



TO: Mayor and Council

FROM: Sumedh Bahl, Community Services Area Administrator
Craig Hupy, Public Services Area Administrator
Wendy Rampson, Planning Manager
Colin Smith, Parks Manager

CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 3/17/14

CA-1 – Resolution to Approve Amendment No. 1 to Golf Cart Lease with Pifer Inc. and Authorize Sale of 32 City-owned Golf Carts (\$50,336.00)

Question: In the memo for CA-1, it indicates that the 32 golf carts we're selling back to Pifer are at \$1,475 each and that they were purchased in 2009 at \$950 each. Is that correct or am I missing something? (Councilmember Lumm)

Response: It is correct that we are selling the golf carts for more than their original purchase price. The original bid required vendors to provide pricing for both leasing the City new carts and purchasing our old carts. How each vendor responded to the bid varied with some offering a higher purchase price than others.

CA-4 - Resolution to Approve Street Closings for the Burns Park Run – Sunday, May 4, 2014

CA-6 – Resolution to Approve Street Closings for the 6th Annual Box Cart Race/Soap Box Derby – Saturday, March 29, 2014

CA-8 – Resolution to Approve Street Closing for the Live on Washington Event – Saturday, May 10, 2014

CA-9 – Resolution to Approve Street Closings for the Dexter-Ann Arbor Run on Sunday, June 1, 2014

Question: These items discuss notice of the road closures but not direct notice to the businesses and residences that will lose access to their parking during this event. Have any plans been made to directly inform those residents and businesses? How have these events complied with the policy that “If the event will require the closing of a street, the applicant must make access arrangements for businesses and residences on the street”? (Councilmember Warpehoski)

Response: For all events requiring street closures, the applicant is required to work with Police and their own marshals to allow residents and businesses on the street access as is safely possible, which is what they do. The following are the communication plans for notifying businesses and residents specifically for these events:

- For the Burns Park event, notification has been made via the Burns Park Association and its website. Yard signs will also be in place a week to a few days before the event. Residents have been asked to park along City streets in the adjacent neighborhood. Corner guards will assist local residents who live within the closed course area as best as possible to allow them to enter/exit without placing race participants or the drivers in danger.
- For the Box Cart event, the residents will be notified via flyers in the doors of their homes and flyers will be placed on cars about one week before the event.
- For the Live on Washington event, many of the businesses have already been notified and are coordinating with the applicant. The few remaining residents or businesses will be notified via flyers or face-to-face contact at least one week prior to the event.
- For the Dexter-Ann Arbor Run, the applicant will place flyers in mailboxes of impacted businesses and residents along the route at least one to two weeks prior to the event.

DC-1 – Resolution Designating an Urban Public Park Location on the Library Lot Site

Question: Can the Council action to add this area to the PROS plan and designate it as a City-owned public park be changed by a subsequent Council action? (Councilmember Warpehoski)

Response: Council action can direct the City Administrator to have staff begin the process of amending the Park & Recreation Open Space Plan (PROS Plan) to add this area, but this would require approval of both City Council and the Planning Commission. As the PROS plan is a part of the City Master Plan, any amendment requires a fairly involved process outlined below and in Chapter 8 (Organization of Boards and Commissions) of the Ann Arbor City Code:

1. Council approves resolution requesting the Planning Commission initiate an amendment to the PROS Plan.
2. Planning Commission directs staff to begin work on master plan amendment.
3. Staff distributes “notice to plan” letter to adjoining communities.
4. Planning Commission and staff meet with the Park Advisory Commission (PAC) to discuss scope and get approval
5. Staff puts together a scope of work which includes public input opportunities.
6. Staff drafts amendment language
7. Staff meets with stakeholders and conducts public meetings to get feedback.
8. Planning Commission and staff meet with PAC to finalize amendment language.
9. Staff distributes draft amendment to adjoining jurisdictions, providing them 42 days to review the draft and provide comment.
10. Staff sets up public hearing with Planning Commission. The public hearing must take place after 42 day review period passes.
11. Planning Commission conducts public hearing and considers adoption of the amendment.
12. City Council conducts public hearing and considers adoption of the amendment.

If the PROS plan was amended to designate the space as a city park and the City wished at a future point to remove the designation and sell the land, Section 14.3 of the City Charter mandates that the sale must be approved by a majority vote of the electors of the City voting on the question. Placement of the question on the ballot would require a determination that the property is no longer needed for a park, removal from the PROS plan, approval by City Council of the ballot question and compliance with all Michigan election law procedures.

