



TO: Mayor and Council

FROM: Tom Crawford, CFO
Craig Hupy, Public Services Area Administrator
Wendy Rampson, Planning Manager
John Seto, Safety Services Area Administrator

CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 2/3/14

CA-2 - Resolution Authorizing a Purchase Order to Washtenaw County for the City of Ann Arbor's Share of the Maintenance of the Shared 800 MHz Simulcast System (\$36,500.00)

Question: Are all 730 radio users City employees? Are there external users as well? I did not think we had 730 employees in the City? (Councilmember Kailasapathy)

Response: Some of these radios are fixed data links between pumps at remote pump stations (drinking water, sewer) and the plants; radio links the dams on the Huron River to the Water plant; some employees are issued mobile radios and also have radios in their vehicles (police), base stations at sites such as the Wheeler Center and various floors within City hall also count as radios for the contract. Essentially all the radios we are paying for are used for City of Ann Arbor purposes.

CA-3 – Resolution to Amend and Approve the Renewal Agreement for Information Technology Services between the City of Ann Arbor and City of Chelsea (\$80,499.25)

Question: Why is the contract being renewed for an additional 5 months instead a new 12 month contract? Does the City of Ann Arbor have to renew this 5 month extension at the old cost reimbursement rate (as per the previous contract) instead of renegotiating

new rates as per current costs? I wonder if this extension of contract will leave our City at a disadvantageous position in terms of reimbursement rates? (Councilmember Kailasapathy)

Response: The contract is being renewed for a period of 17 months. A 12 month extension was an included option in the existing contract. The 5 month extension from 12 to 17 months was requested and deemed beneficial to both parties in order for the contract year to coincide with both the City of Chelsea and the City of Ann Arbor's fiscal year.

We performed a rate review in November 2013 and found that the rates for Helpdesk support were \$35.34/hr. The existing and proposed contract rate is \$44.14/hr. The higher amount allows the City to utilize non-helpdesk personnel if required.

Question: Can you please explain how the price the City charges Chelsea is determined and please confirm that amount paid is covering the fully-burdened costs of providing the services. Also, how does the price in this renewal compare with what Chelsea had been paying (on comparable annualized basis). (Councilmember Lumm)

Response: The costs include the fully burdened cost for 3 helpdesk employees, which includes wages, benefits, municipal service charge, mileage, and materials and supplies. The cost on an hourly basis is the same as the prior year – see staff's response to previous question.

C-2 – An Ordinance to Add a New Chapter 64 (Regulation of Smoking in Outdoor Public Places) to Title VI (Food and Health) of the Code of the City of Ann Arbor

Question: In 6:2 (2) it says, "A person who violates subsection (1) where no signs are posted is subject to being cited with a violation only if he or she ceases smoking immediately upon being requested or ordered to do so." Shouldn't that read "does not cease smoking immediately?" If not, what am I missing? (Councilmember Lumm)

Response: Answer from City Attorney's Office: The word "fails" was inadvertently omitted. This section should read as follows:

"A person who violates subsection (1) where no signs are posted is subject to being cited with a violation only if he or she fails to cease smoking immediately upon being requested or ordered to do so."

Sections 6:2 and 6:3 are being rewritten to correct this, but also to clarify other portions of the ordinance.

Question: With the authority granted to the City Administrator in this ordinance to designate parks (or areas of parks) as non-smoking, is the expectation that the Administrator will follow PAC's direction? (Councilmember Lumm)

Response: Answer from City Attorney's Office: As currently drafted, the ordinance would not require the Administrator to follow PAC's direction, but it can be rewritten if desired.

Question: If council did not agree with the Administrator's/PAC's decisions regarding Parks or the Administrator's decisions regarding extending the 20 foot limit, what recourse would it have short of repealing/changing the ordinance itself?
(Councilmember Lumm)

Response: Answer from City Attorney's Office: As currently drafted, the ordinance does not provide for any recourse other than amending the ordinance, but it can be rewritten to involve Council in the decision if desired.

Question: Can you please provide any benchmark information you have regarding smoking bans in parks or ordinances that grant authority to one individual to establish no-smoking areas. (Councilmember Lumm)

Response: Answer from City Attorney's Office: Other cities in Michigan, such as Grand Rapids, Traverse City, Marquette, and Detroit, have ordinances prohibiting smoking within a certain distance of entrances, windows, etc, of buildings. They are all patterned after Washtenaw County's ordinance, which does not apply to parks. The county ordinance is a uniform ordinance that numerous counties in Michigan adopted.

Traverse City's ordinance also applies to City-operated park buildings or shelters, swimming areas, beach areas, and within 15 feet of a playground area, "which are so posted." We do not know who determines whether to post signs in these areas and we are not aware of any other ordinances that prohibit outdoor smoking in parks, but we will continue to research this.

We have spoken with the Grand Rapids and Traverse City city attorneys. Neither was aware of any tickets being issued.

Question: Can Mr. Powers or Chief Seto please comment on how they would plan to enforce the new ordinance?

Response: As with any new ordinance, public notification and education will assist with voluntary compliance. If the police are made aware of a violation, they will initially respond with education and a warning. When it is determined that a citations is needed, they will be issued at the discretion of the officer.

