

EXECUTIVE SESSION - FEBRUARY 6, 1995

The Ann Arbor City Council session was called to order at 6:36 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Tobi Hanna-Davies, Peter Fink, Jane Lumm, Jean Carlberg, Haldon L. Smith, Peter Nicolas, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 9.

ABSENT : Councilmembers Patricia Vereen-Dixon, Stephen C. Hartwell, 2.

EXECUTIVE SESSION CONVENED

Councilmember Kolb moved that Council recess for the purpose of convening an executive session to discuss litigation regarding the Ann Arbor YMCA.

On roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Fink, Lumm, Carlberg, Smith, Kolb, Daley, Mayor Sheldon, 8;

Nays, Councilmember Nicolas, 1.

The Mayor declared the motion carried.

ADJOURNMENT

Councilmember Nicolas moved that the executive session of Council be adjourned and that the regular session of Council be convened.

On a voice vote the Mayor declared the motion carried and the executive session adjourned at 7:52 p.m.

Janet L. Chapin
Acting Clerk of the Council
Recording Secretary

REGULAR SESSION - FEBRUARY 6, 1995

The regular session of the Ann Arbor City Council was called to order at 7:52 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for one moment of silence.

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

ROLL CALL OF COUNCIL

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

ABSENT : 0.

INTRODUCTIONS

NEW CHIEF OF POLICE

The new Chief of Police, Carl Ent, introduced himself to City Council. Chief Ent stated that he is proud to be a part of the Ann Arbor community and is looking forward to working with City Council.

WASHTENAW COUNTY OFFICIALS

Washtenaw County Sheriff Ronald J. Schebil and Washtenaw County Administrator Robert E. Guenzel urged Council's approval of the proposed resolution to hire a civilian public safety dispatch director as part of an agreement to establish a Combined Regional Public Safety Dispatch Center.

PUBLIC COMMENTARY - RESERVED TIME

JOHN FROHNA - TOBACCO

John Frohna, 3418 Edgewood Dr., Indoor Clean Air Task Force member, urged approval of the proposed resolution supporting the repeal of legislation which preempts Michigan communities from imposing new requirements on the sale of tobacco products. Dr. Frohna emphasized the importance of repealing this law to allow communities to determine the best way to protect persons under the age of 18 from purchasing tobacco products.

ANDREW GULVEZAN - CURRENT EVENTS

Andrew Gulvezan, 432 Kellogg St., expressed concern with the way the federal government is wasting money in its fight against illegal drugs and expressed support for some type of national health care system.

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MIKE BROOKS - DEFERRED COMPENSATION PROGRAM

Mike Brooks, 2319 Packard St., spoke in opposition to the canceling of the City's deferred compensation agreement with Diversified Financial Consulting. He expressed concern that the change was made too quickly without proper thought by Council and that the plan participants were not informed of problems or allowed any input.

DAVID DE VARTI - YMCA AND ANN ARBOR NEWS INACCURACY

David DeVarti, 921 Dewey Ave., expressed concern that the Ann Arbor News has been orchestrating a disinformation campaign regarding the Ann Arbor YMCA lawsuit. He stated that tenant rights is not an optional issue since the original intent of the project was to provide permanent housing with full rights for the residents under all tenant laws. Mr. DeVarti further stated that the YMCA's unilateral switch to operating as an innkeeper constitutes a breach of its agreement with the City.

DICK CYGAN - DEFERRED COMPENSATION PROGRAM

Dick Cygan, 1525 Pauline Blvd., retired City employee, requested that City Council reconsider its action to cancel the deferred compensation agreement with Diversified Financial Consulting. Mr. Cygan stated that the program participants should be able to decide where they want their money, and expressed concern that City officials do not completely understand how the change will affect the participants.

BARRY PAULSELL - DEFERRED COMPENSATION PROGRAM

Barry Paulsell, 2690 Crooks Rd., Troy, MI., representing Diversified Financial Consulting, stated that his company never received a formal announcement of the City's intent to cancel its agreement and requested that City Council reconsider this action. He further stated that facts were presented improperly to the program participants and that Diversified representatives would have been willing to help resolve the issues concerning compliance with IRS rules.

MIKE VOGEL - DEFERRED COMPENSATION PROGRAM

Mike Vogel, City employee, spoke in opposition to the cancellation of the Diversified Financial Consulting agreement and objected to the matter not being made public. He expressed concern that City Council did not receive all of the facts to be able to evaluate the situation. Mr. Vogel requested that Council rescind its motion to cancel the agreement and reexamine all the facts before making a decision.

PUBLIC HEARINGS

BRIARWOOD RESIDUAL LOT 3 REZONING (ORDINANCE NO. 1-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 4.2 acres from AG (Agricultural-Open Space District) to Preliminary

Phase PUD (Planned Unit Development District), Briarwood Residual Lot 3, southwest corner of State Street and Eisenhower Parkway. Notice of public hearing was published January 14, 1995.

The following person appeared:

Paul Raeder of Beckett & Raeder, Inc., project architect, stated that the proposal is consistent with development in the State and Eisenhower corridors as well as with the 1990 South Area Plan. Mr. Raeder briefly described the project and reported that the current proposal is significantly less intense than the original area plan.

There being no one else to speak the Mayor declared the hearing closed.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Lumm moved that the agenda be approved with the following changes:

CONSENT AGENDA

Delete: Resolution Approving Dhu Varren Road Realignment **(Move to end of Motions and Resolutions)**

Add: Resolution Declaring an "Accounting Order" Concerning Columbia Associates L.P. FCC form 1200 - Basic Service Rates and Equipment **(Previously listed under Motions and Resolutions)**

MOTIONS AND RESOLUTIONS

Revise: Resolution Regarding Alternate Sources of Revenue (Pilot Project) (Mayor Sheldon)

Move: Resolution to Amend the 1994-95 Police Department Budget for the Hiring of a Civilian Public Safety Dispatch Director (\$17,237.00) (8 Votes Required) **(Move to beginning of Motions and Resolutions)**

Delete: Resolution Declaring an "Accounting Order" Concerning Columbia Associates L.P. FCC form 1200 - Basic Service Rates and Equipment **(Move to Consent Agenda)**

Add: Resolution to Select a Consultant to Assist the City Council in the Selection of a City Administrator (Mayor Sheldon and Councilmember Kolb)

Add: Resolution Approving Dhu Varren Road Realignment **(Previously listed under Consent Agenda)**

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COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Pay Equity/Comparable Worth

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF JANUARY 9, 17 AND 23 APPROVED

Councilmember Kolb moved that the working and special session minutes of January 9, 1995, the executive and regular session minutes of January 17, 1995, and the executive and special session minutes of January 23, 1995 be approved, with the following correction to the January 17 executive session minutes:

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.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

Councilmember Nicolas moved that the following Consent Agenda items be approved as presented:

R-36-2-95 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER TO RED HOLMAN
PONTIAC GMC FOR SIX AUTOMOBILES - BID NO. 2663

Whereas, The Fleet Services Division of the Public Services Department purchases new passenger cars used in the Building Department, Public Services Department, and Motorpool;

Whereas, Red Holman Pontiac GMC was the lowest responsible bidder for the purchase of automobiles; and

Whereas, Red Holman Pontiac GMC received Human Resources approval on September 6, 1994;

RESOLVED, That City Council approve the issuance of a purchase order to Red Holman Pontiac GMC for \$63,882.00.

R-37-2-95 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER TO
B & R TIRE & RETREADING, INC. FOR PURCHASE
OF NEW TIRES - BID NO. 2667

Whereas, The Fleet Services Division of the Public Services Department purchases new tires for City of Ann Arbor vehicles;

Whereas, B & R Tire & Retreading, Inc. was the lowest responsible bidder under Bid No. 2667; and

Whereas, B & R Tire & Retreading, Inc. received Human Resources approval on June 14, 1994;

RESOLVED, That City Council approve the issuance of a purchase order to B & R Tire & Retreading, Inc. for \$52,000.00; and

RESOLVED, That the City Administrator may extend this contract for up to two one-year periods, if agreeable to both parties, under the terms in Bid No. 2667.