If the City’s intention was to remove the designation as a city park but still retain the space as City property then Section 14.3 of the City Charter would not apply. However

the determination that the property is no longer needed for a park and removal from the PROS plan would still need to occur following the procedures described above.

Question: The PAC Subcommittee report states, “the subcommittee is strongly in favor of a mixed-use vision for the Library Lot... Development of the site and adjacent parcels, including the accompanying increases in activity, is essential for the future success of this site.” Can staff offer any feedback on how this resolution would affect the ability development on the site to support increased activity? How would it affect the value and viability of development on that site? (Councilmember Warpehoski)

Response: The Downtown Park Subcommittee report, prepared by PAC and staff, states the development of the site is crucial to the success of any public space. As such, development should occur at the same time as the creation of a public space. The decision to state that the space would be larger than 5,000 square feet, but not to define a specific area as park space was intentional, so as not to limit the creative design of future development. It is anticipated that any constraints on the lot and limiting available street frontage would affect the optimum development and the value negatively. Further analysis will be needed to estimate the magnitude of the impact due to the designation of the urban public park on the Library Lot.

Question: How many permits have been granted to use Liberty Square under the no-fee program? (Councilmember Warpehoski)

Response: Liberty Plaza has been reserved 35 times since City Council waived fees on July 15, 2013. Ideas for increased use and greater promotion of the space are being worked on with a hope to seeing increased use once winter ends.

Question: The AADL has raised concerns about accessibility to the site posed by a larger urban park space and noted that this accessibility concern also relates to/is a function of Library Lane's private use/design/designation. Can you please provide clarification on why Library Lane is designated "private" when the property is city/publicly owned? When did this designation occur? Can you also please explain if this "road" design is problematic in terms of accessibility for emergency and other vehicles? (Councilmember Lumm)

Response: In the course of designing Library Lane the DDA sought to ensure that it would be as pedestrian-friendly as possible because of its location adjacent to the Ann Arbor District Library which regularly draws patrons of all ages. The tabletop and streetscape along Library Lane are elements that help communicate that this is a pedestrian-friendly road. But the primary means to accomplish this goal was to design the road to be just a foot or so narrower than is seen in an MDOT-approved roadway. The narrower roadway helps slow traffic speeds, thus making it easier and more comfortable for pedestrians to cross to and from the Library. Despite the reduced road width, emergency and other vehicles can readily access the site using Library Lane, as do school buses, solid waste trucks, and other large vehicles. Library Lane is owned by the City and thus is public. But it is designated by the City as a “private” street because

it is narrower than is the standard. The only real impact from this designation is that Library Lane is not eligible to receive City services such as snow removal; instead, the DDA's parking operator is responsible for snow removal on Library Lane as part of its operation of the parking structure below. The design choices regarding Library Lane, including its designation as a private street, were clearly noted at the time the parking structure project site plan received its review and approval.

DC – 4 – Resolution Recommending Ann Arbor City Council Direct the Development of a Commercial Building Energy Benchmarking and Disclosure Ordinance

Question: Who is envisioned to be part of the stakeholder work group generally, and who will decide on the specific representatives? (Councilmember Lumm)

Response: The Commission would first be tasked with identifying specific participants as described in the bylaws.

ARTICLE XIX - COMMITTEES

Committee members and the Committee Chair shall be appointed by the Commission Chair and approved by a vote of the Commission. The Committee Chair shall be a Commission member. All committee members need not be Commission members.

An attempt shall be made to insure that the Committee consider a cross section of the divergent views of the citizens of Ann Arbor on the issues to be addressed by the committee.

Question: Has the Energy Commission consulted with members of the business community and those who will be impacted by this new ordinance to obtain their feedback? If so, what was that feedback? (Councilmember Lumm)

Response: Not at this time.

Question: Is there any reason that commercial building owners can't access the EPA's free online energy benchmarking system ENERGY STAR Portfolio Manager now? (Councilmember Lumm)

Response: There are no reasons or access barriers for any citizen or business to use the ENERGY STAR Portfolio Manager.

