

EXECUTIVE SESSION - JANUARY 17, 1995

The Executive Session of the Ann Arbor City Council was called to order at 6:30 p.m. by Mayor Ingrid B. Sheldon.

ROLL CALL OF COUNCIL

Present: Councilmembers Tobi Hanna-Davies, Peter Fink, Jane Lumm, Jean Carlberg, Haldon Smith, Peter Nicolas, Stephen Hartwell, Elizabeth Daley, Mayor Ingrid B. Sheldon, 9

Absent: Councilmembers Patricia Vereen-Dixon, Christopher Kolb, 2

VOTE TO MOVE INTO EXECUTIVE SESSION

Councilmember Hanna-Davies moved that Council adjourn to an executive session.

On a voice vote, the Mayor declared the motion carried unanimously with Councilmember Nicolas dissenting.

EXECUTIVE SESSION

The purpose of the Executive Session was to discuss pending litigation.

ADJOURNMENT

There being no further business, the Mayor declared the meeting adjourned at 8:10 p.m.

Winifred W. Northcross
Clerk of the Council

Linda J. Wise
Recording Secretary

REGULAR SESSION - JANUARY 17, 1995

The regular session of the Ann Arbor City Council was called to order at 8:10 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for a moment of silence.

Mayor Sheldon led the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Peter Fink, Jane Lumm, Jean Carlberg, Haldon Smith, Peter Nicolas, Stephen Hartwell, Christopher Kolb, Elisabeth Daley, Mayor Ingrid Sheldon, 11

Absent: 0

INTRODUCTIONS

PRESENTATION ON THE 1994 HIKONE EXCHANGE

John Boshoven, Ann Arbor Public Schools Counselor at Slauson introduced Rusty Schumacher, past exchange teacher and coordinator. John Boshoven said that this is the 25th anniversary of the sister city affiliation with Hikone, Japan. He thanked the City for its continued support in the student exchange program. Aliina Kotojarvi, representing Scarlet Middle School and Elise Hajna, representing Forsythe Middle, rendered a musical selection of the Japanese song "Cherrytree."

PUBLIC COMMENTARY - RESERVED TIME

VICTOR TURNER - AFFIRMATIVE ACTION PLAN

Victor Turner, 1219 Ardmoor Drive, chair of the Human Relations Commission, spoke in favor of the resolution to adopt an Affirmative Action Plan and Personnel Procedures on the agenda this date.

ANDY GULVEZAN - CONSTRUCTIVE CRITICISM

Andy Gulvezan, 432 Kellogg, offered some points of constructive criticism on respect for the war dead, treatment of war veterans and the police chief selection.

PUBLIC HEARINGS

MICHIGAN EQUITY GRANT PROGRAMS APPLICATION RECOMMENDATIONS

A public hearing was conducted on the Michigan Equity Grant Programs

Application Recommendations.

The following persons appeared at this public hearing:

Deborah Pollock, executive deputy director of the Ann Arbor Artrain, Christine Kuen, president of Stone School Pre-School and Malini Scolna, representing Dances of India, Inc., all thanked Council for its support of their grant requests.

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

APPROVAL OF AGENDA

AGENDA APPROVED AS AMENDED

Councilmember Kolb moved that the Agenda be approved with the following changes:

CONSENT AGENDA

Added: Resolution to Approve Final Land and Water Conservation Fund Grant Application with the Department of the Interior/National Park Service for Southeast Area Park (\$180,000)

MOTIONS AND RESOLUTIONS

Withdrawn: Resolution to Have a Joint Meeting Between City of Ann Arbor and Washtenaw County Elected Officials to Explore Joint Efforts to Solve Shared Issues, Problems and Concerns Facing Our Community (Councilmember Kolb) (**rescheduled for February 6, 1995**)

Title Revised: Resolution to Establish an Affirmative Action Policy and Plan and Other Personnel Procedures (Councilmember Kolb)

Title Revised: Resolution to Approve FY 1994/95 Contract with Peace Neighborhood Center (\$30,000) (Councilmembers Hanna-Davies, Vereen-Dixon, Mayor Sheldon)

Deleted: Resolution to Join the Washtenaw County Hazardous Materials Response Authority

Resolution Revised: Resolution to Retain Law Firm to Represent the City in Great Lakes Bancorp v. the City, the Ann Arbor YMCA and Miller, Canfield, Paddock and Stone

Withdrawn: Resolution to Approve Letter of Agreement with ICMA-RC Deferred Compensation Program (**Withdrawn by the City Administration - scheduled for January 23, 1995 Executive and special sessions of Council.**)

Councilmember Hartwell moved that the *Resolution Concerning Y-Related Legal Services* sponsored by Councilmember Lumm, and the *Resolution to Retain Law Firm to Represent the City in Great Lakes Bancorp v. the City, the Ann Arbor YMCA and Miller, Canfield, Paddock and Stone* be considered concurrently on the agenda.

Councilmember Smith moved that the *Resolution to Approve Fiscal year 1994/95 Contract with Peace Neighborhood Center (\$30,000)* sponsored by Councilmembers Hanna-Davies, Vereen-Dixon and Mayor Sheldon and the *Resolution Regarding Peace Neighborhood Center's Disallowed General Funds (\$44,912.33)* sponsored by the City Administration be considered concurrently on the agenda.

On a voice vote on the approval of the agenda as amended, the Mayor declared the motion carried unanimously.

APPROVAL OF COUNCIL MINUTES

MINUTES APPROVED AS PRESENTED

Councilmember Hanna-Davies moved that the special session minutes of December 22, 1994 and the regular session minutes of January 3, 1995 be approved as submitted.

On a voice vote, the Mayor declared the motion carried unanimously.

CONSENT AGENDA

CONSENT AGENDA APPROVED

The following Consent Agenda was considered:

R-21-1-95 APPROVED

RESOLUTION APPROVING THE 1995
MICHIGAN EQUITY GRANT APPLICATION
(\$100,000)

Whereas, The Michigan Department of Commerce has set aside \$1,170,400 for competitive funding assistance for regional cultural activities under the Michigan Equity Program, Public Acts of 1994, Section 320 of Act 303;

Whereas, The Michigan Equity Program is designed to provide one-time funding assistance for regional cultural projects in these eight categories: libraries, zoos, historical projects, cultural institutions, convention facilities, tourism facilities, shoreline protection projects/waterfront development and capital improvements in economic development projects related to any of the preceding categories;

Whereas, The City of Ann Arbor (based on resident population) is eligible for up to \$100,000 of grant funds;

Whereas, The City of Ann Arbor wishes to promote the development of regional cultural programs and activities through mechanisms reflecting cooperative service delivery that promotes economic development;

Whereas, The proposed projects will provide regional public access and are consistent with the requirements of the Michigan Equity Program, Public Acts of 1994, Section 320 of Act 303;

Whereas, A number of organizations in Ann Arbor have submitted grant proposals for consideration under the Michigan Equity Program and grantees must obtain Human Rights approval prior to executing agreements;

Whereas, These proposals were reviewed by a committee appointed by the Mayor and Council, and a public hearing was held on the grant prior to approval;

RESOLVED, That the Mayor and Council approves the 1995 Michigan Equity Grant application, including nine projects as recommended by the Ann Arbor Michigan Equity Grant Review Committee (see Table 2, filed with the City Clerk), which was sent to the Michigan Department of Commerce January 13, 1995, and that should the grants be approved, the Mayor and Council also appropriate the grant funds received from the State to be paid to each of the grantees for the life of the projects;

RESOLVED, That Alfred A. Gatta, City Administrator be authorized to sign the application form and execute any grant requirements, and designate Ronald

A. Olson, Superintendent of Parks and Recreation to be the Grant Program Administrator; and

RESOLVED, That the Mayor and City Clerk be authorized to sign the Grant Agreement with the State of Michigan and an agreement between the City and each State approved grant recipient substantially in the form on file with the City Clerk.