R-38-2-95 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT
WITH SNELL ENVIRONMENTAL GROUP, INC. AND ESTABLISH
PROJECT BUDGET FOR 1995 BRIDGE INSPECTION PROGRAM

Whereas, It has been found necessary to retain the services of a professional consulting engineering firm to perform the 1995 Bridge Inspection Program;

Whereas, It is now necessary to enter into a contract for performance of the work;

Whereas, The professional engineering firm of Snell Environmental Group, Inc. of Detroit, Michigan, has submitted to the City a proposal for engineering services, setting forth the services to be performed by the firm and the payments to be made by the City therefor, all of which is agreeable to the City; and

Whereas, The Human Resources Department has given approval of Snell Environmental Group on October 10, 1994;

RESOLVED, That a Professional Services Agreement in the amount of \$30,100.00 be approved with Snell Environmental Group;

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

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approval as to substance by the City Administrator;

RESOLVED, That \$40,500.00 be appropriated and the following project budget be adopted for the life of the project, to be available until expanded without regard to fiscal year:

PROJECT BUDGET

Section I - Revenue

<u>\$40,500.00</u>	Major Street Fund (021)
\$40,500.00	TOTAL; and

Section II - Expense

\$30,100.00	Consulting engineering services
6,600.00	City engineering services
800.00	Other charges including City-owned vehicles, printing, etc.
<u>3,000.00</u>	Contingency (for changes to be approved by City Administrator)
\$40,500.00	TOTAL; and

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

R-39-2-95 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER
 TO TRUCK TIRE BANDAG SALES FOR RETREADING
 AND TIRE REPAIR - BID NO. 2668

Whereas, The Fleet Services Division of the Public Services Department purchases retread tires and service for City of Ann Arbor trucks;

Whereas, Truck Tire Bandag Sales was the lowest responsible bidder, Bid No. 2668; and

Whereas, Truck Tire Bandag Sales received Human Resources approval on November 18, 1994;

RESOLVED, That City Council approve the issuance of a purchase order to Truck Tire Bandag Sales for \$19,000.00; and

RESOLVED, That the City Administrator may extend this contract for up to two one-year periods, if agreeable to both parties, under the terms in Bid No. 2668.

R-40-2-95 APPROVED

RESOLUTION TO AUTHORIZE NATURAL GAS TRANSACTION
AGREEMENT WITH WESTCOAST COAST SERVICES, INC.

Whereas, The City has an on-going program to purchase natural gas directly for the Water and Wastewater Treatment Facilities;

Whereas, This practice saves the City an average of \$100,000.00 per year;

Whereas, The direct purchase of natural gas requires maintaining transaction agreements with a number of suppliers to take advantage of the best price available;

Whereas, The City's natural gas purchasing consultant, EMC Gas, has advised the City to add Westcoast Gas Services to its list of suppliers of natural gas;

Whereas, The City's natural gas direct purchase consultant, EMC Gas, has reviewed the contract terms and recommends signing the contract; and

Whereas, The approval of this agreement increases the City's opportunity to save money through the direct purchase of natural gas;

RESOLVED, That City Council approve a Gas Transaction Agreement with Westcoast Gas Services, Inc. and authorize the Mayor and City Clerk to execute the contact substantially in the form on file in the office of the City Clerk.

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R-41-2-95 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER
INCREASE FOR ELECTRICAL MAINTENANCE SERVICES
FOR THE WATER TREATMENT DIVISION

Whereas, Electrical maintenance services are needed for the Water Treatment Plant and Hydroelectric Stations for the remainder of the fiscal year;

Whereas, Most of these services are of a highly technical nature and are best performed by a firm that is specifically qualified and familiar with the plant's electrical systems and its specialized equipment;

Whereas, Turner Electric Service has the knowledge and experience to effectively and efficiently provide these electrical services, and

Whereas, On January 11, 1995 the Human Resources Department approved Turner Electric Service to perform these services;

RESOLVED, That Council direct the City Administrator to increase the standing purchase order to Turner Electric Service from \$14,900.00 to \$29,900.00.

Source of funds: Utilities Department Water Treatment Plant and Hydropower FY 1994/95 approved operating budgets.

R-42-2-95 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND SANITARY SEWER
IMPROVEMENT CHARGES TO 2115 SOUTH STATE STREET

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 No. 83043; Job No. 0837;
\$46.20/front foot; 160.26 front feet = \$7,404.01

Sanitary: 8" sanitary sewer in South State Street;
File No. 83043; District No. 434; Job No. 0836;
\$80.31/front foot; 160.26 front feet = \$12,870.48

GRAND TOTAL OF IMPROVEMENT CHARGES: \$20,274.49; 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 levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 2115 South State Street
City Assessor Code: 12-04-200-040
Annexation No.: A93-16
Planning File No.: 12042T4.1 & .2

Commencing at the Northwest corner of the Section, thence S 1E27' W 528.66 feet in the West line of the Section for a Place of Beginning, thence E 425.86 feet, thence S 21E25' E 172.10 feet, thence W 492.78 feet to the West line of the Section, thence continuing W 18.65 feet to the East line of State Street, thence N 0E26' W 160.26 feet in the East line of said road, thence E 23.94 feet to the Place of Beginning, being part of the Northwest fractional quarter of Section 5, and a part of the Northwest fractional quarter of Section 4, T3S, R6E. Now situated in the City of Ann Arbor;

2. That the improvement charge levied be \$20,274.49 and designated as Utilities Improvement Charge No. 621;

3. That this improvement charge be 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 be 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 be invoiced to R. L. Jourden, 2115 South State Street, Ann Arbor, MI 48104, and be credited in the amounts of \$7,404.01 to Fund 042-073-7151, and \$12,870.48 to Fund 043-073-7151.

R-43-2-95 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE
OUTSIDE CITY LIMITS TO 2720 DEXTER ROAD

Whereas, Jeanette R. Lotte, owner of the property at 2720 Dexter Road, on June 30, 1994, requested that the City extend public water and sewer services to her property in Scio Township prior to the completion of the annexation process;

Whereas, The property owner desires to enter into the standard agreements

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with the City which provide an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On June 16, 1994, Jeanette R. Lotte petitioned the City for annexation under Planning Department File No. 8244G11.1 and .2.;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer service to the land during the time it is still outside of the corporate limits; that the City Clerk be directed to send a copy of this resolution and the agreements by first class mail to the above property owners; and that the Utilities Department shall promptly have this resolution and the agreements recorded in the office of the Register of Deeds of Washtenaw County, Michigan.

R-44-2-95 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT
WITH VERNA MOORE FOR 2075 GARDEN CIRCLE

Whereas, An application was received from Verna Moore for rehabilitation assistance for her home located at 2075 Garden Circle, Ann Arbor;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program;

Whereas, On Wednesday, January 25, 1995 the Community Development Waiver and Review Board approved a waiver of the maximum amount of financing for rehabilitation assistance; and

Whereas, Six bids were received on January 26, 1995 and Ms. Moore will be executing an agreement with the lowest responsible bidder to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Verna Moore in the amount of \$27,359.00 as a 0% deferred payment loan, with funds available until expended without regard to fiscal year and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

R-45-2-95 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT
FOR BARBARA J. VOLGER FOR 2112 ARLENE STREET

Whereas, An application was received from Barbara J. Volger for rehabilitation assistance for her home located at 2112 Arlene Street, Ann Arbor; and

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program; and

Whereas, Two bids were received on January 19, 1995 and Ms. Volger will be executing an agreement with the lowest responsible bidder to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Barbara J. Volger in the amount of \$15,950.00 as a 0% interest deferred payment loan, with funds available until expended without regard to fiscal year, and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

R-46-2-95 APPROVED

RESOLUTION TO AWARD BID FOR STORAGE AND MOVING OF NEW VOTING SYSTEM - BID NO. 2691

Whereas, A facility is needed to store the City's new voting equipment and transport said equipment to and from polling places for elections;

Whereas, Bids were solicited for the storage and transportation of City voting equipment and Frisbie Moving and Storage submitted the lowest responsible bid; and

Whereas, Frisbie Moving and Storage received approval from the Human Resources Department on February 1, 1995;

RESOLVED, That City Council accept the bid of Frisbie Moving and Storage in the amount of \$10,320.00 per year for storage and \$54.25 for equipment transportation per precinct per election; and

RESOLVED, That the Mayor and City Clerk be authorized to execute the contract with Frisbie Moving and Storage substantially in the form on file in the office of the City Clerk.

