hunter moved that the resolution be adopted.

Council agreed that the following substitute resolution be placed on the table for consideration:

(Substitute Resolution):

RESOLUTION TO ESTABLISH A POLICY TO
IMPLEMENT RACE AND GENDER SENSITIVITY
TRAINING FOR THE EXECUTIVE TEAM

Whereas, The 1993 U.S. Supreme Court decision on sexual harassment in the workplace increases risk of liability if city officials' actions create a workplace "environment [that] would reasonably be perceived, and is perceived, as hostile or abusive" to women (Harris v. Forklift Systems);

Whereas, The Ann Arbor City Council wants to develop and support a diverse work force and a work environment in City Hall in which all employees feel valued, respected and welcomed;

Whereas, Some female employees have expressed concern that the work environment in City Hall does not always offer a supportive and respectful atmosphere for them;

Whereas, Some employees have expressed concern that full equity and respect is not extended to African-American employees;

Whereas, There is a need to renew efforts to foster a work environment that promotes equity and respect for employees regardless of race; and

Whereas, Responsibility for fostering an appropriate work environment rests with the City Administrator and other top level staff, who should lead by example;

RESOLVED, That the Ann Arbor City Council hereby establish a policy that racial and gender sensitivity training shall be provided to the Executive Team by hiring an outside consultant;

RESOLVED, That funding for this training come from the existing conference and training budget; and

RESOLVED, That the City Administrator shall, in consultation with the Human Rights Commission, prepare criteria and procedures for presentation to and approval by the City Council within 30 days for the purpose of hiring a consulting firm for the following services:

1. To conduct training sessions for the Executive Team designed to raise individual sensitivity to behavior, attitudes, policies and procedures that increase the likelihood of discrimination against City Hall employees based on gender or race;
2. To review existing and proposed policies and procedures for dealing with discrimination based on gender or race;
3. To recommend changes in behavior, attitudes, policies and procedures that decrease the likelihood of discrimination based on gender or race;
4. To recommend procedures that provide for ongoing monitoring of discrimination based on gender or race; and
5. To conduct a follow-up assessment after one year to determine the effectiveness of the training and the monitoring procedures that were instituted, and to recommend additional changes in monitoring and/or policies and procedures designed to decrease the likelihood of discrimination based on gender or race.

Councilmember Fink moved that the ninth paragraph of the resolution be amended as follows:

RESOLVED, That the City Administrator, in consultation with the Human Rights Commission, prepare criteria and procedures for presentation to and approval by the City Council within ~~<30>~~ **90** days, for the purpose of hiring a consulting firm for the following services:....

After further discussion, the motion was withdrawn.

Council unanimously agreed that the ninth paragraph of the resolution be amended as follows:

RESOLVED, That the City Administrator, in consultation with the Human Rights Commission, prepare criteria and procedures for presentation to and approval by the City Council ~~<within 30 days>~~ **BY THE SECOND REGULAR COUNCIL MEETING IN MARCH**, for the purpose of hiring a consulting firm for the following services:....

Council unanimously agreed that the resolution be amended to include sensitivity training

for members of City Council.

Councilmember Nicolas moved that the resolution include sensitivity training on discrimination based on religion.

On roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Nicolas, Creal, Mayor Sheldon, 5;

Nays, Councilmembers Grady, Stoll, Stead, Hunter, Hanna-Davies, 5;

Absent during vote, Councilmember Peterson, 1.

The Chair declared the motion defeated.

Councilmember Nicolas moved that the resolution include sensitivity training on discrimination based on age.

On roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Nicolas, Creal, Mayor Sheldon, 5;

Nays, Councilmembers Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies, 6;

The Chair declared the motion defeated.

Councilmember Nicolas moved that the resolution include sensitivity training on discrimination based on national origin.

On roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Nicolas, Creal, Mayor Sheldon, 5;

Nays, Councilmembers Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies, 6;

The Chair declared the motion defeated.

Councilmember Nicolas moved that the resolution include sensitivity training on discrimination based on sexual orientation.

On roll call the vote was as follows:

Yeas, Councilmembers Lumm, Nicolas, Creal, Mayor Sheldon, 4;

Nays, Councilmembers Fink, Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies, 7;

The Chair declared the motion defeated.

Council unanimously agreed that the following language be added throughout the resolution after the phrase "based on gender or race":

based on gender or race **AND ALL OTHER PROTECTED GROUPS OR CLASSES AS STATED IN THE CITY'S HUMAN RIGHTS ORDINANCE**

The question being the resolution as amended, on roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Grady, Stoll, Nicolas, Creal, Peterson, Stead, Hunter, Hanna-Davies, Mayor Sheldon, 11.