R-22-1-95 APPROVED

RESOLUTION TO APPROVE CONTRACT FOR
STREET TREE PRUNING - BID NO. 2689
(\$47,910)

Whereas, The Parks and Recreation Department, Forestry Division has a significant backlog of trees needing pruning in certain areas of the City;

Whereas, Deferred street tree pruning was included in the 1993, 5-year Park Maintenance and Repair Millage program;

Whereas, Bids were solicited, and three were received:

Whereas, Funding for contract pruning is included in the FY 94/95 budget;

Whereas, Davey Tree Expert Company of Canton Township submitted the lowest responsible bid, and received Human Rights Approval on January 17, 1995;

RESOLVED, That the Mayor and Council approve a tree pruning contract with Davey Tree Expert Company, per Bid No. 2689, in the amount of \$47,910, and authorize the Mayor and City Clerk to sign a contract substantially in the form on file in the City Clerk's Office.

R-23-1-95 APPROVED

RESOLUTION TO APPROVE SERVICE
AGREEMENT WITH ASU RISK MANAGEMENT
SERVICES, LTD. FOR WORKER'S DISABILITY
COMPENSATION THIRD PART ADMINISTRATION
(RFP 334) (\$40,000)

Whereas, The State of Michigan Department of Labor recognizes the City of Ann Arbor as a self insured workers' disability compensation employer since approximately 1976;

Whereas, The City retains the services of a third party administrator to conduct administrative functions associated with being a self insured employer;

Whereas, ASU Risk Management Services, Ltd. was selected as the most qualified firm to perform the scope of work identified in the Third Party Administrator Request for Proposal, RFP 334;

Whereas, ASU Risk Management Services, Ltd.'s proposal was discussed with the Insurance Board of Administration and met with their approval;

Whereas, ASU Risk Management Services, Ltd. received human rights approval as of January 9, 1995;

RESOLVED, That the Mayor and City Council approve a contract with ASU Risk Management Services, Ltd., in the amount of \$40,000 for the first year, and authorize the Mayor and City Clerk to sign the professional services agreement in a form essentially the same as one on file with the City Clerk;

RESOLVED, That the administration may renew the service agreement for up to four one-year periods at the respective annual rates of \$41,500 for the first renewal year, \$43,000 for the second renewal year, \$44,500 for the third renewal year, and \$47,000 for the fourth renewal year; and

RESOLVED, That the Mayor and City Council approve a contingency fee of \$8,000 per contract year for special services that may be required outside of the scope of the service agreement.

R-24-1-95 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND
 SANITARY SEWER IMPROVEMENT CHARGES FOR
 2245 SOUTH STATE STREET (\$31,246.90)

Whereas, The City has previously constructed water main and sanitary sewers improvement described as follows:

Water:

12" water main in South State Street; File No. 83043, District 83043, Job No. 0837; \$46.20/front foot; 247 front feet = \$11,411.42

Sanitary Sewer:

8" sanitary sewer in South State Street File No. 83043, District No. 434, Job No. 0836; \$80.31/front foot; 247 front feet = \$19,835.48

Grand Total of Improvement Charges - \$31,246.90; and

Whereas, Pursuant to Section 1:278, Chapter 12 of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levies an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 2245 South State Street
City Assessor Code: 12-04-200-039
Annexation Number: A93-03
Planning File No.: 120425N5.1 & .2

Commencing at the Northwest corner of Section 4, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan; thence S00E 37'30" E 915.09 feet along the west line of said Section 4 for a PLACE OF BEGINNING; thence N 88E01'30" E 587.39 feet; thence S 23E28'00" E 536.94 feet along the westerly right-of-way line of the Ann Arbor Railroad; thence N 83E53'00" W 13.52 feet; thence N 67E53'00" W 122.32 feet; thence N 89E09'00" W 449.82 feet; thence N 01E 15' 00" W 35.44 feet; thence S 87E50'00" W 219.44 feet to a point on the west line of said Section 4; thence continuing S 87E 50'00" W 0.85 feet; thence N 01E02'00" E 38.54 feet along the east line of State Street; thence continuing along said east line N 02E28'00" W 352.43 feet; thence N 88E01'30" E 11.06 feet to the Place of Beginning, being a part of the Northwest 1/4 of said Section 4 and a part of the Northeast 1/4 of Section 5, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan, containing 6.71 acres of land more or less, and being subject to easements of record, if any, and including that portion of adjacent State Street right-of-way. Now

situated in the City of Ann Arbor.

2. That the improvement charge levied is \$31,246.90 and is designated as Utilities Improvement Charge No. 620;

3. That this improvement charge is divided into 15 equal installments; the first to be due on June 1, 1995, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 7.1% per anum commencing June 1, 1995;

4. That the City Clerk is directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge is to be invoiced to State Street Real Estate Company Limited Partnership, C.E. Bottom Jr., President, 2245 South State Street, P.O. Box 1368, Ann Arbor, MI 48106-1368 and to be credited in the amounts of \$11,411.42 to Fund 042-073-7151, and \$19,835.48 to Fund 043-073-7151.

R-25-1-95 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND
SANITARY SEWER IMPROVEMENT CHARGES FOR
2601 DEXTER ROAD (\$4,731.70)

Whereas, The City has previously constructed water main and sanitary sewers improvements described as follows:

Sanitary Sewer:

8" sanitary sewer in Valley Drive, District No. 420; Job No. 31-151; \$1,986.12/Connection; 2 connections (Lot 34 and 35) = \$3,972.24

Water Main:

16" water main in Dexter Road, Non-District Job No. A-337; \$379.73/connection; two (2) connections one connection Lot 34 and one connection Lot 35 & 36=\$759.46

Total of Improvement Charges = \$4,731.70;

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levies an improvement charge against the following newly-

annexed property which is specially benefitted by the above improvements:

Annexation Address: 2601 Dexter Road
City Assessor Code: 08-24-420-014
Annexation Number: A93-15
Planning File No.: 8244B18.1 and .2

Lots 34, 35 and 36 of Scioto Hills Subdivision, a subdivision of part of the southeast quarter, Section 24, Scio Township, Washtenaw County, Michigan, according to the plat thereof as recorded in Liber 7 of Plats, page 8 Washtenaw County Records. Now situated in the City of Ann Arbor.

