



TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Tom Crawford, CFO
Derek Delacourt, Community Services Area Administrator
Craig Hupy, Public Services Area Administrator
Raymond Hess, Transportation Manager
Nick Hutchinson, City Engineer
Matt Kulhanek, Airport and Facilities Manager
Brett Lenart, Planning Manager

SUBJECT: Council Agenda Responses

DATE: September 17, 2018

CA-2 - Resolution to Approve a Professional Service Agreement with Perry & Co., LLC for Administration Services of the Assessing Department (\$85,114.00)

Question: Is there a reason why the City chose not to continue using the assistant Assessor as an interim Assessor? (Councilmember Eaton)

Response: The peak workload time for the Assessing Department is starting now, and the additional staffing is needed for the department to operate effectively. Staff is requesting approximately three (3) days per week on average reflecting a reasonable amount of additional work still being performed by the Deputy Assessor.

CA-4 - Resolution to Approve August 23, 2018 Recommendations of the Board of Insurance Administration

Question: Regarding CA-4, to the extent the information is not confidential, can you please provide a status update on the efforts to recover the costs? (Councilmember Lumm)

Response: Staff is in possession of the Michigan State Police report with detailed information regarding all parties involved. We are awaiting final repair costs, and will pursue reimbursement upon receipt.

CA-8 - Resolution to Authorize a Professional Services Agreement with Sam Schwartz Consultants, LLC for a Comprehensive Transportation Plan Update (\$351,670.00)

Question: The resolution states: “Whereas, The City has implemented a substantial amount of the projects, programs and policies identified in the plans;” What programs in the plans have been implemented and which ones have not? (Councilmember Eaton)

Response: The status, complete, underway or not initiated varies by program and project. Below please find a list of key projects and a high-level status report. This list is not exhaustive but is meant to give an overview of accomplishments.

- South State Street Corridor Study –Planning complete
- Nixon Corridor - Planning complete
- Ellsworth Corridor Study – Planning not initiated
- DhuVarren and Nixon Intersection - implemented
- Connector Study, Wally Rail and Ann Arbor to Detroit- Regional Rail – planning studies completed, projects not moving forward at this time.
- Train Station Planning - underway
- Queue jump lanes and Transit signal priority - under review and development by AAATA and City of Ann Arbor
- Safety program - many improvements complete; staff can follow-up with more detail
- Stadium Bridges - complete
- Non-motorized Plan - see [2017 Progress report](#):
- Treeline Urban Trail – Planning Complete
- Allen Creek Berm Opening Trail – In development
- Washtenaw Ave Path 1.1 mile shared use path - complete
- North Main corridor - planning underway with MDOT
- Major Midblock Crossings - Implemented
- Road Diets - Implemented
 - Jackson
 - Platt
 - N. Maple
 - Green Road
 - Glazier Way
 - Packard Rd
 - North University
- Sidewalk gaps – progress is being made on filling gaps; detail can be provided.
- Intersection Improvements – detail can be provided.

- SCOOT Deployment on several corridors
- Ellsworth and State – completed
- Eisenhower at Ann Arbor Saline - Completed
- State at I-94 - study completed
- Washtenaw Pedestrian crossing –completed
- Washington Bike Boulevard – not implemented
- New or expanded park and rides - not implemented

Question: Did the City use a consultant when it adopted the Transportation Plan, adopted in 2009, and the Non-motorized Transportation Plan updated in 2013? (Councilmember Eaton)

Response:

- 2013, No, plan review and update was completed by staff.
- 2009, A Consultant Team was utilized in development of the original plan.

Question: How many bids did the City receive for RFP 2018-19? What were the bids from each bidder? (Councilmember Eaton)

Response: To clarify, the City used a request for proposals (RFP) selection process to identify the preferred consultant and not a bid process. Several other criteria, in addition to price, were used by the evaluation team to score the proposals. The following three firms submitted proposals:

- Nelson Nygaard – fee proposal not opened
- Sam Schwartz – \$351,670
- WSP was rated second – \$399,000

Question: Q1. The cover memo indicates that the total project budget is \$439K and that funding is available in the FY19 Non-Departmental General Fund budget. The amount in the original proposed budget to “Update Governance Plans” was \$667K (\$167K carryover and \$500K new), but that was reduced by \$50K in budget amendment 2, leaving the total at \$617K. In response to a budget question it was indicated the large amount of funds were needed for the “Land Use Master Plan Update and Transportation Master Plan.” With this Transportation Plan update costing \$439K, there will be \$178K left which does not seem sufficient for the Land Use Master Plan update. What is the plan for the Land Use Master Plan update and will \$178K be enough? If not, what will be the recommended funding source? (Councilmember Lumm)

Response: The plan for the master plan is for staff to complete drafting a scope and solicit feedback from the Planning Commission, starting this fall. It is not anticipated that \$178,000 would be enough for a master plan update. It is anticipated that a request for additional funds would be put forth in the next budget cycle. It is anticipated

that this would require general fund support through adoption of the budget or separate action by City Council.

