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TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Tom Crawford, CFO  
Derek Delacourt, Community Services Area Administrator  
Craig Hupy, Public Services Area Administrator  
Nick Hutchinson, City Engineer  
Brett Lenart, Planning Manager  
Robert Pfannes, Interim Police Chief  
Robyn Wilkerson, Human Resources & Labor Relations Director

SUBJECT: Council Agenda Responses

DATE: January 22, 2019

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**CA-8 – Resolution to Approve Distributions from the City’s Police and Firemen’s Relief Fund (\$100,000.00)**

**Question:** Regarding CA-8, what implications/additional restrictions are there (if any) by changing the designation from a special revenue fund to a private purpose trust fund? Also, assuming these dollars are invested, does the interest/investment income accrue to this fund? (Councilmember Lumm)

**Response:** There are no additional restrictions. The funds can only be expended for items related to the purpose of the fund which is the way it has been handled in recent decades. A budget for the fund won’t legally be required, but the city will still include it at budget adoption for consistency. All interest and investment income remains within the fund to be utilized for the purpose of the fund.

**CA-9 – Resolution to Approve the Collective Bargaining Agreement between the City of Ann Arbor and Local 693 of the International Association of Fire Fighters (Ann Arbor Firefighters Union) effective January 1, 2017 - December 31, 2019**

**Question: Q1.** How does the 2.5% annual pay increases here (for 2017, 2018 and 2019) compare with the increases for the other large bargaining units (AFSCME, Police etc.) and for non-union employees? (Councilmember Lumm)

**Response:** Please see the attached file for an overview of the annual pay increase across all City groups for 2017, 2018 and 2019.

**Question: Q2.** Similarly, did other city employees have their annual health care reimbursement contributions from the city increase during the 2017-2019 period, and if so, were the increases a similar \$1,000 (to \$3,500)? (Councilmember Lumm)

**Response:** Per the attached pdf file, the increase in RHRA follows the increase given to other unions and the non-union employees.

**Question: Q3.** Since there has not been a new contract since 2016, I'm assuming the Firefighters are not on the City's hybrid pension plan for new hires. If that's accurate and given there's no mention of the change in the cover memo, I'm also assuming the Firefighters will not be on the new plan in this contract either. If that's also accurate, did the City attempt to negotiate the change? If not, why not? (Councilmember Lumm)

**Response:** The City has had several discussions with the Fire union regarding the hybrid plan. This is not a negotiation proposal that they are willing to accept at this time, especially in light of the recent AAPOA 312 Arbitration decision regarding the City's hybrid plan.

**Question: Q4.** The cover memo indicates that while the costs for the contract exceed what was budgeted in FY19, the "Fire Department has the ability to contain the added costs within their budget." Can you please elaborate on that -- how much do the costs for the contract exceed the FY19 budget by and what are the specific underrun areas? (Councilmember Lumm)

**Response:** It's an estimated \$33,000 additional for the regular wages and \$42,000 for the retro on the overtime wages that were not part of the contingency that we have held for the Fire Department in anticipation of the contract settling. The Fire department currently has two open vacancies due to retirements that were not filled. This has provided the savings needed.

**CA-10 - Resolution to Approve an Agreement for Occupational Health Services with Michigan Urgent Care, PC**

**Question:** Regarding CA-10, was there a contract/preferred vendor providing these testing services previously? If so, how do the fees under this contract compare with the prior contract? If not, were departments essentially on their own to contract for the services and are there any objections from departments with the new requirement that Michigan Urgent Care must be used? Also, roughly how much do we spend annually on these Occupational Health Services? (Councilmember Lumm)

**Response:** Yes, these services have always been centralized to a City approved vendor. The previous vendor was Concentra. Part of the impetus for this change was negative feedback received from departments, such as Police and Fire who do a lot of hiring and were not satisfied with the current vendor.

In addition, occupational health services are part of the hiring and workers compensation processes, which are managed by Human Resources. Most City managers are not involved in the execution of these processes and thus, would not necessarily be concerned about a change in vendor.

As you can see from the attached file, the fees are comparable, with some services being slightly higher and some being slightly lower. All of these services listed in the file are requested on a regular basis and include services for pre-employment testing, workers comp, random breath alcohol test, and safety department post-employment medical surveillance testing (i.e., such as audiograms).

Annual Expenses  
2017 \$20,231.50  
2018 \$27,373.50

**CA-11 – Resolution to Approve the Renewal of the City’s Contract with Blue Cross Blue Shield of Michigan to Provide Administrative Claims Processing Services and Stop-Loss Coverage for the City’s Health Care Plan on Behalf of Employees and Retirees and their Dependents, and to Authorize the City Administrator to Execute the Necessary Documentation (\$1,905,892.00)**

**Question: Q1.** The cover memo indicates that the claims processing and stop-loss costs are increasing, but not by how much. How much is the year-to-year increase and what is the stop-loss level we are protected above? (Councilmember Lumm)

**Response:** From 2018 to 2019, administrative fees charged directly by BCBSM for claims administration, network management, reporting, etc., increased by +3% or \$32,646 annually. This is an adjustment typical of the market at large. Stoploss insurance premiums increased by +14% or \$73,960 annually. The stoploss specific deductible is

set at \$350,000, and covers medical claims only. MMA markets stop loss coverage each year to ensure competitive pricing. For 2019, medical only and combined medical + Rx proposals were solicited from the commercial marketplace. No competitive offers were submitted, citing mainly the large retiree claims exposure. As well, BCBSM will not issue a stoploss policy on the carved out Rx program administered through Express Scripts. Hence, the BCBSM stoploss insurance policy for 2019 encompasses only medical claims, with City liability capped at \$350,000 per subscriber.

