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TO: Mayor and Council

FROM: Jacqueline Beaudry, City Clerk  
Tom Crawford, CFO, Financial Services Area Administrator  
John Seto, Police Chief and Safety Services Area Administrator  
Cresson Sloten, Systems Planning Manager  
Colin Smith, Parks Manager

CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 4/7/14

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**CA-3 – Resolution to Approve Purchase Order for Annual Maintenance and Support of TRAKiT System with CRW Systems, Inc. for FY2014 (\$36,500.00)**

**Question:** Has staff conducted a review of the eTrakit system? If so, is there an evaluation report? (Councilmember Eaton)

**Response:** Staff has not recently performed a review of the software; however, as one of the major software applications of the City, this system is regularly monitored and adjusted to insure it is meeting the needs of staff. Council may recall the online plan review process was implemented last year. The feedback so far has been overwhelmingly positive and staff reports greater efficiency during the review process.

**CA-7 – Resolution to Approve a Transportation Alternatives Program Grant Application to SEMCOG and MDOT to Fund Renovations of the Gallup Park Pathway**

**Question:** In the memo for CA-7, it indicates that the local match for the grant is \$200K and would be funded by the Parks and Recreation Millage, but how much is the grant itself? Is it \$1M with 20% local match? (Councilmember Lumm)

**Response:** The grant requires a 20% local match, so up to \$800,000 in grant funds can be applied for if the City contributes \$200,000. Staff are currently working on cost estimates for the project and that will guide the final amount of grant funding requested.

**C-1 – An Ordinance to Add a New Chapter 64 (Smoke-Free Outdoor Public Places) to Title VI (Food and Health) of the Code of the City of Ann Arbor**

**Question:** Has the enforcement aspect of this ordinance been addressed by Chief Seto? If so, kindly provide his answers. (Councilmember Kailasapathy)

**Response:** Chief Seto has discussed this ordinance with Assistant City Attorney Larcom and Parks Manager Smith. Although there have been some revisions to the ordinance language, the agenda response dated 2/3/14 is still accurate:

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

**DC-2 – Resolution to Approve the Main Street Area Business Improvement Zone and Zone Plan**

**Question:** The attachment has been scanned in every other page. So kindly rescan the entire document. (Councilmember Kailasapathy)

**Response:** The document has been rescanned and attached.

**Question:** What percentage of the “annexed” property owners need to vote in support of this for the “annexation” to occur? (Councilmember Kailasapathy)

**Response:** In order to establish the expanded business improvement zone, 60% of the assessable property owners in the entire zone that vote in the election will need to adopt the zone plan and establishment of the business improvement zone. (“Annexed” property will not be voting separately.) Assessable property owners include owners of all real property, except for residential real property or property exempt from taxes under Michigan’s General Property Tax Act. Votes will be weighted consistent with the proportionate weight of the assessment as provided in the business improvement zone plan.

**Question:** Some businesses have approached me and asked if there could be an “opt” out provision added to it? (Councilmember Kailasapathy)

**Response:** An opt-out provision cannot be added to the zone plan. If the zone plan and business improvement zone are approved, then the assessor must collect the

assessment provided in the zone plan on all assessable property in the business improvement zone.

**Question:** Attachment 1 under agenda item DC-2 only includes the odd numbered pages. (Councilmember Eaton)

**Response:** The document has been rescanned and attached.

**DC-3 – Resolution to Establish a Policy for the Distribution of Proceeds from the Sale of the Development Rights on 319. S. Fifth Ave. (The Library Lot)**

**Question:** I know that Mr. Crawford applies the matching principle whenever possible (recurring expenses are matched against recurring revenues, etc). I do not believe that allocating the sales proceeds from the sale of a capital asset (such as land in this case) to general fund is a good practice. Should we not restrict the sales proceeds to be spent on capital assets and not merely moved to the general fund? I believe we did a similar move to restrict the sales proceeds received by the DDA from selling on street parking. Kindly advice what is the most judicial way of making sure we can put in restrictions to ensure these funds are used for capital replacement rather than operational expenses. (Councilmember Kailasapathy)

**Response:** The proceeds from the sale of assets typically go to the fund that owns the asset. Present accounting rules do not permit monies to be moved to another fund just for the purpose of saving for a future to-be-determined capital project. Since the General Fund has both operating and capital obligations itself, the level of the General fund fund balance must be managed to accommodate these obligations. If Council desires to set aside funds for a future to-be-determined capital improvement, the funds could be restricted by Council resolution for that purpose. In so doing, the funds would remain in the General Fund but not available as unassigned fund balance. This restriction would stay in place until a future Council either appropriated it for such purpose or modified the restrictions by resolution.

**DB-1 – Resolution to Vacate a Seven-Foot Wide Strip of West Ellsworth Road Near the Corner of South State Street and Accept a Grant of Easement for Non-motorized Use (CPC Recommendation: Approval – 9 Yeas and 0 Nays) (8 Votes Required)**

**Question:** How much staff time is this resolution going to take? Have staff been consulted on this and what is their feedback? (Councilmember Kailasapathy)

**Response:** If City Council approves the street vacation, the only additional staff time involved will be to take the Council resolution and the executed non-motorized easement to the Washtenaw County Register of Deeds for recording. This may be accomplished in one visit.

This street vacation request was circulated for City staff review prior to the Planning Commission public hearing. As part of this review, Project Management and Systems Planning staff indicated the proposed right-of-way vacation is acceptable if a non-motorized easement is provided over the north 7 feet.