Account No. 010-015-0100-2600 (Election Administration - Rent)

R-47-2-95 APPROVED

RESOLUTION DECLARING AN "ACCOUNTING ORDER" CONCERNING COLUMBIA ASSOCIATES L.P. - FCC FORM 1200 - BASIC SERVICE RATES AND EQUIPMENT

Whereas, Pursuant to federal and local law, the City of Ann Arbor ("City") is permitted to regulate rates for Broadcast Basic Tier cable service and equipment;

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Whereas, On August 10, 1994, Columbia Associates L.P. ("Columbia") submitted a series of filings (including FCC Forms 1200, 1205, 1220) supporting a revised Broadcast Basic Tier rate structure;

Whereas, On September 8, 1994, the City issued an order (R-444-9-94) tolling the City's initial 30-day deadline to complete its review of the Form 1200 filings for an additional (150) days to allow the City to request and consider additional information;

Whereas, Based upon recommendations from legal counsel and staff, the City finds that additional time is required to investigate the Form 1200 filings and supplemental material; and

Whereas, To reserve all of its rights and protect cable consumer interest in potential refunds, the City must issue an "Accounting Order" requiring Columbia to maintain sufficient records to comply with a refund order in the event the City issues a rate decision that requires refunds;

RESOLVED, That the City of Ann Arbor does hereby order that:

1. Columbia may charge rates for Broadcast Basic Tier service and equipment no higher than the rates set forth by Columbia in its Form 1200 filings of August 10, 1994, which shall be collected subject to further reduction and refund.

2. The City reserves all of its rights with respect to rate regulation, and will continue to review Columbia's rates for Broadcast Basic Tier service and equipment, and may consider rate reductions and refunds. In particular, pursuant to 47 C.F.R. 76.942(c)(2) and Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992 - Rate Regulation, MM Docket 92-266, Report and Order and Further Notice of Proposed Rulemaking 142n.376 (May 3, 1993), the City reserves the right to require refunds from the date of this Order forward in time to the point any prospective rate reduction is issued, and backward in time from the date of this Order to the point where the total refund time would equal one year. The City emphasizes that this Order does not establish just and reasonable rates to subscribers for Broadcast Basic Tier service and equipment.

3. Columbia must keep adequate accounts and records of all amounts received with respect to Broadcast Basic Tier service and equipment rates so that Columbia is able to pay refunds if the City later issues a rate decision that requires Columbia to pay refunds.

4. Columbia may not increase rates for Broadcast Basic Tier service or equipment to any individual subscriber or group of subscribers, and may not implement any new or additional charges for Broadcast Basic Tier service or equipment, absent prior review and approval by the City, except to the extent specifically provided by federal law.

5. This resolution represents the order required by 47 C.F.R.

76.933(c) and Title II, Chapter 32, Section 2:114(3)(c)5 of the City Code of Ordinances.

The question being the foregoing Consent Agenda items as presented, on a voice vote the Mayor declared the motion carried.

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ORDINANCES - SECOND READING

1-95 APPROVED

BRIARWOOD RESIDUAL LOT 3 REZONING

An Ordinance to Amend the Zoning Map Being a Part of
Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 4.2 acres, located at the southwest corner of State Street and Eisenhower Parkway, from AG (Agricultural-Open Space District) to Preliminary Phase PUD (Planned Unit Development District).

Councilmember Kolb moved that the ordinance be adopted at second reading.

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

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-48-2-95 APPROVED

**RESOLUTION TO AMEND THE 1995-95
POLICE DEPARTMENT BUDGET FOR THE HIRING OF
A CIVILIAN PUBLIC SAFETY DISPATCH DIRECTOR**

Whereas, The City of Ann Arbor on behalf of itself and nine other jurisdictions contracted with Concept-to-Operations, Inc. to provide recommendations on the feasibility of developing a combined Regional Public Safety Dispatch Center;

Whereas, The final report was received and reviewed by City of Ann Arbor public safety officials and other Washtenaw County area public safety officials;

Whereas, The Washtenaw County Sheriff, the Michigan State Police Ypsilanti Post Commander and the Executive Director of Huron Valley Ambulance believe that the consolidation of public safety communications operations would provide efficient and effective public safety communications at a lower cost to them;

Whereas, The City of Ann Arbor, at a minimum, agrees that a consolidated Ann Arbor Police and Ann Arbor Fire Department Communications Center would provide efficient and effective public safety communications at a lower cost to the City of Ann Arbor; and

Whereas, The Concepts-to-Operations report recommends that member agencies that agree to form a combined Regional Public Safety Dispatch Center hire a Public Safety Dispatch Director to accomplish the tasks of developing steps for creating such a dispatch facility and implementing needed policies and procedures to manage such a facility;

RESOLVED, That the City of Ann Arbor establish a position and a job description for a Public Safety Dispatch Director and hire a qualified person to fill said position initially as a City of Ann Arbor employee who will report to the Chief of Police;

RESOLVED, That the City of Ann Arbor agree to pay for no more than 50% of the wage and benefit package of the Public Safety Dispatch Director from already budgeted funds in the 1994-95 Police Department budget and the remaining amount will be paid by a formula agreed to with Washtenaw County and Huron Valley Ambulance Corporation;

RESOLVED, That if an agreement is not reached among the parties to establish a Combined Regional Public Safety Dispatch Center, the City of Ann Arbor will retain the Public Safety Dispatch Director to replace a Lieutenant in the Ann Arbor Police Department Communications Unit to develop and implement a City of Ann Arbor consolidated public safety communications center;

RESOLVED, That the City of Ann Arbor accept revenues associated with this proposal in the General Fund and appropriate a like amount to the Police Department budget for the costs of a Public Safety Dispatch Director and approve the allocation of those monies to the 1994-95 Police Department's budget; and

RESOLVED, That the City Administrator be authorized to take all administrative actions necessary to implement these actions.

Councilmember Kolb moved that the resolution be adopted.

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

(The resolution was later reconsidered - See Resolution No. R-60-2-95)

R-49-2-95 APPROVED

RESOLUTION TO HOLD 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

Whereas, The concerns, problems and issues facing our community do not always confine themselves to municipal boundaries, such as issues involving public safety, the environment, human services, transportation, etc.;

Whereas, There are limited financial and personnel resources to address

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these issues if handled by any one governmental entity; and

Whereas, A joint regional approach to these issues would help to pool finite resources, reduce redundancy of services and capitalize on available economies of scale;

RESOLVED, That the Ann Arbor City Council extend an offer to meet with the Washtenaw County Board of Commissioners to explore joint efforts to solve regional and shared issues, problems and concerns facing our community; and

RESOLVED, That the City Administrator work with the County Administrator to facilitate such a joint meeting.

Councilmember Kolb moved that the resolution be adopted.

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 Resources 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 Resources 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 Resources Director shall review and revise job classifications and job descriptions for equity accuracy and

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validity, and to ensure consistency with pay equity/comparable worth considerations within 180 days.

11. The Human Resources 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 Resources 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.

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

- 1) The tests administered to an applicant for employment should predict the knowledge or skills required by the particular job or class of 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 any 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; and

RESOLVED, That 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 adopted.

Councilmember Kolb moved that the resolution be postponed to the February 21, 1995 regular session of Council and that a working session on the issue be scheduled for February 13, 1995.

On a voice vote the Mayor declared the motion carried.

TABLED

RESOLUTION TO AUTHORIZE AMENDMENT NO. 2 TO
PROFESSIONAL SERVICES AGREEMENT FOR DESIGN AND CONSTRUCTION
ENGINEERING FOR BARTON DAM SPILLWAY MODIFICATIONS

Whereas, By Resolution No. R-532-10-92, approved October 21, 1992, Council authorized a professional services agreement with Harza Engineering Company for dam safety inspections and related studies, and by Resolution No. R-445-9-94, approved September 7, 1994, Council authorized Amendment No. 1 to the said professional services agreement to study the technical and economic feasibility to continue operation of the Superior Hydropower;

Whereas, It is necessary to proceed to design and construct spillway modifications at Barton Dam to meet FERC probable maximum flood flow requirements within the schedule specified by FERC;

Whereas, Harza Engineering Company has submitted a proposal in the amount of \$104,000.00 to provide engineering services for design and construction phase of the required spillway modifications at Barton Dam;

Whereas, Harza Engineering Company received approval from the Human Resources Department on October 25, 1994; and

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Whereas, It is recommended that Harza's proposal be accepted without competitive proposals due to Harza's familiarity with the project and experience in design and construction of such modifications;

RESOLVED, That Council accept the proposal and authorize Amendment No. 2 to the Professional Services Agreement with Harza Engineering Company in the amount of \$104,000.00 to provide engineering services for design and construction phase of spillway modifications at Barton Dam;

RESOLVED, That Council approve a contingency of \$11,000.00 for change orders to be approved by the City Administrator;

RESOLVED, That \$115,000.00 for the engineering services for this project be available for the life of the project without regard to the fiscal year; and

RESOLVED, That the Mayor and the City Clerk be authorized and directed to sign Amendment No. 2 to the Professional Services Agreement substantially in a form on file with the City Clerk.

