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TO: Mayor and Council

FROM: Tom Crawford, Interim City Administrator

CC: Derek Delacourt, Community Services Area Administrator  
John Fournier, Assistant City Administrator  
Matthew Kulhanek, Fleet & Facilities Manager  
Matthew V. Horning, Interim Financial & Administrative Services Area Administrator/CFO  
Jennifer Hall, Executive Director, Ann Arbor Housing Commission  
Craig Hupy, Public Services Area Administrator  
Nick Hutchinson, City Engineer  
Brett Lenart, Planning Manager  
Molly Maciejewski, Public Works Manager  
Gerald Markey, City Assessor  
Pollay, Susan, Executive Director, DDA  
Marti Praschan, Chief of Staff, Public Services  
Tom Shewchuk, ITSU Director  
Jill Thacher, City Planner

SUBJECT: April 6, 2020 Council Agenda Responses

DATE: April 2, 2020

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**AC-2 - Memorandum from City Administrator - Response to Resolution R-18-291 - FY20Q3 Equity and Inclusion Report - March 30, 2020**

**Question:** Going forward, should the AAPD be included in this program? (Councilmember Bannister)

**Response:** The police are already included in our DEI program as it is a citywide initiative. As a citywide strategic DEI plan, all Service Areas, including the AAPD are participants in the DEI plan, and will be part of the development, implementation and execution of the plan.

**CA-7 – Resolution to Approve a Purchase Order for Annual Maintenance and Support of TRAKiT System to Superior, LLC, a CentralSquare Company for FY2020 (\$52,042.66)**

**Question:** (I know we've tweaked some of our Legistar formatting to do different things) I wonder if in renewing ETRAKIT, is it possible to send out ETRAKIT links for specific projects, rather than simply directing people to the search page? I remember in the past, emails were sent out with links (direct to site plans). Did something change? (Councilmember Nelson)

**Response:** In December of 2019, an upgrade to the TRAKiT/eTRAKiT application modified a configuration setting which caused the system to no longer link to specific projects, but instead to a generic search screen. The TRAKiT/eTRAKiT application is scheduled to be replaced by Tyler's Energov application in April of 2021. This fact, coupled with City IT's focus on supporting the organization during the COVID-19 quarantine has shifted priority significantly. That being said, City IT will work to restore the original functionality as soon as can be reasonably undertaken.

**Question:** Regarding CA-7, I certainly recognize the need to maintain TRAKIT until the new Energov application is up and running – when is that expected to be? Also, when the change-over occurs, will there be some form of notification/instructions posted on the city website for residents who use TRAKIT now? (Councilmember Lumm)

**Response:** The tentative go-live for the Energov application is April of 2021. External user engagement/training is planned for in the current Energov implementation schedule and will commence in the weeks before the final go-live occurs.

**CA-8 - Resolution No. 3 Establishing a Public Hearing for the Proposed Fuller Court and Nixon/Traver Sidewalk Gap Project**

**Question:** Regarding CA-8 (Fuller Ct., Nixon/Traver Sidewalk Gap), Mr. Hutchinson indicated in a phone conversation about this on Monday (in response to a Q I asked about the UM and AAPS cost shares -- \$67,400 for UM, and \$4,700 for AAPS) that discussions were ongoing and verbal commitments have been received. Can you please confirm that for the benefit of all council. (Councilmember Lumm)

**Response:** Ann Arbor Public Schools has committed to their share of the project. The University of Michigan has verbally committed to their share, pending their review of the plans and final cost estimating.

**Question:** Also on CA-8 and related to Monday's conversation, we discussed how a public hearing on this item (and all items for that matter) will be handled. It would be helpful if you shared the thinking on that with all of council, as well. (Councilmember Lumm)

**Response:** Procedures for public meetings via Zoom are being developed. Information on electronic meetings and public participation is available via the City Clerk's web page: <https://www.a2gov.org/departments/city-clerk/Pages/Virtual-Meetings-.aspx>

**Question:** Would City staff upload the email sent this morning from Wade Trim onto the project webpage, along with staff responses to the questions/issues raised in the resident protest petition (also received today) on the project webpage? Please provide more details on how public engagement and the public hearing will be handled during the E.O. for shelter in place requirements. (Councilmember Bannister)

**Response:** The communication will be posted on the web page. Staff will work in responses to the items in the residents' protest petition and share them with the residents and City Council.

**Question:** For both CA-8 and CA-9, given the pandemic and uncertainty about future revenues and greater need for basic social services, what is the framework for re-evaluating our expense priorities? Should we revisit and refine our wants and needs? Would it be better to focus on crosswalk lighting, particularly at the most dangerous crosswalks? (Councilmember Bannister)

**Response:** Staff determines priorities of various projects based upon the broad policies set by the whole of City Council. The documents that provide that direction relating to sidewalks is the Transportation Master Plan and the Non-motorized Transportation Plan. These plans are being consolidated in the current Transportation Plan updating effort. If City Council desires to change the focus of the capital project efforts, modifying this plan is the appropriate mechanism. If Council desires a short-term change, voting to deny projects on a project-by-project basis is the appropriate.

**Question:** Have another Q that relates to CA-8 (Nixon/Traver, Fuller Ct.), CA-9 and CA-10 (Barton), CA-19 (S. Main), CA-23 (Jackson Ave.) My Q has to do with the assessment installment payment plan, and so applies to all projects. My Q: I understand council can recommend the number of installment payments/years for paying off the assessment and can also recommend the minimum annual payment. It appears, based on the City's Special Assessment Process FAQ, that the City Assessor recommends a minimum payment of \$1200/yr. in determining the number of years, and the proposed recommendations for the sidewalk projects on this agenda seem to follow those guidelines. Could you please confirm that's accurate, and what do you believe is a reasonable floor for annual payments, and do we have any benchmarking on this in terms of what other cities do? (Councilmember Lumm)

**Response:** The Special Assessment process is outlined in Chapter 12 - FINANCING LOCAL PUBLIC IMPROVEMENTS of the City Code.

The applicable section is 1:275. - Special assessment and single lot assessment for local public improvement charges; single lot assessments for water and sanitary sewer capital recovery charges; installment payments. It states that (emphasis added):

City Council shall confirm any special assessment or single lot assessment for any local public improvement, or any single lot assessment for any water capital recovery charge or sanitary sewer capital recovery charge, it shall specify whether such assessment shall be payable in installments and if so payable, the number of installments. *Unless otherwise specified by the City Council in the resolution* confirming an assessment, the number of installments in which each assessment shall be payable is as follows.