2. That the improvement charge levied is \$4,731.70 and is designated as Utilities Improvement Charge No. 619;
3. That this improvement charge is divided into 15 equal installments; the first to be due on June 1 1995, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 6.1% per annum commencing June 1, 1995;
4. That the City Clerk is directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the register of Deeds of Washtenaw County, Michigan; and
5. That this levied improvement charge is to be invoiced to Diane M. Turner, 6720 Sharon Hollow, Manchester, MI 48158 and to be credited in the amounts of \$759.46 to Fund 042-073-7151, and \$3,972.24 to Fund 043-073-7151.

R-26-1-95 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND
SANITARY SEWER IMPROVEMENT CHARGES FOR
LOT 73, SCIOTO HILLS SUBDIVISION
(\$8,274.47)

Whereas, The City has previously constructed water main and sanitary sewers improvements described as follows:

Water:

6" water main in Clarendon Drive, District No. 89066; File No. 89066; \$4,541.39/connection; one (1) connection = \$4,541.39

Sanitary Sewer:

8" sanitary sewer in Clarendon Drive, District No. 82052; Job No. 043-0712; \$3,733.08/connection; one (1) connection = \$3,733.08

Grand Total of Improvement Charges = \$8,274.47; and

Whereas, Pursuant to Section 1:278, Chapter 12 of the Code of the City of Ann Arbor, the fair share of the cost of said improvements, is to be levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levies an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: Lot 73, Scioto Hills Subdivision
City Assessor Code: 08-24-416-015
Annexation Number: A93-02
Planning File No.: 8244C10.1 & .2

Lot 73 of Scioto Hills Subdivision, Washtenaw County, Michigan as recorded in Liber 7 of Plats, Page 8 Washtenaw County Records, including adjacent Clarendon Drive Right-of-way. Now situated in the City of Ann Arbor.

2. That the improvement charge levied is \$8,274.47 and is designated as Utilities Improvement Charge No. 618;

3. That this improvement charge is divided into 15 equal installments; the first to be due on June 1, 1995, and the 14 subsequent installments; to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 7.1% per annum commencing June 1, 1995;

4. That the City Clerk is directed to send a copy of this resolution by

first class mail to the owners of the property, and to promptly have this resolution recorded in the office of the register of Deeds of Washtenaw County, Michigan; and

5. That this improvement charge is to be invoiced to Joe J. Grammatico and Sherry A. Grammatico, 1420 Rose Drive, Ann Arbor, MI 48103 and is to be credited in the amounts of \$4,541.39 to Fund 042-073-7151, and \$3,733.08 to Fund 043-073-7151.

R-27-1-95 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO
HOUSING AFFORDABILITY AGREEMENT WITH
WASHTENAW AFFORDABLE HOUSING CORPORATION
(\$27,920)

Whereas, City Council approved the Housing Affordability Agreement with Washtenaw Affordable Housing Corporation (WAHC) on April 18, 1994 to provide for \$400,000 of HOME funds for the acquisition of 701 Miller Avenue to be used as affordable housing units for very low income persons; and

Whereas, The resolution was approved with the understanding that WAHC would apply to the City over the next year for funds for rehabilitation needs of the property; and

Whereas, WAHC purchased the 24 unit building in April, 1994 and applied to the City in October, 1994 for funds to be used for the first phase of rehabilitation work; and

Whereas, The Housing Policy Board at its meeting on December 20, 1994 recommended approval of the additional funds for phase I rehabilitation improvements for the project to be added to FY 1994-95 CDBG funds previously awarded to WAHC; and

Whereas, The Human Resources Division reviewed and approved the contractor on March 25, 1994;

RESOLVED, That City Council approve the amendment to the Housing Affordability Agreement with Washtenaw Affordable Housing Corporation in the amount of \$27,920 as a 0% interest, deferred payment loan and authorize the Mayor and City Clerk to execute the amendment substantially in the form on file in the office of the City Clerk with funds to be available until expended without regard to fiscal year.

AMENDMENT TO
CITY OF ANN ARBOR
HOUSING AFFORDABILITY AGREEMENT WITH
WASHTENAW AFFORDABLE HOUSING CORPORATION

The Agreement, dated the 21 day of April, 1994 by and between the City of

Ann Arbor, a Michigan municipal corporation, and Washtenaw Affordable Housing Corporation, a Michigan non-profit corporation, is amended as follows:

1. A Second sentence is added to Paragraph 1 so that the paragraph reads as follows:

SCOPE: The OWNER agrees to use the HOME funds for the acquisition costs of the property formally described in the above legal description for the purpose of using it as affordable housing. The OWNER agrees to use the CDBG funds for the following rehabilitation costs of the property: replace stairwells, enclose entryways, replace wall windows, upgrade heating system, install fence.

2. An additional sentence is added to Paragraph 2 so that the paragraph reads as follows:

BUDGET: The CITY agrees to pay to or on behalf of the OWNER the sum of \$400,000 of HOME funds as a 1%, 30 year loan with payments deferred for 5 years. The CITY also agrees to pay to the OWNER an additional \$10,000 of FY 1993 HOME Community Housing Development Organization (CHDO) administrative funds as a grant. The CITY also agrees to pay to the OWNER an additional \$27,920 of Community Development Block Grant (CDBG) funds as a deferred payment loan for rehabilitation.

3. A new Paragraph 5P is added:

CONDITIONS: The repayment on the principal sum of \$27,920 (CDBG funds) shall be deferred without interest until the time the OWNER sells the property.

R-28-1-95 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE
ADMINISTRATION MINUTES OF JANUARY 9, 1995
AND TO AUTHORIZE PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of January 9, 1995, be accepted and that the payments therein be authorized;

MINUTES
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION
JANUARY 9, 1995

Present: Peter Fink, Councilperson
Christopher Kolb, Councilperson 2.

Absent: Brenda Smith, City Treasurer 1.

Also present: Dan Cullen, Risk Manager
Stefani Carter, Assistant City Attorney
John VanLoon, Acting City Attorney 3.

CITIZENS' CLAIMS APPROVED: (and check issued)

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 113-94	Property damage claim of Mary Johnson	
	\$245.00	
CC 120-94	Property damage claim of Sharbyn Pleban	
	<u>\$250.00</u>	
		TOTAL \$495.00

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

<u>CASE NO.</u>	<u>CLAIMANT</u>	
CC 110-91	Lawsuit of Janice Payne by Roger Ettlenger, Attorney James Fajen, Mediator	\$25.00
CC 110-91	Lawsuit of Janice Payne by Roger Ettlenger, Attorney Clyde Ritchie, Mediator	\$25.00
CC 110-91	Lawsuit of Janice Payne by Roger Ettlenger, Attorney Richard Boothman, Mediator	\$25.00

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES: (Continued)

<u>CASE NO.</u>	<u>CLAIMANT</u>	
CC 113-93	Lawsuit of Traver Lakes by Steve Weiss, Attorney Gerald Hanson & Associates	<u>\$169.50</u>

TOTAL \$244.50

MISCELLANEOUS:

CITIZEN'S CLAIMS DENIED:

CASE NO.