DB-1 – Resolution to Approve Amendment to Professional Services Agreement with Aaron Seagraves as Public Art Administrator (\$18,500.00) and Appropriate Funds from the Public Art Fund Balance (\$20,500.00) (8 Votes Required)

Question: Do you anticipate that this contract will be adequate to complete the work of the remaining percent for art projects? (Councilmember Warpehoski)

Response: No. For the Ann Arbor Bridges, Argo Cascades and possibly Kinsley & First Rain Garden projects it is anticipated the work will be in the fabrication and installation phases, which can be done by project management and does not require an Arts Administrator.

Question: Could I please have an update on the percent for art funds with:

All current projects, the timeline to complete the project, the date the contract was signed and the fund source (streets, parks, storm water, etc.)

All proposed projects, either under consideration or in the pipeline, but without a signed contract (same information as above)

Administrative costs for 6 and 12 months (transition time to be determined)

Any projects that only partially use the percent for art funding mechanism should be highlighted and explained. Any that don't use it should not be part of the data. (Councilmember Briere)

Response: The funding request of \$20,500 will fund the administration of art projects thru June 30, 2014. Funding of transitioning of the program and remaining administration would be included in the FY 15 budget request.

Any projects that only partially use the percent for art funding mechanism should be highlighted and explained. Any that don't use it should not be part of the data. **(Attachment #2)**

Attachment #1 - Art in Public Places balances.

Attachment #2 – Should answer caucus questions related to funds and project status, it includes:

- Summary of the status of the project
- Amounts from *pooled funds* to complete project
 - Source of pooled funds
- Indicates amounts approved by AAPAC and any estimated additional budget needed for ongoing project
- Amounts for projects from non-city funds accumulated, and amounts expected to fundraise (*projects indicated using footnotes*) to implement the project

- Source of those funds
- Includes budget estimates for projects “in the pipeline” without approved budgets by AAPAC, *in footnotes*

Attachment #3 - A project management sheet listing the project tasks and milestones on a calendar.

Question: What is the total in "1% Art Fund" (Councilmember Taylor)

Response: Please see **Attachment #1**

Question: Total estimated cost for projects underway (to make sure that all agree on the amount, please ID "projects underway"). "Total cost" should, I believe, include contingency & administration. (Councilmember Taylor)

Response: Please see **Attachment #2**

Question: Estimated time frame for completion of projects underway. (Councilmember Taylor)

Response: Please see **Attachment #3**

DB-2 – Resolution to Approve Germain Motors Site Plan, 2575 South State Street (CPC Recommendation: Approval – 7 Years and 0 Days)

Question: According to the City’s stormwater rates FAQ (http://www.a2gov.org/government/publicservices/systems_planning/waterresources/Stormwater/Documents/Stormwater_Rates_FAQs_07_2013.pdf), there is a site-specific determination if pavers should be treated as pervious or impervious. What tests are done to ensure that the pervious pavers used for this project allow water to permeate and continue to function as designed post-construction? (Councilmember Warpehoski)

Response: Using the Chapter 63 (Soil Erosion and Sedimentation Control) review standards for issuance of a grading permit, City staff would evaluate any permeable paver design or installation against the design standards in the “Low Impact Development Manual for Michigan.” This manual was developed by SEMCOG and to help communities in Michigan design and implement low impact development techniques such as on-site storm water infiltration.

If at any point there was a question as to the permeability of the installation, the contractor would test the surface using the procedure described in the “Method for Determining Permeable Pavement Infiltration” written by the City of Ann Arbor Systems

Planning Unit. The procedure includes testing the permeability of the pavement itself and testing the permeability of the underlying soil. The results are based on the infiltration rate of the soil. The test mentioned above includes determining infiltration in two 30-minute periods. If the soil is able to infiltrate 6 inches of water in second 30-minute period of both the soil and pavement tests, the permeable pavers will be considered pervious.

DS-2 – Resolution to Approve a Professional Services Agreement with Hubbell Roth & Clark, Inc. (\$398,703.00) and Approve a Consulting Services Contingency Amount (\$40,000.00) for the Geddes Avenue Improvements Project

Question: Regarding the extension of the sanitary sewer service, would the properties affected be assessed for the cost of extending the system? (Councilmember Warpehoski)

Response: Yes. Per City Code, Chapter 12, it is the general policy of the city to finance construction of local public improvements including sanitary sewer by improvement charges levied to the properties served. In the case of sanitary sewers and water mains, the charges are levied at the time the property connects to the utility.

Question - If so, how would the assessment be calculated? (Councilmember Warpehoski)

Answer - Section 1:274 of Title I of the City Code requires Council to annually establish the fixed charges for Water Main Improvement Charge and the Sanitary Sewer Improvement Charge for residential water main and residential sanitary sewer. Code also specifies the formula for calculating these fixed charges. The simplest explanation is that the fixed charges are calculated by taking the total project costs (adjusted to current dollars) from the last ten projects and dividing that total by the total number of properties served by the projects resulting in the cost per unit/parcel. In 2013, a resolution was brought to Council recommending updated fixed charges but Council did not approve that resolution and the charges reverted to the existing 2012 charges (\$15,552 for water main and \$24,665 for sanitary sewer as established by Council on January 9, 2012 (R-12-004)).

Question - Would the assessment fully cover the cost of the sanitary sewer expansion, including the engineering work? (Councilmember Warpehoski)

Answer - Most likely no. The total costs for the sanitary sewer extension are not yet known as the project has not been designed. However, it is expected that the total costs will be more than the collected improvement fixed charges.