Question: Q2. The cover memo states that the deliverables include “Vision Zero design efforts”. Can you please elaborate on exactly what those design efforts are? (Councilmember Lumm)

Response: Vision Zero is a term of art to define a suite of transportation safety consideration and improvements intended to result in a transportation system that eliminates deaths and/or serious injuries on the transportation system. As the planning process includes a substantial data collection and analysis process to define Ann Arbor transportation system’s needs, it is premature to describe specific locations and improvements that will result from the planning update process. Staff anticipates work with the proposed consultant will result in a high quality planning process and plan document including substantial data collection, professional transportation and safety design considerations, and ultimately a set of projects to implement.

Question: Q3. The cover memo states that this firm was selected from a formal request for proposals. Given the large size of this consulting contract (\$350K), can you please provide more detail on the selection process (e.g. the other bidders and their fee quotes, why Sam Schwartz was selected, scoring of proposals, and whether there were any Michigan firms that submitted proposals.)? (Councilmember Lumm)

Response: Three firms submitted responses to the request for proposals (RFP). Two firms were deemed to be in the competitive range and were invited to interview following review of their fee proposals. The fee proposals ranged from approximately \$350,000 to \$399,000. In the pre-interview scoring process the two top firms’ scores were between 70 and 71 in a 100 point scoring system. Following interviews the two firms that advanced to the interview process were rescored with Sam Schwartz scoring 78 and WSP 70. The primary difference was in the emphasis on Vision Zero in Sam Schwartz proposal. Additionally, the Sam Schwartz proposal offered creativity in their public outreach components including pop-up meetings and walk-about field tours and meetings to gain insights.

Question: Q4. The cover memo states that the planning effort “will be guided by an advisory committee of stakeholders.” Who will serve on this “Advisory Committee” and what is their role (and authority) expected to be? (Councilmember Lumm)

Response: The advisory committee will include a wide range of community transportation stakeholders. The 2009 Plan update included an advisory committee with representatives from the organizations listed below. This project will rely on a similar committee with additional members from the Transportation Commission, public health and safety in response to the Vision Zero safety emphasis.

MDOT University Region Office
University of Michigan Health System
Ann Arbor Chamber of Commerce

Environmental Protection Agency
Allen's Creek Watershed Group
Commission on Disability Issues
HelpSource
Michigan Center for Truck Safety
Con-Way
Ecology Center
Land Programs
Michigan Environmental Council
American Honda Motors
Center for Independent Living
Briarwood Mall
Ann Arbor DDA
Ann Arbor Police Department
USPS
Ann Arbor Convention and Visitors Bureau
AAA Michigan
Washtenaw Co. Dept. of Planning and Environment
University of Michigan College of Urban & Regional Planning
Ann Arbor Public Schools
University of Michigan Transportation Services
University of Michigan Transportation Research Institute
Pollack Designs
Ann Arbor Clean Cities Coalition
Select Ride
208 Group
Main Street Area Association
Ann Arbor Chamber of Commerce
Development interests

The City will convene the Advisory Committee to provide input and guidance in the early phases of the planning process. They will serve as a review body providing recommendations to staff and the project team at key milestones and will be provided an opportunity to provide insight and perspective from their vantage point as they review draft final reports including recommendations.

Question: Q5. The cover memo indicates that representatives of Washtenaw Area Transportation Study (WATS) participated on the proposal evaluation team. Will the County or any other organizations (MDOT, AAATA, others) be contributing to the costs of the Plan update? (Councilmember Lumm)

Response: No, at this time the planning project is requested to be funded using City resources. Plan implementation activities will identify MDOT, AAATA and other stakeholder opportunities to invest in improvements to the City's transportation system.

Question: Q6. The cover memo mentions that since the Transportation Plan Update will be incorporated into the Master Plan, the plan must be developed in accordance with the Michigan Planning Enabling Act. What extra work does that entail, is the cost associated with it significant, and what are the benefits of the Plan being part of the Master Plan? Are the existing Transportation Plan and Non-Motorized Transportation Plan incorporated in the Master Plan? (Councilmember Lumm)

Response: Both the non-Motorized transportation Plan and the 2009 Transportation Plan Update are adopted elements of the City's Master Plan. The Master Plan process includes adjacent community and county review as well as additional review responsibilities for the Planning Commission and Council. Incorporation of the Transportation Plan into the Master Plan enshrines the recommendations and helps guide future public and private investment in the transportation system.

Question: Is there a reason(s) why this transportation plan update is not being handled by City staff, perhaps in cooperation with UM students or interns? How have these plans been updated in the past with regard to a combination of staff, resources from UM and outside consultants, i.e. what percentage of the work has been performed by which groups? The reason I ask is that residents have often suggested that the City hires too many expensive outside consultants and this \$351K contract seems to fall in this gray area. Any justification of the \$351K would be help in making this decision about how to vote on this issue. (Councilmember Bannister)

Response: Although staff and the UM students have abilities to conduct such work, it is beneficial to have an experienced firm tackle complicated undertakings such as these. Vision Zero is a new concept in transportation systems. This project, a City Vision Zero planning effort, is the first of its kind in Michigan. Sam Schwartz is a national leader with experience both authoring plans and working with communities to implement Vision Zero based recommendations. Although staff may have the technical expertise to develop a transportation plan and guide a Vision Zero Planning process, there is substantial advantage to having a firm with specific knowledge and experience undertake the process. The City's Non-motorized Transportation Plan is an example of where the initial plan in 2007 was developed by a consultant team. In 2013, the City staff was able to fully undertake and complete a plan review and update based on the knowledge and experience gain in both the initial planning process, 2005-2007 and the intervening years. Sam Schwartz leading our Vision Zero planning will inform our community and staff team regarding how to conceptualize and develop Vision Zero elements into a comprehensive plan. It should also be noted that staff (including our interns) will be heavily involved in and provide staff support to the Transportation Plan Update. It is estimated that 10-20% of the project is supported by staff time.

