



TO: Mayor and Council

FROM: Derek Delacourt, Community Services Area Administrator
Craig Hupy, Public Services Area Administrator
Nick Hutchinson, City Engineer
Brett Lenart, Planning Manager
Cresson Sloten, Systems Planning Manager
Lisa Wondrash, Communications Manager

CC: Howard S. Lazarus, City Administrator

SUBJECT: Council Agenda Responses

DATE: 11/10/16

CA-9 –Resolution to Extend Toter Cart Purchases and Authorize Up to Five Additional Years (not-to-exceed \$131,000.00 per year)

Question: The cover memo indicates we expect to need 1,500 recycling carts a year, 400 compost carts, and 600 refuse carts. I can understand why the compost cart number would be lower, but don't understand why we'd need twice as many recycling carts a year as refuse carts. Can you please help me on that? (Councilmember Lumm)

Response: The recycling carts are used at residences and businesses. Residences usually have one recycle cart and one refuse cart. The business will often have multiple recycling carts at a single location. Most of these businesses have their refuse collected in dumpsters. Thus the larger number of recycling carts.

CA-10 - Resolution Authorizing a Purchase Order to Motorola Solutions, Inc. (State of Michigan MiDeal Contract #071B2200101 \$470,696.96) to Purchase Radios Compatible with Michigan’s Public Safety Communications System

Question: The cover memo indicates the Police and Fire departments already have digital radios and this is for Public Services department radios only. How many radios are being purchased for the \$470K? (Councilmember Lumm)

Response: 192 radios are being purchased.

CA-14 – Resolution to Approve Change Order No. 1 with Doan Construction Company (Bid No. 4417) for the 2016 Ramp & Sidewalk Repair Project (\$800,000.00)

Question: Is the requested change order of \$800K represents about a 50% increase over the base contract amount. What caused such a larger overrun compared with the original projection? (Councilmember Lumm)

Response: Quantities of work are based on estimates made prior to the construction season. The contract is a unit price contract that allows the units of work to fluctuate without affecting the unit price. Approximately half of the requested change order will go to the Americans with Disabilities Act (ADA) sidewalk ramp replacements portion of the contract. The remainder will fund the sidewalk repairs portion of the construction program. This change order represents the actual quantities of repairs and replacements encountered in the field for the 2016 target areas. Completion of this work will complete the initial 5-year program to repair sidewalks throughout all of the City, and completes the majority of the retroactive ADA ramp work mandated under the consent decree. Funding for this change order will come from the fund balance of the Street & Sidewalk Millage Fund.

Question: In response to a budget question earlier this year regarding the 2011 Street and Sidewalk Millages approved by voters, staff provided a schedule that showed the following:

Sidewalk Program Expenditures

FY 13 (actual)	\$ 1,013,437
FY14 (actual)	\$ 1,234,211
FY15 (actual)	\$ 1,413,191
FY16 (plan)	\$ 1,669,391
FY17 (plan)	<u>\$ 780,000</u>
5-Year Total	\$ 6,110,230

Sidewalk Levy Revenues

FY 13 (actual)	\$ 585,483
FY14 (actual)	\$ 602,840
FY15 (actual)	\$ 622,870

FY16 (plan)	\$ 612,273
FY17 (plan)	\$ <u>625,988</u>
5-Year Total	\$ 3,049,454

Can you please update those numbers for the FY16 actuals and the current FY17 forecast including the impact of this requested \$800,000 contract change order? (Councilmember Lumm)

Response:

<u>Sidewalk Program Expenditures</u>	
FY 13 (actual)	\$ 1,013,437
FY14 (actual)	\$ 1,234,211
FY15 (actual)	\$ 1,413,191
FY16 (actual)	\$ 1,669,391 1,466,955
FY17 (plan)	\$ 780,000 1,165,000
5-Year Total	\$ 6,110,230 6,292,794
<u>Sidewalk Levy Revenues</u>	
FY 13 (actual)	\$ 585,483
FY14 (actual)	\$ 602,840
FY15 (actual)	\$ 622,870
FY16 (actual)	\$ 612,273 638,682
FY17 (plan)	\$ 625,988
5-Year Total	\$ 3,049,454 3,075,863

CA-15 – Resolution to Approve Amendment No. 5 to the Carlisle/Wortman Professional Services Agreements for Building Services, Amend the FY16 Budget and Appropriate Necessary Funds (\$500,000.00) (8 Votes Required)

Question: What is the current status of the search for a new building official? As much detail as possible, please. (Councilmember Briere)

Response: Staff conducted an additional round of interviews in October. A preferred candidate was identified, an offer was made and the candidate did accept. The expected start date is December 12th. A formal announcement of the candidate will be made shortly.

Question: When does the current funding run out? Also, how many more months of Carlisle/Wortman services would this \$500K in funding pay for and how long of a transition period is anticipated where Carlisle/Wortman would be retained to assist the new Building Official? (Councilmember Lumm)

Response: The current funding will expire this month. The funding will cover an additional 10 months if plan review levels remain consistent. The transition period for administrative assistance, (Building Official), is estimated to be between 30 and 60

days. Staff will continue to need assistance in plan review services for the foreseeable future. Currently the City is averaging 134 plan reviews per month, equating to approximately 14.5 hrs of plan review per day. The department, even when fully staffed, will need to maintain continuing service assistance in order to meet desired customer service levels. These costs are supported and recovered by the permit and plan review fees collected.

Question: My understanding is the Building Official position was re-posted at a higher salary range. Is that correct and, if so, can you please provide the rationale (e.g., benchmarks, etc.) for the higher salary range. (Councilmember Lumm)

Response: The salary range did not change.

C-2 - An Ordinance to Add a New Chapter 120 (Closed Captioning) to Title IX of the Code of the City of Ann Arbor

Question: When the resolution was passed by Council in April directing staff to develop this ordinance, Council amended the resolution to ask staff to investigate if council meetings or other city meetings could be closed-captioned – what was the outcome of that investigation? (Councilmember Lumm)

Response: At the Nov. 2, 2016 Cable Commission meeting, Commissioners were in agreement that CTN staff would continue to move forward closed captioning services of city meetings with the following steps:

*CTN's FY18 draft budget will include expanding CTN's current closed captioning to include City Council regular and work session meetings as well as continuing to provide this service for the Commission on Disability Issues. The Cable Commission will review and discuss the FY18 draft budget at its February meeting. If approved by City Council in May, CTN would aim to begin closed captioning of City Council meetings in July, 2017.

*In addition, CTN's FY19 draft budget will include tentative plans to expand closed captioning services to regular Planning Commission meetings in July 2018.

Question: The cover memo mentions that the Commission on Disability Issues has discussed outreach and contacting local merchant associations and major establishments, but it was not clear if that outreach/contact has actually taken place. Has there been any outreach or contact with impacted stakeholders and if so, what has been the feedback? (Councilmember Lumm)

Response: *Response from Sally Petersen, Chair of Commission on Disability Issues.* No outreach has actually taken place as of yet and The Commission on Disability Issues has requested guidance from City Council and staff on how that outreach should take place. Using A2 Open City Hall may be an option.

Question: In response to a question I asked in April, staff indicated they were not aware of any other communities other than Portland or San Francisco that had adopted similar ordinances, but that USDOT had for some airports and the State of Maryland adopted laws requiring activation upon request. Do we know if any other communities have adopted similar ordinances since April and did the Disability Commission (or staff) consider an ordinance that, like Maryland, requires activation upon request? (Councilmember Lumm)

Response: We do not have any further information about other communities adopting similar laws after April.

