

**ANN ARBOR CITY COUNCIL REGULAR SESSION - FEBRUARY 21, 1995**

The regular session of the Ann Arbor City Council was called to order at 6:30 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

**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

**MOTION TO ADJOURN TO EXECUTIVE SESSION DEFEATED**

Councilmember Fink moved that the meeting be adjourned to the scheduled executive session for the purpose of discussing the Ann Arbor YMCA pending litigation.

A discussion ensued regarding recent breaches of confidence of past executive sessions, and whether the matter under consideration could be addressed by the City's counsel, Dennis Pollard, in a public session.

The question on the floor was to adjourn to an executive session. On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Kolb, Mayor Sheldon, 4

Nays, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Smith, Nicolas, Hartwell, Daley, 7

The Mayor declared the motion defeated.

Councilmember Smith moved that the Ann Arbor YMCA pending litigation be discussed in an open session.

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

**DISCUSSION OF ANN ARBOR YMCA PENDING LITIGATION**

Attorney Dennis Pollard apprised Council of the status of the pending Ann Arbor YMCA litigation and answered questions. Attorney Pollard informed Council that a legal brief was cross-filed this date. The brief addressed the constitutionality of the Ann Arbor YMCA loan guaranty, and, under Michigan law, asserted any and all claims that the City may have. One of the claims asserted was fraudulent concealment. Mr. Pollard sought direction on whether this claim should be withdrawn.

Mr. Pollard also sought direction on the motion recently filed by the Ann Arbor Tenants Union to intervene in the Ann Arbor Y case for the purpose of introducing the issue of tenants rights. This issue was not previously addressed and, if allowed by the judge, would change the essence of the case.

The motion on intervention was set for a hearing on February 23. The choices available to the City should the motion be granted were to support, oppose or remain neutral.

**MOTION TO ADJOURN TO EXECUTIVE SESSION APPROVED**

At the conclusion of the public presentation, Councilmember Fink moved to adjourn to an executive session to be attended only by Councilmembers, the Acting City Attorney John VanLoon and Attorney Pollard.

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

The Mayor declared the motion carried and the regular session was adjourned to the executive session at 7:50 p.m.

**EXECUTIVE SESSION CONVENED**

An executive session of the Ann Arbor City Council was convened at 7:50 p.m. in the City Hall Workroom.

The purpose of the executive session was to discuss confidential information and proposed strategies in the Ann Arbor YMCA litigation.

At the conclusion of the discussion, Councilmember Nicolas moved that the executive session be adjourned.

On a voice vote, the Mayor declared the motion carried and the executive session was adjourned at 9:10 p.m.

Winifred W. Northcross  
Clerk of the Council

Linda J. Wise  
Recording Secretary

**ANN ARBOR CITY COUNCIL REGULAR SESSION - FEBRUARY 21, 1995**

The regular session of the Ann Arbor City Council was called to order at 9:10 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, Haldon Smith, Jean Carlberg, Peter Nicolas, Stephen Hartwell, Christopher Kolb, Elisabeth Daley, Mayor Ingrid Sheldon, 11

Absent: 0

**INTRODUCTIONS**

SUSAN LACKEY - WASHTENAW DEVELOPMENT COUNCIL

Susan Lackey, Executive Director of the Washtenaw Development Council, thanked Council for its support of the WDC. She said the City of Pittsfield has already adopted the resolution under consideration this date, the City of Ypsilanti is expected to act at its next meeting and the City of Saline will take up the subject once its city manager search is underway.

DISTINGUISHED BUDGET PRESENTATION AWARD

The Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) was presented to the City of Ann Arbor for the third consecutive year. Mayor Sheldon presented the award to Budget Director Alan Burns and Finance Director Dean Moore.

MIKE KOEN - AFFIRMATIVE ACTION

Mike Koen, 1930 Washtenaw, Human Rights Commissioner, said that the question of Affirmative Action should reflect what is best for Ann Arbor. The answer should be measurable in short and long-term benefits which would produce a more confident, happy, efficient, diverse and effective workforce. It should also produce savings in time and money for the City and tax savings for the citizens.

ANDREW GULVEZAN - IWO JIMA

Andrew Gulvezan, 342 Kellogg St., noted the anniversary of the battle of Iwo Jima, and remembered those who died in the war.

PATTRICE MAURER - AFFIRMATIVE ACTION

Pattrice Maurer, 417 Skydale Dr., said that the community needs affirmative action; the backlash against affirmative action is about race. She said that the proposed policy is not a quota system and would not involve lowering standards, but would recognize those who meet the qualifications for employment, and who would bring diversity to the workforce.

VICTOR TURNER ON BEHALF OF MARCENE ROOT - AFFIRMATIVE ACTION

Victor Turner, 1219 Ardmoor Drive, past chair of the Human Rights Commission, read prepared comments from Human Rights Commissioner Marcene Root. *It is time for Ann Arbor to be crystal clear about its commitment to the goals of a diverse workplace. It is ironic that contractors with the City must be accountable in the ethnic and gender distribution while the City does not. Affirmative Action should be considered an ongoing task of the Human Resources Department rather than an extra assignment.*

AUDREY JACKSON - AFFIRMATIVE ACTION

Audrey Jackson, 2557 Sandalwood Circle, said that affirmative action could allow the City to be a roll model for how diversity in a workforce can benefit everyone. She said that it would benefit non-profit agencies as well in helping them to get more effective outcomes for the people that they serve. People need to be treated according to what talents they can bring to an organization.

DAVE DEVARTI - ANN ARBOR YMCA

Dave DeVarti, 921 Dewey St., urged Council's support of the Ann Arbor Tenants Union intervention into the Ann Arbor YMCA litigation because it is raising the issue of affordability and tenants rights. The YMCA still operates in a manner contrary to law and its existing agreements with the City. DeVarti also supported the City's efforts to assert all of its claims in this case.

**PUBLIC HEARINGS**

None.

**APPROVAL OF AGENDA**

AGENDA APPROVED AS AMENDED

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

MOTIONS AND RESOLUTIONS

Delete: Resolution to Begin Search for New City Attorney  
(Councilmember Daley)

Added After Newspaper Deadline:

Add: Resolution Authorizing the City to Become an Enabling Public Agency for the Washtenaw County Hazardous Materials Response Authority

Councilmember Hanna-Davies moved that the following four motions be added to the very beginning of the agenda, immediately following APPROVAL OF THE AGENDA, in order to provide the City's outside legal counsel, Attorney Pollard, with direction on the Ann Arbor YMCA litigation:

1. The Council's position on Ann Arbor Tenant's Union intervention regarding tenant's rights:
  - a. Remain neutral
  - b. Support intervention
  - c. Oppose intervention

and

2. Whether the cross-claim of fraudulent, unjust enrichment against the YMCA should be withdrawn.

Councilmember Kolb moved that the rules be suspended in order to vote on the above motions without having to first reduce them to writing.

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

On a voice vote, on the amendment to add these four items and to act on them immediately following approval of the agenda, the Mayor declared the motion carried unanimously.

The question under consideration was approval of the agenda as amended, on a voice vote, the Mayor declared the motion carried unanimously.

**MOTION TO REMAIN NEUTRAL ON ANN ARBOR TENANT'S  
UNION INTERVENTION APPROVED**

Councilmember Nicolas moved that Council instruct its attorney to take a neutral position on the intervention motion filed by Jonathan Rose on behalf of the Ann Arbor Tenants Union.

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

The Mayor declared the motion carried.

**MOTION TO SUPPORT ANN ARBOR TENANT'S  
UNION INTERVENTION APPROVED**

Councilmember Kolb moved that Council instruct its attorney to support the intervention motion filed by Jonathan Rose on behalf of the Ann Arbor Tenant's Union.

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

The Mayor declared the motion carried.

**MOTION TO OPPOSE ANN ARBOR TENANT'S  
UNION INTERVENTION DEFEATED**

Councilmember Fink moved that Council instruct its attorney to oppose the intervention motion filed by Jonathan Rose on behalf of the Ann Arbor Tenant's Union.

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

The Mayor declared the motion defeated.

**MOTION TO REQUEST THE CITY'S COUNSEL TO  
WITHDRAW THE CROSS-CLAIM OF UNJUST ENRICHMENT  
AND FRAUD AGAINST THE ANN ARBOR YMCA DEFEATED**

Councilmember Daley moved that Council instruct its attorney to withdraw the cross-claim of unjust enrichment and fraud against the Ann Arbor YMCA.

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

The Mayor declared the motion defeated.

