

**CONTINUATION OF JUNE 5, 1995 RECESSED REGULAR SESSION**

**JUNE 12, 1995**

The continued regular session of the Ann Arbor City Council was called to order at 7:36 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 L. Smith, Peter Nicolas, Christopher Kolb, Mayor Ingrid B. Sheldon, 9.

ABSENT : Councilmembers Stephen C. Hartwell, Elisabeth L. Daley, 2.

**MOTIONS AND RESOLUTIONS (CONT.)**

R-267-6-95 APPROVED AS AMENDED

**RESOLUTION TO APPROVE CONSTRUCTION GRANT CONTRACT  
WITH MICHIGAN DEPARTMENT OF TRANSPORTATION FOR  
IMPROVEMENTS AT THE ANN ARBOR MUNICIPAL AIRPORT**

Whereas, On December 20, 1993, City Council approved a Grant Contract, No. 93-2172 DAB, for the design of certain improvements at the Ann Arbor Municipal Airport, with the Michigan Department of Transportation;

Whereas, On November 16, 1994, the Airport Advisory Committee approved the scope of work for the project;

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

Whereas, On February 6, 1995, City Council approved a Letter of Agreement with Michigan Department of Transportation regarding said improvements;

On May 17, 1995, the Airport Advisory Committee approved the MDOT Contract;

Whereas, Pursuant to issuance of a federally funded construction grant, the City is required to sign a "Construction Grant Contract" with MDOT; and

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

RESOLVED, That Contract No. 95-0916 with the Michigan Department of Transportation be approved;

RESOLVED, That \$130,248.00 be appropriated from the Public Services Department Airport Fund (\$122,400.00 FY 94/95; \$7,848.00 FY 95/96) for the life of the project, to be available until expended without regard for fiscal year;

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

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

Councilmember Fink moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed to the June 19, 1995 regular session of Council for further consideration of the contract provisions regarding the State's right to purchase the airport.

After further discussion, the motion to postpone was withdrawn.

Councilmember Hanna-Davies moved that Attachment 1, paragraph 9, of the contract be amended as follows:

9. In addition to the requirements of paragraph 8 of these supplemental provisions, and not in lieu thereof, should the SPONSOR desire to ~~abandon, close,~~ sell or otherwise divest itself of the airport or any portion thereof, the SPONSOR agrees to also provide to the DEPARTMENT a prior written notice of any such intent giving the DEPARTMENT, for a period of one hundred eighty (180) days after receipt of such notice, a first right to purchase at fair market value, or the best formal offer received by the SPONSOR, whichever is higher, the airport and/or all facilities thereon....

On a voice vote the Mayor declared the motion carried.

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

Yeas, Councilmembers Lumm, Carlberg, Smith, Nicolas, Kolb, Vereen-Dixon, Fink, Mayor

Sheldon, 8;

Nays, Councilmember Hanna-Davies, 1.

The Mayor declared the motion carried.

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R-268-6-95 APPROVED

RESOLUTION TO APPROVE CONSTRUCTION CONTRACT WITH WATERLAND TRUCKING SERVICES FOR REHABILITATION OF PAVEMENT AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, On November 21, 1994, the Council approved the scope of work needed at the Ann Arbor Municipal Airport, which included pavement rehabilitation;

Whereas, On May 12, 1995, bids for the pavement rehabilitation were taken by the Michigan Department of Transportation in accordance with the terms of the Grant Contract and the Letter of Agreement approved by the Council on December 20, 1993, and February 6, 1995, respectively, between the City and MDOT; and

Whereas, The bid of Waterland Trucking Services of Wixom, Michigan, in the amount of \$761,868.52 was the lowest responsible bid as determined by MDOT;

RESOLVED, That the construction contract with Waterland Trucking Services in the amount of \$761,868.52 for the pavement rehabilitation at the Ann Arbor Municipal Airport be approved;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign said contract on forms approved as to form by the City Attorney, and approved as to substance by the City Administrator; and

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

Councilmember Fink moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed to the June 19, 1995 regular session of Council for further consideration of the contract with the Michigan Department of Transportation. (See Resolution No. R-267-6-95).