It is also important to note that staff and UM support are not "free," and their costs would also be borne from the same funding source. There are also opportunity costs in dedicating staff resources to a single effort, and outside consultants would still be required in areas where staff and UM students do not possess sufficient experience and expertise, including national and global perspectives.

CA-12- Resolution to Approve an Increase to the Purchase Order of Granular Activated Carbon (GAC) for Water Treatment Services from Calgon Carbon Corp, Bid No. ITB-4376 and Appropriate \$850,000.00 from the Water Supply System (8 Votes Required)

Question: The resolution states: “The additional \$100,000 requested is for the labor to cover the installation of the filter media.” Who will perform the installation of the filter media? (Councilmember Eaton)

Response: The installation of the media will be performed by Calgon Carbon Corp., existing City staff, and temporary staff. In addition to the physical replacement of the media, which would occur over four two-week periods over the course of this fiscal year, there are repairs and assessments that will be needed in each of the filters. It is anticipated that this funding will cover the labor required to perform the filter repairs and assessments that would be associated with the filter media replacement.

Question: Regarding CA-12, I’m pleased to see this on the agenda. The cover memo suggests the regulations on PFAS maximums may be changed. Do we have a sense of what the new level might be and what (if anything) we may need to do beyond this more frequent replacement schedule to meet it? Also, is this different type of carbon likely the reason the State’s tests found 4 ppt? (Councilmember Lumm)

Response: We do not know what the new level(s) might be. We are following the legislative agenda at both the State and Federal levels. There is proposed legislation in Michigan to regulate at limits of 5 ppt for PFOS and 5 ppt for PFOA, but is unclear if this will pass both the House and Senate. The EPA has indicated that they intend to issue a regulatory determination in January indicating whether they will regulate or not. If they decide to regulate, it will likely take 3 to 5 years before a regulation is in place.

We believe that our use of the new type of carbon has enabled the City to lower its combined PFOS and PFOA to the level that the State measured in July 2018 of 4 ppt.

CA-13 – Resolution to Amend the Fleet and Facility Unit FY 2019 Budget by Appropriating Funds and to Authorize the Purchase of a 2019 Custom Pumper Fire Apparatus from Spartan Motors (Houston-Galveston Area Council Bid - \$594,380.00) (8 Votes Required)

Question: Regarding CA-13, how much will remain in the Fleet Services unrestricted fund balance after this purchase, and why was the purchase not included in the FY19 budget? (Councilmember Lumm)

Response: The amount of \$10,525,679.00 will be the new Fleet Services unrestricted fund balance if Council approves the requested appropriation. The two fire apparatus

that this engine will be replacing were not scheduled to be replaced until late in FY20. When the two-year budget was put together in late 2016, leadership in the Fire Department planned a standard two apparatus for two apparatus replacement. The current Fire Chief's apparatus plan resulted in bringing this proposed apparatus into service about six months earlier but resulted in the reduction of one apparatus from the Fleet.

CA-15 – Resolution No. 1 - Prepare Plans and Specifications for the Fuller Road Sidewalk - Sidewalk Special Assessment Project

Question: Q1. Over a year ago (June 2017), this item was withdrawn from the Council agenda for the purpose of obtaining meaningful public input from Huron parents and students. The cover memo indicates that “In April-May 2018, staff met with the Ann Arbor Public Schools Traffic Safety Committee and the City Transportation Commission, and held a public information meeting at Huron High School.” It should be noted, however, that the proposal was only briefly discussed at the AAPS Transportation Safety Committee and more importantly, the public information meeting was held the day after Memorial Day (May 29) and the notice for that meeting was issued by AAPS on Memorial Day itself (May 28). Not surprisingly, the meeting was sparsely attended (about 10 people). Given that, I will be moving to table/postpone this item in order to conduct a public information meeting at a time when those folks most impacted by the change (Huron students and parents) can likely attend. Can staff please advise on the length of the time necessary to prepare for and properly notice a public information meeting? (Councilmember Lumm)

Response: The typical procedure for special assessment projects is to begin with Resolution #1, which allows staff to start designing and developing plans for the project as a special assessment project. Public engagement is included in the design process, and will be included in the process for this project as well. This process allows staff to develop some design concepts and provides more information for the public to react to and comment on. Staff recommends that this process be maintained for this project as well.

In the event that this item is postponed and staff is directed to hold an additional public meeting in advance of Resolution #1, that meeting would likely need to be held sometime during the month of October. In order to allow for adequate time to summarize and respond to comments received through that process, Resolution #1 would need to be postponed until the first Council meeting in November.

Question: Q2. The 12/19/16 Road Safety Audit (RSA) recommended near, mid, mid to long, and long-term modifications for implementation at the Fuller/Gallup Park location. What is the implementation status of the near, mid and mid to long-term recommendations? Also, given that the RSA was conducted to evaluate conditions that existed at the time of the audit and several traffic devices/measures (e.g., street lights, RRFB, pedestrian crossing signage, gateway treatments, school speed zone signage) have been installed since the Dec. 2016 road audit, has the City conducted an RSA since

the Fuller/Gallup Park crosswalk has been improved? And, if not, why not? (Councilmember Lumm)

Response: The recommendations made as part of the operational level Road Safety Audit (RSA) are listed below along with a status for each possible improvement.

Time Frame	Suggestion	Status
Near Term	Remove Walnut tree from north side of road	Removed
	Install SCHOOL Legends	Not installed
	Install pedestrian crossing legends	Not installed
	Install gateway treatment at existing crossing	N/A - RRFB installed
	Install school speed zone w/ flashers	Installed
	Install street lights	Installed
Mid Term	Install rumble strips to alter motorists to a change in circumstances	Not installed
	Install raised crossing	Not installed
Mid to Long term	Install RRFB if gateway proves ineffective	Installed
Long Term	Install sidewalk on south side of the road and move the crossing to a point west of its current location	HSIP funding acquired.
	During reconstruction consider redesigning the road to narrow the amount of pavement and narrow the crossing distance (at new location)	TBD
	Work with the school district to develop education tools to change pedestrian culture around crosswalks	AAPD and Safe Kids Huron Valley working with AAPS

While several of the recommendations have been installed, a new operational RSA for this location would not be needed unless the geometrics of the street and/or crosswalk changed. Problems and challenges with geometrics (e.g. street cross-section, vertical alignment, horizontal alignment, sight distance, and conflict points) were identified as part of the existing RSA and are the most compelling reason for the crosswalk relocation.

Question: Q3. While I recognize that one of the deliverables of resolution No. 1 is to refine the cost estimates, I know there have been rough cost estimates done previously and can you please share those project cost estimates (in whatever detail they exist) or any updated rough estimates that may be available? Also, it has been mentioned that there may be grant funds available for this project – if that correct, and if so, can you please provide detail on the grant source, amount, and what aspects of the project the grant would cover (e.g., lighting, RRFB’s, pedestrian island, wall or other barriers, etc.) (Councilmember Lumm)

Response: A preliminary construction estimate of \$120,100 was made in June 2017. The City received a \$108,090 Highway Safety Improvement Program (HSIP) Grant, which specifically includes the construction of the sidewalk on the south side of Fuller, installation of a pedestrian refuge island and lighting, as well as other ancillary items. The eventual design would need to be consistent with this scope. HSIP grants typically cover 80% of the construction cost of the project, however this project has been funded at the 90% level due to the very high score the project received as a safety improvement.

Question: Q4. After the Planning Commission approved the 2018-2024 CIP, the CIP was subsequently modified and the Fuller Rd. Sidewalk project was added (Project ID# TR-AT-19-06). What, if any, sidewalk projects originally prioritized for inclusion in the 6 yr. CIP will not advance as originally proposed in lieu of the addition of this project? (Councilmember Lumm)

Response: This project was added to the CIP during the CIP update process in the Fall of 2017. These updates to the plan were subsequently approved by Planning Commission. As a substantial portion of this project would be paid for from the Highway Safety Improvement Program (HSIP) grant, there are no scheduled sidewalk projects that will not be advanced due to the inclusion of this project.

Question: Q5. In terms of the assessments themselves, can you please provide the frontage for each of the three parcels referenced in the cover memo? Also, will the assessments reflect just the costs for the 8 ft. multi-modal path/sidewalk extension itself OR will they include the total/full costs for the crosswalk project -- costs including relocating the RRFB's and streetlights, ADA ramps, pavement markings, refuge island, and any costs incurred (e.g., barricade/wall/fence/landscaping) constructed between the path and Fuller to prevent crossing at the existing Gallup entrance crosswalk? (Councilmember Lumm)

Response: The assessable frontage will be determined based on the City Assessor's evaluation of parcel descriptions and the designed sidewalk improvements. Lacking that detailed evaluation, the preliminary approximate sidewalk frontages are:

- 224 feet (2940 Fuller Rd)
- 185 feet (DTE parcel)
- 70 feet (Gallup Park)

Assessable costs include the necessary site work to construct the sidewalk and restore the area, but does not include ancillary project elements such as crosswalks, pedestrian islands, or additional fencing/landscaping. It should also be noted that, as 2940 Fuller Road is a township parcel, it would not have to pay the assessment costs until such a time that the parcel was annexed into the City. The preliminary cost assessment would be presented to Council with Resolution No. 2.