**APPROVAL OF COUNCIL MINUTES**

MINUTES APPROVED AS CORRECTED

Councilmember Nicolas moved that the executive and regular sessions of February 6, 1995 and special session February 9, 1995 be approved as presented.

Councilmember Carlberg moved that the minutes be approved subject to the correction of spelling error in the February 6, 1995 minutes.

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

**CONSENT AGENDA**

The Following Consent Agenda was considered and approved:

R-61-2-95 APPROVED

RESOLUTION TO APPROVE A CONTRACT  
TO AWARD BID NO. 2687 FOR GALLUP  
PARK ASPHALT REPAIR (\$270,775.82)

Whereas, The FY 94-95 budget includes funds for improvements to Gallup Park from the 1989-94 Park Rehabilitation and Development Millage;

Whereas, L & K Construction submitted the lowest responsible bid for the Gallup Park Asphalt Repair project (bid #2687) in the amount of \$270,755.82; and

Whereas, Human Rights approval for the company was received on February 6, 1995;

RESOLVED, That the Mayor and Council approve a contract awarding Bid #2687 to L & K Construction in the amount of \$270,755.82 and authorize the Mayor and City Clerk to sign the agreement between the City and L & K Construction substantially in the form on file with the City Clerk; and

RESOLVED, That Mayor and Council approve a construction contingency in the amount of \$27,075.00 for the life of the project.

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R-62-2-95 APPROVED

RESOLUTION TO APPROVE CLOSING OF  
STREETS FOR THE ANN ARBOR FESTIVAL

## OF CYCLING (\$876)

Whereas, The 1988-92 and 1994 Ann Arbor Festivals of Cycling were co-sponsored by the Department of Parks and Recreation and supported by the Ann Arbor City Council and the Main Street Merchants Association;

Whereas, The 1988-92 and 1994 Ann Arbor Festivals of Cycling were successful in drawing over 500 bicycle racers and thousands of spectators to downtown Ann Arbor;

Whereas, The 1995 Ann Arbor Festival of Cycling will attract 500 children, 150 United States Cycling Federation Racers and over 1,500 spectators to downtown Ann Arbor;

Whereas, The 1995 Ann Arbor Festival of Cycling is sponsored by the Velo Club and the Department of Parks and Recreation and is supported by the Main Street Merchants Association;

Whereas, The Ann Arbor Festival of Cycling will provide all required liability insurance coverage and pay the City of Ann Arbor for the following City services needed to facilitate the downtown bicycle races:

- 1) Three Police Officers at control points - estimated cost \$1,140;
- 2) Deposit fee on marking meter bags to be placed on meters within race course the day before the race - estimated cost \$1,520;
- 3) Parking violation staff to ticket violating cars within race course for towing on morning of race - estimated cost \$90; and
- 4) Labor and equipment to turn on electricity for use during the races - estimated cost \$53;

Whereas, The Ann Arbor Festival of Cycling requests the \$876 charge for lost revenue on the meters be waived since this is a City-sponsored event;

RESOLVED, That the Mayor and Council approve the closure to all traffic from 6:30 a.m. to 3:30 p.m. on Sunday, June 18, 1995, on Washington, from First to Fourth; Liberty, from First to Fourth; William, from Forest to Fourth; Main, from William to Huron; Ashley, from Jefferson to Washington, First, Liberty to Huron, and that the Ann Arbor Festival of Cycling will pay the expenses incurred by the City (estimated cost \$2,803); and that the \$876 in lost revenue on the meters be waived.

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R-63-2-95 APPROVED

RESOLUTION TO APPROVE SODIUM  
HYPOCHLORITE PURCHASE FOR  
WATER TREATMENT, BID NO. 2683  
(\$106,400)

Whereas, The Water Treatment uses sodium hypochlorite in daily operations;

Whereas, Contracts for supplying estimated requirements are the most stable and cost-effective way of meeting the water division's needs;

Whereas, High-Po-Chlor, Inc. submitted the lowest responsible bid for the supply of sodium hypochlorite per Bid No. 2683; and

Whereas, High-Po-Chlor, Inc. received human rights approval on February 2, 1995;

RESOLVED, That City Council approve a requirements contract for sodium hypochlorite to High-Po-Chlor, Inc. in accordance with the terms of Bid No. 2683;

RESOLVED, That the City Administrator be directed to enter into an agreement in accordance with this resolution at a projected cost of approximately \$37,200 for the remainder of FY 1994/1995;

RESOLVED, That the agreement may be renewed for up to two one-year periods provided both parties agree to an extension; and

RESOLVED, That the City Administrator be directed to obtain sodium hypochlorite from the next lowest bidder, if High-Po-Chlor, Inc. is unable to furnish adequate supplies;

Source of Funds: Water Supply System FY 1994/95 Approved Budget

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R-64-2-95 APPROVED

RESOLUTION TO APPROVE CONTRACT  
FOR REPLACEMENT OF UNDERGROUND  
ELECTRICAL CABLES AT THE  
WASTEWATER TREATMENT PLANT -  
BID NO. 2701 (\$26,000)

Whereas, The Wastewater Treatment Plant needs to replace failed underground electrical feed cables to maintain back-up reliability in the plant electrical distribution system;

Whereas, The failure of a second set of underground 4800 volt electrical feed cables would prevent operation of the sludge dewatering, incineration and tertiary treatment processes;

Whereas, These essential treatment processes are required for the Wastewater Treatment Plant to meets its discharge permit;

Whereas, Bids were solicited for replacement of these underground electrical cables and three responses were received;

Whereas, The low bidder, A.F. Smith Electric, Inc., is well qualified to perform this work and is recommended as the lowest responsible bidder, and;

Whereas, On February 3, 1995, the Human Resources Department approved A.F. Smith Electric, Inc. to provide these services to the City.

RESOLVED, That Council accepts the bid and approves the contract with A.F. Smith Electric, Inc. for \$24,900 to replace the failed underground electric cables at the Wastewater Treatment Plant;

RESOLVED, That Council approves a contingency for this work in the amount of \$1,100 to finance change orders to be approved by the City Administrator, and;

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign said contract approved as to form by the City Attorney, and approved as to substance by the City Administrator.

Funding Source: Sewage Disposal System Operations and Maintenance  
Approved FY 94/95 Wastewater Treatment Plant Budget

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R-65-2-95 APPROVED

RESOLUTION TO AWARD ENGINEERING  
SERVICES CONTRACT FOR COMPLIANCE  
WITH TITLE V OF THE FEDERAL CLEAN  
AIR ACT AT THE WASTEWATER TREATMENT  
PLANT (\$16,000)

Whereas, The Ann Arbor Wastewater Treatment Plant is required to comply with the Federal Clean Air Act Amendments of 1990 with respect to the exhaust emissions from its sewage sludge incinerator;

Whereas, The MDNR made a preliminary determination that the WWTP is a major source of air emissions and consequently subject to various regulatory requirements, including a proposed annual operating permit fee of \$4,000;

Whereas, Environmental Resources Management, Inc. (ERM) assisted the WWTP in challenging the MDNR's proposed annual operating permit fee by the regulatory deadlines;

Whereas, The WWTP may not be a major source of air emissions as defined by the Clean Air Act Amendments of 1990;

Whereas, ERM submitted a proposal in December 1994 to implement an innovative program to determine whether the WWTP is or is not a major source of air emissions;

Whereas, In consideration of the time constraints, reasonableness and magnitude of the proposed project cost, ERM's previous project experience, and the innovative approach proposed by ERM, a Request for Proposals for this proposed work is not recommended; and

Whereas, On January 10, 1995, the Human Resources Department approved Environmental Resources Management, Inc. to provide consulting services to the City;

RESOLVED, That Council accepts the proposal and awards the contract to Environmental Resources Management, Inc. for \$14,500 to implement an innovative program to potentially determine that the WWTP is not a major source of air emissions;

RESOLVED, That Council approves a contingency for this work in the amount of \$1,500 to finance change orders to be approved by the City Administrator; and

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign said contract approved as to form by the City Attorney, and approved as to substance by the City Administrator.