Question: Data has been provided in our packets developed by the Institute for Market Transformation (IMT) -- can you please provide more information on this group? (Councilmember Lumm)

Response: From the IMT website at: <http://www.imt.org/>

The Institute for Market Transformation (IMT), founded in 1996, is a Washington, DC-based nonprofit organization promoting energy efficiency, green building, and environmental protection in the United States and abroad. The prevailing focus of IMT's work is energy efficiency in buildings. Activities include technical and market research, policy and program development, and promotion of best practices and knowledge exchange. All our work involves many collaborators and targets a broad range of stakeholders in both the public and private sectors.

In particular, IMT aims to strengthen market recognition of the link between buildings' energy efficiency and their financial value. IMT's efforts lead to important new policy outcomes, widespread changes in practice, and ultimately, lasting market shifts toward greater energy efficiency, with substantial benefits for the economy and the environment.

Major Funders: Bloomberg Philanthropies; Kresge Foundation; Global Buildings Performance Network; MacArthur Foundation; Rockefeller Brothers Fund.

IMT have staff dedicated to assisting cities through all phases of program design and implementation.

IMT also maintains a website specific to energy benchmarking assistance that it has provided for cities as well as lessons learned at: <http://www.buildingrating.org/>

Question: The cover memo indicates that Minneapolis, New York, Seattle, San Francisco "and others" have adopted commercial building energy benchmarking and disclosure requirements. Who are the "others" and are there any cities in Michigan or cities of comparable size to AA? (Councilmember Lumm)

Response:

Current cities:
Washington D.C.
New York
Boston
Minneapolis
San Francisco
Austin
Seattle
Minneapolis
Chicago
Philadelphia
California (state)

The Commission and staff are also aware of at least Madison, WI and Evanston, IL both being at a similar development stage as Ann Arbor.

Question: I suspect not all the programs that are currently in place are the same so could you please provide some texture on the programs currently in place, and what is envisioned for AA in terms of:

- Data reporting requirements and frequency
- How the data is used
- How compliance/non-compliance is handled (Councilmember Lumm)

Response:

- Data reporting requirements and frequency:

It is generally understood that ordinances in place elsewhere report once per year. Portfolio Manager is set-up to be the reporting platform, with the U.S. Department of Energy very close to releasing an online reporting platform that works through Portfolio Manager to further streamline submissions, and is being designed specifically for compliance purposes in benchmarking ordinances

- How the data is used:

Data use varies by ordinance. It is anticipated that the Commission working group would assess the best, most practical application locally. Mainly data works to allow relevant comparisons such as miles per gallon efficiency ratings in vehicles. Many utility bills allow for homeowners to see on their bill how they compare to neighbors of a similar size – data for a commercial benchmarking ordinance is largely focused on this concept and other means of allowing free market information sharing.

- How compliance/non-compliance is handled:

Compliance handling varies by community. The Commission working group would assess the best, most practical application locally.

Question: The cover memo recognizes that "there are implications for staff time once an ordinance is in place, and to a lesser extent during the development stage." Can you please quantify the staff time requirements (development and ongoing) as best you can and also please clarify what is intended in the second resolved clause regarding a "staffing plan". (Councilmember Lumm)

Response: The potential impact on allocated resources, including staff, has not been analyzed at this time by Public Services or Finance.

DC – 5 – Resolution Recommending Staff Resourcing for Community Energy Efficiency

Question: The timeframe to add the second position in the resolution is not stipulated, although the memo received from the Energy Commission indicated for the FY15 budget. Can you please confirm that the timeframe for this action would be the FY15 budget. (Councilmember Lumm)

Response: As a Commission-led resolution, it is staff's interpretation the request is for FY15.

Question: Also, does the Energy Fund pay for the costs of the Energy Office? If not, what fund pays for the costs? Also, please remind me what the sources of funds are in the Energy Fund. (Councilmember Lumm)

Response: Energy Office funding comes from the three largest energy cost centers of the city, the Sewer Fund (0043), the Water Fund (0042), and General Fund (0010).

The Energy Fund is primarily used for project costs, such as energy efficiency equipment with only limited use historically for temporary intern-level assistance for related projects. It is primarily a revolving loan with some ability to grant funds for demonstration projects that was first established based on the accrued savings of a repaid bond that funded energy upgrades in the 1990s.