**Question: Q2.** The cover memo indicates the benefit levels themselves are not changing. When was the last time the benefit levels (including deductibles, co-pays etc) were changed and what were the major changes? (Councilmember Lumm)

**Response:** In 2010, the City began changing from a single medical plan offering (\$250 single / \$500 family deductible) to offering two medical plans (HIGH Plan: \$300/\$600 In-network deductible & LOW Plan: \$1,000 / \$2,000 in-network deductible). Since 2010, we've been making minor changes to the current active and retiree plans per the Affordable Care Act mandates (a variety of modifications applicable to 'non-grandfathered' plans, with changes including 100% preventative care benefits, increased mental health care benefits, indexing of out of pocket maximums, etc.). Of course, contribution impact changes have been implemented in accordance with negotiated labor agreements and PA152.

**Question: Q3.** Also, when was the last time we benchmarked our employee health care plan, its cost, and the cost sharing (employer/employee) to other cities and other employers in SE Michigan and what did that benchmarking tell us? (Councilmember Lumm)

**Response:** The City benchmarks our health plans annually with the help of March & McLennan Agency (MMA). Benchmark comparators include Michigan Government as well as national Government. The City plans are deemed 'median' or better than market, in the context of both plan design, member cost-sharing, and the level of premium contribution required by members, as the City cost performance in recent years has been relatively favorable, with City 'net' cost below the statutory PA152 Hard Cap level. Thus, members have also benefitted directly through lower premium contributions than might otherwise have been applicable had City costs increased at a rate more in line with secular/normative trends in the general market, and more specifically within the public sector.

**CA-13 - Resolution to Authorize Additional Payments to Unum Life Insurance Company of America for Associated Group Term Life, Accident, and Disability Insurance Policies for City Employees and their Eligible Dependents (\$93,312.15) (8 Votes Required)**

**Question: Q1.** The CA-13 cover memo indicates that the life insurance benefit amount was increased from \$5,000 to \$10,000 due to higher average funeral costs. While that

isn't unreasonable or a huge cost to the City, it raises questions in terms of who makes the decisions on when employee benefit levels are changed. Can you please clarify the policy/practice in terms of the authority and decision making for changing employee benefit levels? Also, what other employee (or retiree) benefit levels (if any) have been revised in the last couple of years beyond those identified when Council approved union contracts? (Councilmember Lumm)

**Response:** For large benefit changes (those with significant monetary impact), the proposed plans are brought to the City's Labor Committee for review. When we moved to the current two plan medical benefit offering back in 2010, the plan design and financial implications were reviewed with the Labor Committee, including presentations by our benefits broker. Benefit changes that are smaller in monetary impact are reviewed with our benefits broker and the City Administrator.

The only other benefit levels that have changed recently include increasing the amount of the RHRA (please see response to CA-9 for detail), and an increase in employee voluntary life insurance, both of which were included in the resolutions that went to Council for approval.

**Question: Q2.** The CA-13 cover memo also indicates the \$93K supplement is necessary due to (1) the increased benefit level (2) benefit audit-related adjustments and (3) administrative billing audit. How much did each contribute to the \$93K overrun and can you please provide more detail on (2) and (3)? (Councilmember Lumm)

**Response:** The increased funding is necessary due to the following factors:

- 1) Increased retiree life insurance benefit level: \$30,000. To clarify, the life insurance benefit for retirees was only changed for a few unions, as most of the unions already had a \$10,000 benefit level.
- 2) Benefit audit-related adjustments: \$10,000. The City recently discovered gaps in the Unum contracts as they relate to the life and disability benefits outlined in the CBA's. In order to comply with union contracts, minor changes to UNUM benefits had to be made with some union groups. These included eligibility period and benefit level updates. Despite the added eligibility/coverage and back due premium, Unum did re-rate or retro charge the City. There was no cost charged by MMA to complete the benefit audit and Unum held current rates for the remainder of 2018 for any changes that occurred. In order to ensure future compliance, all benefits and unions are now listed individually in each contract.
- 3) Administrative billing audit: \$53,000  
A UNUM billing audit was completed. During this audit, it was discovered that the City had been underpaying UNUM for the benefits being offered. It should be noted that shortages in payments to Unum over several years were not recouped on a retrospective basis. The City was successful in negotiating away any under-reported

volumes/premium. The City and its' benefit broker have developed a more effective and efficient way to track and administer UNUM benefits.

**Question: Q3.** Per the CA-13 cover memos, the 2018 original contract was \$440K and is being supplemented to \$533K. The whereas clauses in CA-14 indicated the premiums are either flat or decreasing yet the CA-14 cover memo states the cost of the benefit is \$609K annually (much higher than 2018). What am I missing - can you please explain? (Councilmember Lumm)

**Response:** Because of the above 3 items listed in CA-13 Q2, overall costs going forward will increase for UNUM. These changes were made mid-year in 2018, therefore, to account for a full calendar year, the overall cost for CY 2019 has increased as well.