Following discussion to amend the contract with MDOT, the motion to postpone was withdrawn.

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

Yeas, Councilmembers Lumm, Carlberg, Smith, Nicolas, Kolb, Vereen-Dixon, Fink, Mayor Sheldon, 8;

Nays, Councilmember Hanna-Davies, 1.

The Mayor declared the motion carried.

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R-269-6-95 APPROVED

RESOLUTION TO APPROVE CONSTRUCTION CONTRACT  
WITH ANGELO IAFRATE CONSTRUCTION COMPANY FOR DRAINAGE  
IMPROVEMENTS AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, On November 21, 1994, the Council approved the scope of work needed at the Ann Arbor Municipal Airport, which included drainage improvements;

Whereas, On May 12, 1995, bids for the drainage improvements were taken by the Michigan Department of Transportation in accordance with the terms of the Grant Contract and the Letter of Agreement approved by the Council on December 20, 1993, and February 6, 1995, respectively, between the City and MDOT; and

Whereas, The bid of Angelo Iafrate Construction Co. of Warren, Michigan, in the amount of \$142,347.00 was the lowest responsible bid as determined by MDOT;

RESOLVED, That the construction contract with Angelo Iafrate Construction Co. in the amount of \$142,347.00 for the drainage improvements at the Ann Arbor Municipal Airport be approved;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign said contract on forms approved as to form by the City Attorney, and approved as to substance by the City Administrator; and

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

Councilmember Fink moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed to the June 19, 1995 regular session of Council for further consideration of the contract with the Michigan

Department of Transportation. (See Resolution No. R-267-6-95).

Following discussion to amend the contract with MDOT, the motion to postpone was withdrawn.

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

Yeas, Councilmembers Lumm, Carlberg, Smith, Nicolas, Kolb, Vereen-Dixon, Fink, Mayor Sheldon, 8;

Nays, Councilmember Hanna-Davies, 1.

The Mayor declared the motion carried.

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R-270-6-95 APPROVED

RESOLUTION TO APPROVE CONSTRUCTION CONTRACT WITH FUTURE FENCE COMPANY FOR PERIMETER FENCE AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, On November 21, 1994, the Council approved the scope of work needed at the Ann Arbor Municipal Airport, which included perimeter fence installation;

Whereas, On May 12, 1995, bids for the perimeter fence installation were taken by the Michigan Department of Transportation in accordance with the terms of the Grant Contract and the Letter of Agreement approved by the Council on December 20, 1993, and February 6, 1995, respectively, between the City and MDOT; and

Whereas, The bid of Future Fence Company of Sterling Heights, Michigan, in the amount of \$286,252.10 was the lowest responsible bid as determined by MDOT;

RESOLVED, That the construction contract with Future Fence Company in the amount of \$286,252.10 for the perimeter fence installation at the Ann Arbor Municipal Airport be approved;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign said contract on forms approved as to form by the City Attorney, and approved as to substance by the City Administrator; and

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

Councilmember Fink moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed to the June 19, 1995 regular session of Council for further consideration of the contract with the Michigan Department of Transportation. (See Resolution No. R-267-6-95).

Following discussion to amend the contract with MDOT, the motion to postpone was withdrawn.

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

Yeas, Councilmembers Lumm, Carlberg, Smith, Nicolas, Kolb, Vereen-Dixon, Fink, Mayor Sheldon, 8;

Nays, Councilmember Hanna-Davies, 1.

The Mayor declared the motion carried.

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R-271-6-95 APPROVED

RESOLUTION TO AUTHORIZE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH WHITWORTH-BORTA, INC. FOR ENGINEERING INSPECTION AND TESTING SERVICES AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, On December 20, 1993, City Council approved a Grant Contract with the Michigan Department of Transportation regarding improvements at the Ann Arbor Municipal Airport;

Whereas, In accordance with the terms of said Contract, the Council on May 2, 1994, approved a Professional Services Agreement with Whitworth-Borta, Inc. in the amount of \$97,381.71 for the design of said improvements;

Whereas, It is now necessary to have a consulting firm perform the construction engineering for said improvements;

Whereas, Whitworth-Borta, Inc., has submitted to the City a proposal which sets forth the services to be performed by the firm, and the payments to be made by the City and MDOT, all of which are agreeable to the City and MDOT; and

Whereas, MDOT has approved said proposal;

RESOLVED, That an amendment to the existing Professional Services Agreement for construction engineering services, in the amount of \$143,163.62 be approved with Whitworth-Borta, Inc.;

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

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

Councilmember Fink moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed to the June 19, 1995 regular session of Council for further consideration of the contract with the Michigan Department of Transportation. (See Resolution No. R-267-6-95).

Following discussion to amend the contract with MDOT, the motion to postpone was withdrawn.

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

Yeas, Councilmembers Lumm, Carlberg, Smith, Nicolas, Kolb, Vereen-Dixon, Fink, Mayor Sheldon, 8;

Nays, Councilmember Hanna-Davies, 1.

The Mayor declared the motion carried.

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R-272-6-95 APPROVED

RESOLUTION TO REVISE THE TIE-DOWN FEE  
AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, The Ann Arbor Municipal Airport aircraft tie-down fee is currently \$58.00 per month;

Whereas, The current aircraft tie-down fee was reviewed by the Airport Advisory Committee;

Whereas, The Airport Advisory Committee concluded that the current fee was not competitive;

Whereas, The Airport Advisory Committee has determined that the current fee has caused many customers to vacate the airport and deterred others from leasing with Ann Arbor;

Whereas, The Airport Advisory Committee after review recommends that a rate of \$38.00 per month would be more competitive and realistic;

Whereas, The Airport Advisory Committee recommends that the new fee not be considered for change for one year; and

Whereas, The Public Services Department believes that the lower rate will increase the number of tie-down aircraft, thereby increasing the revenues to the airport;

RESOLVED, That City Council approve the aircraft tie-down fee of \$38.00 per month, effective June 6, 1995, and that the revised fee not be changed for a minimum of one year.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

**ADJOURNMENT**

There being no further business to come before Council, the Mayor declared the meeting adjourned at 8:50 p.m.

W. Northcross  
Clerk of the Council

Janet L. Chapin  
Recording Secretary



## WORKING SESSION - JUNE 12, 1995

The working session of the Ann Arbor City Council was called to order at 8:50 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 L. Smith, Peter Nicolas, Christopher Kolb, Mayor Ingrid B. Sheldon, 9.
- ABSENT : Councilmembers Stephen C. Hartwell, Elisabeth L. Daley, 2.

### CITY ATTORNEY PROFILE

Human Resources Director Thomas White submitted the "Draft Profile for the Position of City Attorney" for Council's review.

Mr. White reported that advertisements for the position of City Attorney were rerun in local papers and that the application deadline was extended to June 30, 1995, as directed by City Council. He further reported that 10 more resumes were received by the original deadline of June 2 (totalling 20 applicants), and that resumes submitted for the County Corporate Counsel position are being reviewed for possible applicants. Mr. White suggested waiting until June 30 to determine whether there is a good pool of candidates before deciding on hiring a consultant to help in the search.

Additional suggestions for advertizing included posting the position in the journals of the Michigan Association of Municipal Attorneys, the Michigan Association of Township Attorneys, and the National Institute of Municipal Law Officers.

Councilmember suggestions for amendments to the draft profile included the following:

1. Substitute the phrase CITY COUNCIL for the phrase "Mayor and Council" throughout the document.
2. Add the following item to the list of duties under Section IV:  

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- RECOMMEND, DIRECT AND SUPERVISE OUTSIDE COUNSEL RETAINED BY THE CITY ATTORNEY'S OFFICE.
3. Amend the list of knowledge, skills and education under Section IV as follows:

- Considerable skills in writing, including, but not limited to, preparation of legal documents;
- Considerable skills in public speaking including, but not limited to, the presentation of cases before judicial bodies;
- Ability to manage and organize a legal office EFFICIENTLY;
- Knowledge of the LAWS OF THE State of Michigan and EXPERIENCE WITH municipal ~~laws and~~ ordinances.
- Knowledge of federal ~~procedures and substantive law~~ LAW AS IT RELATES TO MUNICIPAL GOVERNMENT;
- Ability to provide well research briefs and opinions ON A TIMELY BASIS;
- Ability to develop priorities, ESTABLISH QUANTIFIABLE MEASURES OF PERFORMANCE AND ACCOUNTABILITY, direct and motivate staff;
- Understanding of municipal legal issues;
- Understanding of City Council/CITY ATTORNEY/CITY ADMINISTRATOR relationship;
- Ability to establish and maintain effective working relationships with court officials, administrator, other city staff and the general public;
- Must be a member of the State Bar of Michigan PRIOR TO EMPLOYMENT BY THE CITY AND MUST HAVE PRACTICED LAW FOR FIVE YEARS.
- KNOWLEDGE AND EXPERIENCE IN ALL AVENUES OF CONFLICT RESOLUTION
- EXPERIENCE WITH NEW AND EMERGING TECHNOLOGY
- PUBLIC RELATIONS SKILLS

4. Amend the language in the "Employment Agreement" paragraph under Section IV to reflect that the City Attorney is an at-will position.

5. Amend the list of characteristics under Section V as follows:

- ! The relationship of the City Attorney with Council requires a City Attorney who possesses a high level of personal and professional integrity in order to respond to Council in the performance of duties in an open and honest manner.
- ! The relationship of the City Attorney's Office with the City Administrator and other staff also requires a highly cooperative interaction ~~<necessary for successful pursuit and completion of projects and programs that vary greatly in detail and complexity>~~ CONSISTENT WITH THE PROFESSIONAL OBLIGATIONS OF THE OFFICE.
- ! The City Attorney must ~~<be able to accept criticism;>~~ provide leadership and resist undue influence when representing the interest of the City.

-OR-

The City Attorney must ~~<be able to accept criticism;>~~ provide leadership and ~~<resist undue influence when representing the interest of the City>~~ GUIDE STAFF, CITY COUNCIL, CITY ADMINISTRATOR'S OFFICE AND DEPARTMENT HEADS TOWARD RATIONAL DECISION MAKING CONSISTENT WITH LEGAL REQUIREMENTS.

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! DEMONSTRATED LEADERSHIP EXPERIENCE, INCLUDING ESTABLISHING GOALS AND OBJECTIVES WHICH ARE ALIGNED WITHIN THE ORGANIZATIONAL GOALS AND OBJECTIVES.

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! ENERGETIC AND STRONG WORK ETHIC

6. A request was made to incorporate the following characteristics from the article, "Choosing and Using a Municipal Attorney," by Peter A. Letzmann: 1) The attorney should project a positive image to the community; and 2) the attorney should counsel how to avoid litigation and claims by training personnel, identifying potential hazards, and insisting that problems are fixed when they become apparent.

The Mayor requested that the amended draft profile be distributed to City department heads for comments and that another meeting be held during the first part of July for final

review of the profile and to determine whether a consultant will be needed to help with the search.

(The article "Choosing and Using a Municipal Attorney," by Peter A. Letzmann, and the "Draft Profile for the Position of City Attorney," compiled by the City Human Resources Department, are on file in the City Clerk's Office).

### **ADJOURNMENT**

There being no further business to come before Council, the Mayor declared the meeting adjourned at 10:05 p.m.

W. Northcross  
Clerk of the Council

Janet L. Chapin  
Recording Secretary