Total amount of special and single lot assessment(s)	Number of years for installments
Up to \$1,200.00	1 year
Greater than \$1,200.00 up to \$2,400.00	2 years
Greater than \$2,400.00 up to \$3,600.00	3 years
Greater than \$3,600.00 up to \$4,800.00	4 years
Greater than \$4,800.00 up to \$6,000.00	5 years
Greater than \$6,000.00 up to \$7,200.00	6 years
Greater than \$7,200.00 up to \$8,400.00	7 years
Greater than \$8,400.00 up to \$9,600.00	8 years
Greater than \$9,600.00 up to \$10,800.00	9 years
Greater than \$10,800.00 up to \$12,000.00	10 years
Greater than \$12,000.00 up to \$13,200.00	11 years
Greater than \$13,200.00 up to \$14,400.00	12 years
Greater than \$14,400.00 up to \$15,600.00	13 years
Greater than \$15,600.00 up to \$16,800.00	14 years
Greater than \$16,800.00	15 years

**Question:** Also, how long have we been using this practice of the number of years being determined by a payment of no more than roughly \$1000-1200/year? (Councilmember Lumm)

**Response:** It appears that this table was unchanged in both the 2016 and 2007 revisions of this section of the code. So, this method has been in place well over a decade. We have not performed benchmarking for the structure of assessments, but a quick review of the Codes of other Michigan municipalities is summarized below.

Lansing: Recommended by Finance Director, Approved by Council – No code guidance other than a 20 year maximum term

Grand Rapids: Code appears to be mute on the subject. It appears to be recommended by the City Manager and approved by the City Commission

Kalamazoo: Appears to be materially consistent with Grand Rapids

Warren: Code appears to be mute on the subject. It appears to be recommended by the City Engineer and approved by the City Council

Sterling Heights: Code appears to dictate only a 30 year maximum and a 6% interest rate maximum

**CA-9 – Resolution No. 3 Establishing a Public Hearing for the Barton Drive Water Main Replacement and Resurfacing Project Special Assessment (District 55 - Brede to Pontiac)**

**Question:** Would City staff upload a Barton Drive version of the Nixon/Traver email that was sent to the Nixon/Traver residents earlier today? Please provide more details on how public engagement and public hearing will be handled. Please provide an update on the impacts of the Lowertown Mobility Study on this neighborhood, including the priorities identified by the residents for help with the dangerous intersections at Barton and Pontiac Trail, and Arrowwood Drive and Pontiac Trail. (Councilmember Bannister)

**Response:** Staff is working on this. Once completed it will be e-mailed to residents Council and posted on the website.

The current Barton Drive project stops at the Pontiac intersection, so significant changes to this intersection are not included in this project scope. Likewise, the Arrowwood Drive/Pontiac intersection is not part of this project scope. A separate communication will be provided with an update on the status of the Lowertown Study.

**Question:** For both CA-8 and CA-9, given the pandemic and uncertainty about future revenues and greater need for basic social services, what is the framework for re-evaluating our expense priorities? Should we revisit and refine our wants and needs? Would it be better to focus on crosswalk lighting, particularly at the most dangerous crosswalks? (Councilmember Bannister)

**Response:** Staff determines priorities of various projects based upon the broad policies set by the whole of City Council. The documents that provide that direction relating to sidewalks is the Transportation Master Plan and the Non-motorized Transportation Plan. These plans are being consolidated in the current Transportation Plan updating effort. If City Council desires to change the focus of the capital project efforts, modifying this plan is the appropriate mechanism. If Council desires a short-term change, voting to deny projects on a project-by-project basis is the appropriate.

**CA-12 - Resolution to Approve an Amendment to the Progressive Design-Build Agreement with J. Ranck Electric, Inc. for Phase 2 of the Water Treatment Plant SCADA System Modernization Project and Appropriate Water Supply System Fund Balance (\$4,126,502.79) (8 Votes Required)**

**Question:** Regarding CA-12, thank you for the memo attached that provides the rationale for this recommended project solution. Obviously, at \$4.1M, this is a large investment and it's also well above what was originally budgeted. As this is the city's first *Progressive Design-Build* project, what is our assessment at this point of that approach? Also, since there's no bidding for Phase 2 under this approach, can you please provide some context on how staff became comfortable with the \$4.1M phase 2 price for J. Ranck Electric's final design and construction services? (Councilmember Lumm)

**Response:** The progressive design-build approach allows for more collaboration between the City, engineers, and constructors than a traditional design-bid-build project. For this project it has added a lot of value because the design-builder has been able to interject recommendations on both scope and execution that will improve the final delivered project. Many of these recommendations were identified in the attached memo. It is also our expectation that working out issues collaboratively with the contractor during design will reduce change orders during construction.

Open book pricing, which is characteristic of the progressive design-build approach, allows the city to review in detail all material and labor costs. With the Owner's Advisor, the city identified approximately \$800,000 of savings that it was able to negotiate during review of the contractor's fee. This type of opportunity to adjust scope and negotiate price is not possible in a traditional design-bid-build project.

**Question:** Also on CA-12, the attached memo indicates that to accommodate the higher cost for this project, but keep the water CIP the same over the next two year, other projects have been deferred. I appreciate that spending discipline and am assuming none of the deferrals place our drinking water quality at any risk – can you please speak to that? (Councilmember Lumm)

**Response:** The projects that were delayed were of lower priority than the SCADA Modernization project and their schedule adjustment will not impact drinking water quality.

**CA – 13 – Resolution to Approve the Purchase of Vehicles from Berger Chevrolet (Mi-Deal Contract \$327,790.00) and to Amend the Fleet and Facility Unit FY 2020 Budget (\$180,706.00) (8 Votes Required)**

**Question:** Regarding CA-13, the response to my question at the last meeting indicated that for these 10 vehicles, 5 would have been replaced in FY22, 2 in FY23, and 3 in

FY24. It was also indicated that there are about a dozen other vehicles that would be candidates for early replacement with electric vehicles. Is the plan to replace those dozen in FY20 and when would they have normally been replaced? Please provide the incremental cost associated with this early replacement. Also, how do we handle the accounting/budgeting for early replacement of vehicles? (Councilmember Lumm)

**Response:** There are currently no plans for additional light vehicle replacements for FY20. The approximately dozen vehicles that may be candidates for early replacement include rental housing and fire inspector vehicles, both General Fund operations. Specific vehicles have not been identified as discussions have not yet occurred with these Unit Managers to discuss conversion to EV.