**CA-14 - Resolution to Authorize Payments to Unum Life Insurance Company of America and to Renew Associated Group Term Life, Accident, and Disability Insurance Policies for City Employees and their Eligible Dependents, and to Authorize the City Administrator to Execute the Necessary Documentation (\$1,340,685.00)**

**Question:** The cover memo for CA-14 indicates the current contract with Unum is through 12/31/2020, but the second whereas clause in CA-14 indicates the contract is up for renewal on January 1, 2019. Can you please clarify? (Councilmember Lumm)

**Response:** The prior agreement with Unum expired on 12/31/18. MMA was successful in negotiating the renewal with Unum in the fall of 2018, for the 2019 benefit year. The policy renewed with a multi-year rating guarantee from Unum which commits Unum through 12/31/2020. However, the policy itself is an annually renewable group contract under which the City has the unilateral discretion to re-negotiate terms, or terminate without negative financial recourse should circumstances dictate a change in insurer is necessary. Thus, as a point of clarity, the contract itself is a one year contract. The rates are guaranteed to renew at 1/1/20 without change from current rate levels. The City/MMA plan to revisit the active marketing of this program for 2020.

**CA – 16 - Resolution to Approve Amendment No. 4 to the Hosted Human Resources and Payroll System Agreement with Ultimate Software Group, Inc., (\$25,000.00)**

**Question:** Regarding CA-16, how much was the City paying the vendor previously for providing these 1095C services? (Councilmember Lumm)

**Response:** The City was paying the previous vendor approximately \$12,000 annually, but experienced significant data integrity issues with the previous vendor, which led to the issuance of over 80 incorrect 1095C forms. In addition, the change of vendors will significantly decrease the amount of hours needed to transfer and audit the data (approximately 215 man-hours annually) since the data is now housed in the same UltiPro database as our other HR and payroll related data.

**CA-19 – Resolution to Approve Change Order No. 3 with Strawser Construction, Inc. for the 2017 Street Surface Treatment Project (ITB No. 4478; \$43,029.76)**

**Question:** The resolution notes that the contractor is in compliance with the requirements of the City’s Non-Discrimination and Living Wage Ordinances. Does the City also require compliance with the City’s prevailing wage ordinance for road projects? (Councilmember Eaton)

**Response:** The resolution notes that the contractor is in compliance with the requirements of the City’s Non-Discrimination and Living Wage. The City does require compliance with the City’s prevailing wage ordinance for road projects; Strawser Construction is in compliance.

**CA-23 - Resolution to Approve a Progressive Design-Build Agreement for Professional Services with J. Ranck Electric, Inc. for Phase 1 of the Water Treatment Plant SCADA System Modernization Project (\$210,198.00)**

**Question:** Regarding CA-23, can you please elaborate on the pros and cons for using this “progressive design build” approach (as opposed to completely separating the design and construction phases) and why the approach is being used for this project and not others? (Councilmember Lumm)

**Response:** The progressive design-build model combines the Design Engineer and Contractor into one single team. The main advantage of this approach is to utilize the expertise of the Contractor during the design phase, ideally saving time and money and avoiding conflicts throughout the project. Separating the design and construction phases can take longer because the design must be 100 percent complete before the job is bid and construction can commence. Construction can commence before design details are finalized in the progressive design-build approach. Progressive design-build will also allow the City to leverage the expertise of the design-build team to develop cost-effective solutions. When separated the designer and contractor are typically at odds, each protecting their own specific interests, and the City may not achieve an optimized final product. A disadvantage of progressive design-build is that the final construction amount is not known until later in the project after the Design-Build Team obtains bids. However, throughout the design phase, the Contractor is providing up-to-date pricing estimates to the City to show how the decisions made impact the final pricing.

Progressive design-build, as well as other design-build project delivery methods, are increasingly becoming more prevalent. This approach mitigates performance/operational risks in project delivery. The City will be using this project as a model and intends to add this project delivery method to its repertoire of contract types for future use. It is a particularly useful project delivery method for large and complex construction projects.

**Question:** Also on CA-23, the bid scoring summary indicates that J. Rank received less points (12 vs 17) on fees than the other bidder. I’m assuming that means their bid was

higher so what was the difference in the fee proposals between the two firms?  
(Councilmember Lumm)

**Response:** That is correct, J. Ranck did provide a higher fee. The difference price between the two fee proposals was \$35,198.

**B – 1- An Ordinance to Amend Section 2:64 of Chapter 29 (Change Sewer Rates) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-18-33)**

**Question:** Regarding B-1, how much additional annual revenue will this proposed increase generate for the sewer system? Also, roughly how much of the incremental revenue is necessary to pay for operating cost increases and how much is available to support new capital investment? (Councilmember Lumm)

**Response:** The proposed 7% rate increase will generate \$1,773,984 in additional revenue. The increase is necessary for debt coverage requirements, which includes the debt service payment and depreciation for the WWTP Facilitates Renovation Project. This is for previously constructed capital.