Source of Funds: FY 94/95 Approved Hydropower System Operating Budget

Councilmember Kolb moved that the resolution be adopted.

Councilmember Fink moved that the resolution be tabled in order to set up a working session with Federal Energy Regulatory Commission (FERC) representatives.

On a voice vote the Mayor declared the motion carried.

R-50-2-95 APPROVED AS AMENDED

RESOLUTION REGARDING ALTERNATE SOURCES OF REVENUE - PILOT PROJECT

A resolution regarding alternate sources of revenue (pilot project) was considered.

Councilmember Kolb moved that the resolution be adopted.

Council unanimously agreed to add the following language to the last paragraph of the resolution:

RESOLVED, That UPON ACCEPTANCE OF A CONTRACT, enforcement of applicable sections of the Sign Ordinance be waived during the term of the Pilot Project.

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-50-2-95

RESOLUTION REGARDING ALTERNATE SOURCES OF REVENUE
(PILOT PROJECT)

Whereas, The City of Ann Arbor is confronted with many difficult choices facing local governments relative to level of services, taxation, state aid, non tax revenues and expenditures;

Whereas, The City of Ann Arbor needs to explore revenue options that do not directly impact property or individuals;

Whereas, Many cities throughout the country have explored the use of public spaces for advertising in a manner that would not be obtrusive or offensive but yet be aesthetically pleasing and reinforce the quality of life expectations of the jurisdiction; and

Whereas, A means of effective advertising can serve the public well in making more information accessible to citizens and visitors especially if an interactive component is available;

RESOLVED, That the City Administrator prepare a Request for Proposal for a Pilot Project with the above goals in mind to measure market interest, effectiveness and community acceptance;

RESOLVED, That the Pilot Project be limited to interactive information displays in only sufficient locations as to provide substantive evaluation data;

RESOLVED, That the Pilot Project not last longer than six months; and

RESOLVED, That upon acceptance of a contract, enforcement of applicable sections of the Sign Ordinance be waived during the term of the Pilot Project.

R-51-2-95 APPROVED

RESOLUTION IN SUPPORT OF AUTHORITY FOR LOCAL COMMUNITIES
TO CONTROL SALE OF TOBACCO PRODUCTS TO MINORS

Whereas, The United States Surgeon General has identified cigarette smoking as the single most important preventable cause of premature morbidity and mortality;

Whereas, In Michigan in 1991, an estimated 11.1 million packs of

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cigarettes were sold to children illegally, with a total sales volume of \$20.6 million, making Michigan one of the top ten states in total cigarette sales to minors⁽¹⁾;

Whereas, The Youth Tobacco Act of 1988 prohibits the selling, giving, or furnishing of tobacco products to a person under 18 years of age, and was passed precisely to limit children's access to cigarettes and reduce their chances of becoming addicted;

Whereas, The Constitution of the State of Michigan, Article VII, Sections 22 and 34, confer upon local governmental entities the right to pass ordinances which they deem to be in their and their residents' best interests;

Whereas, The City Council of Ann Arbor believes that local licensing and enforcement would be more effective in prohibiting the sale of tobacco products to persons under the legal age than the enforcement programs currently conducted under state law; and

Whereas, Recent efforts to repeal Section 14 of PA 327, which preempts any local Michigan community from imposing any new requirements on the sale of tobacco products, have failed to pass into law;

RESOLVED, That the Ann Arbor City Council support the introduction and passage of state legislation to repeal the current law which prohibits local communities from determining the best way to protect persons under the age of 18 from purchasing tobacco products; and

RESOLVED, That the City Clerk forward a certified copy of this resolution to the Governor and appropriate State Legislators.

⁽¹⁾Am. Journal of Public Health, February 1994, Vol. 84, No. 2, p. 301

Councilmember Nicolas moved that the resolution be adopted.

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

R-52-2-95 APPROVED

RESOLUTION TO ENTER INTO A LEASE AGREEMENT FOR
THE COMMUNITY POLICING OFFICE AT 3022 PACKARD ROAD

Whereas, The Ann Arbor Police Department is committed to the philosophy of Community/Problem Oriented Policing;

Whereas, The Police Department has reorganized its patrol and detective bureaus to facilitate the change to Community/Problem Oriented Policing;

Whereas, A significant part of this conversion to Community/Problem Oriented Policing involves establishing offices in each of the policing

districts in the city;

Whereas, The citizens of Ann Arbor will be rewarded with a more personalized delivery of police service with the maintenance of decentralized offices; and

Whereas, The landlord has received affirmative action contract approval as witnessed by the approval form (on file in the City Clerk's Office);

RESOLVED, That the City of Ann Arbor enter into a lease agreement (on file in the Office of the City Clerk) with Bessie A. Preketes for the office space described in Appendix A of the document, located at 3022 Packard Road, for use as a Community Policing office;

RESOLVED, That the City Council authorize the Mayor and City Clerk to execute the lease agreement with Bessie A. Preketes. The lease period is from February 1, 1995, through June 30, 1995; and

RESOLVED, That the City Administrator be authorized to take all administrative actions necessary to implement these actions.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-53-2-95 APPROVED

RESOLUTION TO APPROVE AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ANN ARBOR AND THE POLICE CLERICAL UNIT OF LOCAL 214 OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA

Whereas, The collective bargaining agreement between the City of Ann Arbor and the Ann Arbor Police Clerical Unit of Local 214 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America expired on June 30, 1994;

Whereas, The parties have negotiated amendments to the bargaining agreement to take effect upon ratification by both parties with some provisions retroactive to July 1, 1994;

Whereas, The negotiated amendments to the bargaining agreement, to go into effect upon ratification by both parties, provide for a two-year agreement extending from July 1, 1994 through June 30, 1996;

Whereas, Said 1994 through 1996 agreement carries forth all provisions of the former agreement except for the amendments and other stipulations contained

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in the document below entitled Tentative Agreement; and

Whereas, The City Administrator recommends approval of the amendments;

RESOLVED, That the amendments to the collective bargaining agreement negotiated between the City of Ann Arbor and Local 214 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America be hereby approved; and

RESOLVED, That the Administrator be authorized to make necessary transfers to the budget as appropriate.

CITY OF ANN ARBOR AND TEAMSTERS LOCAL 214
POLICE CLERICAL UNIT TENTATIVE AGREEMENT
JANUARY 5, 1995

The City of Ann Arbor and Local 214 of the International Brotherhood of Teamsters, Ann Arbor Police Clerical unit have reached tentative agreement on all issues relative to amendments to the parties' collective bargaining agreement which expired on June 30, 1994.

- 1) The agreement shall become effective upon ratification of both parties and shall expire on June 30, 1996.
- 2) SECTION 2(a). RECOGNITION. Change as indicated:

a. Pursuant to and in accordance with all applicable provisions of Act 336 of the Public Acts of 1947, as amended, the Employer does hereby recognize Local 214, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America A.L.A., as the exclusive representative for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment for the unit of Office Clerical Employees in the Ann Arbor Police Department. It is agreed between the Union and Employer that effective with the signing of this agreement the positions of secretary to the ~~<Executive>~~ SUPPORT SERVICES DIVISION Deputy Chief, secretary to the Chief of Police, SECRETARY TO THE OPERATIONS DIVISION DEPUTY CHIEF, and ~~<Radiological Defense Officer>~~ ASSISTANT DISASTER PREPAREDNESS COORDINATOR are not included within this unit AND THAT THE COLLECTIVE BARGAINING UNIT SHALL CONSIST OF THE FOLLOWING DESIGNATED CLASSIFICATIONS WITHIN THE POLICE DEPARTMENT:

<u>CLERK TYPIST II</u>	<u>PROPERTY SECURITY CLERK</u>
<u>STATISTICAL CLERK</u>	<u>CLERK TYPIST III</u>
<u>CLERK STENO II</u>	<u>CLERK STENO III</u>
<u>DATA ENTRY CLERK</u>	<u>ACCOUNTING CLERK III</u>

- 3) SECTION 2(b). RECOGNITION. New language as indicated:
 - b. TEMPORARY OR CASUAL EMPLOYEES, AS THOSE TERMS ARE DEFINED IN THE CITY OF ANN ARBOR RULES & REGULATIONS, MAY BE HIRED TO PERFORM

BARGAINING UNIT WORK FOR THE PURPOSE OF, AMONG OTHER THINGS, HELPING COVER PEAK WORK LOAD PERIODS, RELIEVING STAFF SHORTAGES, STAFFING SHORT TERM PROJECTS AND PROVIDING RELIEF FOR EMPLOYEE ABSENCES. THE HIRING OF THE ABOVE LISTED EMPLOYEES SHALL NOT CAUSE A LAYOFF OR REDUCTION IN REGULAR WORK WEEK TIME FOR BARGAINING UNIT MEMBERS OR THE ELIMINATION OF ANY FULL-TIME BARGAINING UNIT POSITIONS. TEMPORARY OR CASUAL EMPLOYEES ARE NOT REPRESENTED BY THE UNION.