- CC 95-93 Vehicle damage claim of Mary Kidd
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.

- CC 128-94 Vehicle damage claim of Jim Muchmore
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.

- CC 129-94 Property damage claim of Jonathan Florida
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.

- CC 127-94 Property damage claim of PRO L.C.
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.

- CC 135-94 Vehicle damage claim of Edward Vasicek
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.

- CC 131-94 Vehicle damage claim of Christopher Rothko
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.

OTHER BUSINESS:

CASE NO.

- Discussion of ASU - Risk Management Services Workers' Compensation Proposal
Discussed by Daniel J. Cullen, Risk Manager and the Board supported the proposal.

OTHER BUSINESS:

CASE NO.

- CC 121-94 Bodily injury claim of Constance & Sigrid Radwan
Discussed by Daniel J. Cullen, Risk Manager and the Board tabled pending further investigation

- CC 110-91 Lawsuit of Janice Payne by Roger Ettlinger, Attorney
Discussed by Stefani Carter, Assistant City Attorney and the Board authorized settlement.

- CC 117-94 Vehicle damage claim of Thomas & Sonya Hagle
Discussed by Daniel J. Cullen, Risk Manager and the Board

authorized settlement.

CC 123-94 Sewer Back-Up Claim of Garrett Schwinghamer (2140 Fulmer Court)
Discussed by Daniel J. Cullen, Risk Manager and the Board
authorized settlement.

CC 125-94 Claim of Brian Jenkins
Discussed by Daniel J. Cullen, Risk Manager and the Board
authorized settlement.

REIMBURSEMENTS RECEIVED --

CASE NO. FROM

PD 113-94 Reimbursement from Ryder Truck for accident involving \$682.43
Vehicle 5193

TOTAL DEPOSITED SINCE 12-5-94

\$682.43

REQUESTS FOR INFORMATION on PENDING CLAIMS
awaiting more information:

<u>CASE NO.</u>	<u>NAME</u>	<u>DATE RECEIVED</u>	<u>INCIDENT CLAIMANT</u>	<u>CLAIM</u>	<u>INFO FROM CORRES.</u>	<u>DATE OF FROM</u>	<u>ND. RPT CLM. SRVC.</u>	<u>DATE TO</u>
CC 133-94	Fitzsimmons	10-14-94	12-5-94	x		12-6-94		
CC 134-94	Lansing	11-16-94	12-19-94			12-20-94	Utilities	12-20-94
CC 136-94	Schroeder	12-16-94	12-21-94			12-22-94	Transp.	12-22-94

ADDITIONAL CLAIMS RECEIVED SINCE LAST MEETING -- awaiting further investigation (and/or information):

CASE NO.

CC 132-94 Lawsuit of Antar Melzone Bantu (representing himself)
CC 133-94 Vehicle damage claim of Susan Fitzsimmons
CC 134-94 Property damage claim of Marjorie Lansing
CC 135-94 Vehicle damage claim of Edward Vasicek
CC 136-94 Property damage claim of Chris Schroeder

R-29-1-95 APPROVED

RESOLUTION TO APPROVE FINAL LAND AND WATER
CONSERVATION FUND GRANT APPLICATION WITH
THE DEPARTMENT OF THE INTERIOR/NATIONAL
PARK SERVICE FOR SOUTHEAST AREA PARK

Whereas, On March 21, 1994, the Mayor and Council approved a matching grant application to the State of Michigan, Department of Natural Resources, through the Land and Water Conservation Fund Grant (LWCF) to develop Southeast Area Park (Platt and

Ellsworth);

Whereas, Extensive public input occurred over a one-year period to reach a consensus plan that was approved by the Park Advisory Commission;

Whereas, The matching grant totals \$180,000 which will be matched with \$630,000 of approved Park Rehabilitation and Development Millage project funds contained in the FY 94/95 budget;

Whereas, The project will include development of recreation amenities, including a basketball court, soccer fields, trails, picnic area, play area, two lighted ball fields, parking lot, landscape berming and associated improvements, in accordance with the approved consensus plan for the park;

Whereas, The State of Michigan, Department of Natural Resources Recreation Grants Section has approved of our \$180,000 matching grant application and is required to submit a final application to the Department of the Interior/National Park Service for the final approval, since it is Federally funded;

RESOLVED, That the Mayor and Council approve of the final \$180,000 Land and Water Conservation Fund Grant Application to the Department of the Interior/National Park Service; to be matched with \$630,000 in budgeted Park Rehabilitation and Development Millage Funds to develop Southeast Area Park.

Councilmember Kolb moved that the Consent Agenda be approved.

On a voice vote, the Mayor declared the motion carried unanimously.

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-30-1-95 APPROVED

RESOLUTION GRANTING EASEMENT TO THE DETROIT

EDISON COMPANY (SUGARBUSH PARK)

Whereas, The Detroit Edison Company has requested an easement for the installation of underground utility lines in certain property owned by the City;

Whereas, The City finds the terms of the proposed easement acceptable;

RESOLVED, That this Council approves the granting of an easement for underground utility lines to the Detroit Edison Company in the property located in the City of Ann Arbor described as follows:

DESCRIPTION

A 12 FOOT WIDE UNDERGROUND EASEMENT

Part of Outlot A and Sugarbush Park Addition all lying inside of "Windemer Subdivision" part of the Northeast 1/4 of Section 14, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan.

Described as: Commencing at the Southeast corner of said Outlot A; Thence North 89°36'07" West, 5.15 feet along the South line said subdivision, to the POINT OF BEGINNING;

Thence North 00°23'53" East, 3.00 feet;

Thence North 89°36'07" West, 27.26 feet;

Thence North 16°09'28" West, 25.87 feet;

Thence 28.77 feet along the arc of a curve to the right having a delta angle of 14°59'01", radius of 110.00 feet and a chord bearing and distance of North 08°39'58" west, 28.69 feet;

Thence North 01°10'28" West, 43.13 feet;

Thence 149.06 feet along the arc of a curve to the left having a delta angle of 137°44'52", radius of 62.00 feet and a chord bearing and distance of North 17°37'04" West, 115.67 feet

Thence North 34°45'12" West, 37.52 feet;

Thence 16.32 feet along the arc of a curve to the right having a delta angle of 35°57'10", radius of 26.00 feet and a chord bearing and distance of North 16°47' 37" West, 16.05 feet;

Thence North 01°11' 58" East, 19.53 feet;

Thence 54.49 feet along the arc of a curve to the left having a delta angle of 52°02'06", radius of 60.00 feet and a chord bearing and distance of North 24° 49'05" west 52.64 feet;

Thence 17.85 feet along the arc of a curve to the right having a delta angle of 51°07'43", radius of 20.00 feet and a chord bearing and distance of North 19°30'43" West, 17.26 feet;

Thence North 03°20'15" West, 48.95;

Thence 9.96 feet along the arc of a curve to the right having a delta angle of 19°01'07", radius of 30.00 feet and a chord bearing and distance of North 06°10' 18" East, 9.91 feet;

Thence North 63°46'00" East, 10.98 feet;

Thence North 23E41'14" West, 1.51 feet, to the South Right of way line of Green Road (100 feet wide) being the point of ending.

