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TO: Mayor and Council

FROM: Derek Delacourt, Community Services Area Administrator  
Kevin Eyer, Technology and Change Manager  
Craig Hupy, Public Services Area Administrator  
Nick Hutchinson, City Engineer  
Brett Lenart, Planning Manager  
Cresson Sloten, Systems Planning Manager

CC: Larry Collins, Acting City Administrator  
Howard S. Lazarus, City Administrator

SUBJECT: Council Agenda Responses

DATE: 11/21/16

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**CA-4 - Resolution to Approve a Purchase Order to Environmental Systems Research Institute (ESRI) for the Annual Geographic Information System Software Maintenance and License Agreement (\$51,600.00)**

**Question:** The cover memo indicates the funding is from the FY16 Information Technology Fund. Should that read FY17 rather than FY16 and how does the \$51K compare with what we paid for the 2016 calendar year? (Councilmember Lumm)

**Response:** The typographical errors were corrected to reflect FY17. The same amount was paid for maintenance \$51,600 in FY16.

**CA-5 - Resolution to Approve an Increase to the Spartan Distributors, Inc., of Auburn Hills, Michigan, Sole Source Purchase Order for Miscellaneous Equipment Parts, Service and Repairs for Irrigation and Toro Turf Maintenance Equipment (\$55,000.00)**

**Question:** Given that no major equipment purchases have been made since 2009 and the repair and service costs are rising, are we approaching the point where purchases of new equipment make sense? (Councilmember Lumm)

**Response:** Parks and Public Works staff are currently working on an equipment plan that should be presented to PAC and Council by February 2017.

**CA – 8 - Resolution to Approve Change Order No. 2 with Tri-City Groundbreakers, Inc. for the Geddes Avenue Improvements Project (\$1,094,047.81)**

**Question:** The cover memo suggests that a significant portion of the additional costs are related to Amtrak's actions and in-actions throughout the project. Does the city have any recourse with Amtrak to recover any of the costs and if so, what is the process/next step? (Councilmember Lumm)

**Response:** No, the City does not have any recourse against AMTRAK.

**Question:** Can you please remind me what change order #1 was? The numbers presented in the cover memo – base contract at \$7.6M plus this change order at \$1.1M equals new total of \$8.7M - implies that change order #1 had no cost impact or is being picked-up here. Can you please clarify/reconcile? (Councilmember Lumm)

**Response:** The original construction contract was for \$6,922,405.02. When this contract was approved by Council on July 20, 2015, a contingency amount of \$692,000 was also approved, which is the value of Change Order #1. Change Order #2 is for additional costs in excess of what was already approved by Council. The cost breakdown in the resolution memo reflects the total cost of both change orders.

**B-1 - An Ordinance to Add a New Chapter 120 (Closed Captioning) to Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-24)**

**Question:** During the discussions at first reading on this, it was indicated the staff would try to reach out to impacted stakeholders before second reading. Have we been able to do that and if so, what was the feedback? (Councilmember Lumm)

**Response:** The Commission on Disability Issues had discussed performing outreach for this ordinance. For this purpose, the Commission is working on a survey for A2 Open City Hall and possibly some direct contacts with local businesses. The Commission would plan to have this outreach completed by the first City Council meeting in January, if City Council postpones adoption of the ordinance tonight.

**B-4/DB-1 - An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 7.7 Acres from R1C (Single-Family Dwelling District) to R1E (Single-Family Dwelling District), Weber Rezoning, 2857 Packard Road (CPC Recommendation: Approval - 6 Yeas and 1 Nays) (Ordinance No. ORD-16-20)**

**Question:** Do the conditional changes proposed by the developer help address staff's concerns regarding the potential disturbance of natural features on the site? (Councilmember Grand)

**Response:** The impact to natural features won't be determined ultimately until the petitioner seeks site plan approval. The reduction of lots has the potential to provide more opportunity to preserve existing natural features, and the revised area plan does preserve additional trees. The 15-foot landscape buffer is also responsive as any landscaping that is provided in the buffer, will be more likely to be preserved despite placement on single family lots. The petitioner has not offered any additional conditions that address more specific natural features elements.

**Question:** In response to CM Grand's question at first reading about natural features, the responses indicated that staff needs can't assess the best plan for natural features with an area plan, but also said "Discussion with the petitioner have included options for ensuring that any future landscape mitigation measures are maintained, minimizing disturbance of the dense woodlands nearest Packard Road, and maintenance of existing trees along the perimeter of the site". Were specific natural features elements or protections considered as additional conditions to the conditional zoning and do we know if the developer would be receptive to such a condition? (Councilmember Lumm)

**Response:** See Response to Question #1.

**C-1 - An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Section Which New Section Shall Be Designated as Section 10:18 of Chapter 126, Traffic, Title X, of Said Code**

**Question:** How does the proposed Safe Passing Ordinance fit into staff's plans for a Vulnerable Road Users' Ordinance? (Councilmember Grand)

**Response:** The ordinance amendment is a type of "vulnerable road users' ordinance," but instead of using that term specifies three types of road users that would fit the term: bicyclists, pedestrians, and wheelchair users.