EACH TEMPORARY EMPLOYEE, CASUAL EMPLOYEE, OR DEPARTMENT EMPLOYEE BEING TRAINED TO DO BARGAINING UNIT WORK WILL BE ASSIGNED BY THE SECTION SUPERVISOR TO A BARGAINING UNIT MEMBER FOR THE PURPOSE OF TRAINING FOR A SPECIFIC TASK. THE BARGAINING UNIT MEMBER DOING THE TRAINING WILL RECEIVE A 3% PREMIUM ABOVE THEIR NORMAL RATE FOR EACH TRAINING ASSIGNMENT PERFORMED.

4) SECTION 17. LAYOFFS. Change subsection (e) as indicated:

e. Recall Procedure.

When the work force is increased following a layoff, employees shall be recalled to work in inverse order of layoff providing the Employee's ability and skills remain suitable to ~~<performance of>~~ PERFORM the job to the same extent as prior to layoffs. Notice of recall shall be sent to the Employee at the HIS OR HER last known address by registered mail or certified mail. If an Employee fails to report for work within ten (10) days from date of mailing notice of recall, OR WITHIN FIVE (5) DAYS FROM THE DATE WHEN SUCH EMPLOYEE IS NOTIFIED TO REPORT TO WORK, WHICHEVER IS LATER, he OR SHE shall be considered to have quit.

5) SECTION 20. PAYMENT OF BACK PAY CLAIMS. Change section as indicated:

If the Employer fails to give an Employee work to which his OR HER seniority and qualifications entitle him OR HER, and such work does exist and a written notice of his OR HER claim is filed within ~~<thirty (30)>~~ TEN (10) CALENDAR days of the time the Employer first failed to give him OR HER such work, the Employee may file a grievance under the grievance procedure and, if successful in the grievance, the Employer will reimburse him OR HER for the earnings lost through failure to give him OR HER such work.

6) SECTION 22(c): PREGNANCY LEAVES. Settled on the basis that the Union's desire to receive paid medical benefits while on unpaid pregnancy leave is satisfied by Federal Law as of February 5, 1994.

7) SECTION 23(A): EDUCATIONAL BENEFITS. The City agrees to the union proposal regarding this section which clause should read as follows:

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- a. In the event that an Employee leaves the service of the City within ~~<three years>~~ ONE YEAR of receiving educational benefits under this clause, ~~<they>~~ HE OR SHE shall reimburse the City for all those monies received in the ~~<three years>~~ ONE-YEAR PERIOD preceding ~~<their>~~ HIS OR HER leaving.

- 8) SECTION 26. OVERTIME. Change section as indicated:

For those Employees working the eight (8) hour per day schedule, time and one-half their regular straight time hourly rate of pay shall be paid for all hours worked in excess of eight (8) hours in any work day and for all hours worked ~~<on the sixth day of the Employee's scheduled work week and two (2) times the Employee's regular straight time hourly rate shall be paid for all hours worked on the seventh day of the Employee's scheduled work week>~~ IN EXCESS OF FORTY (40) HOURS A WEEK. The Chief or his OR HER designee will be the sole determining authority on the necessity for overtime. When overtime is required as a continuation of the Employee's regular work day, such overtime will be performed with no break in the continuing operation.

- 9) SECTION 27. CALL BACKS. Change first paragraph as indicated:

If an Employee is called back to work on any shift, AND SUCH CALL BACK DOES NOT EXTEND INTO THE EMPLOYEE'S REGULAR SHIFT HOURS, she/he shall be compensated for a minimum of three (3) hours overtime for the exact hours or portion thereof she/he worked. This provision includes but is not limited to, returning to work for court appearances.

- 10) SECTION 27. CALL BACKS. Change section (b) as indicated:

- b. LEAVE DAYS SHALL NOT BE CHANGED, SWITCHED OR RESCHEDULED TO AVOID PAYING TIME AND ONE-HALF (from current Section 32).

- 11) SECTION 28. COMPENSATORY TIME LIMITATIONS. Delete subsection (f) as indicated.

~~<f. For purposes of this article compensatory time used on a holiday to be off work is part of the maximum to be taken at any one time referred to in paragraphs b, c, and d, but is not part of the maximum referred to in paragraph e.>~~

- 12) SECTION 28. COMPENSATORY TIME LIMITATIONS. Change subsection (g) as indicated:

- g. All Employees who possess more than one hundred twenty (120) hours of accumulated compensatory time off at the effective date of this Agreement shall not be allowed to accumulate more compensatory time off until said accumulated compensatory time is used to a level below one hundred twenty (120) hours at which time they shall be

allowed to accumulate up to one hundred twenty (120) hours.
<Compensable time off shall be considered as time worked for the purpose of computing benefits under this agreement> (deleted language covered by Section 31).

- 13) SECTION 32. CALL BACKS. Delete section and relocate language to Section 27(b) as previously shown.

<Leave days shall not be changed, switched or rescheduled to avoid paying time and one-half.>

- 14) SECTION 39. TRAINING ASSIGNMENTS. Change section as indicated.

Both the Employer and the Union recognize the value of on-the-job training. Such training is to be encouraged. Training assignments FOR A HIGHER RATED CLASSIFICATION WITHIN THE UNIT will be made on the basis of seniority, interest, and qualifications. During a training assignment, the Employee being trained will always be supervised by a qualified Employee or a qualified supervisor. Under such supervision, the Employee being trained will continue to receive his current rate of pay.

- 15) SECTION 42. HEALTH INSURANCE. The following language shall be included in this section of the contract:

IT IS AGREED THAT THIS CONTRACT SHALL BE SUBJECT TO REOPENING ON OR AFTER JULY 1, 1995, UPON THE WRITTEN REQUEST OF THE CITY, FOR THE SOLE PURPOSE OF NEGOTIATIONS RELATED TO MODIFICATION OF MEDICAL INSURANCE BENEFITS.

- 16) SECTION 48(a). SICK LEAVE. The following language shall be included in this subsection:

Sick leave for all Union members shall be accrued and granted as follows:

a. Number of Days.

Each Employee of the Unit shall be entitled to sick leave of one (1) work day with pay for each completed month of service. NEW EMPLOYEES ON THEIR DATE OF HIRE SHALL HAVE CREDITED TO THEM TWELVE (12) EIGHT-HOUR WORK DAYS SICK LEAVE, HOWEVER, THEY SHALL NOT ACCUMULATE ADDITIONAL SICK LEAVE UNTIL AFTER THE COMPLETION OF ONE YEAR OF SERVICE. IF A NEW EMPLOYEE USES A PORTION OF THEIR ADVANCE ACCRUAL AND THEN LEAVES CITY EMPLOYMENT PRIOR TO WHEN THEY NORMALLY WOULD HAVE ACCRUED THE AMOUNT USED, THE CASH VALUE OF SUCH EXCESS USAGE WILL BE DEDUCTED FROM THEIR FINAL PAYOUT. Employees who render part-time services shall be entitled to sick leave for the time actually worked at the same rate as that granted full time Employees. Provided, however, annual sick leave may be credited on a prorated biweekly basis.

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- 17) SECTION 51. MEDICAL EXAMINATIONS. Change the first paragraph of this section as indicated.

The Employer reserves the right to suspend or discharge an Employee who is not fit to perform her/his duties in a satisfactory manner. Such action shall only be taken if a medical and/or mental examination performed by a qualified doctor of the Employer's choice at the Employer's expense reveals such unfitness. WHEN AN EMPLOYEE IS ORDERED TO SUBMIT TO A FITNESS FOR DUTY EXAMINATION UNDER THIS CONTRACT, THE EMPLOYEE IS REQUIRED TO SIGN THE MEDICAL RELEASE FORM WHICH ALLOWS THE DOCTOR TO SEND SUCH DOCTOR'S FINDINGS TO THE CHIEF OF POLICE. If the Employee disagrees with such doctor's findings, then the Employee at her/his own expense may obtain a medical and/or mental examination from a qualified doctor of her/his choice. Should there be a conflict in the findings of the two (2) doctors, then a third doctor shall be paid by the Employer and her/his findings shall be binding on the Employee, Employer, and the Union. In the event an Employee's seniority is terminated pursuant to this Section she/he shall be afforded the opportunity to apply for, and the Employer will attempt to place her/him in a position with another Department with the Employer.