Said underground easement on, over, under and across the above described easement is to construct, reconstruct, operate and maintain overhead and underground electric lines including poles, wires, manholes, conduits, cables and equipment. Edison may trim or cut down any trees, bushes, or branches in the easement that Edison believes could interfere with the operation and maintenance of its facilities. No buildings, structures or other encroachments shall be placed in the easement without Grantor's prior written consent.

Councilmember Lumm moved that the resolution be approved.

On a voice vote, the Mayor declared the motion carried unanimously.

POSTPONED

RESOLUTION TO ESTABLISH AN AFFIRMATIVE ACTION POLICY AND PLAN AND OTHER PERSONNEL PROCEDURES

Whereas, On September 29, 1969 the Ann Arbor City Council adopted an Affirmative Action Plan,

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

Whereas, The Ann Arbor Human Rights Commission is charged with making "periodic public reports and recommendations to the City Council and City Administrator on ways to improve City Government programs and ordinances designed to eliminate discrimination or to remove the effects of past discrimination;"

Whereas, The Ann Arbor Human Rights Commission was involved in a nine month investigation to review hiring policies and employment practices in response to a complaint;

Whereas, Some departments within the City Government have not demonstrated aggressive steps to improve their patterns of employing minorities and women;

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

Whereas, the City of Ann Arbor as an employer should set the pace as an affirmative action employer;

RESOLVED, That the City initiate an Affirmative Action Policy, Plan and employment program certified by the Michigan Civil Rights Commission and adopted by the Mayor and City Council to ensure the fair and equal treatment of all people. This program is to be carried out by the following methods:

1) The responsibility for carrying out the Affirmative Action Plan must rest with the City Administrator and the Human Resource Director;

2) The City will establish a consistent and equitable hiring practice that must proceed through the Human Resources Department;

3) The City will conduct an analysis of the various labor force recruitment areas for each position in the City workforce;

4) Goals shall be set for each department for successive six month periods determining which positions will be filled by affirmative action methods, such goals shall be set by the City Administrator and the Human Resource Director in conjunction with the Department heads;

5) The goals to be reached or exceeded in each level of employee of the City by all Departments in various job categories for both permanent and temporary/seasonal employees shall be presumed to be a percentage of the minorities and women equal to the percentages available in the identified labor pool and in particular job categories;

6) Employment advertisements for each opening, subject to any applicable collective bargaining obligations, shall be placed in newspapers, journals, and sent to referral sources in relation to the reasonable recruitment area. Efforts will be made to identify those recruitment sources that will assist in reaching minority and female candidates for positions;

7) Regular analysis of the applicant pool for each job vacancy will be done to ensure that recruitment efforts are providing a group of applicants reflective of the identified labor market area;

8) Progress in meeting affirmative action goals shall be monitored by the Human Resources Director. The Director shall submit progress reports every six months to the City Administrator, the City Council and the Human Rights Commission;

9) The City Administrator shall annually evaluate department heads to realize

the Affirmative Action Plan and take other action as deemed necessary and appropriate to guarantee that the objectives of the plan are implemented;

10) The Human Resource Director shall review and revise job classifications and job descriptions for equity accuracy and validity, and to ensure consistency with pay equity/comparable worth considerations within 180 days;

11) The Human Resource Director and City Administrator shall review the City selection procedures and job requirement or standards within 180 days and make recommendations on methods or procedures which they feel will make the selection procedures more equitable;

12) The Human Resource Director shall review and validate existing employment tests and make recommendations on methods and procedures which s/he feels will make the selection procedure more equitable. Priority for such review shall be placed on those areas where minorities and women are underutilized;

This review shall include any recommendations deemed necessary to assure the following:

- 1) The tests administered to an applicant for employment should predict the knowledge of skills required by the particular job or class or jobs which the applicant seeks;
- 2) The City shall maintain a program for test validation to ensure that an employment test actually reflects the abilities needed on the job. The ultimate standard for employment shall not be test scores;
- 13) Although every effort will be made to meet the goals stated within the plan, the implementation of this resolution shall not violate the City Charter as it states in Section 5.18(c), "In the selection, discharge and fixing of terms and conditions of employment of City employees, the City shall not discriminate on grounds of race, color, religion or national origin." Nor shall this resolution violate an provision of applicable State or Federal laws or other provisions of the City Charter;

RESOLVED, That in keeping with its desire to ensure a productive and diverse workforce the City of Ann Arbor shall institute:

- 1) career ladders in the employment system;
- 2) paths for promotions based on performance, experience, skills and a demonstrated respect for other employees;
- 3) equal opportunity for training and education for all employees;
- 4) a preference for internal promotions;
- 5) a system for recognizing managers and supervisors who encourage growth in employees;

RESOLVED, That to ensure that all City employees are informed of both the efforts made for equity and procedures for seeking relief if a problem arises the City shall establish an Employee Policy Handbook which contents shall include:

- 1) rights and responsibilities
- 2) the Affirmative Action Policy
- 3) grievance procedures for both union and non-union employees
- 4) clearly stated consequences for breaking the rules

This handbook will be disseminated at the time of hire and reviewed annually with all employees.

In addition, managers will receive training in interpersonal skills and sensitivity to multicultural and diversity issues. Department heads will be held accountable for the work attitudes and behavior of supervisors within their departments.

Councilmember Kolb moved that the resolution be approved.

Councilmember Kolb moved that the resolution be postponed until February 6, 1995, and in the interim to seek a joint working session with the Human Rights Commission for the purpose of review of the Affirmative Action Plan and Personnel Procedures.

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

DEFEATED

RESOLUTION REGARDING THE RETENTION OF
OUTSIDE LEGAL COUNSEL

Whereas, The City Council, upon the recommendation of the City Attorney or upon its own initiative, may retain special legal counsel to handle any matter in which the City has an interest;

Whereas, It is a good practice for managing and conducting public purchasing to examine a statement of qualifications, define the scope of services, review the fees and clarify the product to be delivered in a contract before hiring a professional consultant;

Whereas, Chapter 14 of the City Code allows an exception to the practice of competitive bidding for contracts involving professional services under \$10,000 and allows the City Council, in cases where competitive bidding is not required by law or is clearly not practical, to approve contracts for professional services upon written recommendation of the City Administrator or City Attorney;

Whereas, Documentation of actions taken by professional staff in choosing professional services via request for proposals or sole source procurement is an important means of curbing the potential for improprieties and establishing public confidence in the process by which these professional services are procured;

RESOLVED, That whenever the City Council retains the services of outside legal Counsel for a specific project or for an ongoing but "time to time" basis, the City Attorney shall negotiate and present to City Council for approval, a contract for professional services outlining the qualifications to render the required services, the hourly fees and the total compensation anticipated to accomplish the necessary services. The contract should be accompanied by an identification of the funding source.