Question: Q6. The cover memo indicates that issues have been identified “such as road alignment that could warrant continued future study and could enhance safety, but these issues are not part of the current project.” Can you please elaborate on what those additional issues are, what the plan is to address them, and what impact they might have on this particular decision to re-locate the crosswalk? (Councilmember Lumm)

Response: These comments came from some residents at the May public meeting, suggesting that modifying the road alignment at the existing crosswalk location could be a way to improve safety at that location. Such realignment would require a complete reconstruction of Fuller Road, which is beyond the scope of this project, and as such has not been fully evaluated by staff. However, a cursory analysis indicates that the safety improvements would likely be marginal and would come at a high cost.

Question: Q7. Have there been any citizen complaints or concerns raised about the existing crosswalk since improvements and modifications to the existing crosswalk have been made? (Anecdotally, I have heard from Huron H.S. parents that the crosswalk is working well now, with the improvements.) (Councilmember Lumm)

Response: The concerns that staff continue to hear regarding this crosswalk include:

- Vehicle speeds are too high in the corridor
- Motorist failure to yield to pedestrians who activate the RRFB
- Pedestrians must cross through queued traffic

Question: Q8. During the discussions about this crosswalk re-location, the length of the sidewalk extension has varied (ranging from 400 to 600 feet*) and the number of impacted township properties has varied (one to three). Because the Road Safety Audit did not include a linear foot rationale or recommendation and the recommended sidewalk length has varied, how was the final length (500 feet) and impacted township properties (one) decided upon? (* 6/5/17: council resln. assessment district recommendation = 600'; 5/29/18 Huron H.S. mtg. = 400', 8/2018 Transportation Cte. project rept. = 450'; 9/17/18 recommendation = 500') (Councilmember Lumm)

Response: The proposed sidewalk terminates at the west property line of 2940 Fuller. That is approximately 420 feet west of the existing crosswalk, and approximately 500 feet west of the Gallup Park driveway. While the exact location of the relocated crosswalk will be determined during the design process, the current estimated location is based on an evaluation of sight distances and road geometry. This evaluation had not yet been done before the earliest 2017 estimate of length (600').

Question: Q9. The impacted AA Twp. property is the 1836 Orrin White House at 2940 Fuller Road. Orrin White was the first settler in AA Twp. and the cobblestone house was built in 1836 (AA was incorporated in 1833; MI became a State in 1837), and, as described in "Historic Bldgs., Ann Arbor, MI", during the 1820's the White's farmland (described as 176 acres on this North bank of the Huron River), was shared "with several hundred Indians who camped there annually." Has the City determined the historic project

boundary for this project to determine what changes in the character of this historic property are permitted? (I will note that the house sits in close proximity to Fuller Road, and that City staff stated, at the 5/29/18 Huron H.S. meeting, that an 8 ft. multimodal path is proposed. This does not include the ROW/easement frontage that would be required for any barricade/wall/fence that is constructed between the path and Fuller Rd.) (Councilmember Lumm)

Response: As part of project design process for any project receiving Federal or State aid, plans are submitted to the State Historic Preservation Office for review and approval. That submittal will be initiated once the design authorization is approved.

Question: How has the community been engaged in this issue, i.e. what meetings have occurred, who was invited and how many attended, etc.? (Councilmember Bannister)

Response: The typical procedure for special assessment projects is to begin with Resolution #1, which allows staff to start designing and developing plans for the project as a special assessment project. Public engagement is included in the design process, and will be included in the process for this project as well. This process allows staff to develop some design concepts and provides more information for the public to react to and comment on. This project is unusual in that a public meeting was held in advance of Resolution #1, in May of 2018. The public at large was invited, and the meeting information was shared with Ann Arbor Public Schools to share with their constituents. Approximately 11 members of the public attended the meeting. Feedback from this initial meeting will be incorporated into the initial design process.

CA-17 - Resolution to Approve the Community Development Services Contract with Washtenaw County (\$165,000.00 FY19; \$165,000.00 FY20; \$165,000.00 FY21; \$165,000.00 FY22)

Question: How much did the City pay to the county for the Community Development Services Contract in each of the last five years? (Councilmember Eaton)

Response:
2014 - \$165,000
2015- \$165,000
2016- \$165,000
2017- \$165,000
2018- \$165,000

Question: Regarding CA-17, are there any substantive operational changes contemplated in the new agreement? (Councilmember Lumm)

Response: No. This agreement mimics previous ones, with only a change in the term. Previous contracts had a two year term with the ability to extend for two, one year periods. This one combines it into a four year term, with no extensions. Note, the contract is in effect only in if the City budgets for the services.

B-2 - An Ordinance to Amend the Zoning Map, Being a Part of Section 5:10.2 of Chapter 55 of Title V of the Code of the City of Ann Arbor, Rezoning of 0.76 Acre from R4C (Multiple Family District) to C2B (Business Service District) WITH CONDITIONS, 151 East Hoover (including 200 E. Davis Ave., 202 E. Davis Ave., 204 E. Davis Ave, 913 Brown St., 915 Brown St., 917 Brown St., 919 Brown St.) (CPC Recommendation: Approval - 6 Yeas and 0 Nays) (Ordinance No. ORD-18-25)

Question: In a February 16, 2018 staff memo (attached), it was noted that this project should not be approved until the need for a 12-inch water main was addressed. What efforts to address the need for that water main was made? Was the developer required to contribute to the cost of the 12-inch water main? (Councilmember Eaton)

Response: During the 2019 construction season, the City plans to install a new 12-inch water main in Hoover Avenue and resurface the street. No contribution has been required for this previously planned work.