**Question:** The phrase “if conditions allow” is vague. Can you please clarify what that phrase actually means in practice and how it will be interpreted by those charged with enforcement? For example, in a situation where a vehicle was passing a cyclist, pedestrian or person in a wheelchair, would the vehicle wanting to pass be expected to cross a center line of a two lane road or cross the lane line of a four lane road if the driver did not see any oncoming traffic (on the 2 lane road) or parallel, adjacent traffic (on the four lane road) in order to maintain the five-foot separation? (Councilmember Lumm)

**Response:** The phrase, “if conditions allow” refers to when it is not possible or prudent due to weather, road conditions, or the immediate presence of additional traffic. The specifics of each situation would need to be judged by the officer at the time of the incident.

**Question:** If a driver is unsure if conditions allow passing and providing the 5-foot separation, is the expectation the driver would not pass (and slow to the speed of the cyclist, pedestrian or person in wheelchair) or could pass, but with less than 5-foot separation because “conditions did not allow” maintaining the separation? (Councilmember Lumm)

**Response:** The specifics of each situation would need to be judged by the officer at the time of the incident.

**Question:** Section 3 of the proposed ordinance says the ordinance takes effect immediately (10 days after passage to be exact). Does that mean there is no plan for community education or outreach of this new ordinance? (Councilmember Lumm)

**Response:** The effective date of the ordinance can be extended as desired. Ten days after passage is the minimum.

If City Council desires outreach before implementation, a delayed effective date would be appropriate. If the ordinance is adopted, staff would prepare a complementary outreach program. As there is only a limited amount of funding for this type of outreach and education, the approaches would likely include the City’s free media channels, web-based outreach and development and distribution of informational materials. Although specific information has not been developed, it would be anticipated that flyers, brochures and posters with appropriate messaging would be utilized, as funding allows. Staff would coordinate outreach with AAATA, the DDA, AAPS and UM for displaying information on public transit buses, in parking structures and other locations. A six-month delay would make the ordinance effective in June.

**Question:** Is staff aware of other municipalities in Michigan or other states that have a similar ordinance? (Councilmember Lumm)

**Response:** Research by the City Attorney’s Office has found the following:

The only Michigan municipality that we found has a similar ordinance is Grand Rapids, which provides: "The driver of a motor vehicle overtaking a bicyclist proceeding in the same direction shall allow the bicyclist at least a five-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times."

Some Texas cities (Denton, Austin, San Marcos, El Paso, possibly others) have ordinances for passing "vulnerable road users," which includes, but is not limited to, bicyclists, pedestrians, wheelchair users. The safe passing distances in these ordinances are 3-feet for passenger cars and 6 feet for large trucks.

According to an article found on-line, as of December 2015, 26 state legislatures have enacted 3-foot passing laws and 1 state has a 2 foot or 4 foot passing requirement depending on the type of road. See National Conference of State Legislatures, *Safely Passing Bicyclists Chart* (2016)( <http://www.ncsl.org/research/transportation/safely-passing-bicyclists.aspx>).

**Question:** In the proposed new section 10:18, there is no reference to, or language on, the penalty for violation. What type of infraction would this be, what would the fine be for violation, and what is the plan for enforcement? (Councilmember Lumm)

**Response:** Under Code Section 10:156(2), a violation of the ordinance amendment would be a civil infraction subject to a \$100.00 fine plus costs.

There is currently no plan for enforcement. The best method of leveraging the ordinance to enhance the safety of the public will be evaluated after being passed and the language is finalized. The proactive enforcement of the ordinance would be determined based on total workload of the officers and will likely vary. It is anticipated that both proactive and incidental reactive enforcement will occur, however.

**Question:** Also, would this be the type of moving infraction where a motorist would get points, and if so, how would that work? (Councilmember Lumm)

**Response:** A violation of the ordinance amendment would not go on a person's driving record, which also means that no points would be assessed.