The two primary cost differences when converting an outgoing vehicle to an EV, initial purchase price and higher replacement costs, will not likely change because of early replacement. These costs would occur at early replacement just as they would if the vehicle was replaced on its normal schedule, only earlier. The only difference may be if the price of EVs dropped significantly before the outgoing vehicle met full depreciation, but that is not anticipated. The second of the cost differences, higher replacement costs, are expected to be fully offset by lower fuel and operating costs. Carbon reduction is the primary driver for considering any early replacement.

Generally, early replacement would require the outstanding balance of the vehicle's replacement cost (not already paid into the Fleet Fund) to be funded by the Unit or another approved source of funding. These funds, along with the replacement costs already received by Fleet, would be applied to the purchase of the EV. As Fleet assumes a 10% auction value at the time of sale of the outgoing vehicle, any amount received above that 10% would be returned to the Unit or the other approved source of funding. The Construction Fund budgeted for the early replacement of the 10 vehicles in this proposed resolution in FY20. The Fleet Fund did not include these vehicles in their FY20 budget and the appropriate budget adjustment is included in the proposed resolution.

**CA-15 - Resolution to Approve a Contract with Matzak Inc., for the Fuel Tank Replacement Project at 2000 South Industrial Highway (ITB - \$149,400.00) (8 Votes Required)**

**Question:** The site where these tanks are to be located is under consideration for an affordable housing project. How will the installation of fuel tanks impact the potential use of the site for affordable housing? (Councilmember Eaton)

**Response:** The project was reviewed with Jennifer Hall, Executive Director of the Ann Arbor Housing Commission, during the design phase to determine potential impacts of the fuel project with future use of the site. The fueling site is located in the rear of the subject property and future access is anticipated on the perimeter of the property; thus making the prime area of the property available to the Housing Commission for future development. In addition, the two tanks that will remain after construction of the

requested Fuel Tank Replacement Project are above ground and can be relocated if necessary. Permanent site improvements included in this project were kept to a minimum because the long-term use and layout of the property has not been finalized.

**CA – 16 – Resolution to Approve a Professional Services Agreement with CDM Smith Michigan Inc. for Hydraulic Modeling Services (\$33,808.00)**

**Question:** Regarding CA-16, I'm obviously no expert and I do recognize this is a small contract for modeling, but the notion of separating City and UM water distribution systems sounds like an awfully expensive endeavor and I'm wondering what the pros and cons of doing that would be? (Councilmember Lumm)

**Response:** The separation of the two systems, Ann Arbor's and University of Michigan's, will provide an appropriate level of protection to the municipal's system and fully meet the requirements of EGLE. Due to the financial cost of separation, it would be a direction taken over a number of years.

**CA – 18 – Resolution to Approve Administrative Consent Order for Sanitary Sewer Overflows with the Michigan Department of Environment, Great Lakes and Energy (\$45,000.00)**

**Question:** Regarding CA-18, do we know how many other of these ACO's EGLE has issued over the last year or two? (Councilmember Lumm)

**Response:** Since 2000, EGLE, formerly DEQ, the DNRE and DNR, has issued over 100 Administrative Consent Orders for SSOs. However, in the past 2 years, as requested, there were only 2 SSO Administrative Consent Orders. Please note, many municipalities across the state are still currently under Orders to correct their sewerage systems to prevent SSOs from occurring. EGLE, formerly DEQ, the DNRE and DNR, has been working with municipalities since the 1970s to correct overflows and bypasses from their sewerage systems.

**CA-19 – Resolution No. 1 - Prepare Plans and Specifications for the Proposed South Main Street Sidewalk Gap Project - Special Assessment District #62, and Appropriate \$115,000.00 from the General Fund Balance for the Design of the Project (8 Votes Required)**

**Question:** Regarding the agenda, but specific to CA-19 and CA-25. Given that we are in a global pandemic and economic crisis with yet-to-be-determined reductions in future tax revenues and revenue sharing and greater needs for social services, what is the appropriate perspective and decision-making framework to evaluate these projects? (Councilmember Griswold)

**Response:** Staff determines priorities of various projects based upon the broad policies set by the whole of City Council. The documents that provide that direction relating to



sidewalks is the Transportation Master Plan and the Non-motorized Transportation Plan. These plans are being consolidated in the current Transportation Plan updating effort. If City Council desires to change the focus of the capital project efforts, modifying this plan is the appropriate mechanism. If Council desires a short-term change, voting to deny projects on a project-by-project basis is the appropriate, as determines priorities of various projects based upon the broad policies set by the whole of City Council. The documents that provide that direction relating to sidewalks is the Transportation Master Plan and the Non-motorized Transportation Plan. These plans are being consolidated in the current Transportation Plan updating effort. If City Council would desire to change the focus of the capital project efforts, the effort to update this plan would be the appropriate time.

**Question:** Our federal government's delay in addressing the pandemic is resulting in immeasurable harm to the financial health of our county and disproportionately impacting our more vulnerable residents. Is there a "lesson learned" for us to be more proactive in our fiscal restraint and clearly prioritize "needs" over "wants?" The longer we delay, the greater the ultimate cost to our community. (Councilmember Griswold)

**Response:** Staff determines priorities of various projects based upon the broad policies set by the whole of City Council. The documents that provide that direction relating to sidewalks is the Transportation Master Plan and the Non-motorized Transportation Plan. These plans are being consolidated in the current Transportation Plan updating effort. If City Council desires to change the focus of the capital project efforts, modifying this plan is the appropriate mechanism. If Council desires a short-term change, voting to deny projects on a project-by-project basis is the appropriate.

**Question:** I see that we're going to ask UM for a contribution—I assume they aren't subject to the usual system of assessment. What percentage of the sidewalk length is on U-M property? It's not clear to me from the map... how many other property owners are subject to assessment, other than the proposed Valhalla project and UM? (Councilmember Nelson)

**Response:** All of the proposed sidewalk along UM property will be constructed in the public right-of-way, not on UM property. However, 41% of the project's length is adjacent to UM property. Excluding Valhalla, the only other two properties that would be subject to special assessment are Ann Arbor Golf & Outing and 2100 S. Main Street (at the corner of Main and Ann Arbor-Saline Road).