**DB-2 – Resolution Requesting The Regents of The University of Michigan and University of Michigan President Consider City Land Use Recommendations in the Future Development of the Edwards Brothers Site (CPC Recommendation 9 Yeas, 0 Nays)**

**Question:** The resolution is written in a way that suggests University Regent and President action on the request -- is that the expectation? I'm just trying to understand how this would actually play out (assuming there is interest in accepting the request and meeting with city staff)? (Councilmember Lumm)

**Response:** The action requested in the resolution is that University of Michigan policymakers direct University staff to collaborate with City representatives on issues relating to the future development of the Ross Athletic Campus. This may take the form of a single meeting between the parties, or an ongoing discussion.

**DS-1 – Resolution to Repurpose \$75,000.00 in Approved FY2014 General Fund Budget and Appropriate (\$122,250.00) to Support the Pedestrian Safety Task Force, and to Approve a Professional Services Agreement with Project Innovations, Inc. (\$77,400.00) (8 Votes Required)**

**Question:** How can funding that has been allocated for side-walk gap be repurposed without Council approval? (Councilmember Kailasapathy)

**Response:** The approval of the use of the proposed funds will be included in the Council resolution approving the contract for facilitation services when it is presented for Council consideration, which as described in the informational memo attached to this item is anticipated for June 16, 2014.

**Question:** When was RFP 892, seeking facilitation support for the pedestrian safety task force, posted? (Councilmember Eaton)

**Response:** RFP 893 was issued on Monday, March 31.

**Question:** How long is the typical period for receiving questions from interested parties (this one ends on Monday 4/7)? (Councilmember Eaton)

**Response:** Seven to ten days is a typical timeframe for receiving questions from interested parties.

**Question:** The March 27, 2014 staff memo notes that: “Contracted facilitator services are necessary to allow staff to remain focused on other priorities and assignments and to provide the level of support the Pedestrian Safety and Access Task Force will require.” What projects or asks are the Systems Planning staff members currently involved in that prevent them from conducting this process? (Councilmember Eaton)

**Response:** Staff that would be most involved in this project are currently assigned to projects that constitute 100% + of their time. The most time intensive projects include: UM preliminary plan reviews; traffic calming projects; Seventh Street transportation; DDA Streetscape Framework Plan; Safe Routes to School; traffic safety funded improvements; Dhu-Varren/Nixon/Green Road; city-wide community engagement efforts. Projects assigned to other staff involved in this project may also be impacted.

**Question:** How much would it cost to fund an FTE within Systems Planning who would be capable of conducting the process (as well as other tasks)? (Councilmember Eaton)

**Response:** The cost to fund such an FTE would be approximately \$130,000 – \$150,000 annually.

**Question:** Will the contract between the City and the consultant selected under RFP 892 require Council approval? (Councilmember Eaton)

**Response:** Any contract over \$25,000 requires City Council approval.

**Question:** Can the City enter into a contract that is only partly funded with currently available funds and depending on funds not yet budgeted for next year? (Councilmember Eaton)

**Response:** The resolution to award the contract will be presented to City Council after the City Administrator’s recommended FY14 budget amendment which would provide the additional funding.

**Question:** The memo from Mr. Hupy to Mr. Powers indicated that an RFP process is being conducted for a consultant/facilitator, that the Task Force will be involved in the interviews and selection, and that a recommendation would likely come to Council on June 16. Assuming that is the plan, will DS-1 be withdrawn for tonight or is there a revised/amended version (the version in the packet continues to recommend approving a Professional Services Agreement with Project Innovations, Inc.)? (Councilmember Lumm)

**Response:** At the March 3, 2014 meeting, City Council postponed action on DS-1 to tonight’s meeting with no amendments made at that time.

**Question:** In response to a question on March 3rd, it was indicated that the staff time estimated to support this effort was 1,850 hours. Can you please provide a sense of

what work would not get done if this investment in resources were made.  
(Councilmember Lumm)

**Response:** Staff that would be most involved in this project are currently assigned to projects that constitute 100% + of their time. The most time intensive projects include: UM preliminary plan reviews; traffic calming projects; Seventh Street transportation; DDA Streetscape Framework Plan; Safe Routes to School; traffic safety funded improvements; Dhu-Varren/Nixon/Green Road; city-wide community engagement efforts. Projects assigned to other staff involved in this project may also be impacted.

**DS-3 – Resolution to Award a Construction Contract to Barrett Paving Materials, Inc. (ITB 4325, \$3,409,000.00) for the 2014 Street Resurfacing Project**

**Question:** Are these items the kind of projects that requires “prevailing wage” compliance? (prevailing wage is different than living wage and is done in cooperation with the Building Trades Council). (Councilmember Eaton)

**Response:** Both of these projects require the contractor to pay a prevailing wage. This is a standard requirement in our General Conditions (Section 4) for construction contracts.

**Question:** The cover memo indicated that the bid was just under the engineering estimate. How do the unit costs compare with prior years? Said another way, is our dollar invested buying more/less actual resurfacing? (Councilmember Lumm)

**Response:** Compared to historical prices from the Resurfacing Program that the City was receiving in the early 2000’s and before, each dollar invested is buying less resurfacing than in the past. The spike in oil prices that occurred in approximately 2007 resulted in a major increase in construction costs at that time. Since that time, price increases for the Resurfacing Program have been relatively minor or have remained level.

**DS-4 – Resolution to Award a Construction Contract to Doan Construction Company (Bid No. 4320, \$1,707,037.00) for the 2014 Ramp & Sidewalk Repair Project**

**Question:** Are these items the kind of projects that requires “prevailing wage” compliance? (prevailing wage is different than living wage and is done in cooperation with the Building Trades Council). (Councilmember Eaton)

**Response:** Both of these projects require the contractor to pay a prevailing wage. This is a standard requirement in our General Conditions (Section 4) for construction contracts.