Councilmember Lumm moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Nicolas, Daley, Mayor Sheldon, 5
Nays, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Smith, Hartwell, Kolb, 6

The Mayor declared the motion defeated.

R-31-1-95 APPROVED

RESOLUTION TO APPROVE FISCAL YEAR 1994/95 CONTRACT WITH PEACE NEIGHBORHOOD CENTER (\$30,000)

Whereas, The City of Ann Arbor allocated \$30,000 in FY 92/93 funds and \$15,000 in FY94/95 funds to Peace Neighborhood Center;

Whereas, The City has executed a contract with Peace Neighborhood Center for \$15,000 with a special condition that Peace Neighborhood Center agrees to repay CDBG or City General Fund disallowed costs;

Whereas, Funds totaling \$45,000 were to be held until completion of the City's review of the agency's financial records;

Whereas, The City has completed its investigation;

Whereas, The services provided by Peace Neighborhood Center are needed and a public purpose is being served; and

Whereas, On December 19, 1994, City Council approved Resolution R-588-12-94 transferring \$8,759.64 from Peace Neighborhood Center's \$15,000 contract to offset federal disallowed costs;

RESOLVED, City Council authorizes the transfer of \$6,240.36 from Peace Neighborhood Center's FY 94/95 contract allocation to the Community Development Department "Services to Youth" Category;

RESOLVED, City Council authorizes the Mayor and City Clerk to execute an agreement with Peace Neighborhood Center for \$30,000 substantially in the form on file with the City Clerk; and

RESOLVED, That the agreement with Peace Neighborhood Center include the following special conditions:

- ! Funds to be used for youth program staff salaries only
- ! Agency shall submit Board-approved monthly financial statements indicating revenues and expenditures with all Request for Funds.

Councilmember Hanna-Davies moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen Dixon, Carlberg, Smith, Nicolas, Hartwell, Kolb, Daley, Mayor Sheldon, 9
Nays, Councilmembers Fink, Lumm, 2

The Mayor declared the motion carried.

WITHDRAWN

RESOLUTION REGARDING PEACE NEIGHBORHOOD CENTER'S
DISALLOWED GENERAL FUNDS (\$44,912.33)

The resolution was withdrawn by the City Administration upon approval of the *Resolution to Approve Fiscal Year 1994/95 Contract with Peace Neighborhood Center (\$30,000)*.

R-32-1-95 APPROVED

RESOLUTION TO APPROVE AMENDMENT NUMBER 1 TO
THE PROFESSIONAL SERVICES AGREEMENT WITH
WOOLPERT CONSULTANTS FOR PART C OF THE
AAGIS DATA BASE DEVELOPMENT PROJECT
RFP NUMBER 311 (\$203,220)

Whereas, The Ann Arbor Geographic Information System (AAGIS) is a key technology for improving the efficiency and effectiveness of City services, and

Whereas, The City has been working on the implementation of the AAGIS since 1984 and has reached the point in the project work plan which calls for the development of the property data base, and

Whereas, The Information Services Division of the Administrative Services Department has prepared plans, specifications, and requests for proposals for a Data Base Development Project, and

Whereas, RFP Number 311: Ann Arbor Geographic Information System Data Base Development Project, was sent to six pre-qualified contractors, and

Whereas, Woolpert Consultants, was determined to be the most qualified and lowest cost respondent to RFP Number 311, and

Whereas, The City Council on March 1, 1993 approved Part A and on June 7, 1993 approved Part B of the GIS Data Base Development Project, and

Whereas, Parts A and B of the Project have been completed and the data bases and systems developed in these efforts are in use in many City Departments, and

Whereas, The City has negotiated a scope of services with Woolpert Consultants for Part C of the Project known as Property Data Base Development, and

Whereas, Woolpert Consultants, received Human Rights approval on December 14, 1994, and

Whereas, Funding for the Part C of the GIS Data Base Development Project is included in the FY 94-95 operating budget of the Information Services Division of the Administrative Services Department, and therefore be it

RESOLVED, That the recommendation of the City Administrator be approved and the existing professional services agreement with Woolpert Consultants is amended to include the AAGIS Data Base Development Project scope of services known as Part C, and

RESOLVED, That the Mayor and City Clerk are authorized to execute on behalf of the City all contractual documents which are required for this amendment and which are approved as to form by the City Attorney and to substance by the City Administrator, and

RESOLVED, That the funds budgeted for this project, \$203,220, be transferred from the FY 94-95 operating budget of the Information Services Division of the Administrative Services Department to the General Capital Projects Fund, a project budget is adopted, and funds are appropriated for the life of the project, and

RESOLVED, That the City Administrator is authorized to take necessary administrative actions to implement this resolution.

Councilmember Nicolas moved that the resolution be approved.

On a voice vote, the Mayor declared the motion carried.

R-33-1-95 APPROVED

RESOLUTION IN APPRECIATION OF SERVICES
FOR ACTING POLICE CHIEF LUNSFORD

Whereas, Walter C. Lunsford, a 24-year veteran of the Police Department, has served as Acting Chief of Police in Ann Arbor from May 5, 1994 through January 30, 1995 during a time the Department confronted many great challenges including one of the most extensive investigations in the history of the City;

Whereas, Acting Chief Lunsford has displayed exemplary conduct and sense of fairness in managing the operations of the Police Department and has courageously resolved many budgetary, labor, morale, organizational, and management issues in an extremely professional manner;

Whereas, Acting Chief Lunsford has maintained excellent relations with the various Ann Arbor communities by being accessible to leaders and citizens and addressing issues in an honest and forthright manner; and

Whereas, Acting Chief Lunsford has displayed excellent management ability, professional judgement, community sensitivity, and dedication to the City of Ann Arbor in fulfilling the role of Acting Chief of Police in a very competent and distinguished manner;

RESOLVED, That Ann Arbor City Council, on behalf of itself and the citizens of Ann Arbor, express its sincere appreciation for the contributions of Walter C. Lunsford in his role of Acting Chief of Police; and

RESOLVED, The City Administrator is encouraged under the appropriate provision of the Executive/Professional Pay Plan to consider the possibility of granting Acting Chief Lunsford an Exceptional Achievement Award in recognition of his outstanding performance over and above the call of duty.

Councilmember Daley moved that the resolution be approved.

On a voice vote, the Mayor declared the motion carried unanimously.

CONSIDERED AND DISCUSSION DELAYED

RESOLUTION CONCERNING Y-RELATED LEGAL SERVICES

Councilmember Lumm moved that the resolution be approved.

Councilmember Fink moved that the resolution be amended in the first "Resolved" clause as follows:

Resolved, that the Hardy, Lewis, Pollard and Page, P.C. AND/OR POLLARD AND ALBERTSON services authorized by the August 29 resolution be ~~limited to the review and negotiation of the City Y management agreement and to the EDC bond sale document~~ TERMINATED AND PAYMENT LIMITED TO WORK PERFORMED TO-DATE.

and to delete the final "Resolved" clause as follows:

~~Resolved, That the Acting City Attorney with the assistance of the City Administrator develop, and Council approve, a professional services contract before any additional legal services are performed (by Hardy, Lewis, Pollard and page, P.C. or any other outside firm). Consistent with other professional service contracts, this contract should include scope of services, hourly rates of remuneration (if appropriate), and a not-to-exceed level. Further, the City Administrator should identify the funding source for both this contract and the already incurred Y-related legal fees.>~~

Councilmember Fink proposed that the deleted language be included under "Scope of Services" in the *Resolution to Retain Law Firm to Represent the City in Great Lakes Bancorp v. the City, et al* which is to be considered concurrently with this resolution.