**DB- 2 – Resolution to Approve the South Maple Avalon Apartments Annexation, 4.9 Acres, 1110 and 1132 South Maple Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays)**

**Question:** Can you tell me how much affordable housing is located in the area between Stadium Blvd and I-94; between Liberty and Pauline? (Councilmember Eaton)

**Response:** There are 165 affordable rental units in this area (see attached map).

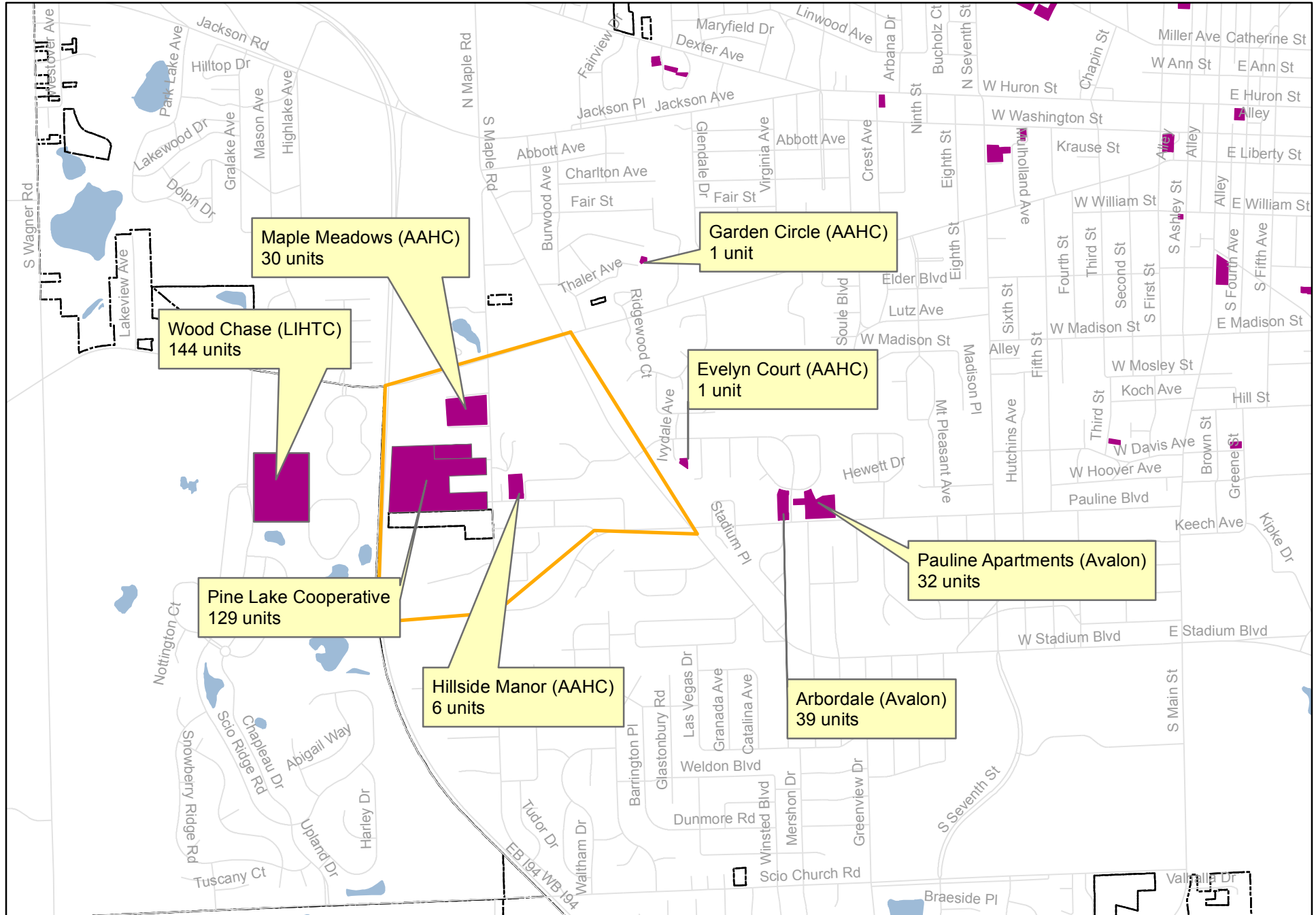
**Question:** Can you tell me how much affordable housing is located within one mile of this site (1110 and 1132 South Maple Rd)? (Councilmember Eaton)

**Response:** There are 382 affordable rental units within one mile of this site (see attached map).

**Question:** Recognizing the plan down the road is for an Avalon affordable housing project on this site, what implications does annexation have (if any) on the city's potential participation in that project? (Councilmember Lumm)

**Response:** Annexation would be required to develop the site for Avalon or any new use.

# Committed Affordable Housing - zoom



0 0.25 0.5 1 Miles

Source: Washtenaw County GIS and OCED Affordable Housing Inventory  
11-21-16 - for planning purposes only