**Question:** Also on B-1, can you please revise the cover memo (beyond just the one sentence at the end) to reflect that this is just sewer rates? The reason I ask is that leaving the memo text the same with the water rate references may be confusing for folks (especially the references to the average single-family customer impacts). (Councilmember Lumm)

**Response:** The memo has been updated as requested.

**B-5 – An Ordinance to Amend Sections 1:240D, 1:240E and 1:240F of Chapter 9 (City Seal and Flag) of Title I of the Code of the City of Ann Arbor**

**Question:** Please include the questions and answers about the seal from Assistant City Attorney Matthew Rechten that he did not subject to privilege in the publicly accessible agenda question document for this meeting. (Councilmember Eaton)

**Response:** Attached.

**C – 1 - An Ordinance to Amend Chapter 108 (Disorderly Conduct) of Title IX of the Code of the City of Ann Arbor to Add a New Section 9:69 (Trespass)**

**Question:** Do we have any statistics about how many of these citations are written on a regular basis? (Councilmember Nelson)

**Response:** These are not currently written as citations but are submitted for warrants. The city ordinance would give officers that option. There were 268 Trespass Calls for Service in 2018 with 20 arrests for Trespass (thru 8/09/18). One individual accounted for



6 of those arrests. Please note AAPD handles approximately 60,000 calls for service a year.

**Question:** I understand that these citations are complaint-driven, do we have a statistics or numbers re: how many citations are requested by what kind of property owners (e.g. housing organizations, public businesses, regular property owners/residents)? (Councilmember Nelson)

**Response:** Staff would need more time to do a more in-depth breakdown as the information is not stored nor searchable this way. This would have to be determined by reviewing each incident. When a call comes in to the 911 Center, the call takers list the address, the caller's name, when provided, but not necessarily an affiliation. The officer generally determines this upon arrival.

I looked at the 268 Trespass Calls for Service addresses for 2018 (thru August 9th). There is a wide variety of names and addresses. I separated out locations with more than two trespassing calls for service and broke them down below. I believe this provides a reasonable representation of common locations.

Location types with more than 2 trespassing calls in 2018:

- 56 (21%) at Housing locations (727 Miller, 701 Miller, Carrot Way, N/S Maple, 312 W. Huron, 1500 Pauline, 1440 Pear, 106 Packard, Arbordale, 100 S. Fourth).
- 30 (11%) at Party stores.
- 24 (8%) at libraries - 16 downtown library, 5 Westgate library, 3 at Mallet's Creek.
- 13 (5%) at the BTC.
- 7 at Briarwood Mall.
- 4 at 216 N. Fourth (People's Food Coop).

**Question:** Under the current system, does the county prosecutor exercise any discretion in processing (or not processing) to move citations forward? (Councilmember Nelson)

**Response:** If a warrant is submitted to the County prosecutor, and all of the elements of the crime are present, it would be *unlikely to not* result in a warrant.

Under the current system, after an incident of trespass, officers generate a police report. That report is attached to a "warrant request" which is a term used to request formal charges be brought forth against an individual by the State of Michigan. This process requires that the report and corresponding internal forms be sent over to the Washtenaw County Prosecutor's Office (WCPO) for review. An Assistant Prosecuting Attorney will review the documentation, decided whether or not to authorize formal charges. The prosecutor has broad discretion in deciding which of several applicable statutes to charge in any set of circumstances, but should be limited when they believe the actions of law enforcement are unconstitutional or otherwise illegal. If the charges are denied, WCPO will notify the police department in writing. If charges are authorized, a complaint will be typed and submitted to the Ann Arbor Police Department. The complaint will then be

presented to the Magistrate at the 15<sup>th</sup> District Court for processing and attestation by the Ann Arbor Police Court Officer. The 15<sup>th</sup> District Court will then send a notice to the last known address of the defendant notifying them of a court date to appear for an arraignment. This process may take up to several months depending on the ebb and flow of warrant requests to the WCPO from every law enforcement agency in Washtenaw County and those returning to Ann Arbor Police for processing. Typically, warrant requests are prioritized by handling cases that pose risk to vulnerable populations as a priority, such as crimes against children, domestic violence and sexual assault.

In the current system of processing these cases under state law, those who do not have a stable residence are unlikely to receive a notice 3 or 4 months after the incident and will inevitably miss their court date, resulting in an order to show cause by the court (along with a \$30 fee assessed by the court); when they don't receive that notice that is usually sent to the same address, a bench warrant is issued (with a \$60 fee assessed by the court). It is not until the defendant has police contact again, that they are arrested and lodged at the jail until the next arraignment date before a 15<sup>th</sup> District Court Judge or Magistrate. At the time of their custodial arraignment, they have jail credit of the day of the initial arrest coupled with any day(s) spent in jail until their arraignment following their arrest on a bench warrant. After a finding of guilt (most commonly a plea), the court will most often assess a term of incarceration of 30 days, credit for the days already spent in custody (usually 2 or 3), suspend the remaining days and the fines and costs and close the case.

**Question:** Regarding C-1, this ordinance change certainly seems to make sense and I'm wondering what triggered the proposed change? Also, where do the violation penalties (imprisonment of up to 30 days, or fine of not more than \$250, or both) come from – are those state mandated? (Councilmember Lumm)

**Response:** In review of the District Court dockets, City legal staff has seen countless in-custody defendants brought over from the jail for arraignment on Trespass charges following the issuance of a bench warrant after their failure to appear. The cases are usually closed on that day with a credit for time served jail sentence, leaving the defendant in the same or worse off position. Additional information about this process was provided in CM Nelson's question about prosecutorial discretion.

The maximum penalty mirrors the state law of a possible 30 days in jail and/or a fine of \$250. \$125 is the minimum fine assessed by the State of Michigan. That fine is collected by the court and transferred to the State.