Councilmember Daley moved that discussion on the above resolution be delayed pending the outcome of discussion on the *Resolution to Retain Law Firm to Represent the City in Great Lakes Bancorp v. the City, et al*.

On a voice vote the Chair declared the motion carried.

R-34-1-95 APPROVED AS AMENDED

RESOLUTION TO RETAIN LAW FIRM TO REPRESENT THE CITY IN GREAT LAKES BANCORP V. THE CITY, ET AL

Councilmember Kolb moved that the resolution be approved.

Councilmember Smith moved that the resolution be amended in the last paragraph as follows:

Resolved, That the sum of \$200,000 is ~~appropriated from~~ TRANSFERRED TO the City Attorney's Budget - Professional Services Account from the sources specified in Alternative 1 in the City Administrator's January 12, 1995 memo in payment for services rendered in this matter before the Great Lakes Bancorp began the lawsuit and to represent the City in the pending lawsuit.

Alternative 1 - Source of Funds

City Attorney's Professional Services Budget	\$9,000
City Attorney's Miscellaneous Budget	1,000
Leave City Attorney position vacant till July 1 st	30,000
Public Housing Account	50,642
Balance Citywide Memberships account	1,946
YMCA account balance	41,756
Use of Prior Year Fund Balance	<u>\$65,656</u>
Total	\$200,000

Councilmember Fink moved that the amendment be amended in the last paragraph as follows:

Resolved, That the sum of ~~\$200,000~~ \$134,344 is ~~appropriated from~~ TRANSFERRED TO the City Attorney's Budget - Professional Services Account from the sources specified in Alternative 1 in the City Administrator's January 12, 1995 memo in payment for services rendered in this matter before the Great Lakes Bancorp began the lawsuit and to represent the City in the pending lawsuit.

Alternative 1 - Source of Funds

City Attorney's Professional Services Budget	\$9,000
City Attorney's Miscellaneous Budget	1,000
Leave City Attorney position vacant till July 1 st	30,000
Public Housing Account	50,642
Balance Citywide Memberships account	1,946
YMCA account balance	41,756

<Use of Prior Year Fund Balance	\$65,656
Total	<\$200,000> \$134,344

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Nicolas, Hartwell, Mayor Sheldon, 5

Nays, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Smith, Kolb, Daley, 6

The Mayor declared the motion defeated.

The question under consideration was the resolution as proposed to be amended by Councilmember Smith.

Councilmember Smith, having voted on the prevailing side, moved for reconsideration of the amendment to the amendment offered by Councilmember Fink.

On roll call on the reconsideration, the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Smith, Hartwell, Kolb, Daley, Mayor Sheldon, 10

Nays, Councilmember Nicolas, 1

The Mayor declared the motion carried.

The question on the floor was approval of the amendment to the amendment proposed by Councilmember Fink:

Resolved, That the sum of ~~<\$200,000>~~ \$135,000 is ~~<appropriated from>~~ TRANSFERRED TO the City Attorney's Budget - Professional Services Account from the sources specified in Alternative 1, in the City Administrator's January 12, 1995 memo in payment for services rendered in this matter before the Great Lakes Bancorp began the lawsuit and to represent the City in the pending lawsuit.

Alternative 1 - Source of Funds

City Attorney's Professional Services Budget	\$9,000
City Attorney's Miscellaneous Budget	1,000
Leave City Attorney position vacant till July 1 st	30,000
Public Housing Account	50,642
Balance Citywide Memberships account	1,946
YMCA account balance	41,756
<Use of Prior Year Fund Balance	\$65,656
Total	<\$200,000> \$134,344

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Smith, Nicolas, Hartwell, Kolb, Mayor Sheldon, 10
 Nays, 0
 Absent for the Vote, Councilmember Kolb, 1

The Mayor declared the motion carried.

The question under consideration was approval of Councilmember Smith's amendment as amended.

Councilmember Smith moved that Alternative 1. - Sources of Funds be amended as follows:

<u>Alternative 1. - Source of Funds</u>	
City Attorney's Professional Services Budget	\$9,000
City Attorney's Miscellaneous Budget	\$1,000
Leave City Attorney position vacant till July 1 st	-\$30,000
	<u>\$15,000</u>
Public Housing Account	\$50,642
Balance Citywide Memberships account	\$1,946
YMCA account balance	\$41,756
Use of Prior Year Fund Balance	\$65,656
<u>REDUCE COMPUTER PURCHASES</u>	<u>\$15,000</u>
Total	-\$200,000 <u>\$134,344</u>

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Carlberg, Smith, Hartwell, Kolb, Daley, Mayor Sheldon, 9
 Nays, Councilmembers Lumm, Nicolas, 2

The Mayor declared the motion carried.

The question under consideration of approval of the amendment as amended, on roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Carlberg, Smith, Hartwell, Kolb, Daley, Mayor Sheldon, 9
 Nays, councilmembers Lumm, Nicolas, 2

The Mayor declared the motion carried.

The question under consideration was approval of the resolution as amended.

Councilmember Fink moved to amend the first "Resolved" clause as follows:

Resolved, That Dennis R. Pollard is retained as special legal counsel for the purpose of asserting all defenses and claims available to the city in this matter AND NEGOTIATING ANY OTHER RESOLUTION WHICH MAY BE ACCEPTABLE TO COUNCIL. The City and Dennis R. Pollard agree that he will be contracted to represent the City in the case of great lakes Bancorp v. the City of Ann, et al....

On a voice vote, the Mayor declared the motion carried unanimously.

The question under consideration is approval of the resolution as amended.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Smith, Hartwell, Kolb, Daley, Mayor Sheldon, 10
Nays, Councilmember Nicolas, 1

The Mayor declared the motion carried.

Following is the resolution as amended:

R-34-1-95

RESOLUTION TO RETAIN LAW FIRM TO REPRESENT
THE CITY IN GREAT LAKES BANCORP V. THE CITY, THE
ANN ARBOR YMCA AND MILLER, CANFIELD, PADDOCK AND STONE

Whereas, The City has been served with a lawsuit in which Great Lakes Bancorp has asserted claims against the City, the Ann Arbor YMCA and Miller, Canfield, Paddock and Stone;

Whereas, This Council deems it necessary to retain special legal counsel to represent the City in that litigation; and

Whereas, The City has been represented on the matter which lead to the lawsuit by Dennis R. Pollard, now with the law firm of Pollard & Albertson;

RESOLVED, That Dennis R. Pollard is retained as special legal counsel for the purpose of asserting all defenses and claims available to the City in this matter and negotiating any other resolution which may be acceptable to Council. The City and Dennis R. Pollard agree that he will be contracted to represent the City in the case of Great Lakes Bancorp v City of Ann Arbor, et al., upon the following conditions:

- 1) the hourly rates of the various attorneys who will be working on the matter be identified;

- 2) communications to and from the City and Dennis Pollard shall be routed through the City Attorney's Office; and
- 3) a budget will be established which will be monitored by the City Attorney; and

RESOLVED, That the sum of \$134,344 is transferred to the City Attorney's Budget - Professional Services Account, from the sources specified in Alternative No. 1, as amended, in the City Administrator's January 12, 1995 memo, in payment for services rendered in this matter before the Great Lakes Bancorp began the lawsuit and to represent the City in the pending lawsuit.