- 18) SECTION 53. PROVISIONS FOR PARKING.

The Employer shall provide parking spaces within a reasonable distance ~~<from>~~ OF the police station for the use of Employees WHO ELECT TO USE THIS BENEFIT. The parking structure at Fourth and William Street shall be considered as falling within the term "reasonable distance." ~~<Provided, however, as new parking structures are completed within a closer radius to the police station than the Williams structure, the City will provide parking spaces for the use of employees at one or another of such structures (excluding the Fourth and Washington structure). The changes in this clause shall become effective on April 1, 1985.>~~ THE CITY OF ANN ARBOR SHALL PAY A CONTRIBUTION OF \$30.00 A MONTH TOWARDS THE COST OF THE ABOVE PARKING PROVISION AND THE EMPLOYEES ELECTING THIS BENEFIT SHALL PAY \$25.00 A MONTH THROUGH PAYROLL DEDUCTION.

IN RECOGNITION OF THE UNION'S AGREEMENT TO ACCEPT THIS MODIFIED PARKING BENEFIT, PRIOR TO AMENDING THE 1993-94 POLICE CLERICAL UNIT PAY PLAN TO PLACE A SIX STEP SALARY SCHEDULE INTO EFFECT AS PROVIDED IN THE CITY'S PROPOSED MODIFICATION OF SECTION 55(B), SUCH 1993-94 PAY PLAN SHALL BE AMENDED BY ADDING \$0.17 PER HOUR TO ALL RANGES AND STEPS REGARDLESS OF WHETHER ANY AFFECTED EMPLOYEES HAVE ELECTED TO RECEIVE THE PARKING BENEFIT PROVIDED BY THIS SECTION. THE \$0.17 PER HOUR FIGURE REPRESENTS THE POLICE CLERICAL EMPLOYEE'S PARKING BENEFIT DURING THE 1992-94 CONTRACT PERIOD.

- 19) SECTION 55. SALARY INCREASES. Change this section as indicated.
- a. Across-the Board Salary Increases

- 1. There shall be a 1.0% increase in wages retroactive to July 1, 1994 through June 30, 1995 (retroactive for current members only) (see attached 1994-95 pay plan).
- 2. Effective July 1, 1995 through June 30, 1996, there shall be a 2.5% increases in wages.

b. Inequity Adjustment

EFFECTIVE RETROACTIVE TO JULY 1, 1994, (FOR CURRENT EMPLOYEES ONLY) AND BEFORE THE APPLICATION OF THE 1% ACROSS-BOARD-RAISE PROVIDED FOR IN SUBSECTION A. OF THIS SECTION, THE POLICE CLERICAL UNIT PAY PLAN WILL BE AMENDED TO PLACE A SIX STEP SALARY SCHEDULE INTO EFFECT BASED UPON THE RATES WHICH ARE PROVIDED FOR IN THE 1993-94 AFSCME PAY PLAN FOR THE SAME RANGES (RANGES 8, 9, 10, 12, 13, AND 18).

- c. Employees who possess a bachelor's degree from an accredited college or university shall receive a three percent (3%) education ~~bonus~~ PREMIUM after they have completed one (1) year of continuous service with the Employer WHICH PREMIUM SHALL BE REFLECTED IN THE PAY SCALE FOR EACH CLASSIFICATION.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-54-2-95 APPROVED

RESOLUTION MODIFYING VARIOUS GENERAL FUND BUDGETS

Whereas, City Council, in the adopted City Budget, included savings in expenditures based on the deferred hiring of unspecified positions in the amount of \$300,000.00;

Whereas, The savings have been identified and allocated by department as listed below; and

Whereas, The City budgets for contractual pay increases within the Non-Department Budget and the police clerical contract has been settled, and funds need to be moved to the Police Department to cover the increased costs;

RESOLVED, That the appropriations be adjusted as listed below for the Delayed Hiring Savings Program:

Delayed Hiring Savings Account	\$300,000
Police Department	(124,495)
Public Services Department	(28,194)

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Finance Department	(27,750)
City Attorney Department	(3,337)
Building Department	(13,657)
District Court	(1,985)
Parks and Recreation Department	(34,664)
Fire Department	(13,595)
Solid Waste Department	(24,365)
City Administrator Department	(27,958)

RESOLVED, That \$13,330.00 be transferred from the Pay Increase Contingency Account to the Police Department budget for the cost of the police clerical settlement.

Councilmember Lumm moved that the resolution be adopted.

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

R-55-2-95 APPROVED

RESOLUTION TO APPROVE LETTER OF AGREEMENT WITH MICHIGAN DEPARTMENT OF TRANSPORTATION FOR REHABILITATION IMPROVEMENTS AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, Rehabilitation improvements needed at the Ann Arbor Municipal Airport were identified by City staff as eligible for Federal funding;

Whereas, City Council authorized and directed the Mayor and City Clerk, on December 20, 1993 to execute a Grant Contract, No. 93-2172 DAB, with the Michigan Department of Transportation (MDOT);

Whereas, Said grant contract outlined conditions to be met by the City as sponsor of the design rehabilitation improvements, which included pavement rehabilitation and drainage and fencing improvements at the Ann Arbor Municipal Airport;

Whereas, City Council authorized a professional services agreement on May 2, 1994 to prepare plans and specifications for the rehabilitation improvements;

Whereas, On November 21, 1994 City Council approved the proposed scope of work;

Whereas, Pursuant to issuance of a Federally funded construction grant, the Michigan Department of Transportation requires signing a Letter of Agreement, which represents a commitment by the City to meet certain conditions upon acceptance of the construction grant;

Whereas, The conditions and assurances of the Letter of Agreement are essentially the same as the conditions included in the signed design grant

contract;

Whereas, The City Attorney's Office and Public Services Department staff have reviewed and approved the language of the Letter of Agreement; and

Whereas, The construction grant documentation, when received by the Michigan Department of Transportation, will be presented to the Mayor and Council for their final acceptance and approval;

RESOLVED, That the Council approve the December 16, 1994 "Letter of Agreement" and authorize signing by the City Administrator as Airport Sponsor; and

RESOLVED, That the City Administrator be authorized and directed to take any other necessary administrative actions to implement this resolution.

Councilmember Lumm moved that the resolution be adopted.

Councilmember Hartwell moved that the resolution be postponed until the Airport Advisory Commission has reviewed the letter of agreement.

The motion died for lack of support.

The question being the resolution as presented, on a voice vote the Mayor declared the motion carried, with Councilmember Hartwell dissenting.

R-56-2-95 APPROVED

RESOLUTION TO APPROVE ASSESSMENT BOARD OF REVIEW
HARDSHIP GUIDELINES

Whereas, The State of Michigan has recently enacted House Bill No. 5019 amending Section 7u which allows the homesteads of persons who, in the judgement of the supervisor and the Board of Review, by reason of poverty, are unable to contribute toward the public charges to be eligible for exemption in whole or in part from taxation under this act;

Whereas, Section 2(e) sets the income guidelines to meet the Federal poverty income standards or alternative guidelines adopted by the governing body of the local assessing unit, provided those guidelines are not less than the Federal guidelines;

Whereas, The City of Ann Arbor Assessor and Board of Review have developed a series of guidelines over the past 20 years which conform to House Bill 5019; and

Whereas, The Ann Arbor Board of Review at its December 13, 1994 meeting established and adopted income guidelines which are more than twice the Federal poverty standards recognizing that housing costs in the City of Ann Arbor are

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considerably above the national average;

RESOLVED, That the City Council approve the hardship guidelines as set forth by the Ann Arbor Board of Review which set the income for one person at \$16,000.00, two people at \$20,000.00, and three or more at \$25,000.00.

CITY OF ANN ARBOR BOARD OF REVIEW
GUIDELINES FOR HARDSHIP EXEMPTIONS

Hardship exemption as defined by the Michigan Compiled Laws is as follows:

Section 211.7u: The homestead property of persons who, in the judgment of the supervisor and board of review by reasons of poverty, are unable to contribute toward the public charges is eligible for exemption in whole or in part from taxation under this act.