Nays, 0.

The Mayor declared the motion carried.

The ***substitute resolution as amended*** and adopted reads as follows:

R-45-2-94

RESOLUTION TO ESTABLISH A POLICY
TO IMPLEMENT SENSITIVITY TRAINING FOR
THE EXECUTIVE TEAM AND CITY COUNCIL

Whereas, The 1993 U.S. Supreme Court decision on sexual harassment in the workplace increases risk of liability if city officials' actions create a workplace "environment [that] would reasonably be perceived, and is perceived, as hostile or abusive" to women (Harris v. Forklift Systems);

Whereas, The Ann Arbor City Council wants to develop and support a diverse work force and a work environment in City Hall in which all employees feel valued, respected and welcomed;

Whereas, Some female employees have expressed concern that the work environment in City Hall does not always offer a supportive and respectful atmosphere for them;

Whereas, Some employees have expressed concern that full equity and respect is not extended to African-American employees;

Whereas, There is a need to renew efforts to foster a work environment that promotes equity and respect for employees regardless of race; and

Whereas, Responsibility for fostering an appropriate work environment rests with the City Administrator and other top level staff, who should lead by example;

RESOLVED, That the Ann Arbor City Council hereby establish a policy that racial and gender sensitivity training, and sensitivity training for all other protected groups or classes as stated in the City's Human Rights Ordinance, be provided to the Executive Team and City Council by hiring an outside consultant;

RESOLVED, That funding for this training come from the existing conference and training budget; and

RESOLVED, That the City Administrator shall, in consultation with the Human Rights Commission, prepare criteria and procedures for presentation to and approval by the City Council by the second regular Council meeting in March, for the purpose of hiring a consulting firm for the following services:

1. To conduct training sessions for the Executive Team and City Council designed to raise individual sensitivity to behavior, attitudes, policies and procedures that increase the likelihood of discrimination against City Hall employees based on gender or race and all other protected groups or classes as stated in the City's Human Rights Ordinance;
2. To review existing and proposed policies and procedures for dealing with discrimination based on gender or race and all other protected groups or classes as stated in the City's Human Rights Ordinance;
3. To recommend changes in behavior, attitudes, policies and procedures that decrease the likelihood of discrimination based on gender or race and all other protected groups or classes as stated in the City's Human Rights Ordinance;
4. To recommend procedures that provide for ongoing monitoring of discrimination based on gender or race and all other protected groups or classes as stated in the City's Human Rights Ordinance; and
5. To conduct a follow-up assessment after one year to determine the effectiveness of the training and the monitoring procedures that were instituted, and to recommend

additional changes in monitoring and/or policies and procedures designed to decrease the likelihood of discrimination based on gender or race and all other protected groups or classes as stated in the City's Human Rights Ordinance.

POSTPONED

(Original Resolution):

RESOLUTION REGARDING PARKING RATES FOR
FIRST CENTRUM CORPORATION, INC.

Whereas, The City and the Downtown Development Authority entered into an agreement for management of parking structures on April 9, 1992, which stipulated in Section (8) of that agreement the process for setting rates; and

Whereas, Pursuant to Section (8), the D.D.A. has the responsibility for fixing parking rates for facilities with the City, such votes to take effect 60 days after filing, unless disapproved by Council;

RESOLVED, That the Council encourage the D.D.A. to act under authority granted to it under the process specified in the agreement and respond to the proposal made by First Centrum relative to a preferred rate.

Councilmember Nicolas moved that the resolution be adopted.

Councilmember Stoll moved that the following substitute resolution be placed on the table for consideration:

(Substitute Resolution):

RESOLUTION REGARDING PARTIAL
PARKING FEE SUBSIDIES UNDER AGREEMENT
WITH FIRST CENTRUM CORPORATION, INC.

RESOLVED, That Council request and authorize the City Administrator to negotiate an agreement with the First Centrum Corporation, Inc. to include an equitable and fair partial subsidy for parking fees charged tenants of the 60 designated spaces in the Fourth and William Structure; and

RESOLVED, That over the term of such agreement, the anticipated yearly subsidy

shall be included in the annual budget for consideration and action by Council.

The Mayor declared a recess at 10:47 p.m.

The Mayor again called the meeting to order at 10:53 p.m.

(No vote was taken on the motion to place the substitute resolution on the table).

Councilmember Stead moved that the original resolution be postponed to the next regular session of Council to resolve the issue of where potential revenues would come from to pay for a subsidy.

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Creal, Peterson, Stead, Hunter, Hanna-Davies, Mayor Sheldon, 7:

Nays, Councilmembers Lumm, Stoll, Nicolas, 3;

Absent during vote, Councilmember Fink, 1.

The Mayor declared the motion carried and the resolution postponed.

REPORTS FROM COUNCIL COMMITTEES

HUMAN SERVICES TASK FORCE

Councilmember Hunter requested that a meeting of the Human Services Task Force be arranged concerning funding for Peace Neighborhood Center.

SEMCOG

Councilmember Grady reminded Council that a public forum on the Geddes/Fuller Corridor Study is scheduled for 7:00 p.m., February 15, 1994, at the Washtenaw Community College Campus Event Building.

Mr. Grady also informed Council of an upcoming forum at Huron High School, hosted by the Citizens Council on School Tax Reform and the Citizens Millage Committee.

COUNCIL PROPOSED BUSINESS

COUNCIL SESSION RESCHEDULED

Councilmember Stead moved that the next regular session of Council be rescheduled from February 22 to February 23, 1994.

On a voice vote the Mayor declared the motion carried.

FEBRUARY 23 REGULAR SESSION:

Resolution Concerning the Pension Fund (Councilmember Stoll)

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Sheldon recommended the following appointments at the January 18, 1994 regular session of Council:

HOUSING POLICY BOARD

Robert Gillett (reappointment)
420 N. Fourth Ave.
Term: 2/7/94 to 2/6/97

Sinclair Powell (reappointment)
8 Ruthven Pl.
Term: 2/7/94 to 2/6/97

Kate Warner (reappointment)
1804 Linwood Ave.
Term: 2/7/94 to 2/6/97

SOLID WASTE COMMISSION

Alan Johnston (to fill vacancy as resident near Ann Arbor Landfill)
3172 Braeburn Cir.
Term: 2/7/94 to 4/30/94

Councilmember Creal moved that Council concur with the recommendations of the Mayor.

On a voice vote the Mayor declared the motion carried.

NOMINATIONS PLACED ON TABLE

Mayor Sheldon placed the following nominations on the table for approval at a later date:

BUILDING BOARD OF APPEALS

Gary Elling (reappointment)
525 W. William St.
Term: 2/22/94 to 2/21/99

Jim Meneghini (reappointment)
1610 Jackson Ave.
Term: 2/22/94 to 2/21/99

Richard E. Fry (reappointment)
308 W. Huron St.
Term: 2/22/94 to 2/21/99

AIRPORT ADVISORY COMMITTEE

Sandra A. Hazlett (to fill vacancy)
3215 Charing Cross Rd.
Term: 2/22/94 to 2/21/97

BOARD OF EXAMINERS OF ELECTRICIANS AND ELECTRICAL CONTRACTORS

Robert Eix (replacing Ed Hanselman as Local Public Utility Representative)
Detroit Edison
425 S. Main St.
Term: 2/22/94 to 2/21/98

HISTORIC DISTRICT COMMISSION

Mary M. Culver (reappointment)
1840 Brookfield Dr.
Term: 3/7/94 to 3/6/97

PENSION BOARD APPOINTMENT

Mayor Sheldon stated that there may not be enough support for the reappointment of Larry Hahn to the Pension Board, and invited Council and the public to submit names of individuals who have technical experience in pension funds for this appointment.

PROCLAMATIONS

Mayor Sheldon announced that she has recently signed proclamations recognizing Jaycees Week, January 16-22; New American Citizen Day, January 24; "The Colored Museum Project", a play at the University of Michigan; Hospitalized Veterans Week; and the Purple Bows for Cancer Day.

BUILDING DEPARTMENT CONGRATULATED

The Mayor congratulated the City Building Department for placing third in the volley ball tournament to benefit the O'Brien Center.

DISCUSSION AT MEETINGS

Mayor Sheldon apologized to the public for lengthy Council meetings, but explained that City Council is bound by the Open Meetings Act which means that most discussion will occur at the public sessions of Council. Ms. Sheldon stated that all discussion and arguments should be brought forth and be heard by the public, and asked Councilmembers to do this in the most efficient manner possible.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

HOMESTEAD PROPERTY TAX FORMS

Assistant City Administrator Robert Bauman stated that to qualify for the homestead property tax reduction, property owners must complete and return the forms mailed from the State by March 1. Mr. Bauman stated that the forms are also available in the City Assessor's Office if property owners have not yet received one.