**Question:** How will our ability (or the limits of our ability) to negotiate that UM contribution impact the cost of assessment to others in this stretch? E.g. If we get a paltry contribution from UM, will the city be passing on higher assessment costs to the impacted private property owners? (Councilmember Nelson)

**Response:** The presence or absence of a U-M contribution to the project would have no impact on the assessment values of other properties. The assessment values are

calculated based on the frontage of each property, and they are only assessed based on the work being done adjacent to their property.

**CA-20 – Resolution to Approve a Contract with the Michigan Department of Transportation for the Plymouth Road Improvement Project (\$409,402.00).**

**Question:** Regarding CA-20, the cover memo indicates there is a slight narrowing of the existing lane widths – how much is the narrowing? Also, are the buffered bike lanes on both sides of Plymouth and how wide are they? (Councilmember Lumm)

**Response:** The existing lanes varied between ten feet (10') to eleven feet (11'), with the middle left turn lane being eleven feet (11') dominated by the width of the islands. The proposed layout will make all the travel lanes ten feet (10') wide. An analysis of crashes showed that crash patterns on Plymouth Road were not related to lane widths, and that 10-foot lane widths would be adequate. The proposed design has a standard five-foot (5') bike lane with a one and a half foot (1.5') buffer on each side of the road.

**CA-21 – Resolution to Authorize Professional Services Agreements with CTI and Associates, Inc. (CTI) for \$55,000.00; Materials Testing Consultants, Inc. (MTC) for \$250,000.00; Professional Service Industries, Inc. (PSI) for \$115,000.00; Testing Engineers & Consultants, Inc. (TEC) for \$130,000.00; and TTL Associates Inc. (TTL) for \$85,000.00 for Construction Materials Testing Services.**

**Question:** Regarding CA-21, if the fee proposals are “reasonably comparable”, what determines the varying amounts for the firms (capacity, unique areas of expertise)? (Councilmember Lumm)

**Response:** Both capacity and areas of expertise come into play, but the amounts are based on the overall scoring of the proposals, which also include professional qualifications, project history, and performance on past projects.

**CA-22 - Resolution to Reallocate \$100,500.00 from the Resident-Driven Sidewalk Gap Filling Program to the Barton Drive Improvement Project and the Jackson Avenue Sidewalk Gap Project (8 Votes Required)**

**Question:** I really appreciate staff’s efforts to make funds designated for sidewalks actually support the goal of building sidewalks. However, I am curious about the reasoning that it will be “providing a cost-sharing opportunity for property owners that would otherwise bear a greater share of the cost.” Is there anything remarkably expensive about this particular sidewalk project that it makes sense for these particular property owners to be shielded from assessment costs instead of others? More generally, is it fair to say that these assessments are somewhat variable, project to project, given conditions or the value of various offsets (e.g. state/federal funding)? I am

curious how it might be appropriate for this project, specifically, to offer a decreased burden to these property owners. (Councilmember Nelson)

**Response:** The main difference between these projects (Jackson Ave. and Barton Drive) and others being done concurrently is that some of the other projects have Federal funding associated with them that reduce the cost of the special assessment. Providing additional funding for the purpose of offsetting some of the assessment costs would only provide property owners on these projects a similar benefit to those on projects that are receiving Federal aid.

**Question:** I have previously asked about if this un-used budget could simply “roll over” into the next year’s budget (it occurs to me that our fiscal outlook is probably very different than it was a month ago). Is there other additional sidewalk-related work or maintenance that these funds could be used for, apart from simply subsidizing private assessment (outside of a more systematic neighborhood/resident-driven program)? (Councilmember Nelson)

**Response:** The Resolution creating the Resident-Driven Sidewalk Gap Filling Program was created such that the funding would roll over from year to year if not spent. If Council chooses not to reallocate the money to these other sidewalk gap projects, the money would be available to spend through the Resident-Driven Sidewalk Gap Filling Program in FY21. Other sidewalk-related work, such as maintenance, is already funded through the City’s Street, Bridge, and Sidewalk Millage.

**Question: Q1.** I thought the purpose of this “Resident-Driven” sidewalk gap funding was to provide an incentive to get projects done that neighborhoods wanted, but might not otherwise get done/make the queue - they would be bottom-up, generated by petitions from neighborhoods, etc. How is this action consistent with that purpose and process? (Councilmember Lumm)

**Response:** While transferring this funding to the stated projects (Jackson Ave and Barton Dr.) is not consistent with the details of the Resolution that created the Resident-Driven Sidewalk Gap Filling Program, staff feels it is consistent with the intent of the program, which is to fill sidewalk gaps and to provide funding to offset the cost of special assessments in cases that otherwise do not have such opportunities (such as Federal aid). It should be noted that both of these sidewalk gaps have received requests from residents at one time or another.

**Question: Q2.** The resolution council approved included the language, “the funding shall remain available without regard to fiscal year”, but this seems like a “use it or lose it” type action. Can you please speak to that? Also, given that the intent here seems to be to make sure the \$150K that was allocated gets spent, what uses are being contemplated for the remaining \$50K? (Councilmember Lumm)

**Response:** The Resolution creating the Resident-Driven Sidewalk Gap Filling Program was created such that the funding would roll over from year to year if not spent. If Council

chooses not to reallocate the money to these other sidewalk gap projects, the money would be available to spend through the Resident-Driven Sidewalk Gap Filling Program in FY21.

**Question: Q3.** How were these two projects chosen to be the beneficiaries of this action vis-à-vis other sidewalk gap projects? What were the criteria used? (Councilmember Lumm)

**Response:** Both of these project (Jackson Ave and Barton Dr.) were already existing projects in the Capital Improvements Plan scheduled for construction in 2020. Most of the other sidewalk gap projects being done concurrently have Federal funding associated with them that reduce the cost of the special assessments. These projects were the only projects involving single family residential properties that do not. Providing additional funding for the purpose of offsetting some of the assessment costs would provide property owners on these projects a similar benefit to those on projects that are receiving Federal aid.

**Question: Q4.** The cover memo indicates that staff is in the process of developing the specifics of this “Resident-Driven” program, and in that regard, it was mentioned during a conversation with staff, Monday, on the Nixon/Traver sidewalk gap project that there are equity issues with the current policy that staff is trying to address. Can you please elaborate on that for the benefit of all of council? (Councilmember Lumm)

**Response:** Both of these project (Jackson Ave and Barton Dr.) were already existing projects in the Capital Improvements Plan scheduled for construction in 2020. Most of the other sidewalk gap projects being done concurrently have Federal funding associated with them that reduce the cost of the special assessments. These projects were the only projects involving single family residential properties that do not. Providing additional funding for the purpose of offsetting some of the assessment costs would provide property owners on these projects a similar benefit to those on projects that are receiving Federal aid.

**Question: Q5.** Finally, and in that same vein – program design and equity -- if the City is going to use this program simply to reduce resident assessments on some basis (no grants for example) shouldn't we change the name of the program, clarify exactly what basis that will be, and change the charter / ordinances as necessary? (Councilmember Lumm)

**Response:** Staff is developing a document that will provide the details of the program and will share it with Council once completed. A decision to change the name of the program would be in the hands of City Council.

**CA-23 - Resolution No. 2 for the Jackson Avenue Sidewalk Gap Elimination Project - Westover Avenue to Park Lake Avenue - South Side of Jackson Road - Special Assessment District No. 61**

**Question:** Regarding CA-23, can you please forward the spreadsheet that's normally included with Resolution No. 2 listing the individual property assessments? (Councilmember Lumm)

**Response:** These were inadvertently omitted from the Legistar file and are attached to these caucus responses. Note that there are two different versions. Which version is used for Resolution #4 will depend on whether or not CA-22 is approved by Council.

**CA-25 - Resolution to Approve an Agreement with the Downtown Development Authority for the Design of South State Street and North University Improvements (\$396,752.00)**

**Question:** Did the DDA receive a response to its RFQ from more than one company? If more than one company submitted a bid or proposal, did SmithGroup propose the lowest price for the consulting work? (Councilmember Eaton)

**Response:** In collaboration with City Engineering, the DDA issued a request for qualifications (RFQ) on January 8th, 2020, through the City's Bidnet procurement system. An RFQ is a selection process that evaluates the qualifications of prospective teams. It is used when services require specialized knowledge and decision making, such as public engagement, street design, and engineering, and when selection by price alone will not result in a high-quality project. The evaluation process can result in one or more qualified teams invited to submit a formal proposal with fees.

DDA and City staff held a pre-submittal meeting on January 17th to make RFQ expectations and evaluations clear. On February 3<sup>rd</sup>, four responses were received. A team of DDA staff and City engineering, transportation, and community engagement staff reviewed the submittals for qualifications in engineering, transportation analysis, streetscape design, bikeway design, public engagement, and similar project experience.

Based on the evaluations, scores were as follows:

Team	Score	Notes
SG	96.22222	
OHM	58.83333	Didn't have similar project experience in all areas
HA	35.41667	Didn't have similar project experience in any areas
SMM	34.72222	Dismissed due to significant errors in Qualifications Submittal

Given the significantly higher score of the SmithGroup team (SG), only SmithGroup was asked to submit a proposal. If other teams had been invited to submit a proposal with fees, consideration of this factor would not be sufficient to change the final results of the evaluations. Upon receiving a proposal from SmithGroup, DDA and City staff compared the fees to those of similar City and DDA projects and feel confident that the fee is aligned with other projects.

**Question:** Regarding the agenda as a whole, but specific to CA-19 and CA-25. Given that we are in a global pandemic and economic crisis with yet-to-be-determined reductions in future tax revenues and revenue sharing and greater needs for social services, what is the appropriate perspective and decision-making framework to evaluate these projects? (Councilmember Griswold)

**Response:** Staff determines priorities of various projects based upon the broad policies set by the whole of City Council. The documents that provide that direction relating to sidewalks is the Transportation Master Plan and the Non-motorized Transportation Plan. These plans are being consolidated in the current Transportation Plan updating effort. If City Council desires to change the focus of the capital project efforts, modifying this plan is the appropriate mechanism. If Council desires a short-term change, voting to deny projects on a project-by-project basis is the appropriate.

**Question:** Our federal government's delay in addressing the pandemic is resulting in immeasurable harm to the financial health of our county and disproportionately impacting our more vulnerable residents. Is there a "lesson learned" for us to be more proactive in our fiscal restraint and clearly prioritize "needs" over "wants?" The longer we delay, the greater the ultimate cost to our community. (Councilmember Griswold)

**Response:** Staff determines priorities of various projects based upon the broad policies set by the whole of City Council. The documents that provide that direction relating to sidewalks is the Transportation Master Plan and the Non-motorized Transportation Plan. These plans are being consolidated in the current Transportation Plan updating effort. If City Council desires to change the focus of the capital project efforts, modifying this plan is the appropriate mechanism. If Council desires a short-term change, voting to deny projects on a project-by-project basis is the appropriate.

**CA – 26 – Resolution to Authorize Amendment No. 3 to the Tetra Tech Engineering Services Agreement to Sample and Test Wet Basements in High Risk Areas in Ann Arbor for 1,4 Dioxane and Appropriate Funds from the Risk Fund Fund Balance (\$40,323.00) (8 Votes Required)**

**Question:** Regarding CA-26, my takeaway in reading this is that the City is bearing the full cost of these basement tests – can you please confirm? (Councilmember Lumm)

**Response:** Yes, that is correct.

**Question:** Also on CA-26, I'm assuming potential homeowners will be fully informed (both at the meeting and via mail) about how the sampling/testing process is conducted and that an inventory will be done of the chemicals in their basement – can you please confirm that as well? (Councilmember Lumm)

**Response:** Yes, homeowners will be informed about the sampling process and the chemical inventory during both the pre-project meeting and via written notice.

**B – 1 – An Ordinance to Amend Chapter 55 (Ann Arbor Unified Development Code), Rezoning of 0.6 Acre from C2B (Business Service District) to C3 (Fringe Commercial District), MSGCU Rezoning, 2151 West Stadium Boulevard (CPC Recommendation: Approval - 6 Yeas and 0 Nays)**

Q. Regarding B-1, it was indicated in a response to my question at first reading (March 2<sup>nd</sup>) that there had not been objections raised to this rezoning to that point – have any issues or concerns been raised since first reading? (Councilmember Lumm)

**Response:** No.

**C-1 – An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.20 Acre from C1B (Community Convenience Center District) to PUD (Planned Unit Development District), The Garnet PUD Zoning and Supplemental Regulations, 325 East Summit Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays)**

**Question:** Q1. Has the proposed building or site plan changed at all since the September 2019 reviews? If so, please summarize the changes. (Councilmember Lumm)

**Response:** No.

**Question:** Q2. It seems that staff's recommendation of denial on the proposed PUD zoning for the February Planning commission meeting was based essentially on the view the zoning should be C1A, and that since the project's benefits could have been realized under C1A, a PUD does not provide any incremental benefit. Is that a fair conclusion, and if not please elaborate or there are other reasons for denial of the PUD zoning, please explain? Also, can you please summarize the rationale of the Planning Commission members in not agreeing with the denial recommendation? (Councilmember Lumm)

**Response:** Staff's recommendation of denial was based on the standards for PUD consideration, among which include: This beneficial effect for the City shall be one that could not be achieved under any other zoning classification and shall be one that is not required to be provided under any existing standard, regulation or ordinance of any local, state or federal agency; and the use or uses proposed shall be consistent with the master plan and policies adopted by the City or the Applicant shall provide adequate justification

for departures from the approved plans and policies. The City staff and Planning Commission had previously reached a conclusion that this development could be achieved under existing district standards (via the previous conditional zoning application). For the current petition, staff found that public benefits being proposed were not of a nature to justify the departures from approved plans and policies.

Planning Commission concluded otherwise, identifying that the remediation of contamination and the installation of a green roof were adequate benefits. The Planning Commission also discussed that the proposed density could not be achieved under another zoning designation, as the C1A was previously denied and therefore could not be utilized.

**Question: Q3.** The supplemental regulations state that “15% of residential units must be dedicated for affordable housing for households at or below 60% of Area Median Income, or a payment in lieu may be provided in accordance with Current City requirements.” Is the \$317K contribution to the affordable housing fund referenced in the cover memo a firm commitment and does it meet that requirement? (Councilmember Lumm)

**Response:** The \$317k payment does satisfy this requirement. The petitioner and Planning Commission have expressed concern with this amount, however, it will be necessary to comply with City Code, unless the affordable housing requirements are met alternatively (e.g. through provision of units on site, or a combination of units and payment).

**Question: Q4.** The supplemental regulations also reference a \$200K to \$300K environmental cleanup – are any public dollars being used for that clean-up? (Councilmember Lumm)

**Response:** No brownfield assistance is being requested, or to staff’s knowledge, any other public dollars.

**Question: Q5.** The March 11 memo on project benefits included the phrase “vapor/moisture barrier” in relation to contaminated soils. Can you please elaborate on what that is? (Councilmember Lumm)

**Response:** This is a non-permeable barrier that is installed as part of construction, typically under the floor and foundation. This barrier is designed to prevent contaminated gas or air from penetrating the building structure and concentrating in enclosed spaces at levels that would potentially cause harm to occupants. This is a common measure based on the nature of contamination that remains in the ground or groundwater under a structure.



## **DC – 2 - Resolution Directing the Planning Commission to Create a Transit Supported Development District**

**Question:** Regarding DC-2, thank you for the responses to my questions on March 16. As a follow-up, it was indicated that for Plymouth Road the existing height and FAR maximums range from 30 feet to no maximum and from 75% FAR to no maximum. If possible, can you provide a map or graphic which shows the existing parcel-by parcel maximums on Plymouth from US23 west to at least Barton Drive. Also, the responses indicate that in the first draft there were no maximum height or FARs at all (except within 300 feet of residential). Does that mean a building of ANY size (height or mass) would be a “by right” project as long as it wasn’t within 300 feet of residential in the Transit Supported District? (Councilmember Lumm)

**Response:** A summary of Plymouth Road is attached which shows the existing zoning of the corridor, parcel lines, and a summary table that shows this range of FAR and height maximums for the corridor. The draft district is currently a zoning district which would result in any building that meets the requirements of the ordinance being considered a “by right” project.

**Question:** Also, on DC-2, I also asked what other work would not likely get done by the Planning Commission and what the community engagement plan would look like if the zoning were proposed for specific corridor. There was not sufficient time to answer those questions in 24 hours, but I’m wondering if over the last couple of weeks, staff has been able to consider these concerns in more depth? (Councilmember Lumm)

**Response:** The previous response has not evolved substantially. Based on other operational decisions made in lieu of the orders associated with the COVID-19 pandemic, staff has been utilizing technologies to conduct virtual meetings, and would likely look to similar outreach methods if conducted during the time of governmental social distancing guidelines and orders. This could manifest as online presentations, question and answer forums, and survey tools as determined by staff and the planning commission to solicit input on the proposed district as it moves forward. Development activity appears thus far to be steady to slowing, so it is possible that there would be less impact to other Planning Commission workplan goals than originally expressed.

## **DC-3 - Resolution to Approve Ann Arbor Housing Commission Eviction Prevention and Emergency Response Request for Assistance and Appropriate \$200,000.00 (8 Votes Required)**

**Question:** Regarding DC-3, this resolution and the \$200K emergency funding amount in FY20 seems fully consistent with Ms. Hall’s budget presentation on March 23<sup>rd</sup>– can you please confirm that? (Councilmember Lumm)

**Response:** Yes.

**Jackson Avenue Sidewalk Gap Elimination Project  
Special Assesment Worksheet - Resolution No. 2  
Prepared - March 6, 2020**

Parcel ID Number	Owner - Mailing Address	Property Address	Lineal Feet of Assessable Frontage	No. of Lineal Feet of Concrete Sidewalk to be installed	Est. Constr. Cost Sidewalk per Lineal Foot	Engineering, Testing, and Inspection Costs per Lineal Foot	Total Cost of Sidewalk per Lineal Foot of Sidewalk	City of Ann Arbor participation (estimated at 0% of assessable costs)	City Share of Assessment Non-recoverable	Total Estimated Special Assessment
09-08-25-200-011	City of Ann Arbor Community Services Area - Parks 301 E. Huron Street Ann Arbor, Michigan 48104	Dolph Nature Area 0 Park Lake Avenue Ann Arbor, Michigan 48103	761.09	761.06	\$108.138	\$42.200	\$114,420.758	\$0.00	\$0.00	<b>\$114,420.76</b> (this cost to be paid by the City of Ann Arbor Community Services - Parks Unit)
09-08-25-200-012	Ma Wei-Yi Trust 4010 Calle Sonora Oeste Apt 3E Laguna Woods, California 92637	3365 Jackson Avenue Ann Arbor, Michigan 48103	345.72	345.72	\$108.138	\$42.200	\$51,974.858	\$0.00	\$0.00	<b>\$51,974.86</b>
09-08-25-200-029	Chen Qixing & Liang Feng 3395 Jackson Avenue Ann Arbor, Michigan 48103	3395 Jackson Road Ann Arbor, Michigan 48103	65.00	65.00	\$108.138	\$42.200	\$9,771.971	\$0.00	\$0.00	<b>\$9,771.97</b>
09-08-25-200-030	Chen Qixing & Liang Feng 3395 Jackson Avenue Ann Arbor, Michigan 48103	3405 Jackson Road Ann Arbor, Michigan 48103	86.43	86.43	\$108.138	\$42.200	\$12,993.714	\$0.00	\$0.00	<b>\$12,993.71</b>
09-08-25-200-018	Kenneth & Melanie Cameron 170 Aprill Drive, Suite A Ann Arbor, Michigan 48103	3415 Jackson Road Ann Arbor, Michigan 48103	101.50	101.50	\$108.138	\$42.200	\$15,259.308	\$0.00	\$0.00	<b>\$15,259.31</b>
09-08-25-200-026	Gary Abdirashid & Geyre Safia 170 Aprill Drive, Suite A Ann Arbor, Michigan 48103	55 Westover Avenue Ann Arbor, Michigan 48103	56.00	112.00	\$108.138	\$42.200	\$8,418.929	\$0.00	\$8,418.93	<b>\$8,418.93</b>
09-08-25-221-009	Robert C. Horvath, II P.O. Box 2230 Ann Arbor, Michigan 48106	60 Westover Avenue Ann Arbor, Michigan 48103	240.00	83.50	\$108.138	\$42.200	\$12,553.224	\$0.00	\$0.00	<b>\$12,553.22</b>
								<b>\$0.00</b>	<b>\$8,418.93</b>	<b>\$110,972.00</b>

**Notes:**

Existing properties that already had hard-surfaced drive approaches were not assessed for the cost of a new drive approach or concrete driveway opening as they were an existing feature and are not considered to be assessable. These properties were only assessed for the cost of the sidewalk that is being installed along their property.

Engineering, Testing, and Inspection Costs are estimated as shown on the project budget worksheet.

The total estimated special assessment has been calculated by subtracting the City of Ann Arbor contribution from the total estimated costs of the work and dividing by the total number of assessable lineal feet of sidewalk to be constructed in order to obtain the resultant unit cost.

**Estimated Construction Cost of proposed Sidewalk**

\$168,176.82

**Number of Assessable Lineal Feet of Sidewalk:**

1,555.21

**Estimated Construction Cost per Assessable Lineal Feet of Sidewalk:**

\$108.138

**Estimated Engineering, Inspection, and Testing Costs per assessable lineal foot of sidewalk constructed:**

\$42.200

**Pro-rated Share of Engineering, Testing, and Inspection Costs**

Estimated Engineering, Testing, and Inspection Costs \$268,850.00

Percentage of Project Work attributed to the Jackson Avenue Sidewalk Construction 24.412%

Jackson Road Sidewalk pro-rata share of Engineering, Testing, and Inspection Costs \$65,630.37

Engineering, Testing, and Inspection Costs on an assessable lineal foot basis \$42.200

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09-08-25-221-009	Robert C. Horvath, II P.O. Box 2230 Ann Arbor, Michigan 48106	60 Westover Avenue Ann Arbor, Michigan 48103	240.00	83.50	\$108.138	\$42.200	\$12,553.224	\$6,276.61	\$0.00	<b>\$6,276.61</b>
								<b>\$55,486.00</b>	<b>\$8,418.93</b>	<b>\$55,486.00</b>

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**Pro-rated Share of Engineering, Testing, and Inspection Costs**

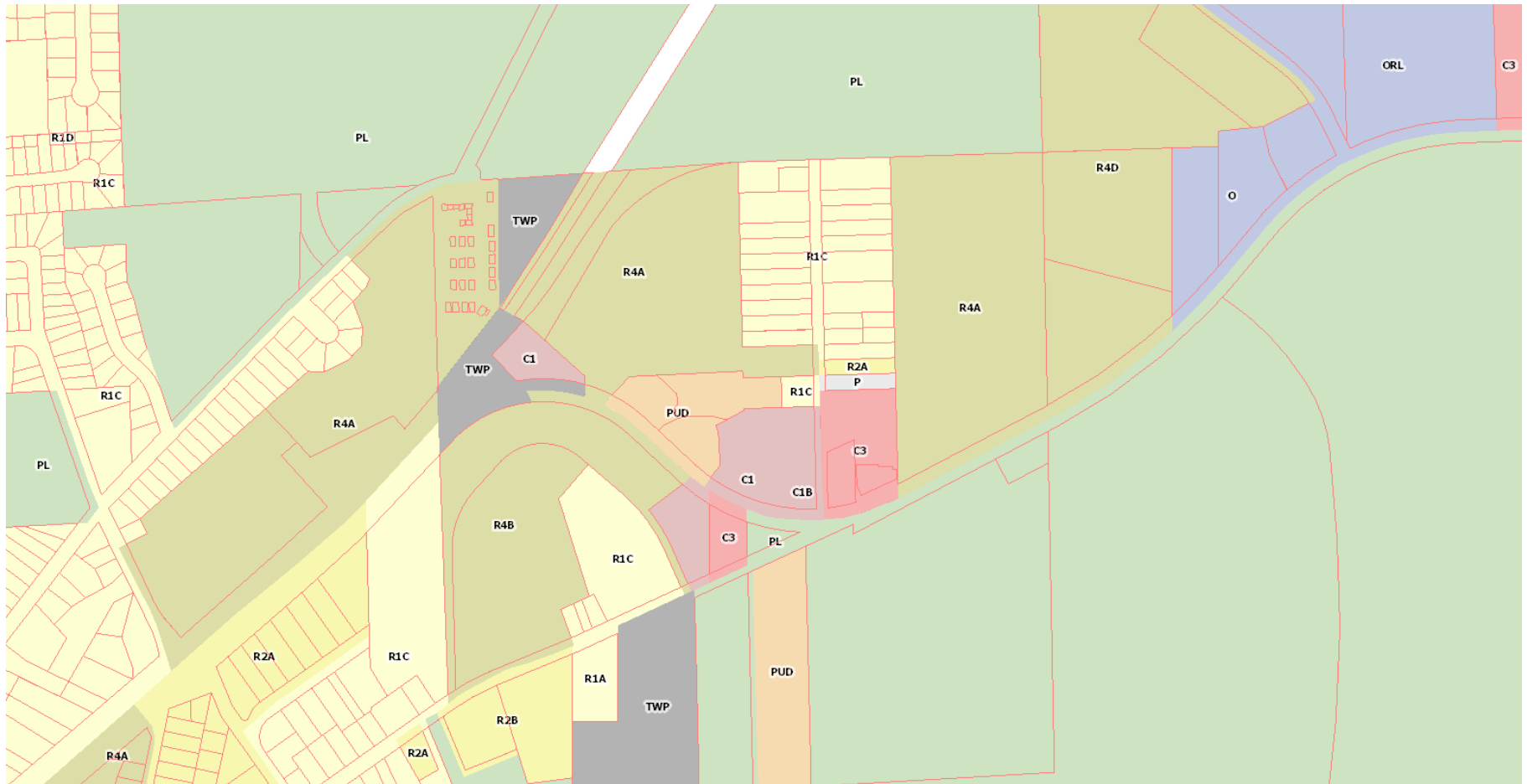
Estimated Engineering, Testing, and Inspection Costs \$268,850.00