If the City's Hoover Street water main project is delayed, then this project would need to extend the 12-inch water main in Hoover Avenue from South State Street to the property's west property line, or in Greene Street from Hill Street to Hoover Avenue and along the properties Hoover Avenue frontage in order to support this development. In this case, the developer would be required to install the main, at their expense. The development agreement reflects this as follows: "To construct a 12 inch water main in E. Hoover Street from S. State Street to Brown Street or construct a 12 inch water main in Greene Street from E. Hoover Street to Hill Street prior to the request for or issuance of vertical building permits".

Question: Neighbors have raised concerns about the storm water problems in the area of the development. What improvements to stormwater infrastructure are planned for this area, both on the site of this development and in the surrounding area? (Councilmember Eaton)

Response: The petitioner is providing a stormwater detention system which will handle a 100 year storm on the site. This will reduce stormwater runoff on this block since currently no detention system exists on this block. Due to suitable soils, the on-site system is designed to provide some level of infiltration to reduce impact on surrounding infrastructure. Stormwater improvements are being planned as part of the City's Hoover/Greene reconstruction project. The project is early in the design phase, so the details of these improvements are still being worked out.

Question: Will the intersection improvements identified in the traffic analysis be paid for by the developer? (Councilmember Warpehoski)

Response: Yes. The development agreement indicates: “That traffic mitigation measures for the project will be beneficial to the PROPRIETOR’S property and, therefore, to install pedestrian safety measures as described in the traffic impact study prior to the request for and issuance of any certificate of occupancy”.

Question: Is there adequate stormwater and other utility infrastructure to support this development? (Councilmember Warpehoski)

Response: Yes. The developer will install a stormwater management system that can handle a 100 year storm which will substantially improve stormwater management for the site since none currently exists. Additionally, the City will upgrade stormwater systems when it reconstructs Hoover and Greene next year. The City intends to construct a new 12-inch water main in Hoover in 2019. If the City doesn’t construct the water main next year, the development agreement states that the developer will construct it or an alternative water main from Hill Street.

Question: The staff report lists the development agreement as an attached document, but I do not see it. Please include the link. (Councilmember Warpehoski)

Response: The Development Agreement is being added to the Legistar agenda item.

C-1 – An Ordinance to Amend Section 2:42.3 of Chapter 28 (Building Sewers for Accessory Dwelling Units) of Title II of the Code of the City of Ann Arbor

Question: Q1. Presumably, the requirement of a separate/independent sewer was discussed when the ADU ordinance was adopted in 2016. What was/is the rationale for that requirement? (Councilmember Lumm)

Response: The requirement for a separate sewer for each structure was not discussed in detail at the time ADU ordinance was adopted. The requirement for separate sewers for each structure predates the ADU ordinance and arises from the occurrence of sewer backups. Generally one unit will have a lower first floor than another unit sharing a sewer lead. The unit with the lower floor will suffer the backup first or be the only unit suffering the backup, while the higher unit continues to use the sewer sending more material to the lower unit. When the unit(s) are not owner occupied this can cause a conflict. With one of the units occupied by the owner it is expected to be less of a conflict.

Question: Q2. Also, why is it that a separate, independent sewer is required for every building, but the same requirement doesn’t exist for water? Q3. When the benchmarking was done on ADU’s, what did we learn about separate sewer requirements for ADU’s in other city’s ordinances? (Councilmember Lumm)

Response: The reason for separate building sewers is outlined in the answer to the question above. A similar issue does not exist with water service. We did not query what other cities were doing with sewer services for ADUs.

DC-3 - Resolution to Approve the Workforce Housing Covenant for the Collective on Fifth Development at 319 S. Fifth

DC-4 - Resolution to Approve the Parking Agreement for the Collective on Fifth Development at 319 S. Fifth

Question: Regarding DC-3 (and DC-4 as well), the cover memo indicates that the Workforce Housing Covenant (and Parking Agreement) are “to be agreed to and entered into prior to September 28, 2018, which is the end of the due diligence period.” Is the sales agreement voided if these agreements are not entered into by that date or do the subsequent dates in the timeline merely get pushed back? (Councilmember Lumm)

Response: The Agreement of Sale requires that the Workforce Housing Covenant, the Parking Agreement, and condominium documents (which are not before you tonight) need to be agreed to prior to September 28th. If they are not agreed to the developer has the option to terminate the Agreement of Sale. There are no terms in the Agreement of Sale that allow the timeline to be extended.

Question: The “Optional Affordability Requirement” section of the Covenant states that the city will provide notice whether it wants to pay the developer \$1,475,000 for 2.5% (no less than 9) workforce housing units not later than 90 days prior to closing. When is closing contemplated and what are the deadlines/next steps in the process to reach closing? Also, is it still the city’s plan to execute this provision for additional workforce housing? (Councilmember Lumm)

Response: The Agreement of Sale contemplates that the closing will take place 360 days from the date of the Agreement, May 31, 2018, with two 90 day extensions. Staff is still working with the developer on finalizing condominium documents, which also must be considered by September 28th. During the following Entitlements Period, the developer is required to get site plan approval of the project. Staff will return to Council prior to closing with a recommendation on whether to purchase the requirement of additional workforce housing units.

Question: Why were DC-3 and DC-4 added after the meeting agenda was published on Thursday? (Councilmember Lumm)

Response: Staff have been working diligently on these documents and other aspects of the transaction since the Agreement of Sale was signed. The documents were added to the agenda when they were completed last week. Staff is still working with the developer on finalizing condominium documents which also must be considered by September 28th.

Question: What is the current status of the number on the wait list for monthly parking permits? (Councilmember Lumm)

Response: The answer begins with a caveat that the monthly parking permit wait list is a tool created by the DDA to track requests; wait list numbers should not be interpreted as commitments to take permits when they become available or that they necessarily represent an unmet demand. For instance, it is not uncommon for quantities of permits to be requested in excess of what is needed immediately but instead are used by businesses and property owners as placeholders in case staffing may increase in the future or in hopes of making a property lease more attractive. Moreover, some current permit holders have asked to be on the wait list so they can move to a different/more convenient structure, plus people can ask to be on multiple wait lists to increase their chances of getting permits more quickly. And finally, an unknown number of people pay for parking by the hour while they await a monthly permit. That said, all together there are approximately 4,100 requests for standard permits, with that number changing on a daily basis.

Question: This agreement allocates 20 monthly permits to Core in the Library Lane structure during construction for parking of “construction-related vehicles, construction staging and/or the storage of construction materials for the project” Can you please elaborate on what that may entail and any potential disruption to the users of the structure? Also, while I understand the agreement holds the city harmless for any liability resulting from this use and that Core Spaces is responsible for clean-up, won’t there be unusual and potentially significant wear and tear that Core Spaces should be compensating the DDA for? (Councilmember Lumm)

Response: The developer does not have construction planning details since the project is in early stages of the site plan approval process, so it is not yet possible to know what if any disruptions there may be to other users of the structure. What is being provided for in this Agreement is that Core Spaces’ contractor would have use of up to 20 spaces within the garage for contractor vehicles or staging for which Core would pay the going monthly rate plus an additional 20% surcharge for each of these spaces during their construction. Other aspects regarding construction will be covered in a Cross-Easement/Development & Construction Agreement which will be completed later when additional detail is available.

DB-1 – Resolution to Approve the Cottages at Barton Green Site Plan, Wetland Use Permit, and Development Agreement, West Side of Pontiac Trail, South of Dhu Varren Road (CPC Recommendation: Approval - 2 Yeas and 7 Nays)

Question: Q1. On Friday, City Council received an email from a resident indicating that the Unified Development Code states that “Proposals that contribute traffic to streets or intersections that are or will be as a result of the proposal at a level of service of D, E, or F may be denied by Commission or Council until such time as the necessary street or traffic improvements are scheduled for construction.” In a response to my question July 16th, staff did indicate a couple of intersections would be operating at levels of service of E (Pontiac Trail/Barton Drive Intersection, Broadway/Maiden Lane Intersection, Pontiac Trail/DhuVarren Intersection). Can you please speak to these statements and the

implications for approving the site plan and development agreement? (Councilmember Lumm)

Response: The Unified Development Code states, “Proposals that will contribute traffic to streets or intersections that are or will be as a result of this proposal at a level of Service D, E, or F as defined in the Highway Capacity Manual may be denied by Commission and Council until such time as necessary street or traffic improvements are scheduled for construction.”

Specific to this project, several intersections are expected to experience Level of Service (LOS) D, E, or F even without the proposed Cottages at Barton Green development. These locations include Barton & Pontiac Trail in morning and afternoon peaks, Broadway & Maiden Lane in the afternoon peak, and the westbound approach at Dhu Varren & Pontiac Trail in both morning and afternoon peaks. To mitigate the anticipated mobility impact from the proposed development project, staff requested the developer to contribute \$346,000 to future mitigation evaluation/installations along Pontiac Trail.

Question: Q2. In the September 12th communication from Mr. Stoepker, it was indicated that the developer had eliminated 10 units (28 beds) and all of the 6-bedroom units. Can you please provide the update unit mix by number of bedrooms? Also, it was indicated that the developer would include a “no public parking clause” in the standard lease with penalties for violations. Can you please explain how that will be enforced? (Councilmember Lumm)

Response: Based on the proposed changes the development would include 11 one-bedroom homes, 82 two-bedroom homes, 24 four-bedroom homes, and 94 five-bedroom homes.

The developer has proposed to include language in the lease agreements indicating that, “residents shall not park in adjacent neighborhoods or on public streets outside of the property. Resident shall pay Landlord the lesser of \$25 per violation or \$100 per month in which such violations occur for one or more violations.” This would be enforced by the petitioner.