REPORTS SUBMITTED

City Administrator Gatta submitted the following reports for information of Council:

1. Emergency Access to 911
2. Electronic Publication of council Agendas and Packets

3. Water Main Breaks
4. Policy to Implement Race and Gender Sensitivity Training

(Reports on file in the City Clerk's Office)

COMMUNICATIONS FROM THE CITY ATTORNEY

DETROIT EDISON COMPANY RATE ORDER

City Attorney Elizabeth Schwartz submitted a report regarding the Detroit Edison Company Rate Order from the Public Service Commission. Ms. Schwartz reported that the Commission ordered Edison to reduce its electric rates by \$78,025,000, and that the City can expect to save about \$100,000 per year. (Report on file in the City Clerk's Office)

REPORT ON COMPLETED ANNEXATIONS

The City Attorney submitted reports on the following completed annexations:

- Andres Property, 1.57 acre, 335 Pinewood, from Scio Township;
- Argonaut Realty Property, 0.41 acre, 410 Rose Dr., from Scio Township;
- Bennett Property, 0.47 acre, 1941 Upland Drive, from Ann Arbor Township;
- Boulard Property, 0.22 acre, 367 Pinewood, from Scio Township;
- Crawford Property, 0.93 acre, 1985 Upland Drive, from Ann Arbor Township;
- Gebhardt Property, 0.22 acre, 350 Barber Ave., from Scio Township;
- Gerich Property, 0.28 acre, 580 Allison Dr., from Scio Township;
- Grammatico Property, 0.19 acre, west side of Clarendon Dr. between Dexter Ave. and Valley Dr., from Scio Township;
- Gray Property, 0.41 acre, 361 Barber Ave., from Scio Township;
- Green/Sell Property, 0.33 acre, 366 Pinewood, from Scio Township;
- Hogan Property, 0.44 acre, 3822 Platt Rd., from Pittsfield Township;
- Issel Property, 0.56 acre, 415 Pinewood, from Scio Township;
- Kang Property, 0.92 acre, east side of Upland Drive north of Plymouth Road, from Ann Arbor Township;
- Lake Property, 0.21 acre, 3101 Dexter Rd., from Scio Township;
- Major Property, 0.18 acre, northwest corner of Joseph St. and Victoria Ave., from Pittsfield Township;
- Packard Hills Water System Property, 0.14 acre, 1859 Robert St., from Pittsfield Township;

- Roth Property, 0.22 acre, 342 Pinewood, from Scio Township;
- Townsend and Bottum Property, 6.89 acres, 2245 S. State St., from Pittsfield Township;
- Turner Property, 0.60 acre, 2601 Dexter Ave., from Scio Township;
- Wesley Property, 0.44 acre, 330 Barber Ave., from Scio Township;
- Whitman Property, 0.19 acre, 415 Evergreen Dr., from Scio Township; and
- Chestnut Hills (Erb Lumber) Property, 47.84 acres, east side of Chalmers Dr., north of Arborland, from Ann Arbor Township.

(Reports on file in the City Clerk's Office)

COMMUNICATIONS FROM COUNCIL

None.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communication was referred as indicated:

1. Communication from John O. Simpson, Superintendent of Ann Arbor Public Schools, regarding Council resolution urging education on HIV/AIDS prevention - File.

The following minutes were received for file:

1. Market Commission - November 18, 1993
2. Housing Policy Board - January 19, 1994
3. Building Board of Appeals - November 23, 1993
4. Downtown Development Authority - December 9, 1993
5. Ann Arbor Transportation Authority - December 15, 1993
6. Planning Commission - December 7 and 14, 1993
7. Historic District Commission - December 9, 1993
8. Human Services Task Force - December 22, 1993 and January 10, 1994

Councilmember Lumm moved that the Clerk's Report be accepted.

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

ANDREW WRIGHT - MICHIGAN STUDENT ASSEMBLY

Andrew Wright, representing the Michigan Student Assembly, introduced himself as the new MSA City Liaison, and reported on the following goals he would like to accomplish during his tenure: 1) Improved lighting on Washtenaw Avenue and the surrounding housing areas; 2) Focusing on zoning laws and restrictions related to students; 3) Offering City Council continued cooperation on George Washington Park issues; and 4) Enhancing communication between the MSA and City Council on issues related to the university community. (Statement on file in the City Clerk's Office)

ADJOURNMENT

There being no further business to come before Council, it was moved by Councilmember Creal that the meeting be adjourned.

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 11:36 p.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary