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TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Eli Cooper, Transportation Manager  
Derek Delacourt, Community Services Area Administrator  
Craig Hupy, Public Services Area Administrator  
Brett Lenart, Planning Manager  
Cresson Slotten, Systems Planning Manager  
Colin Smith, Parks and Recreation Services Manager

SUBJECT: Council Agenda Responses

DATE: 1/17/17

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**CA-1 - Resolution to Approve the Purchase of Golf Course Maintenance Equipment from Spartan Distributors (MiDeal - \$354,770.92) and to Appropriate Funds (\$354,770.92) (8 Votes Required)**

**Question:** It makes sense to include this equipment in the fleet fund for replacement purposes going forward. Is the 8 vote requirement necessary here because the funding is not from the Fleet Fund and is from the Parks Maintenance and Capital Millage fund? (Councilmember Lumm)

**Response:** Correct, the 8 vote requirement is due to the fact that funds need to be appropriated from the Park Maintenance and Capital Improvements Millage Fund fund balance.

**CA-2 - Resolution to Approve a Budget in the Amount of \$345,000.00 and Accept and Appropriate Funding of Up to \$210,000.00 from the Washtenaw County Office of Community and Economic Development for Construction of an Addition to the Bryant Community Center (8 Votes Required)**

**Question:** How was the cost sharing between the City and OCED determined for this project? (Councilmember Lumm)

**Response:** Park staff wrote a proposal to OCED outlining the goals for the project and the estimated budget need to achieve the goals. The City had previously budgeted a \$150,000 from the Parks Maintenance and Capital Improvements Millage, and the County agreed to fund the balance of the amount needed to implement the project.

**CA-5 – Resolution to Approve a Professional Services Agreement with OHM Advisors for Streetlight Condition Assessment (\$143,296.00; RFP No. 983)**

**Question:** How often will a comprehensive evaluation such as this be required? (Councilmember Warpehoski)

**Response:** The timeframe for future inspections is still being developed, but it is anticipated that streetlights would be inspected on no more than a ten-year cycle.

**Question:** Does this include DTE lights? (Councilmember Warpehoski)

**Response:** No, this only includes City-owned streetlights.

**CA-10 - Resolution to Appropriate \$151,600.00 from General Fund to Major Grant Fund (00MG) Ann Arbor Station Project Budget and to Approve an Agreement for Professional Services with Neumann/Smith Architecture for Ann Arbor Station Preliminary Design and Engineering (\$2,135,310.67) (8 Votes Required)**

**Question:** Some residents have expressed concerns regarding recent decreases in Amtrak ridership. Do these statistics alter our projections for ridership? Why or why not? How do the projections for ridership differ for commuter rail compared to Amtrak? Do the recent declines in Amtrak ridership impact these projections? (Councilmember Grand)

**Response:** The Federal Rail Administration (FRA) requires the City to utilize the Chicago-Detroit Pontiac Tier 1 Environmental Impact Statement (EIS) ridership forecasts for the planning for the station in Ann Arbor. These projections were developed as part of the overall Midwest Regional High Speed Rail Initiative and are included in this FRA approved corridor-wide EIS. As a result of the requirement to use these established projections, any recent changes in AMTRAK ridership do not affect the projections being used in the current process with FRA.

As to commuter rail projections, they have been developed by a variety of entities over the past decade. SEMCOG issued an early projection as part of their Ann Arbor-to-Detroit Study in the mid-2000s. MDOT also evaluated commuter rail ridership as part of the aforementioned EIS for the purposes of infrastructure, rail systems planning. More recently, the Southeast Michigan Regional Transportation Authority (RTA) was

developing ridership projections for their proposed commuter rail service. Although the methodology for intercity passenger service ridership projection is well established, the same is not true of commuter services in Michigan. Complexities of travel demand forecasting related to a new means of travel, commuter rail, is more difficult. Therefore, projected numbers for commuter rail have not been established, nor are they being used as part of a specific set of improvements for the Ann Arbor Station at this time. When a commuter rail operation is funded and planned for, ridership forecast and development of specific station components will need to be studied further.

**Question:** The resolution says: “The Preliminary Design and Engineering phase will follow completion of the Environmental Review phase that is currently being conducted by AECOM, Inc.” When is the Environmental Review being conducted by AECOM expected to be completed? (Councilmember Eaton)

**Response:** The current draft environmental Assessment (EA) report is undergoing final review by staff and MDOT and is planned to be forwarded to Federal Railroad Administration (FRA) this week. Review and approval of the document is FRA’s responsibility. Once it is approved it will be moving into the formal public review process as required. Staff anticipates a final approval following the formal public review period will be issued late this winter or early spring.

**Question:** Is it true that either as part of the Environmental Assessment or after it is finished, the FRA requires a 30-day comment period? (Councilmember Eaton)

**Response:** There is a required 30-day public review process as part of the formal Environmental Assessment (EA). It will be initiated as required once FRA authorizes the release of the report for that purpose.

**Question:** How will the 30-day comment period impact the ability of Neumann/Smith Architecture to complete this Ann Arbor Station Preliminary Design and Engineering? (Councilmember Eaton)

**Response:** The Preliminary Engineering (PE) Phase cannot start until FRA authorizes to do so. Staff is coordinating with MDOT and working with FRA for administrative flexibility on how the project proceeds in order to allow the PE phase to have the maximum time necessary for the work to be completed while under the current contract.

**Question:** Will Neumann/Smith Architecture be working on dual designs while the decision on which location to use is made? If yes, is there an additional cost associated with that dual design? The resolution also says: “The overarching agreement expires in September 2017 and FRA has indicated they require all invoicing related to this project submitted by no later than the end of May 2017.” (Councilmember Eaton)

**Response:** No. The Neumann/Smith Architecture team will initiate work once a preferred location is approved by the FRA.

**Question:** Who will be responsible for the expenditures authorized by this contract if any of the tasks for the project are not invoiced by the end of May? (Councilmember Eaton)

**Response:** In the event that the contract deliverables are not fully complete at the grant invoice deadline, staff plans to wind up the work so that it can be continued if another federal grant becomes available and so that no expenditures in excess of the budgeted amount would be incurred. Of course, Council has the authority to alter the budget in its discretion.

**Question:** Is there any possibility that the City will become responsible for costs under this contract that otherwise would be covered by federal funding if timely completed? (Councilmember Eaton)

**Response:** No.

**Question:** The agenda does not include a copy of the contract which this resolution approves. May we have a copy of the contract between the City and Neumann/Smith Architecture to complete this Ann Arbor Station Preliminary Design and Engineering? (Councilmember Eaton)

**Response:** The contract item was inadvertently set to not be viewable, but this has been changed and the contract document is now viewable.

**Question:** Under the Obama administration, transit capital projects have gone from receiving 80% federal funding to just 60% federal funding and the FRA has been emphasizing the use of loans and private partnerships for capital projects. What is the intended source of funding for the train station project after this stage of the project is finished? (Councilmember Eaton)

**Response:** At this time the TIGER program is the only existing federal Capital program with funding at a level needed to support this project beyond the Preliminary Engineering (PE) phase of work.

**Question:** Previously you provided information regarding the total expenditures on the various train station projects:

Previous Rail Station Project Budget – Fuller Intermodal Transportation Station (FITS):	
TOTAL CITY FUNDS EXPENDED:	\$466,687.05
Utility Costs at Fuller Road site - Northside	
Interceptor:	
TOTAL CITY FUNDS EXPENDED:	\$1,657,513.21

Current Rail Station Project Budget – Ann Arbor Station:  
TOTAL CITY FUNDS EXPENDED TO-DATE: \$162,847.84

Subsequently you responded to my inquiry into the staff time spent on these projects. You said “the City has expended \$184,921 in staff labor costs for the Northside Interceptor and \$105,810 in staff costs for the Train Station.” Are these expenditures for staff time part of the totals or are they in addition to the amounts reported as spent? (Councilmember Eaton)

**Response:** A response will be forthcoming.

**Question:** What is the current status of the Environmental Review Phase – what specifically is happening now and when do we expect it will be completed? (Councilmember Lumm)

**Response:** The current draft Environmental Assessment (EA) report is undergoing final review by City staff and MDOT and is planned to be forwarded to the Federal Railroad Administration (FRA) this week. Review and approval of the document is FRA’s responsibility. Once it is approved it will be moving into the required formal public review process. Staff anticipates a final approval following the formal public review period will be issued late this winter or early spring.

**Question:** Can you please assure us that by approving this tonight (in advance of completing the Environmental Review phase) that we do not risk any duplication of effort/additional costs? In other words, we (consultant or city) either will not start work before the Environmental Review is completed or the work that is started is not related to the conclusions (including preferred site) in the Environmental review? (Councilmember Lumm)

**Response:** Staff anticipates that Neumann Smith will perform PE on only one site in accordance with FRA authorization. The tasks to be performed by Neumann Smith will be those for the PE effort as described in the Council item and their contract’s scope of work. AECOM’s efforts for completion of the EA phase are substantially different tasks that although related to the PE work, are not duplicative with the work by Neumann Smith.

**Question:** The Neumann/Smith proposed workplan envisioned starting in November and finishing by the end of May. Given the later start, if the timeline is being condensed, what specifically is being changed and is there a new timeline that can be shared with Council? (Councilmember Lumm)

**Response:** The timeline will be reviewed, and revised, once FRA authorizes movement into Preliminary Engineering (PE). At this time, staff is coordinating with MDOT and working with FRA for administrative flexibility on how the project proceeds.

**Question:** Alternatively, if it becomes apparent this Preliminary Design and Engineering phase will not be completed by May 31, 2017, what would be staff's recommendation and what will Council be asked to do and when? (Councilmember Lumm)

**Response:** If the Preliminary Engineering (PE) phase is not completed by June 2017 when invoicing of the FRA share of the work is expected to cease, the work would continue up to the point that the City-share funding can cover. Staff will inform Council if any further actions are needed or recommended.

**Question:** In response to my question September 19, 2016 (when Council approved the amendment #1 to the URS agreement), staff indicated it would take more time to research the total local dollar costs of all of the train station studies. I have researched the costs myself and would appreciate confirmation that my estimate is correct (or not) that \$1,491,223 of local dollars will have been spent (excluding the \$1.4M for the Northside Interceptor Sewer project) assuming the full amount of this resolution for the Preliminary Design and Engineering is required. My math:

- **\$789,623K** prior to October 15, 2012 when Council approved \$550K from GF for local match of grant (see response to my October 15, 2012 question)
- **\$207,335** for Environmental Review (\$550,000 allocated from GF to project budget on October 15, 2012 less \$342,665 still available now per the resolution cover memo)
- **\$494,265** for Preliminary Design and Engineering phase (per cover memo)
- **\$1,491,223 Total**

Can you please confirm if that is correct and if not, what I'm missing? (Councilmember Lumm)

**Response:** A response will be forthcoming.

**Question:** Is there a plan for council to formally vote on/accept the Environmental Review conclusions and preferred site? What is the plan to review the preferred site recommendation and Environmental Review conclusions with the public? (Councilmember Lumm)

**Response:** The Environmental Assessment (EA) report is an FRA document. The FRA Administrator, or designee will issue the final finding on the report. Staff will provide City Council the public review document once it is approved for release by FRA. City Council may choose to take action on the public review document and offer its interest to the FRA as part of the completion of the EA process.

The plan for public review is to release the approved public review EA document via the project's outreach process. E-mails will be sent to interested stakeholders including members of the Project's Leadership Advisory Group, Citizens Working Group and

others that have signed-up on the project e-mail list notifying them of the availability of the document for review and comment. Additionally, the draft report, in its entirety, will be available on the Project Website. A public hearing for this report will be convened as part of the 30-day public review period as required by the FRA administrative guidelines.

**Question:** In the Nuemann/Smith proposed workplan, a first public meeting was envisioned for Fall 2016 (following project initiation) – when will that be scheduled now and what would be the timing for the second public meeting given the delay in the first? (Councilmember Lumm)

**Response:** Once FRA has provided authorization to proceed into Preliminary Engineering (PE), we will establish and announce the updated schedule of activities.

**Question:** The contract amount we're being asked to approve (\$2,135,310) reflects the initial fee proposal (\$2,366,987) less the \$231,677 in fee reductions in Neumann/Smith's November 15<sup>th</sup> letter. In reading that letter, it does not appear that any of the public engagement aspects are eliminated or revised, but can you please confirm that? (Councilmember Lumm)

**Response:** Correct, there have been no reductions in public engagement activities.

**Question:** Was the traffic study completed as part of the Ann Arbor Station Environmental Assessment? Were both locations studied for traffic and potential lane modifications? When was that traffic study completed? Over what time period, and by what consultant? (Councilmember Lumm)

**Response:** AECOM's traffic study as part of the Environmental Assessment (EA) is not yet completed. Yes, both sites are being studied in appropriate detail for site access and adjacent road, non-motorized and transit needs. Work on investigating/evaluation of traffic began in 2014, but the formal traffic study by AECOM as part of the EA Phase of work following the Alternatives Analysis (AA) phase of work, began in July 2016.

**DB-1 - Resolution to Approve Hillside Memory Care Site Plan, 312 Glendale Drive (CPC Recommendation: Approval - 6 Yeas and 1 Nay)**

**Question:** Concerns have been raised about water on the north end of the structure being channeled toward Old Orchard condos. Are there elements of the design that address this concern? (Councilmember Warpehoski)

**Response:** The area of the site closest to the Old Orchard Condos is not being altered as part of the proposed development. The existing swale will continue to channel water

toward the northeast. Due to the detention and retention of water elsewhere on the proposed development, the swale will experience less water overall.

**Question:** How would site affect neighborhood stormwater concerns in a 500 year flood compared to current conditions? (Councilmember Warpehoski)

**Response:** As there is no stormwater detention and/or retention occurring upstream from this site, the installation of the proposed system will improve conditions in the event of a 100 year flood (1% chance storm) compared to current conditions by reducing discharge into the storm sewer system by an estimated 3.44 cubic feet per second. Impacts from a 500 year flood (0.2% chance storm) have not been evaluated for this development proposal as County stormwater standards require development sites to design stormwater management systems for only a 100 year flood (1% chance storm).

**Question:** The cover memo indicates that the storm water management plan has been “preliminarily” approved by WCWRC? What is meant by preliminary? Are there conditions the developer must meet to obtain the official, final WCWRC approval? Does the stormwater management plan meet city standards as well? (Councilmember Lumm)

**Response:** The formal WCWRC approval is a 2 step process. The “preliminary” approval process is done during the design phase (e.g. site plan stage). If the project moves forward into the construction phase, then the second review step done by the WCWRC is for review of the detailed construction drawings. Yes, the stormwater management plan meets the City standards as the City adheres to the WCWRC stormwater standards.

## **DB-2 - Resolution to Adopt the 2016- 2020 Parks and Recreation Open Space Plan (Adopted by the CPC on December 6, 2016 - 7 Yeas, 0 Nays)**

**Question:** The plan identified the objective “Provide diverse cultural, recreational, and educational programming for all, regardless of age, socio-economic status, and physical ability by providing affordable and accessible programs.” How has the objective of socio-economic inclusion been addressed within the plan? (Councilmember Warpehoski)

**Response:** The PROS Plan addresses the objective of socio-economic inclusion through several means – here are a few examples:

- Neighborhood parks should be located within a ¼ mile of every resident in the City of Ann Arbor to assure equitable access.



- Community parks are distributed throughout the city, located on bus lines and accessible by non-motorized transportation.
- The expansion project at the Bryant Community Center, with the goal of improving the facility for free and accessible programming and accommodating the expanding food distribution program.
- An emphasis on Universal Access to parks, playgrounds and recreational facilities, highlighting the Rotary Universal Access Playground.

Operational programs already in place, but not described in depth in the PROS plan, include:

- The Ann Arbor Parks & Recreation Scholarship Fund aims to provide city residents access to City park facilities and programs regardless of economic situation. The scholarship program provides income eligible families access to all programs, camps, and membership passes at no cost or at a reduced rate depending upon economic situation. The scholarships are awarded based on need, so there is no limit to the number awarded. In 2016, 152 families, totaling 584 individuals, were awarded scholarships. Each individual is entitled to a pool season pass, a rink season pass, and up to 6 program uses (swim lessons, day camps, for example) throughout the year.
- Food assistance programs at the Farmers Market, including EBT, SNAP, WIC Project Fresh, Senior Market Fresh, and Double Up food bucks, along with promotion of vendor and visitor donations to Food Gatherers.

**DC-4 - Resolution To Request Planning Staff and City Planning Commission Evaluate Regulations To Encourage Active Street-Level Uses On Downtown Shopping Streets**

**Question:** How will this resolution affect planning staff and planning commission’s ability to address other items on the work plan? (Councilmember Warpehoski)

**Response:** Please see response to Councilmember Lumm similar question below.

**Question:** Will additional budget allocations be required to carry out this goal? (Councilmember Warpehoski)

**Response:** No additional budget allocation is required for this work.

**Question:** Councilmember Westphal indicated in his email that “because there is a regulation already on the shelf, this request would not interrupt staff’s work plan and could be fulfilled by the date requested.” I appreciate the question was asked. Can you please provide detail on the work that would be required and an estimate of the amount

of time Staff and the Planning Commission would need to spend on this, as well as the implications (if any) on other planning-related priorities in order to meet the March 16 time-frame for a recommendation to Council? (Councilmember Lumm)

**Response:** If the previously developed language is maintained, and meets the desired expectations of the Planning Commission and City Council, the impact to existing priorities should be minor. A few other minor ordinance amendments are being considered in the near future that will enable some coordination of process along with this proposed ordinance change. The work required will be to review the previous draft, recommend adjustments, if any, and consider through the normal City Planning Commission consideration process prior to placement back on City Council's agenda in March.

**Question:** Can you please provide some texture on why Council chose not to adopt the "active use" regulation in 2009? (Councilmember Lumm)

**Response:** City Council chose not to adopt the proposed regulations previously based on feedback that the regulation had the potential to create obstacles or restrictions that could limit the potential viability and/or use of buildings in the future.