Question: In the large sports bar/restaurant locations, there are many TV's with several games on and TV's stacked next to each other. Would this ordinance also apply in those situations there's no sound on at all, just the various different games showing? (Councilmember Lumm)

Response: The ordinance applies if the TV is on, even if there is no sound on.

C-3 - An Ordinance to Amend Sections 7:91, 7:92, 7:93, 7:94, 7:95, 7:96, 7:97, 7:98, 7:100, 7:101, 7:102, 7:103, and 7:104, Repeal Section 7:99 and Revise the Title of Chapter 82, Littering and Distribution of Handbills, of Title VII of the Code of the City of Ann Arbor

Question: Can you please clarify what "rebuttable presumption" means, why it is important to include that paragraph now, and whether that clause/paragraph appears in any other city ordinances? (Councilmember Lumm)

Response: Section 7:97(3) of the ordinance amendment provides that that when printed matter is found in a location where it is prohibited, there is a "rebuttable presumption" that the person who published or distributed the printed matter is responsible for it being there. This means that the publisher or distributor of the printed matter is presumed to be responsible for the printed matter being in the prohibited location, unless evidence to the contrary is presented.

An example of an existing rebuttable presumption is the Michigan vehicle code provision that requires a driver to bring his/her vehicle to a full stop at least 20 feet from a school bus with flashing red lights. Under that law, it is presumed that the registered owner of the vehicle was the driver of the vehicle at the time of the violation, unless evidence to the contrary is presented. Evidence to the contrary could be the registered owner giving the police the name of a person who had borrowed the vehicle and was driving it at the time.

The rebuttable presumption in the school bus passing law facilitates enforcement because most often only the school bus driver witnesses the violation and can only provide police with the vehicle's plate number. Similarly, the rebuttable presumption in section 7:97(3) is intended to facilitate enforcing the requirements of the ordinance amendment.

The school bus passing law is also a City ordinance.

Question: Are we aware of other communities that have similar ordinances to this and distinguish between solicited and unsolicited printed matter? (Councilmember Lumm)

Response: We are not aware of any other communities in Michigan that have a similar ordinance.

C-4 - An Ordinance to Discontinue the Taxicab Board and Establish a Transportation Commission by Repealing and Replacing Section 1:207 of Chapter 8 of Title I and Amending Chapter 85 of Title VII of the Code of the City of Ann Arbor

Question: Given the large overlap of scope between this new Transportation Commission and the former Pedestrian Safety and Access Task Force (PSATF), it's my understanding that the PSATF has been dissolved, and can you please confirm if that is correct. If not, what will be the role of the PSATF going forward, and will city staff continue to provide support to both groups? (Councilmember Lumm)

Response: According to City Council Resolution R-13-367, approved on November 18, 2013, City Council appointed a Task Force to explore strategies to improve pedestrian safety and access. The resolution also stated that the Task Force would submit its recommendations to City Council in the form of a report. The Task Force presented their final recommendations report to City Council at a September 14, 2015 Work Session. Following this meeting the Task Force appointments expired (in 12/31/2015) and the Task Force disbanded.

The Transportation Commission will serve as an advisory body to the City Council and the City Administrator on transportation policy with a focus on accessibility, mobility, and equity for all citizens – including all modes of transportation. The intent is that the PSATF would be included under this umbrella.

Question: On a related matter, what is the status of the \$100K budget allocation earmarked for PSATF? (Councilmember Lumm)

Response: City Council Resolution R-14-218 appropriated \$75,000 for a contract with The Greenway Collaborative, Inc. to support the PSATF, and those funds were all expended on that contract. \$25,000 was expended on staff support.

DC-1- Resolution to Expand the Work Scope for the Allen Creek Greenway Master Plan Project

Question: It is not clear to me if Council is voting on the original resolution that is still in the packet or the alternative/substitute resolution that's included as an attachment - can you please clarify? (Councilmember Lumm)

Response: The sponsoring Councilmembers plan to bring forward a motion on the floor to introduce the substitute resolution that is currently included as an attachment in the file.