Percentage of Project Work attributed to the Jackson Avenue Sidewalk Construction 24.412%

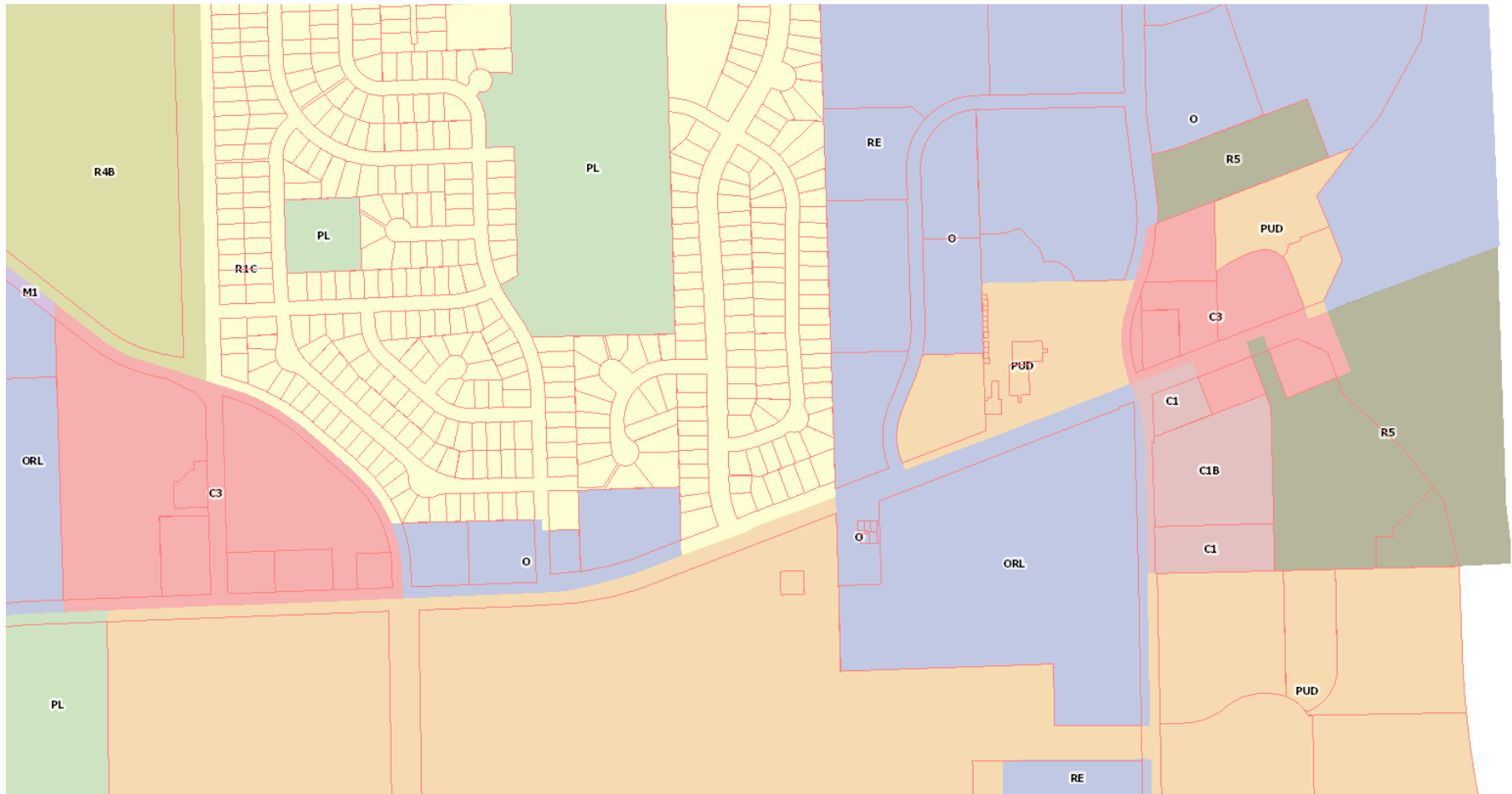
Jackson Road Sidewalk pro-rata share of Engineering, Testing, and Inspection Costs \$65,630.37

Engineering, Testing, and Inspection Costs on an assessable lineal foot basis \$42.200

# Plymouth Road Zoning – West Segment



Plymouth Road Zoning – East Segment



### Zoning District – Area & Height Summary

Zoning District	Maximum FAR (%)	Maximum Height (ft.)
R1C	n/a	30
R2A	n/a	30
R4A	n/a	35
R4B	n/a	35
R4D	n/a	120
R5	n/a	50
C1	100	35
C1B	150	50
C3	200	55
O	75	None
ORL	75	None

[Note: There are numerous variations to these based on specific project attributes such as parking, proximity to residential districts, and maximum stories.]