**Question:** Why is this needed when there is already a state law that covers this subject? (Councilmember Eaton)

**Response:** The proposed City Ordinance could be issued on a Code Citation (or ticket). The Citation would be provided to the accused at the time of the incident. Code Citations are turned in at the end of the officer's shift, providing quicker processing. Recipients are given information by the issuing Officers on how to contact the 15<sup>th</sup> District Court to

address their ticket. Hopefully, the expedited time between incident and notice of citation (contemporaneous) and ability to inquire within 48 hours should translate into access to court system in a more efficient way. It should also provide quicker access to counsel or indigent counsel should the recipient qualify for court appointed counsel. Defendants are advised at the time of arraignment that they are entitled to legal counsel and that the court will appoint legal counsel should they not be financially able to do so on their own.

Other benefits in having a City Ordinance would be the ability to prevent jail bed days for those charged with Trespass. Incarceration is a deterrent for recidivism but for crimes such as Trespass, jail should not be customarily part of the sentence. Probationary sentences that include defendant scaffolding and amends to the community are generally ideal for those convicted of Trespass without other contemporaneous. The purpose of probation is to craft a community program that is individually tailored for each defendant to provide services and support that will assist that person in not reoffending and promoting stability and personal growth. This is different for everyone. Services may include housing assistance, literacy tutoring, job placement, substance abuse/use services, or mental health programming. Depending on the defendant's financial circumstances, the court may consider ordering community service to help offset fines and costs associated with community supervision. Specialty treatment courts, like the Mental Health Court is **not** a mandatory court placement. Defendants can choose to participate in regular probation or the Mental Health Court probation. MHC provides true wrap around services with consistent community partners from Community Mental Health, Avalon Housing, Dawn Farm and many others to provide more intensive supports to the participants. Willingness to participate in mental health treatment is a component of this court, however, a defendant will **not** be jailed for simply not wanting to participate in treatment; however, they would be transferred to a general probation caseload. In the current system, a defendant's case is less likely to end in a probationary sentence, but a short jail sentence that leaves the defendant in the same or worse position.

**Question:** Please provide recent examples of incidents that illustrate a need to have a local ordinance that addresses issues already covered by state statute. (Councilmember Eaton)

**Response:** Please see above.

**DB-1 - Resolution to Approve the 3786 & 3802 Platt Road Area Plan (CPC Recommendation: Approval - 8 Yeas and 0 Nays)**

**Question:** Regarding DB-1, have there been any neighbor objections raised to the plan (2 duplexes) or the re-zoning since this appeared on the radar screen? If so, can you please summarize the issue? (Councilmember Lumm)

**Response:** No.

**DB-2 – Resolution to Approve the Ganger Annexation, .52 Acre, 2660 Apple Way (CPC Recommendation: Approval - 7 Yeas and 0 Nays)**

**Question:** Why is this annexation a single property where many other lots in the same neighborhood are also township properties? (Councilmember Eaton)

**Response:** This property owner has submitted a petition for annexation, and the adjacent property owners have not. It is possible that the City could consider this area for future City-initiated annexation activities, but the area has not been identified to date.

**DB-3 – Resolution to Approve ITC Phoenix Utility Substation Planned Project Site Plan, at 2001 Dhu Varren Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)**

**Question: Q1.** The staff report mentions a new sidewalk along DhuVarren, but that’s not mentioned in the cover memo or resolution. Is that still the plan? If so, I’m assuming ITC is being assessed for the cost – correct? (Councilmember Lumm)

**Response:** Yes, ITC will fund and install a new sidewalk as presented on the site plan.

**Question: Q2.** Does DTE or ITC have other sites in Ann Arbor with 100 foot monopoles? If so, where are they, and if not, why is it necessary to go with 100 feet in this location. (Councilmember Lumm)

**Response:** From ITC: “The monopole height standard for electric transmission projects ranges from 80 to 120 feet. The height is the standard for the 120 kV voltage level throughout the transmission industry to ensure safe clearances between the lines and other equipment or other potential obstructions. The Apex Substation to Phoenix Substation is ITC’s first new transmission project in the City of Ann Arbor. ITC has other transmission lines in Washtenaw County including Ann Arbor Township. “

**Question: Q3.** There were no objections raised at the initial (July 24) Citizen Participation Meeting, but there were just 3 attendees. Has the City (or ITC) received any comments or objections over the last 6 months or so from neighbors or area residents? (Councilmember Lumm)

**Response:** City Staff and ITC staff have not received any comments objecting to the proposed project. One Foxfire resident attended the November 20, 2018 Planning Commission meeting and asked questions about the visual impact of the proposed towers. Between the substation and the Foxfire neighborhood north of the site is Foxfire West Park which is heavily wooded and provides a visual screen for homes that abut the park. For Foxfire residents to the east of the substation, the existing landscaping buffer is proposed to be supplemented with additional trees. Residents to the east would be approximately 800 feet from the proposed monopole.

**Question: Q4.** I may be wrong, but I believe ITC indicated there would not be any traffic control measures/road closures necessary for the construction here in this project and also indicated there were no more required for the transmission line project – is that correct? (Councilmember Lumm)

**Response:** ITC is currently working with the City on a lane closure permit on Dhu Varren to lay mats for vegetation removal. The lane closure is expected to last for 1-2 days.

**DS – 1- Resolution to Authorize a Professional Services Agreements with Orchard, Hiltz & McCliment, Inc. (OHM) for the Lower Town Area Mobility Study (RFP No. 18-21) (\$579,478.00) and Appropriate Funding from the Major Street Fund Balance (\$649,478.00) (8 Votes Required)**

**Question:** What specific solutions does staff intend to receive from this study? (Councilmember Bannister)

**Response:** Staff is unable to identify specific solutions prior to the findings of the study being complete. The study process, including technical analysis and public engagement, will identify solutions and test their feasibility. Generally speaking, the study is meant to conduct a comprehensive mobility study centered in the City’s Lower Town Area. The study must address the mobility needs for users of all means of transportation, including pedestrians, bicyclists, transit riders, and drivers and passengers of motorized vehicles.

**Question:** Which of these solutions would staff consider implementing? Please include the range of cost estimates and timeline. (Councilmember Bannister)

**Response:** Staff is unable to identify specific solutions, including their cost or timeline, prior to the findings of the study being complete.

**Question:** What thoughts does staff already have about the known traffic problems in the area? (Councilmember Bannister)

**Response:** Staff’s understanding of the transportation issues are identified in the scope of services as follows: “Development in the northern areas of the City can reasonably be expected to add demand to the City’s mobility network. The confluence of Pontiac Trail, Broadway, Plymouth Road, Moore Street, Wall Street, and Maiden Lane (also known as Lower Town) has the potential to become a mobility chokepoint. City Council desires to mitigate the potential impacts of development on the City’s quality of life. In December 2017, City Council passed a resolution requesting City Staff to review and update of previous studies of vehicular, transit, bicycle, and pedestrian movements leading to, and traveling through, the Lower Town area.”

**Question:** How many new pedestrians, bicycles, and automobiles are expected from the developments in the area, including 1140 Broadway, Broadway Park (DTE), Cottages at Barton Green (Trinitas), The Glen Hotel, the new UM parking structure, and Northsky, the

70 new condos, and the large vacant lot, etc.? Please break it down by peak rush hours in the mornings and afternoons. (Councilmember Bannister)

**Response:**

AM Peak Hour	Pedestrian Trips	Bicyclist Trips	Trips by Transit	Vehicular Trips
1140 Broadway	55	20	40	239
Roxbury Broadway Park (under review/revision)				125
Cottages at Barton Green	2	6	62	149
UM Parking Structure	Similar amount to vehicular trips			354
Glen Hotel				155
North Sky				144
Bristol Ridge				34

PM Peak Hour	Pedestrian Trips	Bicyclist Trips	Trips by Transit	Vehicular Trips
1140 Broadway	76	28	56	309
Roxbury Broadway Park (under review/revision)				143
Cottages at Barton Green	3	11	93	212
UM Parking Structure	Similar amount to vehicular trips			325
Glen Hotel				185
North Sky				184
Bristol Ridge				42

Data from traffic impact studies will be inputs into the analysis performed by the consultant

**Question:** Given that 1140 Broadway is adding 1000 new residents with only 550 parking spaces and basically no commercial for them to shop, where does staff anticipate the new people will park? (Councilmember Bannister)

**Response:** This study will not address the parking availability of the 1140 Broadway project. It will consider the transportation demands based on the uses at this location and others in the area.

**Question:** For the traffic flows on Swift and Broadway, and then to downtown or back around to Wall and Maiden Lane and to the Med Center, how much traffic gridlock is anticipated and what grade level might this be? (Councilmember Bannister)

**Response:** Based on the analysis tools available to us today, this area is expected to perform at LOS (level of service) C or D during the morning commute peak, and LOS E or F during the afternoon peak.

**Question:** Will the ingress/egress onto Maiden Lane from 1140 Broadway and the McKinley apartment complex, encourage heavy cut through traffic up the residential Broadway hill? (Councilmember Bannister)

**Response:** The purpose of the study is to perform a sub-area analysis of transportation challenges and strategies to address them for the Lower Town area. The intent of the study is not to analyze site specific improvements that are part of a development approved by the Planning Commission and City Council.

**Question:** Will the 1140 Broadway roundabout encourage cut through traffic up the Broadway hill? What can be done to minimize this? (Councilmember Bannister)

**Response:** The purpose of the study is to perform a sub-area analysis of transportation challenges and strategies to address them for the Lower Town area. The intent of the study is not to analyze site specific improvements that are part of a development approved by the Planning Commission and City Council.

## Union Wage Increases 2009-2018

	2017	2018	2019
<b>IAFF</b>	New Wage Table for New Hires- ACT 312 Settlement		
<b>ASSISTANT CHIEFS</b>	2.50%	2.25%	
<b>AFSCME</b>	1.00%	2.00%	2.00%
<b>AAPOA</b>	2.50%	2.50%	2.50%
<b>COAM</b>	2.50%	2.50%	2.50%
<b>TEAMSTERS</b>	2.50%	2.25%	2.25%
<b>PSS</b>	1.00%	2.25%	2.25%
<b>DEPUTY CHIEFS</b>	2.50%	2.25%	
<b>Police Professional</b>	New Hire- 2.50%	2.00%	2.00%
	1.50% (1.00% lump sum)		
<b>Non-Union</b>	2.25% (0.50% lump sum)	3.00%	



## RHRA Summary Sheet

<i>UNION</i>	<i>ORIGINAL EFFECTIVE DATE</i>	<i>AMOUNT</i>	<i>CHANGE EFFECTIVE DATE</i>	<i>AMOUNT</i>
<i>Non-Union</i>	July 1, 2011	\$2,500	January 1, 2018	\$3,500
<i>Teamsters</i>	July 2, 2012	\$2,500	January 1, 2018	\$3,500
<i>Deputy Chiefs</i>	July 2, 2012	\$2,500		
<i>PPA / Police Pros</i>	July 2, 2012	\$2,500	January 1, 2018	\$3,500
<i>CSS / PSS</i>	July 1, 2013	\$2,500	January 1, 2018	\$3,500
<i>AFSCME</i>	August 29, 2011	\$2,500		
<i>AAPOA</i>	January 1, 2012	\$2,500	January 1, 2017	\$3,500
<i>Firefighters</i>	July 1, 2012	\$2,500	January 1, 2017	\$3,500
<i>Assistant Chiefs</i>	July 1, 2012	\$2,500		
<i>COAM</i>	N/A	N/A		

**City of Ann Arbor**  
**Washtenaw Urgent Care Pricing vs Current Concentra Pricing**  
**Pre-Hire Packages and DOT/Drug Screen Packages**

Package Name	When CAA Uses Package	Services Provided (WUC Service Names)	Notes	Concentra Price	Final WUC Price (ind. Prices)	Cost Difference
DOT Random Drug Test <b>without</b> BAT <b>*DSP</b>	Quarterly random DOT drivers pulled from DSP pool	DOT Drug Screen Collection Only	Same drug screen as in DOT Urine Drug Screen, but without WUC MRO verification	\$24.50	\$20.00	<b>(\$4.50)</b>
DOT Random Drug Test <b>with</b> BAT <b>*DSP</b>	Quarterly random DOT drivers pulled from DSP pool with BAT collection required	DOT Drug Screen Collection Only	Same drug screen as in DOT Urine Drug Screen, but without WUC MRO verification	\$24.50	\$20.00	<b>(\$4.50)</b>
		Breath Alcohol Test (BAT) DOT		\$35.00	\$30.00	<b>(\$5.00)</b>
DOT Physical Recertification	Medical Certificate renewals	DOT Physical Exam / Recertification	Concentra pricing includes 50 lb lift test.	\$51.50	\$55.00	<b>\$3.50</b>
Pre-Employment Physical and Drug Screen	When jobs require a physical as part of their pre-employment process.	Pre Hire Physical	Add \$25 if a lift test is required.	\$51.50	\$40.00	<b>(\$11.50)</b>
		10 Panel Expanded Drug Screen		\$39.50	\$40.00	<b>\$0.50</b>
DOT Pre-Employment Physical and Drug Screen	When DOT employees go through the pre-employment process	DOT Physical Exam	DOT Drug screen is collection only	\$51.50	\$55.00	<b>\$3.50</b>
		50 lb Lift Screening		\$0.00	\$20.00	<b>\$20.00</b>
		DOT Drug Screen Collection Only		\$24.50	\$20.00	<b>(\$4.50)</b>
Fire Pre-Employment	Firefighter pre-employment process	10 Panel Expanded Drug Screen		\$39.50	\$40.00	<b>\$0.50</b>
		Pre Hire Physical		\$48.50	\$40.00	<b>(\$8.50)</b>
		50 lb Lift Screening		\$0.00	\$20.00	<b>\$20.00</b>
		Anabolic Steroid Expanded Panel		\$227.50	\$210.00	<b>(\$17.50)</b>
		OSHA Respirator Test		\$31.50	\$20.00	<b>(\$11.50)</b>
		Pulmonary Function Test		\$51.50	\$40.00	<b>(\$11.50)</b>
Fire Post-Employment	Firefighter post-hire process	Audiogram		\$34.50	\$35.00	<b>\$0.50</b>
		Hep B Vaccination #1		\$67.00	\$70.00	<b>\$3.00</b>
		Respirator Fit Test		\$55.50	\$40.00	<b>(\$15.50)</b>
		TB Skin Test		\$16.00	\$20.00	<b>\$4.00</b>
Fire Post-Employment	Series 2 of Hep B Shot for post-hire process	Hep B Vaccination #2		\$67.00	\$70.00	<b>\$3.00</b>
Fire Post-Employment	Series 3 of Hep B Shot for post-hire process	Hep B Vaccination #3		\$67.00	\$70.00	<b>\$3.00</b>
Police Pre-Employment	Police Officer Pre-Employment Process	10 Panel Expanded Drug Screen		\$39.50	\$40.00	<b>\$0.50</b>
		Pre Hire Physical (MCOLES)		\$48.50	\$40.00	<b>(\$8.50)</b>
		50 lb Lift Screening		\$0.00	\$15.00	<b>\$15.00</b>

**Cost Difference Key:**  
**RED: Savings to City**  
**Green: Cost Increase**

**City of Ann Arbor**  
**Washtenaw Urgent Care Pricing vs Current Concentra Pricing**  
**Pre-Hire Packages and DOT/Drug Screen Packages**

		Anabolic Steroid Expanded Panel		\$227.50	\$210.00	<b>(\$17.50)</b>
Police Post-Employment	Police Officer Post-Employment Process	Audiogram		\$34.50	\$35.00	<b>\$0.50</b>