Question: Q3. At the July 16th Council meeting, there was discussion regarding the city’s level of interest in the additional parkland to be conveyed by the developer. Can you please provide a status update on that? (Councilmember Lumm)

Response: Parks and Planning Staff support the petitioner’s proposal to dedicate 9.86 acres of natural area on the western side of the site. The Land Acquisition Committee was unable to reach a conclusion on the proposed acquisition and were unable to meet this month due to not having a quorum.

Question: Q4. On September 12th, Mr. McDonald indicated the developer likely would be presenting several changes to the site plan today. Can you please confirm if that is

still true, and if so, please advise as to how long a postponement would be appropriate to fully understand and review the changes? Also, are revisions to either the Development Agreement or Wetland Use Permit necessary? (Councilmember Lumm)

Response: The petitioner provided a memo summarizing proposed modifications to the site plan with attachments that has been uploaded into Legistar. Proposed modifications include:

- Eliminating 10 dwelling units totaling 28 bedrooms
- Eliminating all 6 bedroom units
- Adding 8 single family homes
- Providing green building features to the club house
- Eliminating 28 parking spaces and deferring 26 other parking spaces
- Replacing 40 Class C bicycle parking spaces with Class B spaces (covered)
- Including a “no public street parking” provision in the standard lease indicating that, “residents shall not park in adjacent neighborhoods or on public streets outside of the property. Resident shall pay Landlord the lesser of \$25 per violation or \$100 per month in which such violations occur for one or more violations”.
- Providing 2 private shuttle buses for use by residents that operate M-F; 7am-7pm.

Staff understands the proposed modifications, and the proposed changes would not alter the site plan in a significant manner. If desired, City Council can take action on the plan subject to the proposed changes being incorporated into the plans and development agreement. These proposed revisions would not require significant modifications to the site plan, Development Agreement or Wetland Use Permit. Inclusion of the “no public street parking” and shuttle bus provisions in the development agreement would not result in enforceability, via revocation of any issued approvals.

DB-2 – Resolution to Approve the 151 East Hoover Site Plan and Development Agreement on a Site Bounded by Brown Street, East Hoover Street, Greene Street, and East Davis Avenue (CPC Recommendation: Approval - 6 Yeas and 0 Nay)

Question: Q1. Regarding DB-2, we all received an email from a resident Friday on this project expressing concerns about the adequacy of the supporting water, sewer, and stormwater infrastructure. The email included a specific comment about the need for a new 12-inch water main in the area. Can you please speak to the supporting infrastructure including the plans for the water main? (Councilmember Lumm)

Response: During the 2019 construction season, the City plans to install a new 12-inch water main in Hoover Avenue and resurface the street. No contribution has been required for this previously planned work.

If the City's Hoover Street water main project is delayed, then this project would need to extend the 12-inch water main in Hoover Avenue from South State Street to the property's west property line, or in Greene Street from Hill Street to Hoover Avenue and along the properties Hoover Avenue frontage in order to support this development. In this case, the developer would be required to install the main, at their expense. The development agreement reflects this as follows: "To construct a 12 inch water main in E. Hoover Street from S. State Street to Brown Street or construct a 12 inch water main in Greene Street from E. Hoover Street to Hill Street prior to the request for or issuance of vertical building permits".

Question: Q2. Also on DB-2, in responding to my question at First reading, it was indicated that there had not been any opposition to the project expressed at meetings or in writing as of that point (first reading). Has the city received any input since then beyond the email referenced above regarding infrastructure? (Councilmember Lumm)

Response: Two letters were received today by staff expressing concerns over the proposed project. Both were originally forwarded to Council and/or the Clerk.

DS-1 - Resolution Establishing Ann Arbor Commercial Rehabilitation District No. 2018-001 - Kensington Hotel

Question: Regarding DS-1, my takeaway from your August 23rd memo and the responses to my questions is that approving the Commercial Rehabilitation District is a discretionary decision by Council. In other words, the local unit of government is not required to approve the district just because the proposal may meet certain criteria. Can you please confirm that's correct? Also, is there an appeal process of some kind if Council decides not to approve the District? (Councilmember Lumm)

Response: Correct.

Question: Also on DS-1, the August 23rd responses indicated that Ann Arbor has not previously created a Commercial Rehabilitation District, but has approved Industrial tax abatements. My sense is that those have been very rare/infrequent. Over the last 20 years, how many tax abatements has Ann Arbor approved in total and how many of those did not involve a contaminated site clean-up? (Councilmember Lumm)

Response: Since 2003 there have been 18 industrial facility tax (IFT) abatements approved by City Council. However, in the past five years there has only been one. None of the IFTs were associated with a brownfield tax incentive for contamination clean-up.

Question: As I understand it, this resolution establishes the district, but approval of the tax abatement plan would be a separate Council action, correct? (Councilmember Warpehoski)

Response: Correct. If the district is approved, the City would accept an application and hold a public hearing prior to Council considering action on the agreement.

Question: How far have negotiations proceeded regarding the tax abatement agreement? Have there been discussions of clawbacks or community benefit agreements? (Councilmember Warpehoski)

Response: Specific discussions on an incentive won't start until after a district is established and an official application is received.