Funding Source: FY 94/95 WWTP Operations and Maintenance Budget  
Utilities Department

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R-66-2-95 APPROVED

RESOLUTION AUTHORIZING WATER MAIN  
AND SANITARY SEWER IMPROVEMENT  
CHARGES FOR 1859 ROBERT ST  
(\$9,964.51)

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

WATER:

8" water main in Robert Street, District No. 87100, File No. 87100  
\$5,117.42/connection, one (1) connection = \$5,117.42

SANITARY SEWER:

8" sanitary sewer in Robert Street, District No. 452, File No. 87100,  
\$4,847.09/connection one (1) connection = \$4,847.09

**GRAND TOTAL OF IMPROVEMENT CHARGES \$9,964.51 ; 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:

<u>Annexation Address:</u>	1859 Robert Street
<u>City Assessor Code:</u>	12-04-112-009
<u>Annexation Number :</u>	A93-04
<u>Planning File No :</u>	12041H20.1 & .2

Lot 17, Packard Hills Subdivision, including adjacent right-of-way of Robert Street, County of Washtenaw, State of Michigan, now situated in the City of Ann Arbor;

2. That the improvement charge levied is \$9,964.51 and is designated as Utilities Improvement Charge No. 624;

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 10.4% 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 Elsie J. Talbot, 1850 Robert Street, Ann Arbor, MI 48104 and is to be credited in the amounts of \$5,117.42 to Fund 042-073-7151, and \$4,847.09 to Fund 043-073-7151.

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R-67-2-95 APPROVED AS REVISED

RESOLUTION AUTHORIZING WATER MAIN  
AND SANITARY SEWER IMPROVEMENT  
CHARGES FOR 3101 DEXTER ROAD  
( \$7,511.71 )

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

WATER MAIN:

16" water main in Dexter Road, District No. A-218, \$362.12/connection; one (1) connection = \$362.12

SANITARY SEWER:

8" sanitary sewer in Dexter Avenue, District No. 455, File No. 88048, \$7,043.13/connection; one (1) connection = \$7,043.13

Existing Trunkline Charges:

- 1. West Park Relief = \$ 17.51/connection
- 2. District 326 = \$ 19.39/connection
- 3. District 359 = \$ 69.66/connection

**GRAND TOTAL OF IMPROVEMENT CHARGES \$7,511.71 ; 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: 3101 Dexter Road  
City Assessor Code: 08-24-307-005  
Annexation Number : A93-06  
Planning File No : 8243L22.1 & .2

Lot 136 of the Evergreens Subdivision, Washtenaw County, Michigan, now situated in the City of Ann Arbor;

2. That the improvement charge levied is \$7,511.71 and is designated as Utilities Improvement Charge No. 622;

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 Larry D. Lake, 4001 Jackson Road, Ann Arbor, MI 48103 and is to be credited in the amounts of \$362.12 to Fund 042-073-7151, and \$7,149.59 to Fund 043-073-7151.

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## R-68-2-95 APPROVED

RESOLUTION AUTHORIZING WATER MAIN  
AND SANITARY SEWER IMPROVEMENT  
CHARGES FOR 415 EVERGREEN DRIVE  
(\$665.43)

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

WATER:

6" water main in Evergreen drive; Job A-327; \$193.60/connection; one (1) connection = \$193.60

SANITARY SEWER:

## Trunkline Charges:

I.	West Park Relief, Job #3127	\$17.41/conn.
II.	District 326	\$19.39/conn.
III.	District 359, Job #2903	\$69.66/conn.

## Lateral Charges:

I.	District 359	<u>\$365.37/conn.</u>
		\$471.83

**GRAND TOTAL OF IMPROVEMENT CHARGES \$665.43 ; 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:

<u>Annexation Address:</u>	415 Evergreen Drive
<u>City Assessor Code:</u>	08-24-404-023
<u>Annexation Number :</u>	A93-05
<u>Planning File No :</u>	8244E9.1 & .2

Lot 5 of Scioto Hills Subdivision, Washtenaw County, Michigan, now situated in the City of Ann Arbor;

2. That the improvement charge levied is \$665.43 and is designated as Utilities Improvement Charge No. 623;

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 5.1% per annum

commencing June 1;

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 Myrtle Whitman, 415 Evergreen Drive, Ann Arbor, MI 48103, and is to be credited in the amounts of \$193.60 to Fund 042-073-7151, and \$471.83 to Fund 043-073-7151.

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R-69-2-95 APPROVED

RESOLUTION AWARDING CONTRACT FOR  
THE SUPPLY OF ICE CONTROL SAND  
BID NO. 2641 (\$25,500)

Whereas, The City places ice control sand on local streets during the winter in response to snow and ice accumulation events; and

Whereas, The 1994/95 operating budget of the Transportation Division contains sufficient funds to purchase ice control materials; and

Whereas, Competitive bids were sought for the supply of approximately 6,000 tons of ice control sand and Crownover Concrete and Block submitted the lowest responsible bid; and

Whereas, Crownover Concrete and Block received Human Resources Department approval on August 12, 1994.

RESOLVED, That the contract for supplying the City's need of ice control sand be awarded to Crownover Concrete and Block Company of Ypsilanti, Michigan for one year until October 3, 1995; and

BE IT FURTHER RESOLVED, That a purchase order be authorized in the amount of \$25,500 (6,000 tons @ \$4.25/ton) using the FY94-95 Major and Local Street Funds; and

RESOLVED, That this purchase order be carried over into the FY95-96 until completion of the contract; and

RESOLVED, That the City Administrator may extend this contract for up to two additional one year terms if agreeable to both parties at no additional cost under the terms in BID NO. 2641; and

RESOLVED, That the City Administrator be authorized to obtain ice control sand from the next bidder if Crownover Concrete and Block Company is not able to furnish adequate supplies, or the material does not perform to City specification.

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R-70-2-95 APPROVED

RESOLUTION TO ACCEPT BOARD OF  
INSURANCE ADMINISTRATION MINUTES  
OF FEBRUARY 6, 1995 AND TO  
AUTHORIZE PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of February 6, 1995, be accepted and that the payments therein be authorized;

**MINUTES**  
**CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION**  
**FEBRUARY 6, 1995**

Present: Christopher Kolb, Councilperson  
Brenda Smith, City Treasurer  
Peter Fink, Councilperson 3.

Absent: None

Also present: Dan Cullen, Risk Manager  
John VanLoon, Acting City Attorney  
Edward Vasicek, Claimant  
Dawn Rapaport, Claimant 4.

## CITIZENS' CLAIMS APPROVED: (and check issued)

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 99-94	Property damage claim of Richard Knight	\$375.00
CC 94-94	Vehicle damage claim of Iyer Ramakrishnan	\$1,500.00
CC 124-94	Sewer Back Up Claim of John Shields	\$70.00
CC 98-94	Property damage claim of The Bagel Factory	\$6,269.75
CC 122-94	Vehicle damage claim of Jolanta Nowak	<u>\$ 220.01</u>
	<b>TOTAL</b>	<b>\$8,434.76</b>

## LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

<u>CASE NO.</u>	<u>CLAIMANT</u>	
CC 106-94	Lawsuit of Jayne Greer representing herself Hall & Deer	\$279.90

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

<u>CASE NO.</u>	<u>CLAIMANT</u>	
CC 107-94	Lawsuit of Donna Greer representing herself Hall & Deer	\$279.90
CC 29-94	Lawsuit of Linda Harwood by Robert Logeman, Attorney Mark Daane, Mediator	\$25.00
CC 29-94	Lawsuit of Linda Harwood by Robert Logeman, Attorney Robert Magill, Mediator	\$25.00
CC 29-94	Lawsuit of Linda Harwood by Robert Logeman, Attorney Robert Daly, Mediator	\$25.00
CC 113-93	Lawsuit of Linda Harwood by Robert Logeman, Attorney Record Copy Services	<u>\$ 98.30</u>
	<b>TOTAL</b>	<b>\$733.10</b>

## MISCELLANEOUS:

## CITIZEN'S CLAIMS DENIED:

CASE NO.

- CC 135-94      Vehicle damage claim of Edward Vasicek  
                 Discussed by Edward Vasicek, Claimant and the Board denied the claim.
- CC 136-94      Property damage claim of Chris Schroeder  
                 Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- CC 57-93 Bodily injury claim of Diane Tollas  
                 Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- CC 5-95         Property damage claim of Ojen Susluoglu  
                 Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- CC 4-95         Bodily injury claim of Elsa Nesler  
                 Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.

## OTHER BUSINESS:

CASE NO.

- CC 111-94      Vehicle damage claim of Dawn Rapaport  
                 Discussed by Dawn Rapaport, Claimant and the Board authorized settlement.
- WC 29-83 Workers' Compensation Case of Billy W. Venson  
                 Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 134-94      Property damage claim of Marjorie Lansing  
                 Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 137-94      Vehicle damage claim of Stephen Brownell  
                 Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- PD 115-94      Vehicle damage claim to Police Vehicle #155  
                 Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- PD 144-94      Vehicle damage claim of Police Vehicle #54  
                 Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.



CC 137-94	Vehicle damage claim of Stephen Brownell
CC 138-94	Sewer Back Up Claim of Dennis & Michelle Hegyi (1708 Morton Avenue)
CC 1-95	Bodily injury claim of Michael & Mary Hartwell for Kyle (a minor child)
CC 2-95	Vehicle damage claim of Marie Coddington
CC 3-95	Lawsuit of Great Lakes Bancorp
CC 4-95	Bodily injury claim of Elsa Nesler
CC 5-95	Property damage claim of Ojen Susluoglu
CC 6-95	Bodily injury claim of Elizabeth Hodges by Daniel G. Romano
CC 7-95	Property damage claim of Elaine J. Boyce
CC 8-95	Vehicle damage claim of Maria Zingas
CC 11-95	Vehicle damage claim of Mark Boyea

Councilmember Nicolas moved that the Consent Agenda be approved.

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

Councilmember Hartwell, due to possible conflict of interest, abstained on Resolution No. R-70-2-95 - to Accept Board of Insurance Administration Minutes of February 6, 1995 and to Authorize Payments.

#### **ORDINANCES - SECOND READING**

None.

#### **ORDINANCES - FIRST READING**

None.

#### **MOTIONS AND RESOLUTIONS**

R-71-2-95 APPROVED

#### **RESOLUTION TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH WASHTENAW DEVELOPMENT COUNCIL, ET AL**

Whereas, The City of Ann Arbor recognizes the value of existing businesses as providers of jobs to area residents and believes the existence of these businesses is important to maintaining the economic health and well being of the city;

Whereas, The City of Ann Arbor supports business retention efforts and serving the needs of existing businesses as a key economic development strategy for the community; and

Whereas, The Washtenaw Development Council has been an effective force in presenting a county-wide approach to business retention and recruitment to the county;

RESOLVED, That the City of Ann Arbor authorizes its Mayor to execute the attached Memorandum of Understanding in support of the Washtenaw Development Council's program for existing business.

MEMORANDUM OF UNDERSTANDING

by and between

WASHTENAW DEVELOPMENT COUNCIL  
EASTERN MICHIGAN UNIVERSITY  
WASHTENAW COMMUNITY COLLEGE  
THE UNIVERSITY OF MICHIGAN  
VILLAGE OF MANCHESTER  
SCIO TOWNSHIP  
MICHIGAN JOBS COMMISSION  
DETROIT EDISON  
MICHCON  
VILLAGE OF CHELSEA  
VILLAGE OF DEXTER  
ANN ARBOR CHARTER TOWNSHIP  
CITY OF ANN ARBOR  
NORTHFIELD TOWNSHIP  
CITY OF YPSILANTI

WHEREAS, the undersigned parties recognize the importance of business retention and expansion as a critical factor in the ongoing economic vitality of Washtenaw County; and

WHEREAS, the undersigned parties have a mutual interest in building relationships with existing businesses, leading to an identification of common business climate concerns, opportunities for expansion and growth, and individual challenges;

THEREFORE, the undersigned parties agree to the following understanding of the manner in which retention calls within Washtenaw County shall be conducted. The parties understand that this agreement is not legally binding, but reflects the good faith agreement of all parties to formalize the retention process, reduce the duplication of calls on local businesses, and improve the quality and effectiveness of the information gathered.

UNDERSTANDING OF PARTNERS

1. An annual review of retention targets shall be accomplished by a retention task force, representing the partner organizations, as well as members of the board of the Washtenaw Development Council. This review shall identify the targets for the upcoming year, with attention to critical industries, size and business, potential for expansion and local geography. This review shall be accomplished no later than January 31 of each year.

2. Any partner may schedule retention calls for their own needs. If, however, those calls reflect the targeted list of companies identified, the following

procedures should be followed:

\* A retention team should be assembled, consisting of at least two but no more than three individuals to call on the company. Development of an appropriate team is the responsibility of the individual scheduling the calls.

\* Washtenaw Development Council agrees to schedule the targeted calls identified in the annual process. In the event another partner schedules a targeted call, due either to a personal contact or other reason, they will contact the WDC so that duplicate calls are not made.

\*Retention team members will be, broadly, as follows:

- > All companies over 50 employees: Jobs Commission
- > Major utility users: appropriate utility company
- > Local companies: community representatives where desired by community
- > High technology firms: University of Michigan
- > All targeted companies or firms with immediate needs: WDC

Where more than three individuals are logical members of the retention team, the team shall be assembled on a first-come, first-served basis. Calls will be scheduled around the needs of the business and the individual doing the scheduling.

\* A common "call form" will be developed. Call teams will attempt to develop as much of the information on the form as possible, without making the call a "question/answer session."

\* All call forms will be returned to WDC for input into a common client data base. The WDC will provide copies of all forms to those potential team members who were unable to be part of the call team.

\* Client file information will be available to all partners, except that no information shall be entered into a client file that the company requests be kept confidential.

\* Follow-up needs will be noted on the call form. WDC will be responsible for follow up, either directly, or by tracking follow-up with the appropriate party.

\* WDC will contact all local units of government, whether or not they are partners in the call program, and inform them when calls are being made in their community.

\* As part of their Annual Report, the WDC will analyze the previous year's calls to determine common themes and concerns. These common themes will be presented either to appropriate organizations within the community for action, or addressed by the WDC as retention initiatives in their annual program of action, whichever is appropriate.

Councilmember Kolb moved that the resolution be approved.

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

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R-72-2-95 APPROVED AS AMENDED

RESOLUTION TO REVISE THE AFFIRMATIVE ACTION  
POLICY STATEMENT FOR THE CITY OF ANN ARBOR

Councilmember Kolb moved that the resolution be approved.

Councilmember Fink moved that the *Affirmative Action Policy Statement* be amended by removing the first two paragraphs as follows:

~~It is the policy of the City of Ann Arbor to provide equal employment opportunities in all personnel areas without regard to race, color, religion, national origin, sex, age, condition of pregnancy, marital status, physical limitation, source of income, family responsibilities, educational association, or sexual orientation. We have a moral and legal obligation to our employees and applicants in every stage of recruiting and hiring, promotion, compensation, benefits, transfer, layoffs, and reclassifications to ensure equal treatment of all.~~

~~The City recognizes that equal employment in the City government can only be achieved with a firm commitment to the concept of affirmative action. Therefore, the City of Ann Arbor:~~

and to replace the deleted paragraphs with the following language:

THE CITY OF ANN ARBOR BELIEVES PAST DISCRIMINATORY HIRING PRACTICES (AS CAN BE EVIDENCED BY PROPER STATISTICAL ANALYSIS) CAN BE CORRECTED BY AN AFFIRMATIVE ACTION PLAN;

THE CITY BELIEVES THAT A STATISTICALLY DIVERSE WORK FORCE IS, IN AND OF ITSELF, BENEFICIAL TO THE CITIZENS OF ANN ARBOR;

THE CITY ALSO BELIEVES THAT CONSIDERING RACE AND GENDER IN ITS HIRING PRACTICES IS APPROPRIATE IN ORDER TO CORRECT PAST DISCRIMINATORY HIRING PRACTICES, IF ANY, AND TO ACHIEVE THE BENEFITS OF A STATISTICALLY DIVERSE WORK FORCE;

IT IS THEREFORE THE POLICY OF THE CITY OF ANN ARBOR TO ESTABLISH AFFIRMATIVE ACTION PLAN AND ATTEMPT TO ACHIEVE THE GENDER AND MINORITY GOALS AS SET FORTH IN THE PLAN;

THEREFORE, THE CITY OF ANN ARBOR:....

to delete the first point as follows:

~~(1) reaffirms its policy of non-discrimination, >~~

and to renumber the remaining 4 points accordingly.

On roll call on the motion by Councilmember Fink, the vote was as follows:  
Yeas, Councilmembers Vereen-Dixon, Fink, Lumm, Mayor Sheldon, 4  
Nays, Councilmembers Hanna-Davies, Carlberg, Smith, Nicolas, Hartwell, Kolb,  
Daley, 7

The Mayor declared the motion defeated.

The question under consideration was approval of the resolution and policy as presented.

Councilmember Nicolas moved to add the following language from Councilmember Fink's proposal to the resolution as follows:

WHEREAS, THE CITY BELIEVES THAT A STATISTICALLY DIVERSE WORK FORCE IS, IN AND OF ITSELF, BENEFICIAL TO THE CITIZENS OF ANN ARBOR; AND

WHEREAS, THE CITY ALSO BELIEVES THAT CONSIDERING RACE AND GENDER IN ITS HIRING PRACTICES IS APPROPRIATE IN ORDER TO CORRECT PAST DISCRIMINATORY HIRING PRACTICES, IF ANY, AND TO ACHIEVE THE BENEFITS OF A STATISTICALLY DIVERSE WORK FORCE;....

On roll call, the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Nicolas, Mayor Sheldon, 7  
Nays, Councilmembers Hartwell, Kolb, Daley, 3  
Absent for the vote, Councilmember Smith, 1

The Mayor declared the motion carried.

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

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

Following is the resolution as amended:

R-72-2-95

RESOLUTION TO REVISE THE AFFIRMATIVE ACTION  
POLICY STATEMENT FOR THE CITY OF ANN ARBOR

Whereas, The City of Ann Arbor has not updated its Affirmative Action policy since September, 1969;

Whereas, Legislation has since been adopted that changes the hiring and employment standards related to Affirmative Action;

Whereas, Recent utilization studies indicate a City employment diversity not equivalent to the available workforce of this community and surrounding area;

Whereas, The City believes that a statistically diverse work force is, in

and of itself, beneficial to the citizens of Ann Arbor;

Whereas, The City also believes that considering race and gender in its hiring practices is appropriate in order to correct past discriminatory hiring practices, if any, and to achieve the benefits of a statistically diverse work force; and

Whereas, The City Council desires to make a firm commitment to Affirmative Action by enacting procedures to ensure realistic and equitable hiring goals are established;

RESOLVED, City Council approves the attached Affirmative Action Policy effective and dated February 21, 1995.

#### AFFIRMATIVE ACTION POLICY STATEMENT

February 21, 1995

It is the policy of the City of Ann Arbor to provide equal employment opportunities in all personnel areas without regard to race, color, religion, national origin, sex, age, condition of pregnancy, marital status, physical limitation, source of income, family responsibilities, educational association, or sexual orientation. We have a moral and legal obligation to our employees and applicants in every stage of recruiting and hiring, promotion, compensation, benefits, transfer, layoffs, and reclassifications to ensure equal treatment of all.

The City recognizes that equal employment opportunity in the City government can only be achieved with a firm commitment to the concept of affirmative action. Therefore, the City of Ann Arbor:

- 1) reaffirms its policy of non-discrimination,
- 2) will enact procedures to ensure that realistic and equitable hiring goals are established,
- 3) will periodically review the composition of the City's staff at all levels to determine if its goals are being met,
- 4) will attempt to establish a ratio of minority and female employees at all job levels that reflects the composition of the labor market recruitment area,
- 5) will work to ensure compliance with the Americans with Disabilities Act including ensuring that all people involved with the selection process and all supervisors understand the guidelines of the ADA.

The mechanisms for achieving these objectives shall be reviewed periodically and analyzed along with all personnel practices and policies with City

government.

This policy is promulgated in accordance with the Ann Arbor Human Rights Ordinance, Chapter 112, Acts 453 and 220 of the Public Acts of Michigan, 1976 as amended, Title VII of the Civil Rights Acts of 1964 as amended in 1972 and 1991, Executive Order 11246, Section 504 of the Rehabilitation Act of 1973, the Age of Discrimination Act of 1967, and the Americans with Disabilities Act of 1990.

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R-73-2-95 APPROVED AS REVISED

RESOLUTION TO ESTABLISH AN AFFIRMATIVE ACTION  
PLAN AND OTHER PERSONNEL PROCEDURES  
FOR THE CITY OF ANN ARBOR

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

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. For the purpose of this analysis, the City Administrator and Human Resources Director may group positions in a manner acceptable to the Human Rights Commission based on data that is published or collected in raw form;

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 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. Recruitment sources will be identified to 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 within 360 days, and report quarterly, until completed, to the City Administrator, the Human Rights Commission and City Council;

11) The Human Resource Director and City Administrator shall review the City selection procedures and job requirement or standards within 360 days, and report quarterly, until completed, to the City Administrator, the Human Rights Commission and City Council, 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 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) promotions based on performance, experience, skills and on a demonstrated respect for other employees;
- 3) equal opportunity for training and education for all employees;
- 4) 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
- 5) a summary statement of the ADA

This handbook will be distributed 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, as revised, 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.

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R-74-2-95 APPROVED

RESOLUTION RECOGNIZING MICHIGAN ENGINEERS WEEK

Whereas, February 19-25, 1995 has been declared National Engineers Week by the President, and Michigan Engineers Week by the Governor;

Whereas, It is fitting to celebrate the many contributions of engineers to our health, safety, and welfare; and

Whereas, Our own engineers employed at the City of Ann Arbor Building, Public Services, and Utilities Departments should be recognized for their many contributions to the City of Ann Arbor;

RESOLVED, That the Mayor and City Council do hereby proclaim the week of February 19-25, 1995 as MICHIGAN ENGINEERS WEEK.

Councilmember Vereen-Dixon moved that the resolution be approved.

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

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POSTPONED AS REVISED

RESOLUTION REGARDING CITY ATTORNEY SEARCH

Whereas, The City of Ann Arbor has been without a permanent City Attorney for several months;

Whereas, Councilmembers and City Departments rely upon prompt legal advice to assure the effective delivery of city services to the citizens of Ann Arbor; and

Whereas, Finer points of municipal law do vary from state to state and therefore a "national" search for this position is not essential to establishing a pool of qualified candidates;

RESOLVED, That the Ann Arbor City Council begin its search to fill the position of City Attorney utilizing the following process:

- 1) The Council will hold a working session with a panel of authorities including a former Ann Arbor municipal attorney, a current municipal attorney from another city, a specialist in law office administration, a current attorney employed by the City of Ann Arbor and City Administrative staff in order to fully understand the subtle responsibilities of the office that may not be fully articulated in the Charter.

- 2) The Human Resource Director will assist the Council in preparing a job profile and preferred list of qualifications for the position with the information gathered from the panel.
- 3) The Human Resources Department will post the position and advertise it in appropriate journals so as to recruit a diverse pool of candidates.
- 4) A panel composed of five attorneys with expertise in and working knowledge of municipal law and law firm management, each nominated by the five Wards' councilmembers and appointed by the Mayor, will screen the applications and select ten candidates using the approved profile and qualifications.
- 5) The screening panel will conduct oral interviews of these candidates to further ascertain competency for the position. Three to five candidates will be referred to a Council Committee of the Whole for final interview and selection.
- 6) The Council with the assistance of the Human Resources Director will prepare an employment offer for the finalist who will serve in an "at will" capacity.

BE IT FURTHER RESOLVED, That any existing City of Ann Arbor employment policy that stipulates the City Attorney position is anything other than an "at will" appointment be, herein, rescinded and amended to the status of "at will."

Councilmember Nicolas moved that the resolution, as revised, be approved.

Councilmember Daley moved that the resolution be postponed to March 6, 1995 because of the lateness of the hour and the anticipated amount of time needed for discussion.

On a voice vote, the Mayor declared the motion carried with Councilmembers Fink and Nicolas dissenting.

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R-75-2-95 APPROVED AS SUBSTITUTED AND AMENDED

RESOLUTION REGARDING 457 DEFERRED COMPENSATION PLAN

Councilmember Lumm moved that the resolution be approved.

Councilmember Hartwell requested a separate vote for each "Resolved" paragraph.

Councilmember Hartwell moved that the first "Resolved" paragraph be tabled and that the City Administrator and City Attorney provide in writing to Council, the bidding process and the records showing how and why ICMA/RC was chosen as the sole provider of the compensation plan, and documentation that ICMA/RC meets Internal Revenue Service, City and other applicable guidelines.

On roll call on tabling the first "Resolved" paragraph, the vote was as follows: Yeas, Councilmembers Carlberg, Smith, Hartwell, Daley, 4  
Nays, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Nicolas, Kolb, Mayor Sheldon, 7

The Mayor declared the motion defeated.

The question under consideration was approval of the "Resolved" paragraph No. (1).

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

The Mayor declared the motion carried.

The question under consideration was approval of the "Resolved" paragraph No. (2).

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Smith, Nicolas, Hartwell, Kolb, Daley, Mayor Sheldon, 11  
Nays, 0

The Mayor declared the motion carried.

The question under consideration was approval of the "Resolved" paragraph No. (3).

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Smith, Carlberg, Nicolas, Hartwell, Kolb, Daley, Mayor Sheldon, 11  
Nays, 0

The Mayor declared the motion carried.

The question under consideration was approval of the "Resolved" paragraph No. (4).

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Smith, Carlberg, Nicolas, Hartwell, Kolb, Daley, Mayor Sheldon, 11  
Nays, 0

The Mayor declared the motion carried.

The question under consideration was approval of the "Resolved" paragraph No. (5).

On roll call the vote was as follows: Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Smith, Carlberg, Nicolas, Hartwell, Kolb, Daley, Mayor Sheldon, 11  
Nays, 0

The Mayor declared the motion carried.

Following is the resolution as amended:

R-75-2-95

RESOLUTION REGARDING 457 DEFERRED COMPENSATION PLAN

RESOLVED, That the City Council reaffirms its January 23, 1995 decision regarding the administration of the City's 457 Deferred Compensation Plan and approves a two-year time extension for plan participants to complete the transferal of assets to the RC Corporation/ICMA;

RESOLVED, That City Administrator also amend the current agreement with RC Corporation/ICMA to offer city employees a great choice of funds by December 31, 1995 or RC Corporation/ICMA may no longer be the sole administrator of the City's Deferred Compensation Plan;

RESOLVED, That the Special Counsel summarize his previous legal opinion surrounding the recent choice of plan administrators for distribution to city employees;

RESOLVED, That the City Administrator prepare additional explanations of how city employees may access financial investment advice from private sources for distribution to city employees; and

RESOLVED, That the City Administrator hold a second meeting with the employees to explain these changes.

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R-76-2-95 APPROVED

RESOLUTION REGARDING THE FUTURE MANAGEMENT OF THE 457 DEFERRED COMPENSATION PLAN

RESOLVED, That the City Administrator and the Deferred Compensation Administrative Board take appropriate actions to involve employees in future decisions regarding the administration of the 457 Deferred Compensation Plan.

Councilmember Hartwell moved that the resolution be approved.

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

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R-77-2-95 APPROVED

RESOLUTION TO ACCEPT GRANT, AMEND THE FY 1994-95 COMMUNITY DEVELOPMENT DEPARTMENT BUDGET AND APPROVE AGREEMENT WITH THE DEPARTMENT OF HOUSING AND

URBAN DEVELOPMENT AND WITH WASHTENAW COUNTY  
FOR THE SHELTER PLUS CARE PROGRAM  
(\$2,244,000)

Whereas, On June 20, 1994 City Council approved Resolution R-296-6-94 to submit a Shelter Plus Care Program application to the Department of Housing and Urban Development (HUD) on or before July 5, 1994; and

Whereas, On October 14, 1994, HUD notified the City that its application had been approved in the amount of \$2,244,000 over a five year period; and

Whereas, In order to begin spending these funds for rental subsidies, in coordination with Washtenaw County Community Mental Health Division and through the lead agencies of Avalon Housing Inc., Washtenaw Interventions and the Shelter Association of Washtenaw County, the City must accept the grant, amend the Community Development Department budget, and execute an Agreement with Washtenaw County;

RESOLVED, That City Council accept the Shelter Plus Care Grant in the amount of \$2,244,000 from the Department of Housing and Urban Development;

RESOLVED, That City Council approve the amendment to the Community Development Department budget in the amount of \$2,244,000 for the life of the grant to continue the project until completion without regard to fiscal year and take all necessary administrative action for the successful management of the program;

RESOLVED, That City Council approve the agreement with Washtenaw County for administration of the Shelter Plus Care program funds;

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the agreements with the Department of Housing and Urban Development and with Washtenaw County and all other documents necessary to implement these agreements 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.

Councilmember Kolb moved that the resolution be approved.

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

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R-78-2-95 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION  
AGREEMENT WITH VIOLINE J. GOETZ (\$23,790)

Whereas, An application was received from Violine J. Goetz for rehabilitation assistance for her home located at 700 Pomona, Ann Arbor; and

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

Whereas, On July 14, 1993 the Community Development Waiver and Review Board approved a waiver of the eligibility requirement to allow a City of Ann Arbor employee to participate in the housing rehabilitation program. The homeowner received emergency assistance for plumbing work at that time. Ms. Goetz is a part-time employee in the Parks and Recreation Department; and

Whereas, Six bids were received on February 9, 1995 and Ms. Goetz 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 Violine J. Goetz in the amount of \$23,790 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.

Councilmember Kolb moved that the resolution be approved.

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

Sheldon, 10  
Nays, Councilmember Fink, 1

The Mayor declared the motion carried.

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R-79-2-95 APPROVED - RFP AMENDED

RESOLUTION APPROVING REQUEST FOR PROPOSAL AND  
APPROPRIATION OF \$35,000 FROM FUND BALANCE  
FOR CITY ADMINISTRATOR RECRUITMENT

Councilmember Smith moved that the resolution be approved.

Councilmember Daley moved that the RFP - SCOPE OF WORK - be amended in stipulation Nos. (1) and (4) as follows:

- 1. Draft a position specification and candidate profile based upon EXISTING SIMILAR DOCUMENTS, interviews with City Council, the City Administrator, City Staff and representatives from the community.

and

- 4. Prepare, IN CONJUNCTION WITH COUNCIL, the final interview questions and procedures for use by City Council and the interview panel(S), IF ANY, to ensure that each candidate is thoroughly and consistently evaluated. PRIOR TO THE FIRST INTERVIEW, REVIEW WITH COUNCIL AND THE INTERVIEW PANELS RELEVANT EMPLOYMENT LAW TO IDENTIFY AREAS FOR FLEXIBILITY IN THE INTERVIEWS. DEVELOP, IN CONJUNCTION WITH COUNCIL, THE PROCEDURES FOR SUBMITTING SCORES OR COMMENTS, WHETHER THESE WILL BE CONFIDENTIAL, AND HOW THEY WILL BE EVALUATED.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Carlberg, Smith, Hartwell, Kolb, Daley, Mayor Sheldon, 7  
Nays, Councilmembers Fink, Lumm, Nicolas, 3  
Absent for the vote, Councilmember Vereen-Dixon, 1

The Mayor declared the motion carried.

Councilmember Lumm moved that the resolution be amended by replacing the last paragraph with the following language:

~~-----<BE IT FURTHER RESOLVED, That \$35,000 be appropriated from the General Fund balance to the City Administrator's Search Account for the duration of the recruitment process to pay for all associated recruitment cost.>~~

BE IT FURTHER RESOLVED, THAT A LIST OF OFFSETS TOTALING \$35,000  
WILL BE IDENTIFIED BY THE CITY ADMINISTRATOR, AND REFERRED TO  
COUNCIL, FOR PAYMENT OF THE CITY ADMINISTRATOR RECRUITMENT SEARCH  
CONSULTANT FEES.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Nicolas,  
3  
Nays, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Smith, Hartwell,  
Kolb, Daley, Mayor Sheldon, 8

The Mayor declared the motion defeated.

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

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies,  
Vereen-Dixon, Carlberg, Smith, Hartwell, Kolb, Daley, Mayor Sheldon, 8  
Nays, Councilmembers Fink, Lumm, Nicolas, 3

The Mayor declared the motion carried.

Following is the resolution and the RFP, as amended.

R-79-2-95

RESOLUTION APPROVING REQUEST FOR PROPOSAL AND APPROPRIATION OF  
\$35,000 FOR CITY ADMINISTRATOR RECRUITMENT.

RESOLVED, That the attached "Request for Proposal" is herein approved and that the Human Resources Director is directed to promulgate said "Request for Proposals" in venues prescribed by the City Council; and

RESOLVED, That \$35,000 be appropriated from the General Fund balance to the City Administrator's Search Account for the duration of the recruitment process to pay for all associated recruitment cost.

GENERAL INFORMATION

A. Objective

The purpose of this Request for Proposal (RFP) is to select a firm to provide professional services for the recruitment of a City Administrator.

B. Issuing Office

The RFP is issued by the City of Ann Arbor, Michigan, Purchasing Office. All correspondence regarding this RFP shall be addressed to:

Thomas White  
Human Resources Director  
100 North Fifth Avenue  
P.O. Box 8647  
Ann Arbor, MI 48107

No pre-proposal meeting will be held. Telephone Thomas White, Director of Human Resources at 313-994-3281 directly with questions regarding the RFP.

C. Proposals

Three (3) copies of the proposal shall be submitted. The information included therein should be as concise as possible. Fees should be submitted in a separate sealed envelope. To be considered, each firm must submit a complete response to their RFP using the format provided in Section III. No other distribution of proposals is to be made by the submitter. The proposal must be signed in ink by an official authorized to bind the submitter to its provisions.

D. Selection Criteria

Responses to this RFP will be evaluated using a point system, as shown in Section III. The evaluation will be completed by a selection committee appointed by City Council. The evaluation will have two steps:

1. An initial evaluation of the firm's qualifications and proposed work plan to determine if qualified, and
2. Evaluation of the fee proposals for qualified firms.

E. Changes in the RFP

Should any prospective proposer be in doubt as to the true meaning of any portion of this Request for Proposal, or should the Proposer find any patent ambiguity, inconsistency, or omission therein, the Proposer shall make a written request for an official interpretation or correction. Such requests shall be submitted to the issuing office not less than seven days prior to the final date of submittal of the Proposals. The person making the request shall be held responsible for its prompt delivery.

Such interpretation or correction, as well as any additional RFP provisions that the City may decide to include, will be made as an addendum, which will be mailed or delivered to each firm recorded as having received a copy of the RFP. Any addendum issued by the City shall become a part of the RFP and shall be taken into account by each proposer in preparing his or her proposal.

F. Proposal Receipt

Proposal must arrive at the City of Ann Arbor, Purchasing Division, 100 N. Fifth Avenue, Ann Arbor, Mi 48107 (basement of City Hall) on or before 2:00 p.m., Friday, March 17, 1995 prospective submitters are responsible for the timely receipt of their proposal. Late proposals will not be considered.

G. Disclosures

All information in a submitter's proposal is subject to disclosure under the provisions of Public Act No. 442 of 1976 known as the "Freedom of Information Act." This Act also provides for the complete disclosure of contracts and attachments thereto.

H. Type of Contract

A sample of the standard Professional Services Agreement which will be executed between the City and consultant is referenced as Exhibit "A" and filed with the City Clerk.) The City reserves the right to award the total proposal, to reject any and all proposal in whole or in part, and to waive any informality or technical defects if, in the City's sole judgement, the best interest of the City will be so served. Proposal submitters shall base their proposal on the assumption that, if selected, they will execute the standard Professional Services Agreement substantially in the form filed with the City Clerk.

I. Cost Liability

The City of Ann Arbor assumes no responsibility or liability for costs incurred by the consultant prior to the execution of a Professional Services Contract.

SECTION II

SCOPE OF WORK

The successful bidder will be required to perform the following tasks:

1. Draft a position specification and candidate profile based upon existing similar documents, interviews with City Council, City Administrator, City Staff and representatives from the community. The candidate profile and position specification will be approved by City Council;
2. Place announcements in appropriate professional publications to provide maximum exposure for the position nationally and to ensure an open recruitment process;
3. Recruit, screen and interview qualified applicants for the position. Examine backgrounds and verify credentials. Inform all candidates who do not meet the City's criteria for the position;
4. Prepare, in conjunction with Council, the final interview questions and procedures for use by City Council and the interview panel(s), if any, to ensure each candidate is thoroughly and consistently evaluated. Prior to the first interview, review with Council and the interview panels relevant employment law to identify areas for flexibility in the interviews. Develop, in conjunction with Council, the procedures for submitting scores or comments, whether these will be confidential, and how they will be evaluated.
5. Verify credentials of finalists and check backgrounds. Council reserves the right to participate in the check of backgrounds, including visits to the candidates home towns.

The City will handle arrangements for candidates' travel to Ann Arbor. Council will select final candidates and be responsible for the negotiation of the employment agreement.

All potential proposers must submit time and expense costs should the City request the following assistance:

- |   |  |
|---|--|
| Y | Presence at finalist interviews;       |
| Y | Additional verification of credentials |

SECTION III

INFORMATION REQUIRED FROM ALL

## PROPOSAL SUBMITTERS

## A. Professional Qualification - 15 points

1. State the full name and address of your organization and, if applicable, the branch office or other subordinate element that will perform, or assist in performing, the work hereunder. Indicate whether it operates as an individual, partnership, or corporation. If it operates as a corporation, include the state in which it is incorporated. If appropriate indicate whether it is licensed to operate in the State of Michigan.
2. Include the number of executive and professional personnel by skill and qualification that will be employed in the work. Show where these individuals will be physically located for the duration of the contract. Indicate personnel considered key to the project by name and title and provide resume's or qualifications on each.
3. Provide the race and gender and title of all firm personnel.
4. State the history of the firm, in terms of length of existence, types of services provided, etc. Identify the technical details which make the firm uniquely qualified for this work.

## B. Past involvement with Similar Projects - 15 points

The written proposal must include specific experience in this area and indicate your ability to have the project completed within the budgeted amounts. A summary of related projects with original deadline and cost estimate versus the actual design completion date and final cost of the design is appropriate in this section.

## C. Proposed Work Plan - 20 points

A detailed work plan is to be presented which lists all tasks determined to be necessary to accomplish the work of this project. The work plan shall define resources needed for each task (title and person-hours) and your staff person completing the project element tasks. In addition, the work plan shall include a time line schedule depicting the sequence and duration of tasks showing how the work will be organized and executed.

The work plan shall be sufficiently detailed and clear to identify the progress milestone when project elements, measures, and deliverables are to be completed. Additional project elements suggested by the proposer are to be included in the work plan and identified as proposer suggested elements.

Identify anyone to whom work will be subcontracted and the extent of work for which they will be responsible. Include similar reference data for subcontractors and employees as requested above for the main proposer.

Include any other information that you believe to be pertinent but not

specifically asked for.

D. Fee proposal - 50 points

Fee quotations shall be submitted in a separate envelope with the proposal. Fee quotations are to include the names, titles, hourly rates, overhead factors, expenses and any other details by which the overall and project element costs have been derived. The fee quotation is to relate in detail to each item of the proposed work plan. The consultant must be capable of justifying the details of the fee proposal relative to personnel costs, overhead, how the overhead rate is derived, related expenses, and time.

The fee proposed must include the total estimated cost for the project, including all expenses, when it is 100% completed. This total may be adjusted after negotiations with the City and prior to signing a formal contract, if justified.

E. Authorized Negotiator

Include the name and phone number of person(s) in your organization authorized to negotiate the Professional Services Agreement with the City.

## F. Selection

Members of the City Selection Committee will evaluate each proposal by the above described criteria and point systems (A through C) to select the firm to be interviewed. The City reserves the right to not consider any proposal which it determines to be unresponsive and deficient in any of the information requested for evaluation. The Committee will contact references to verify material submitted by the proposers. The City will determine whether the final scope of the project to be negotiated will be entirely as described in this Request for Proposal, a portion of the scope, or a revised scope.

The Committee then will schedule and interview with the selected firm.

Note: FEE PROPOSAL MUST BE SUBMITTED IN A SEPARATE ENVELOPE.

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R-80-2-95 APPROVED

RESOLUTION AUTHORIZING THE CITY TO BECOME AN  
ENABLING PUBLIC AGENCY FOR THE WASHTENAW  
COUNTY HAZARDOUS MATERIALS RESPONSE AUTHORITY

Whereas, Washtenaw County, the cities of Ann Arbor and Ypsilanti and the Charter Townships of Pittsfield and Ypsilanti are proposing to create, along with other interested public agencies and private entities, the Washtenaw County Hazardous Materials Response Authority pursuant to MCLA 124.501 et seq;

Whereas, It is the purpose of the authority to assist local fire departments by providing on-scene support to the ranking fire department official within a jurisdiction for the purpose of confining, containing or otherwise stopping environmentally dangerous chemical releases, and to provide hazardous rescue, when possible, but not to include any environmental remediation actions;

Whereas, The authority, when created, will enter into implementing agreement with various public and private agencies; and

Whereas, This Council deems it advisable for the City to become an enabling public agency;

RESOLVED, That this Council authorizes the City to become an Enabling Public Agency in the Washtenaw County Hazardous Materials Response Authority. The Mayor and City Clerk are authorized to sign the agreement creating the Authority in substantially the form of the agreement now on file in the City Clerk's Office after approval as to substance by the City Administrator and as to form by the City Attorney; and

RESOLVED, That the Authority shall provide evidence that it has adequate insurance to protect the authority and the City before an implementing

agreement with the City is executed.

Preparations for Establishing A  
Hazardous Materials Response Team  
in Washtenaw County

Presently, there is no county-wide hazardous materials response team for most of Washtenaw County. Our county has significant hazardous materials risks, with numerous rail lines and large expressway network. In 1993, the county experienced 63 environmental incidents, including spills and accidental releases. Though none of these incidents were life threatening, it is only a matter of time until a devastating event of significant proportion occurs.

Elected officials, fire chiefs and others responsible for public safety have recognized the need for an organized response team that can respond to accidents and emergencies, rescue those affected, and contain the scene until commercial recovery companies can respond and do their work. It is acknowledged by even the largest fire departments in the County that the organization of any team must be multi-jurisdictional, as the costs involved are more than any one agency can bear.

There were three previous efforts to establish a team, none of which were carried through to completion. Late last year, county and local officials created a new study group, which has worked hard in an effort to finally bring a term to fruition. The study group, which was made up of fire chiefs, county emergency management and environmental officials, the Drain Commissioner, and other interested citizens, has completed its recommendations and has formulated a plan to put a multi-jurisdictional team into operation. In the process of its investigation, the study group looked at all feasible alternatives, including joining an existing team in adjacent Wayne County (an option which was turned down by that team).

The study group now recommends that an inter-local governmental Hazardous Materials Response Authority be created to operate the team. The proposed Authority would be created by a joint resolution of the County Board of Commissioners, and the four largest fire departments operated by local units of government (Ann Arbor, Ypsilanti Township, Ypsilanti and Pittsfield Township), which would be identified as "enabling agencies." The fiduciary affairs of the proposed Authority would be managed by the County.

All other fire departments would be requested to join the Authority as participating agencies. The Authority also anticipates the participation by Huron Valley Ambulance, the Washtenaw County Criminal Justice Council, as well as other public and private agencies that might provide resources.

All participants in the Authority would be expected to provide some type of support, which might include response personnel, supplies and potentially some form of funding. Specific recommended contributions would be determined by the Authority Board of Directors (a majority of which would be made up of representatives of the enabling agencies) and would require approval of the elected governing boards of the participants. The participants would also be free to withdraw from the

authority and the authority would continue to exist as long as a minimum of two enabling agencies continue to participate.

The study group recommends that the Authority be funded by the following sources, in the following order:

1. Contributions from private business.
2. Grants.
3. User fees (billing for response).
4. In-kind contributions of personnel and supplies by enabling and participating agencies.
5. Direct financial contributions from agencies.
6. Special tax assessment.

As funds from various sources are received by the Authority, expenses will be paid out distributed in the following order:

Start Up

1. Original equipment and supplies (approximately \$200,000)
2. Reimburse participants for in-kind personnel costs.

Ongoing

1. Day to day costs of operating the team (insurance, fuel, etc.)
2. Replace supplies used in training and response activities.
3. Equipment replacement
4. Reimburse participants for in-kind personnel costs.

The Study Group is recommending to the Washtenaw County Board of Commissioners and to the four enabling local units of government, that they take steps to create the Authority. The Study Group recommends the following implementation steps:

1. Each of the five units of government examine the proposed Authority agreement, including a legal review by counsel. Recommend changes to the Agreement and generally indicate interest in joining.
2. the study group will refine the document, removing any agencies that chose to not participate. The Agreement will also be forwarded to the State for approval.
3. The study group will then present the Agreement to the enabling agencies for formal action.
4. Following approval by the county and local units of government, the Authority Board of Directors will be appointed.
5. The Authority Board will then begin designing the team and will formulate the operating plan. Participating agencies will also be recruited.
6. It is anticipated that a formal HAZMAT Response Team would be made operational within two years after the creation of the Authority Board of Directors.

Representatives of the study group will be available to meet with county and local governmental officials, answering questions and providing

information.

HAZMAT Response Team Study Group

Rich Badics, Washtenaw County Environmental Services  
Dale Berry, Executive Director, Huron Valley Ambulance (chair)  
Rob Blake, Director, Washtenaw County Environmental Services  
Janice Bobrin, Washtenaw County Drain Commissioner  
Marc Breckenridge, Director, Washtenaw County Emergency Management  
Dr. Bruce Chin, Ann Arbor LEPC, University of Michigan School of Public Health  
Wil Dane, Chief, Scio Township Fire Department  
Dr. Rebecca Head, Director, Washtenaw County Environmental Coordination Office  
Tom Ivacko, consumer  
Wallace Laburn, consumer  
Donald Leach, Lieutenant, Ann Arbor Police  
Harry Manual, Chief, Ann Arbor Township Fire Department  
George Markus, Chief, Ann Arbor Fire Department  
James Payeur, Fire Marshall, Pittsfield Township Fire Department  
James Roberts, Chief, Ypsilanti Fire Department  
Roger Simpson, Operations Manager, Huron Valley Ambulance  
Donna Southwell, Chair, Washtenaw County LEPC  
Mike Staff, Washtenaw County Drain Commissioner's Office  
Phil Wagner, Chief, Ypsilanti Township Fire Department  
Tom Yurkunas, Fire Marshall, Ypsilanti Township Fire Department

Councilmember Kolb moved that the resolution be approved.

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

The Mayor declared the motion carried.

**REPORTS FROM COUNCIL COMMITTEES**

Councilmember Vereen-Dixon urged Councilmembers to visit the land proposed to be purchased for parkland use by the Park Advisory Commission.

Councilmember Kolb requested a meeting of the City/University Committee.

Mayor Sheldon reported that the recently established Commission on Increasing Safety for Women has been meeting.

**COUNCIL PROPOSED BUSINESS**

None.

**COMMUNICATIONS FROM THE MAYOR**

ANNOUNCEMENTS

Mayor Sheldon informed the Council that the working session on the Barton and Superior Hydropower: Technical Justifications and Financial Impact of New Federal Energy Regulatory Commission Requirements has been rescheduled from February 27 to March 13, 1995.

Mayor Sheldon announced that a reception would be held in the Council Chamber for new Police Chief Carl Ent.

APPOINTMENT APPROVED

Mayor Sheldon asked for confirmation of the following appointment which was placed in nomination on January 3, 1995 and postponed January 17 and February 6, 1995:

EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES

Barbara Kessler (reappointment)  
12 Geddes Heights 48104  
Term: 01-17-95 to 01-01-98

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

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

APPOINTMENT DEFEATED

Mayor Sheldon asked for confirmation of the following appointment which was placed in nomination on January 3, 1995 and postponed January 17 and February 6, 1995:

EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES

Larry J. Ferguson (replacing Ron Bishop on term expiration.)  
101 N. Main Street, #1015 48104  
Term: 01-07-95 to 01-01-98

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

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.

Mayor Sheldon asked for confirmation of the following appointments which were placed in nomination on February 6, 1995:

ANN ARBOR COMMISSION ON DISABILITY ISSUES

Dale I. Griffin (reappointment)  
2131 Winewood 48103

Term: 02-21-95 to 02-20-98

ECONOMIC DEVELOPMENT CORP. BOARD OF DIRECTORS

James Bradley (reappointment)

3500 Jackson Road 48103

Term: 02-21-95 to 02-20-01

HUMAN RIGHTS COMMISSION

Sandra J. Harris to complete the unexpired term of Queen Mitchell)

216 Charles Street 48103

Term: 02-21-95 to 10-31-97

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

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

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

Assistant City Administrator Rob Bauman presented the following information memorandums:

- ! South Main Street Reconstruction Project (Adams to Keech)
- ! Informational Update Concerning the Expanded use of Recycled Product Purchases
- ! Status of Retaining Walls at West Park/WAHC Property
- ! Airport Layout Plan: Status
- ! Update: Ann Arbor Housing Commission
- ! Environmental Bond Report

The memorandums were filed with the City Clerk.

Assistant City Administrator Bauman received requests for information from members of the Council on other subjects.

**COMMUNICATIONS FROM THE CITY ATTORNEY**

None.

**COMMUNICATIONS FROM COUNCIL**

Councilmember Vereen-Dixon congratulated the Parks and Recreation Director Ron Olson on the recent award that his department received.

**CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**

There were no communications.

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

- ! Ann Arbor Energy Commission - January 12, 1995
- ! Zoning Board of Appeals - November 16, 1994
- ! Ann Arbor Transportation Authority - January 18, 1995
- ! Ann Arbor Historic District Commission - January 12, 1995

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

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

**PUBLIC COMMENTARY - GENERAL**

None.

**ADJOURNMENT**

There being no further business to come before the Council, Mayor Sheldon declared the meeting adjourned at 2:15 a.m.

Winifred W. Northcross  
Clerk of the Council

Linda J. Wise  
Recording Secretary