Question: In reviewing the memo from Ms. Rampson to the Planning Commission on this item, it mentioned that the Planning Commission bylaws indicate that the Commission should not "intrude" in the management of the service unit. Was there any discussion at that March 4 meeting that perhaps endorsing a resolution on staffing might fall into that category? Also, what was the Planning Commission vote and when will the minutes from the meeting be available? (Councilmember Lumm)

Response: The Chair asked Planning staff for clarification regarding the Planning Commission bylaw's use of the term "service unit." Staff responded that the service unit referenced in the bylaws was Community Services, rather than Public Services. There was no further discussion on this issue.

Six members of the Planning Commission were in attendance at the March 4, 2014 meeting, and the vote on the Community Energy resolution was 6 Yeas, 0 Nays. The action minutes and meeting video for this meeting currently are posted on the Legislative Information Center. The full minutes are targeted to be completed for consideration at the April 1, 2014 Planning Commission meeting.

DC-8 – Resolution to Direct the City Administrator to List for Sale 319 South Fifth and to Retain Real Estate Brokerage Services

Question: Are there any restrictions to building when the only street frontage is a private road (Library Lane)? (Councilmember Briere)

Response: Although not explicitly stated in the resolution, the sale of the Library Lot development site assumes a condominium development for the entire parcel, including the below-grade parking structure and any publicly retained open space. Therefore, access to Fifth Avenue would be incorporated into the condominium document, based on the approved design. It should be noted that Library Lane is not a private street, as defined by City Code, but operates as a publicly-owned driveway serving the Library Lot and surrounding uses.

Question: Are there any issues with providing emergency services to such a building? (Councilmember Briere)

Response: As with any new development, emergency access would be reviewed by the Fire Marshal as part of a site plan review and would be dependent on the specifics of the proposed building design.

Question: How easy is it to connect to utilities when a building doesn't have frontage on a street? (Councilmember Briere)

Response: When utility availability for a project is considered, the consideration is for availability to the parcel and not the building. The parcel has frontages on both Division and Fifth Streets. Both streets have water, sanitary and storm of adequate size within the Right of Ways. Bringing utility services through a parking structure is not an unusual design task.

Question: Are there any limitations to running utilities through the roof of the parking structure or are there already utility connections available to such a development? (Councilmember Briere)

Response: The situation of a parking structure sharing a parcel and utility service with another use would not be unique to this site. Liberty Square at 510 E. Washington and 1st & Washington at 201 S. First are examples where this already occurring. The details are how the services would be physically connected as well as the details for agreements to share costs/access would be worked out during the planning stages of any future development.

Question: Does determining the size and location of the public space in advance of determining whether to sell the development rights create a significant roadblock to any construction project on this site? (Councilmember Briere)

Response: If the specific location and amenities for a park area are desired, it is important to disclose this information up front so a potential developer can create a realistic proforma and therefore, offer a realistic purchase price. With that said, restrictions on a property reduce design flexibility and therefore may reduce the potential sale price.

DS-1 – Resolution to Approve Changes to Bylaws of the Ann Arbor City Planning Commission

Question: is the only substantive change to the bylaws the one mentioned in the memorandum related to the advance notice requirement for special accommodations? If there are others, can you please provide a brief summary. (Councilmember Briere)

Response: Yes, the only Planning Commission bylaw change being forwarded for action is the amendment from its organizational meeting in July 2013 regarding advance notice for special accommodations. While the intention was to also include two amendments made by the Commission at its February 20, 2014 meeting, the City

Attorney's Office has suggested the wording of one of the amendments should be clarified before moving forward. Because it is unclear how long it will take to resolve this issue, staff is recommending that City Council approve the minor bylaw change made last summer rather than postponing it any longer. When the most recent bylaw amendments are ready, staff will forward these to City Council as a new action item.

DS-2 – Resolution to Approve a Contract with the Washtenaw County Sheriff's Office for Weapons Screening Services in the Ann Arbor Justice Center for the 15th Judicial District Court (\$160,000.00)

Question: The cover memo indicates that this contract is for services for the 2014 calendar year. If that's correct, why is this just coming now for approval? Also, what was the hourly rate in CY 2013? (Councilmember Lumm)

Response: Discussions concerning contract form and content were initiated with the Sheriff's Office and the County in Nov 13 with the goal of placing this issue before Council at the earliest opportunity. Unfortunately, approvals as to form and content at the County level were delayed until very recently. The Court's understanding is that at least two personnel reassignments were made at the County level in the interim which may have contributed to the delay in the internal County process.

The hourly rate in CY 2013 was \$25.25.