DC-3 - Resolution Establishing the City of Ann Arbor City Council Policy Agenda Committee and Appointing Initial Members

Question: The first resolved clause includes the language “to identify items of legislative and administrative interest at the state and federal levels”. Can you please clarify what an “administrative” item might be? Also, what was the rationale for the March 31 date selected for Council review? (Councilmember Lumm)

Response: When a governing body passes a law or regulation, the processes and rules necessary to implement the action are often established by an administrative arm of the government. The implementation of these processes and rules may directly or indirectly establish policies at the federal or state level that are of concern to local government. Therefore, items of “administrative interest” are those rules and processes that would affect the City’s ability to provide services to its residents.

Providing the report by March 31st enables Council direction and concern to be included in the budget process for the coming year.

DC-4 – Resolution to Prioritize the Installation of Streetlights at the Fuller Road Crosswalk at Huron High School and the Entrance to Gallup Park and to Evaluate Pedestrian Crosswalk Locations Near Ann Arbor Schools and Identify Where Lighting or Other Crosswalk Improvements May Be Appropriate

Question: The reporting period is listed as XX days. Is there an updated version of this resolution that includes numbers? (Councilmember Briere)

Response: The resolution was updated to include the report period of 60 days to provide a preliminary report.

DB-1 – Resolution to Approve 2250 Ann Arbor – Saline Road Site Plan, Development Agreement and Wetland Use Permit, 2250 Ann Arbor- Saline Road (CPC Recommendation: Approval –7 Yeas and 0 Nays)

Question: Are there any other detention ponds in the City of Ann Arbor that are the size of the proposed detention pond for this site? (Councilmember Eaton)

Response: According to the City’s GIS inventory, there are over forty (40) basins in the City that are larger than the one proposed.

Question: Are there any other detention ponds in the City of Ann Arbor that the City has a right of way for? (Councilmember Eaton)

Response: Yes, there are two other locations where the City has an easement over private land to access and maintain the detention pond.

Question: If there are other detention ponds where the City has a right of way, please identify them and the size of each of them. (Councilmember Eaton)

Response: One of the basins is located behind the Maple Village shopping area (29,000 ft³). The other location is located north of West Liberty, west of Dartmoor (10,000 ft³).

Question: Can you obtain an elevation view of the proposed project from the street side that shows the size of the proposed building and the size of nearby buildings, such as the homes on Village Oak (to the south) and the Brookdale Assisted Living Center (to the north)? (Councilmember Eaton)

Response: Staff requested the described elevation view from the project architect who was unable to provide by today.

Question: The Development Agreement section (P-8) which speaks to the detention basin indicates that the CITY will reimburse the developer for 72% of the construction costs up to a maximum amount that is blank – has that maximum amount been agreed? (Councilmember Lumm)

Response: We have agreed that the maximum amount of the construction cost is \$60,000, although the current estimated amount is under \$30,000.

DB-2 - Resolution to Approve Grant Application to the USDA Agricultural Conservation Easement Program (ACEP) for the Purchase of Development Rights (PDR) on Properties in Lodi and Scio Townships

Question: Do we have a sense of the value of these two large properties and is it expected the County (or Townships) will be providing funding as well (particularly for the Scio property adjacent to the County's DeVine Preserve)? (Councilmember Lumm)

Response: While we have not gotten appraisals for these properties yet (since the appraisal would expire before we would receive federal funding and be able to close), it is reasonable to assume that the value of the development rights to be very similar to recent appraisals on the Guenther properties, likely no more than \$5,000 per acre.

That would result in the following:
DeVine-Koselka: \$500,000

Rogers: \$400,000

An application to the USDA-NRCS ACEP Program for funding will be submitted for both properties requesting 49% of the purchase price. It is likely, but not confirmed, that the County will contribute funds to the DeVine-Koselka easement acquisition and that Lodi Township would contribute to the Rogers easement acquisition.