Alternative 1. - Source of Funds:

City Attorney's Professional Services Budget	\$9,000
City Attorney's Miscellaneous Budget	1,000
Leave City Attorney position vacant till July 1 st	15,000
Public Housing Account	50,642
Balance Citywide Memberships account	1,946
YMCA Account Balance	41,756
Reduce Computer Purchases	<u>15,000</u>
Total	\$134,344

RECONSIDERED AND WITHDRAWN

RESOLUTION CONCERNING Y-RELATED
LEGAL SERVICES

Returning to the discussion on the *Resolution Concerning Y-Related Legal Services*, Councilmember Lumm withdrew the resolution from deliberation upon approval of the *Resolution to Retain Law Firm to Represent the City in Great Lakes Bancorp v. the City, et al.*

REPORTS FROM COUNCIL COMMITTEES

Councilmember Fink reminded Council of the upcoming Budget Process Committee meeting.

COUNCIL PROPOSED BUSINESS

February 6, 1995

Resolution to Have a joint Meeting Between City of Ann Arbor and Washtenaw County Elected Officials to Explore Joint Efforts to Solve Shared Issues, Problems and Concerns Facing Our Community (Councilmember Kolb)

COMMUNICATIONS FROM THE MAYOR

RECENTLY SIGNED PROCLAMATIONS

Mayor Sheldon informed Council of two proclamations signed as of January 17, 1995:

! Martin Luther King Day - January 16, 1995

! Cleveland Orchestra Weekend - February 3-5, 1995

APPOINTMENTS TABLED

Mayor Sheldon requested confirmation of the following nominations which were placed on the table at the January 3, 1995 meeting:

EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES

Barbara Kessler (reappointment)

12 Geddes Heights 48104

Term: 01-17-95 to 01-01-98

Larry J. Ferguson (replacing Ron Bishop on Term Expiration)

101 N. Main Street, #1015 48104

Term: 01-17-95 to 01-01-98

Councilmember Hanna-Davies moved that the nominations be tabled pending further discussion of the proposed appointments.

On a voice vote, the Mayor declared the motion carried with Councilmember Kolb and Mayor Sheldon dissenting.

APPOINTMENTS APPROVED

Mayor Sheldon requested confirmation of the following nominations which were placed on the table at the January 3, 1995 meeting:

HOUSING POLICY BOARD

Larry French (reappointment)

2410 Geddes Avenue 48104

Term: 01-17-95 to 01-16-98

CABLE COMMUNICATIONS COMMISSION

Raymond Klatt (reappointment)

2538 Easy Street 48108

Term: 01-17-95 to 01-31-2000

BOARD OF REVIEW

Mark Perry (replacing Timothy Somers on term expiration)

1470 Northbrook Drive 48103

Term: 01-17-95 to 01-31-98

Councilmember Smith moved that Council concur in the recommendation of the Mayor.

On a voice vote, the Mayor declared the motion carried.

Mayor Sheldon asked for and received the unanimous consent of Council to waive the rules in order to vote on the following nominations this date:

COMMISSION ON INCREASING SAFETY FOR WOMEN

Laurita Thomas (citizen - to fulfill membership requirements)
300 N. Ingalls, Room N18B15
Ann Arbor, MI 48109

Kim M. Moore (Citizen - to fulfill membership requirements)
1724 Dunmore
Ann Arbor, MI 48103

Councilmember Hartwell moved that Council concur in the recommendation of the Mayor.

On a voice vote, the Mayor declared the motion carried unanimously.

COUNCIL COMMITTEE ASSIGNMENTS

Mayor Sheldon announced the following Council committee assignments:

COMMISSION ON INCREASING SAFETY FOR WOMEN

Councilmember Tobi Hanna-Davies
Councilmember Elisabeth Daley

NOMINATIONS PLACED ON TABLE

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

DOMESTIC VIOLENCE COORDINATING BOARD

Kristin Hall (to fill vacancy created by resignation - DVP Representative)
1042 S. Main Street, Apt. C2 48104
Term: 02-06-95 to 07-17-97

HISTORIC DISTRICT COMMISSION

Gregory A. Jones (to complete the unexpired term of J. Michael Schroer who resigned)
2520 Devonshire 48104
Term: 02-06-95 to 07-15-96

LOCAL OFFICERS COMPENSATION COMMISSION

Stephen Dobson (replacing John Laird whose term expired)
1531 Edinborough 48104
Term: 02-06-95 09-30-2002

Larry Hunter (to fill vacancy)

523 N. Main 48104
Term: 02-06-95 to 09-30-96

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Alfred A. Gatta presented the following memorandums for the information of the Council:

- ! Response to "Christmas In April" program applicants question
- ! Leaf Pickup on Old West Side
- ! Airport Improvements
- ! Monthly Statement of Revenues, Expenditures and Changes in the Fund Balance, through December 31, 1994, for Series A/B/C of the Environmental Bond
- ! Wetland Inventory Map Notification

City Administrator Gatta received requests from Councilmember for information of other items of concern.

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

Councilmember Daley reminded Council of the Ann Arbor Planning Commission public hearing scheduled for Thursday, January 19, 1995 on the West Area Plan.

Councilmember Fink requested a meeting with the Housing Commission and the new director, Elizabeth Lindsley, prior to consideration of the Housing Commission budget.

Councilmember Vereen-Dixon thanked Councilmembers for attending the Second Baptist Church Martin Luther King ceremonies.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were received:

- ! Washtenaw County's Implementation Action Plan for Solid Waste Management ("Action Plan") - **FILED**
- ! Planning Department West Area Plan Newsletter - **FILED**
- ! Larry T. Hunter in support of the Resolution in Appreciation of Services for Acting Police Chief Walter Lunsford - **FILED**

The following minutes were received and filed with the City Clerk:

- ! Building Board of Appeals - November 22, 1994
- ! Sign Board of Appeals - September 20, 1994
- ! Sign Board of Appeals - August 24, 1994
- ! Ann Arbor Energy Commission - December 8, 1994
- ! Community Reinvestment Act Task Force - December 14, 1994

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

On a voice vote, the Mayor declared the motion carried unanimously.

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

There being no further business, Mayor Sheldon declared the meeting adjourned at 12:20 a.m.

Winifred W. Northcross
Clerk of the Council

Linda J. Wise
Recording Secretary