Guidelines

1. In granting hardship exemptions, the Board of Review realizes this to represent a shift of that portion of the tax burden to the other taxpayers of the community and state.
2. The exemption shall only apply to the applicant's homestead, and under no circumstances shall such exemption extend or apply to property classified as other than residential.
3. To be considered for a hardship exemption, the applicant must own and reside in the homestead property.
4. Any relief granted is a reduction over and above the \$1,200.00 maximum Homestead Property Tax Credit granted by the State of Michigan.
5. A copy of the applicant's and spouse's completed and signed Federal Income Tax Return (if required to file), and Michigan Homestead Property Tax Credit Claim (1040 CR) for the prior year must be submitted for the application to be considered. Additionally, a copy of the prior year Federal Income Tax Return for any other occupant of the homestead is required. (This does not include tenants renting rooms, etc. as rent should be shown as income by the applicant.)
6. Applications may be reviewed by the Board without the applicant being present. However, the Board may request that any or all applicants be physically present to respond to any questions the Board or Assessor may have. This means the applicant could be called to appear on short notice, and be required to produce evidence of ownership and residency.
7. Hardship exemptions must be applied for each year. If an exemption is granted, it is for one year only.
8. The guidelines for maximum income exceed the federal poverty income standards and will be based on the number of individuals in the household

and total household income.

Maximum Income:

- \$16,000.00 - 1 Person
- \$20,000.00 - 2 People
- \$25,000.00 - 3 People or more

9. If the homestead property value exceeds 150% of the average assessed value of the residential class (which is \$98,000.00) within the taxing unit, the hardship exemption will not be considered.

Councilmember Lumm moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Lumm, Carlberg, Smith, Nicolas, Hartwell, Kolb, Hanna-Davies, Vereen-Dixon, Mayor Sheldon, 9;

Nays, Councilmember Fink, 1;

Absent during vote, Councilmember Daley, 1.

The Mayor declared the motion carried.

R-57-2-95 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT
FROM AVSHARIAN BROTHERS (SHAR PRODUCTS) -
SOUTH INDUSTRIAL HIGHWAY

Whereas, Avsharian Brothers, a Michigan Co-Partnership, is the owner of property located in the City of Ann Arbor Washtenaw County, Michigan, and more particularly described as follows:

Beginning at the SW Corner of Lot 7, DeKoning Subdivision, a subdivision of part of the SW 1/4 of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 21 of Plats, pages 63 through 69, Washtenaw County Records; thence N 19E04'00" W 41.63 feet along the easterly right-of-way line of South Industrial Highway; thence N 87E01'30" E 375.56 feet; thence N 02E58'30" W 37.93 feet; thence N 87E01'30" E 40.00 feet; thence S 02E58'30" E 78.00 feet; thence S 87E01'30" W 404.00 feet along the south line of said Lot 7 to the POINT OF BEGINNING; and

Whereas, Said owner has delivered to the City of Ann Arbor an easement for the construction and maintenance of utilities on the above described premises;

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RESOLVED, That the City of Ann Arbor hereby accept said easement.

Councilmember Hartwell moved that the resolution be adopted.

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

R-58-2-95 SUBSTITUTE RESOLUTION APPROVED

(Original Resolution):

RESOLUTION TO SELECT A CONSULTANT TO ASSIST CITY COUNCIL
IN THE SELECTION OF A CITY ADMINISTRATOR

Whereas, the Ann Arbor City Administrator has resigned his position effective April 23, 1995; and

Whereas, The City Council requires the assistance of a professional consultant to conduct a nation-wide search to fill the position of City Administrator;

RESOLVED, That Council request the City administration to issue a Request for Proposal for a professional consultant to assist the Ann Arbor City Council in the recruitment, interviewing and negotiation of an employment agreement with candidates for the position of City Administrator.

Councilmember Kolb moved that the resolution be adopted.

Councilmember Smith moved that the substitute resolution, distributed at the meeting, be placed on the table for consideration.

On roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Smith, Daley, Hanna-Davies, Vereen-Dixon, Mayor Sheldon, 6;

Nays, Councilmembers Fink, Lumm, Nicolas, Hartwell, Kolb, 5.

The Mayor declared the motion carried.

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

Yeas, Councilmembers Carlberg, Smith, Hartwell, Daley, Hanna-Davies, Vereen-Dixon, Mayor Sheldon, 7;

Nays, Councilmembers Fink, Lumm, Nicolas, Kolb, 4.

The Mayor declared the motion carried.

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

R-58-2-95

RESOLUTION TO SELECT A CONSULTANT TO ASSIST CITY COUNCIL
IN THE SELECTION OF A CITY ADMINISTRATOR

Whereas, The Ann Arbor City Administrator has resigned his position effective April 23, 1995;

Whereas, Under Section 5.1 of the City Charter, the position of the City Administrator is defined as the administrative agent of the Council and shall be accountable to the Council for the performance of his/her duties;

Whereas, The City Council desires the assistance of a professional consultant to conduct a nation-wide search to fill the position of City Administrator; and

Whereas, Time is of the essence for filling the position of City Administrator;

RESOLVED, That the City Council meet as a Committee of the Whole to act as an ad hoc City Administrator Selection Committee, and that this committee seek the advice of the City Administrator to prepare a Request for Proposal for a professional consultant to assist the Ann Arbor City Council in the recruitment, interviewing and negotiation of an employment agreement with candidates for the position of City Administrator; and

RESOLVED, That the ad hoc Selection Committee be directed to prepare the Request for Proposal for approval by Council in a timely fashion.

R-59-2-95 APPROVED AS AMENDED

RESOLUTION APPROVING DHU VARREN ROAD REALIGNMENT

A resolution approving Dhu Varren Road realignment was considered.

Councilmember Hanna-Davies moved that the resolution be adopted.

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

RESOLVED, That the City Forester work directly with the contractor to use retaining walls and any other appropriate methods to save mature trees wherever possible.

On a voice vote the Mayor declared the motion carried.

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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-59-2-95

RESOLUTION APPROVING DHU VARREN ROAD REALIGNMENT

Whereas, On June 6, 1994 City Council approved Resolution No. R-252-6-94 regarding the design of the paving of Dhu Varren Road between Omlesaad Drive and Birchwood Drive;

Whereas, The purpose of the resolution was to move the road pavement as far north as permitted by existing right-of-way, so as to minimize the impact on existing significant trees and reduce the amount of filling of the adjacent natural ravine; and

Whereas, Such a redesign has been performed by Guenther Building Company's engineer for the project;

RESOLVED, That the Dhu Varren Road realignment plan, as shown on drawing no. 92044-CC1 prepared by Midwestern Consulting, Inc. (on file in the City Clerk's Office), be approved; and

RESOLVED, That the City Forester work directly with the contractor to use retaining walls and any other appropriate methods to save mature trees wherever possible.

R-60-2-95 RECONSIDERED AND APPROVED

RESOLUTION TO AMEND THE 1994-95
POLICE DEPARTMENT BUDGET FOR THE HIRING OF
A CIVILIAN PUBLIC SAFETY DISPATCH DIRECTOR

Whereas, The City of Ann Arbor on behalf of itself and nine other jurisdictions contracted with Concept-to-Operations, Inc. to provide recommendations on the feasibility of developing a combined Regional Public Safety Dispatch Center;

Whereas, The final report was received and reviewed by City of Ann Arbor public safety officials and other Washtenaw County area public safety officials;

Whereas, The Washtenaw County Sheriff, the Michigan State Police Ypsilanti Post Commander and the Executive Director of Huron Valley Ambulance believe that the consolidation of public safety communications operations would provide efficient and effective public safety communications at a lower cost to

them;

Whereas, The City of Ann Arbor, at a minimum, agrees that a consolidated Ann Arbor Police and Ann Arbor Fire Department Communications Center would provide efficient and effective public safety communications at a lower cost to the City of Ann Arbor; and

Whereas, The Concepts-to-Operations report recommends that member agencies that agree to form a combined Regional Public Safety Dispatch Center hire a Public Safety Dispatch Director to accomplish the tasks of developing steps for creating such a dispatch facility and implementing needed policies and procedures to manage such a facility;

RESOLVED, That the City of Ann Arbor establish a position and a job description for a Public Safety Dispatch Director and hire a qualified person to fill said position initially as a City of Ann Arbor employee who will report to the Chief of Police;

RESOLVED, That the City of Ann Arbor agree to pay for no more than 50% of the wage and benefit package of the Public Safety Dispatch Director from already budgeted funds in the 1994-95 Police Department budget and the remaining amount will be paid by a formula agreed to with Washtenaw County and Huron Valley Ambulance Corporation;

RESOLVED, That if an agreement is not reached among the parties to establish a Combined Regional Public Safety Dispatch Center, the City of Ann Arbor will retain the Public Safety Dispatch Director to replace a Lieutenant in the Ann Arbor Police Department Communications Unit to develop and implement a City of Ann Arbor consolidated public safety communications center;

RESOLVED, That the City of Ann Arbor accept revenues associated with this proposal in the General Fund and appropriate a like amount to the Police Department budget for the costs of a Public Safety Dispatch Director and approve the allocation of those monies to the 1994-95 Police Department's budget; and

RESOLVED, That the City Administrator be authorized to take all administrative actions necessary to implement these actions.