**\*Ala Cart Items**

50 lb. Lift Screen	When a DOT or other physical requirement position gets a physical	50 lb Lift Screening for physical requirements	Is not included in WUC's DOT physicals.	\$0.00	\$20.00	<b>\$20.00</b>
Regular Employee Drug Screen	Administrative/Non-Physical pre-employment	5 Panel Drug Screen	We use pro-screening when just a drug screen is required for pre-employment.	\$39.50	\$30.00	<b>(\$9.50)</b>
Non-DOT BAT		Breath Alcohol Test		\$45.00	\$30.00	<b>(\$15.00)</b>
Medical Review Officer		MRO Function		\$0.00	\$25.00	<b>\$25.00</b>

**PRO SCREENING**

Rapid e-Cup		Rapid eCup 5 Panel UDS		\$35.00	\$35.00	<b>\$0.00</b>
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Preplacement Drug Screen (non-DOT employees)  
Preplacement Drug Screen (safety employees)  
DOT Preplacement Physical & Drug Screen w/ Lift Test  
Preplacement Physical  
Preplacement Physical w/ Lift Test

## Eaton, Jack

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**From:** Rechten, Matthew  
**Sent:** Monday, January 7, 2019 5:04 PM  
**To:** Taylor, Christopher (Mayor); \*City Council Members (All)  
**Cc:** Lazarus, Howard; Postema, Stephen; Elias, Abigail; Higgins, Sara  
**Subject:** RE: City Seal Questions - [REDACTED]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mayor and Councilmembers --

[REDACTED]

If you have any other questions or concerns, please do not hesitate to ask.

Q. In June, staff replied to a Council agenda question about whether other Cities have an ordinance like this one by suggesting that other cities lack sophistication. In light of the ACLU challenge to our ordinance, can you provide an explanation why Ann Arbor needs this ordinance that other cities have found unnecessary?

A. The statement that not all cities have such an ordinance was not meant to imply those cities have found such an ordinance “unnecessary.” We would only be able to speculate as to why various cities have not adopted such an ordinance. However, one possible reason is that some cities simply haven’t encountered unauthorized use of their seals; that’s what “sophistication” referred to. In contrast, the City has encountered unauthorized use, presumably because it is valuable.

Q. Did any past or current city council member(s) request any city employee to participate in the drafting of the original version of this ordinance?

A. No.

Q. What were the specific examples of misuse of the City’s Seal and/or Flag, what were the dates, and how did the city handle the misuse?

A. Specific examples the City Attorney’s Office is aware of include:

- A vendor sold t-shirts with City seals on them during the Art Fair. In response, the City sent a cease and desist letter to the vendor.
- A vendor asked permission to make and sell brass bells decorated with the City seal. The City denied the request.
- The City repeatedly received responses to its requests for proposal onto which vendors have added the City seal. As this practice increased, the City was asking that the seal be removed.
- The City has been asked by vendors to use the City’s seal on advertising materials touting City projects as successes. The City has generally declined those requests.
- The City received reports from consultants marked with the City’s seal. The City has generally asked that the seal be removed.

Q. In passing an ordinance like this, is it standard practice to reference the name and title of a chapter in the municipal code that has long been repealed?

A. Council Rule 11 directs agenda item titles not to exceed 20 words if legally possible, but the Council Rules do not address specifically ordinance titles. Parentheticals in ordinance titles may have been requested by the Administrator around the same time as the 20-word limit on titles was implemented. A staff person in the Clerk's Office familiar with Council agendas had the same impression.

We advise that although City Code Sec. 1:2, prescribing ordinance format, does not include a narrative identification or description of the chapter or section (parenthetical or otherwise) as part of the format for an ordinance title, identifications or descriptions have been used for many, many years. From September 24, 2007, to date, for example, a 130-page list of ordinance titles (save for rare exceptions) has narrative identifications or descriptions of the sections or chapters being amended, repealed or enacted. In earlier years, ordinances did not identify by name, with or without parentheses, either a new chapter being enacted or the chapter it replaced (if that was the case). Not identifying by name a chapter being replaced risks possible error or confusion, as happened when Chapter 60 (Wetlands Preservation Ordinance) was enacted December 5, 1994. The ordinance title did not refer to the previously repealed Chapter 60 (Building Setback Lines), resulting in a longstanding footnote in the published City Code that said, incorrectly, the ordinance adopted in 1994 "repealed Ch. 60 in its entirety, which pertained to wetlands and watercourses preservation ordinance (sic)."

The Ethics Ordinance did not give the name of the previously repealed chapter it replaced, but did provide the title of the new chapter. We advise that not identifying the name of the previously repealed chapter seems to be the exception to the usual and current practice, which is that whenever chapters are repealed and replaced in full, both the title of the chapter being repealed and the title of the new chapter are provided. This happens for chapters that are rewritten, so the repealed and new chapters are identified with the same title.

The City Attorney's Office can provide the 130-page list or any other additional information upon request.

Q. When was "Model Neighborhood Policy Board" repealed and how is its subject matter similar to the city seal/flag ordinance in terms of placement in the same chapter of the municipal code?

A. Its subject matter is not similar. The seal/flag ordinance was placed in the former location of "Model Neighborhood Policy Board" in the City's Code because "Title I – Administration" is, we advise, the most appropriate title in City Code, and Chapter 9 was the only available location in Title I.

Q. How many legal department staff reviewed this ordinance, and for how many hours, before the City Council meeting on June 16, 2018?

A. According to time records, three staff members were involved with the ordinance, and spent around 15 hours on it between November 8, 2017 and its first reading.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]