Councilmember Hanna-Davies moved that the resolution be placed on the table for reconsideration.

On roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Carlberg, Smith, Hartwell, Kolb, Daley, Hanna-Davies, 8;

Nays, Councilmember Vereen-Dixon, Mayor Sheldon, 2;

Absent during vote, Councilmember Nicolas, 1.

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The Mayor declared the motion carried.

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

REPORTS FROM COUNCIL COMMITTEES

DISTRICT LIBRARY DIRECTOR SEARCH/SELECTION COMMITTEE

Councilmember Lumm reported that the District Library Director Search/Selection Committee sent out a synopsis of committee activities and that interested Councilmembers may obtain a copy in the Mayor's Office.

CABLE COMMUNICATIONS COMMISSION

Councilmember Lumm stated that two Cable Communication Commission matters will soon come before Council: 1) The agreement concerning the sale of Columbia Cable to Continental; and 2) A lease/purchase agreement for a site on Industrial Highway to move cable television operations.

COUNCIL PROPOSED BUSINESS

FEBRUARY 13 COUNCIL SESSION

Council agreed on the following meeting schedule for February 13:

- 5:30 p.m. - Committee of the Whole Session to work on request for proposal for consultant to assist in selection of a City Administrator
- 6:30 p.m. - Special Session for the purpose of holding an Executive Session to discuss the deferred compensation program
- 7:30 p.m. - Working Session on the Affirmative Action Policy and Plan.

FEBRUARY 9 EXECUTIVE SESSION

Councilmember Hartwell moved that a special session of Council be scheduled on February 9, 1995 for the purpose of holding an executive session to discuss litigation regarding the Ann Arbor YMCA matter.

On roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Smith, Hartwell, Hanna-Davies, Vereen-Dixon, 6;

Nays, Councilmembers Carlberg, Nicolas, Kolb, Daley, Mayor Sheldon, 5.

The Mayor declared the motion carried.

COMMUNICATIONS FROM THE MAYORAPPOINTMENTS POSTPONED

Mayor Sheldon recommended the following appointments at the January 3, 1995 regular session of Council:

EMPLOYEES RETIREMENT SYSTEM BOARD

Barbara Kessler (reappointment)
12 Geddes Hts.
Term: 1/17/95 to 1/1/98

Larry J. Ferguson (replacing Ron Bishop on term expiration)
101 N. Main St., #1015
Term: 1/17/95 to 1/1/98

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

Councilmember Hanna-Davies moved that consideration of the nominations be postponed to the February 21, 1995 regular session of Council for further discussions.

On roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Smith, Hartwell, Kolb, Hanna-Davies, Vereen-Dixon, 6;

Nays, Councilmembers Fink, Lumm, Nicolas, Daley, Mayor Sheldon, 5.

The Mayor declared the motion carried.

APPOINTMENTS APPROVED

Mayor Sheldon recommended the following appointment at the January 17, 1995 regular session of Council:

DOMESTIC VIOLENCE COORDINATING BOARD

Kristin Hall (to fill vacancy created by resignation - DVP representative)
1042 S. Main St., Apt. C2
Term: 2/6/95 to 7/17/97

Councilmember Kolb moved that Council concur with the recommendation of the Mayor.

On a voice vote the Mayor declared the motion carried, with Councilmember Daley

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dissenting.

Mayor Sheldon recommended the following appointment at the January 17, 1995 regular session of Council:

HISTORIC DISTRICT COMMISSION

Gregory A. Jones (to complete the unexpired term
of J. Michael Schroer who resigned)
2520 Devonshire Rd.
Term: 2/6/95 to 7/15/96

Councilmember Kolb moved that Council concur with the recommendation of the Mayor.

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

Mayor Sheldon recommended the following appointment at the January 17, 1995 regular session of Council:

LOCAL OFFICERS COMPENSATION COMMISSION

Stephen Dobson (replacing John Laird whose term expired)
1531 Edinborough Rd.
Term: 2/6/95 to 9/30/2002

Councilmember Kolb moved that Council concur with the recommendation of the Mayor.

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

Mayor Sheldon recommended the following appointment at the January 17, 1995 regular session of Council:

LOCAL OFFICERS COMPENSATION COMMISSION

Larry Hunter (to fill vacancy)
719 Miner St.
Term: 2/6/95 to 9/30/96

Councilmember Kolb moved that Council concur with the recommendation of the Mayor.

On roll call the vote was as follows:

Yeas, Councilmembers Fink, Carlberg, Smith, Hartwell, Kolb, Hanna-Davies, Vereen-Dixon, 7;

Nays, Councilmembers Lumm, Nicolas, Daley, Mayor Sheldon, 4.

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:

ANN ARBOR COMMISSION ON DISABILITY ISSUES

Dale L. Griffin (reappointment)
2131 Winewood Ave.
Term: 2/21/95 to 2/20/98

ECONOMIC DEVELOPMENT CORPORATION BOARD

James Bradley (reappointment)
3500 Jackson Rd.
Term: 2/21/95 to 2/20/01

HUMAN RIGHTS COMMISSION

Sandra J. Harris (to fill vacancy)
216 Charles St.
Term: 2/21/95 to 2/20/98

RULES WAIVED/APPOINTMENT APPROVED

Council unanimously agreed with the Mayor's request to waive the Rules of Council in order to confirm the following nomination:

COMMISSION ON INCREASING SAFETY FOR WOMEN

Christina Jose Kampfner (to fill vacancy)
2485 Traver Rd.

Councilmember Kolb moved that Council concur with the recommendation of the Mayor.

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

PROCLAMATIONS

Mayor Sheldon submitted the following list of recently signed proclamations:

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- Flower and Garden Show - March, 1995 (Show - March 23-26, 1995)
- National Salute to Hospitalized Veterans Week - February 13-17, 1995
- National Condom Week - February 11-18, 1995

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Housing Commission Debt to the City
2. Packard/Platt Neighborhood Police Office
3. COPS AHEAD Grant Application Review
4. 2nd Quarter - Quarterly Report/Measures of Success
5. Snow Removal Procedures
6. 2nd Quarter 1994-95 Financial Report
7. Affirmative Action Policy/Plan
8. Stop Sign at Crest and Buena Vista
9. Pay Equity/Comparable Worth

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

COMMUNICATIONS FROM THE CITY ATTORNEY

TEMPORARY ATTORNEY HIRED

City Attorney John VanLoon reported that a temporary attorney, with experience in criminal and civil litigation, has been hired to provide assistance in the City Attorney's Office which is currently understaffed.

DISMISSAL UPHELD

Mr. VanLoon reported that the dismissal of a sidewalk injury case, handled by Assistant City Attorney Stefani Carter, was upheld in the court of appeals.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER CARLBERG

Councilmember Carlberg questioned the listing of the Mayor as an active committee member on a communication from the Urban Corps of Mayors regarding recommendations to revise Act 307 (Polluters Pay Bill). Ms. Carlberg expressed concern that Council never approved this activity and that such revisions need to be discussed by Council with public input.

The Mayor responded that the reference was made without her knowledge and that Ann Arbor did not participate in the public hearings held before the DNR since no formal action was taken by City Council.

COUNCILMEMBER SMITH

Councilmember Smith stated that Council was united in welcoming the new Chief of Police Carl Ent and expressed concern with the misrepresentations in the Ann Arbor News.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from William J. Pollard, 2139 Ascot Rd., regarding Banner-towing aircraft over University of Michigan Stadium - Public Services
2. Communication from Phyllis Ponvert, 719 S. Seventh St., regarding the Ann Arbor YMCA - File
3. Downtown Development Authority resolution and related attachments regarding hourly parking rate - File.
4. Communication from Michigan Municipal League transmitting notice of 1995 Annual Michigan Municipal League Legislative Conference, March 29, 1995 - File.
5. Communication from David Sutherland, 801 Miner St., regarding police work in Ann Arbor serial rapist case - Police.

The following minutes were received for file:

1. Housing Policy Board - January 18, 1995
2. Ann Arbor Transportation Authority Board - December 14, 1994
3. Community Reinvestment Act Task Force - January 5, 1995
4. Finance Advisory Committee - December 8, 1994
5. Planning Commission - December 6 and 20, 1994

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6. Human Rights Commission - December 14, 1994

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 11:23 p.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary