



TO: Mayor and Council

FROM: John Fournier, Acting City Administrator

CC: Derek Delacourt, Community Services Area Administrator
Raymond Hess, Transportation Manager
Craig Hupy, Public Services Area Administrator
Nick Hutchinson, City Engineer
Earl Kenzie, Wastewater Treatment Plant Manager
Brett Lenart, Planning Manager
Missy Stults, Sustainability & Innovations Manager

SUBJECT: September 7, 2021 Council Agenda Responses

DATE: September 2, 2021

CA-2 – Resolution to Authorize a Purchase Order to Carrier & Gable, Inc. for Traffic Control Materials and Supplies (\$423,500.00)

CA-3 - Resolution to Authorize a Sole Source Purchase Order to Yunex Traffic LLC for Siemens Traffic Control Products in the Amount of \$367,000.00

Question: What is the purpose of these purchases and the final use/location of the products? (Councilmember Hayner)

Response: The annual purchase orders for Carrier and Gable and Siemens support the multitude of functions and responsibilities of the Signs and Signals team of the Engineering Unit. The list of materials is vast and includes but is not limited to: new/replacement traffic signals, pedestrian signals, pedestrian push-buttons, rectangular rapid flashing beacons, streetlight components, signal controllers and cabinets, and signal detection equipment. Some of the locations are known and are identified in the resolutions. The remainder of the purchases are either for locations yet to be identified or are for stocking parts for emergency repairs.

Question: Can you provide an aggregate amount spent on Healthy Streets time and materials? (Councilmember Hayner)

Response: Healthy Streets is being constructed by a private contractor per [Resolution R-21-238](#) and the costs are identified therein. None of the materials being purchased by agenda items CA-2 or CA-3 would be used in a Healthy Streets implementation.

CA-7- Resolution to Ratify an Emergency Purchase Order to E.T. MacKenzie Company for Plant Effluent Water Leak Repair at the Wastewater Treatment Plant (\$40,000.00)

Question: Are these purchases parts of routine WWTP maintenance, or is this an upgrade to our system? (Councilmember Hayner)

Response: This was an emergency repair to a leak in an underground plant effluent water pipeline and could be described as corrective maintenance.

Question: What is the typical/average operating capacity of WWTP? (Councilmember Hayner)

Response: The WWTP's design capacity is 29.5 million gallons per day (MGD) on an annual average basis. The instantaneous peak flow capacity is 73.73 MGD. The average daily flow for the last fiscal year was 15.69 MGD.

CA-8 - Resolution to Approve a Construction Contract with Commercial Contracting Corporation for the WWTP Clear Well Improvements Project (\$1,335,000.00, ITB 4680)

Question: Are these purchases parts of routine WWTP maintenance, or is this an upgrade to our system? (Councilmember Hayner)

Response: This is a contract to construct capital improvements to replace equipment that is failing and has reached the end of its useful life.

Question: What is the typical/average operating capacity of WWTP? (Councilmember Hayner)

Response: Please see above CA-7 response.

CA-9 - Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors for the Wastewater Treatment Plant (WWTP) Clear Well Improvements Project, RFP No. 19-13 (\$208,000.00 Amendment, \$341,036.00 Contract Total)

Question: Are these purchases parts of routine WWTP maintenance, or is this an upgrade to our system? (Councilmember Hayner)

Response: This is a contract to provide construction engineering services for the work to be done under item CA-8.

Question: What is the typical/average operating capacity of WWTP? (Councilmember Hayner)

Response: Please see above CA-7 response.

CA-10 - Resolution to Approve a Construction Contract with Z Contractors, Inc. for the Replacement of Sequoia No. 1 and Sequoia No. 2 Sewage Lift Stations, ITB No. 4670 (\$732,777.00)

Question: Are these purchases parts of routine WWTP maintenance, or is this an upgrade to our system? (Councilmember Hayner)

Response: This is a contract to construct capital improvements to replace equipment that is failing and has reached the end of its useful life. This could be described as an upgrade in the sense that two adjacent sewage lift stations are being consolidated into one and the need for confined space entry to operate and maintain the station is being eliminated. However, the capacity of the station is not being changed.

Question: What is the typical/average operating capacity of WWTP? (Councilmember Hayner)

Response: Please see above CA-7 response.

CA-11 - Resolution to Approve Amendment No. 3 to the Professional Services Agreement with Hubbell, Roth & Clark, Inc. for the Lift Station Replacement Project, RFP No. 18-35 (\$141,666.00 Amendment, \$422,924.00 contract total)

Question: Are these purchases parts of routine WWTP maintenance, or is this an upgrade to our system? (Councilmember Hayner)

Response: This is a contract to provide construction engineering services for the work to be done under item CA-10.

Question: What is the typical/average operating capacity of WWTP? (Councilmember Hayner)

Response: Please see above CA-7 response.

CA-12 - Resolution to Approve a Professional Services Agreement with NTH Consultants, Ltd. to Design the Access Bridge Replacement Project at the Wastewater Treatment Plant, RFP No. 21-17 (\$290,172.00)

Question: Are these purchases parts of routine WWTP maintenance, or is this an upgrade to our system? (Councilmember Hayner)

Response: This is a contract to hire an engineering firm to assess options to replace the WWTP access bridge that is nearing the end of its useful life, and to design the preferred alternative.

Question: What is the typical/average operating capacity of WWTP? (Councilmember Hayner)

Response: Please see above CA-7 response.

CA-14 – Resolution to Endorse the Reallocation of Funds within the General Fund to Support a More Robust Diversity, Equity, and Inclusion Program in the City of Ann Arbor

Question: Why is this placed on the consent agenda, it is a staff item but not a procurement item? (Councilmember Hayner)

Response: All staff items appear on the consent agenda by Council Rules unless they are held over from a previous meeting or require a public hearing.

Question: Budget reallocations are freestanding resolutions requiring 8 votes are they not? It is not indicated as such. (Councilmember Hayner)

Response: Budget amendments require eight votes, but we are not proposing to amend the budget. We will be repurposing this position that was budgeted within the General Fund. If Council wishes to amend the budget to move the funding into the City Administrator's Office, we can do so. However, it is not necessary to update the position and hire it.

Question: Does Systems Planning have any comment on this transfer? (Councilmember Hayner)

Response: Staff believes that a more robust DEI program is a high priority for the organization at this point. The FTE that was added to Systems Planning was intended to work on equity issues related to community engagement, however that work can also be completed under the auspices of the DEI manager as part of a larger DEI program with the addition of other responsibilities.

Question: If the Community Engagement Specialist position remained within the Systems Planning Unit, who would that position report to? (Councilmember Nelson)

Response: The Public Services Area Chief of Staff.

Question: What kind of issues would the Community Engagement position be addressing (i.e. what kinds of issues would the public be 'engaged' on)? (Councilmember Nelson)

Response: The position was originally created to work on equity issues related to community engagement in the City. That work can still be completed under the auspices of the DEI Manager as part of an expanded scope of work.

Question: How do those specific issues more logically fit under the DEI coordinator, as opposed to Systems Planning? (Councilmember Nelson)

Response: Please see above.

Question: What does this mean: "the Acting City Administrator will also be making part of the administrator's contingency available for use to procure external DEI consulting and training resources"? (Councilmember Nelson)

Response: The budget includes funding allocated under the "City Administrator's Contingency" every year that is generally used to plug funding holes in the budget, procure necessary but unbudgeted services throughout the year, and invest in special projects. The FY22 budget eliminated any funding for external DEI consulting services. However, a successful DEI program requires both internal employees and external resources. It would be appropriate to supplement the skills and abilities of internal staff with training programs, coaching resources, focus groups and facilitated conversations, and thought leadership for strategic planning or intervention strategies. Asking an employee to participate in starting a new DEI program without this support would be a burden on the new employee and would make their chances of success lower than they would be with more investment.

Question: How does this re-assignment directly relate to an "improved and more ambitious DEI program"? (Councilmember Nelson)

Response: The task that we are asking of the DEI manager and the HR director is big, and it is staff's recommendation that an additional FTE assigned to our DEI work will help support the work of the DEI manager. The city's DEI work will require vocal and engaged

city leadership empowering a change process that is aided by the advice and intervention work of the DEI team. The whole staff will be involved with the process and will take leadership and ownership over our DEI future. The DEI manager and HR director will be important in guiding that process, coaching and facilitating staff conversations and actions to build a better culture, and helping the city administrator and city leadership hold us all accountable for having a successful program. The DEI team will need as much support as possible to aid in this work—it is not a small project. Additionally, we must provide external resources to bolster their work. In that respect, the DEI manager and the HR director will be able to manage a wider array of activities and accomplish more through our DEI program. It is important that the DEI manager is hired before strategic planning for the city's DEI program begins or other resources are fully committed, because they will be an instrumental voice and guiding hand as the organization works through that process.

Question: Please explain the re-drafting of the job description and the planned “upgrade” of the position in terms of cost and salary increase. (Councilmember Nelson)

Response: The position has not been re-drawn yet. However, generally speaking when direct reports are added and the scope of the position is increased, the salary increases as well. The position will have to be regraded and a new salary assigned based on the final job description.

Question: When was the job description previously drafted? What was the salary under the original job description? (Councilmember Nelson)

Response: The job description was drafted in May and June and was posted with a range of \$75,000 to \$85,000.

Question: What will be added to the job description in a re-drafting? What salary increase is planned in the ‘upgrade’? (Councilmember Nelson)

Response: The position has not been re-drawn yet. However, generally speaking when direct reports are added and the scope of the position is increased, the salary increases as well. The position will have to be regraded and a new salary assigned based on what the final job description is.

C- 1 - An Ordinance to Add Sections 10:147 and to Amend Sections 10:1c, 10:90, 10:97, 10:146, and 10:149 of Chapter 126 (Traffic) of Title X of the Code of the City of Ann Arbor (Personal Mobility Vehicle)

Question: Is a “traffic control order” likely to be a temporary or permanent type of restriction? I.e. Does staff anticipate that we might regulate scooters differently based on type of district? (Councilmember Nelson)

Response: Traffic control orders can either be temporary or permanent. For example, there may be a special event that might warrant a temporary traffic control order for a short period of time; conversely, there may be a desire to regulate operations on a long-term on-going basis, in which case a permanent restriction would be in order. Staff has worked with SPIN to limit the maximum operable speed of e-scooters downtown; the University has done the same with parts of campus. At this time, staff does not anticipate further regulations in different parts of town.

Question: Regarding the requirement to yield to pedestrians, make an audible signal in passing—do the Spin scooters have any audible signal device on them? (Councilmember Nelson)

Response: Yes, some scooters are equipped with a bell. If a scooter's bell is not operating (or is missing) the rider of the scooter can use their voice as an audible signal.

Question: If a user is found in violation of this ordinance, operating in a “careless or negligent manner” on a sidewalk, what is the anticipated citation or fine for that? (Councilmember Nelson)

Response: Violations of Section 10:147 are civil infractions, punishable by a fine up to \$100.

Question: Am I reading this correctly that the ordinance allows that scooters be left/parked on the street where cars would park? (Councilmember Nelson)

Response: Yes.

Question: In section 10:90 – what is the effect of changing “project management” to “engineering unit manager”? (Councilmember Nelson)

Response: This change was made simply to reflect the current organizational structure of the City.

C-2 – An Ordinance to Amend Chapter 107 (Animals) of Title IX (Police Regulations) of the Ann Arbor City Code

Question: Please provide a description or definition of the following:
“9:47 (13) The owner fails to provide the animal with proper food, drink or shelter from the weather.” (Councilmember Hayner)

Response: Regarding the sufficiency of water that dogs are entitled to, Michigan law requires that animals be provided with “sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.” The same law (MCL 750.50) requires the water to be “suitable for the age and species of animal and made regularly available.” In speaking with the Washtenaw County

Animal Control Officer and the Humane Society, the sufficiency and condition of the water provided is a case-by-case determination.

Question: I have had reports of animal control and HSHV officers rejecting animal welfare complaints by stating that “a dog is only entitled to water once a day” in response to animal neglect complaints. What is the purpose of adding and increasing monetary fines in these sections? (Councilmember Hayner)

Response: The purpose of incorporating the fines and penalty provisions into each section is for easier comprehension and understanding of the ordinance. Currently, the penalty provisions are near the end of the ordinance and the sanctions differ, depending on the violation. Embedding the sanction into the section aids in the accessibility of the ordinance. Regarding the amount of the fine, the maximum amount for civil infractions remains at \$500.

DC-1 - Resolution Directing the Energy Commission to Consider the Question of a Feasibility Study Regarding a Public Power Utility

Question: Where do other Pubic Power Municipalities operate in Michigan? When were they created? (Councilmember Ramlawi)

Response: Below is a matrix the Office of Sustainability and Innovations pulled together based on desktop research which indicates roughly when a Michigan municipal utility was formed and the number of customers they serve. This has not been verified with each of the entries.

Utility/ website	City Name	Year Founded	Service Customer Number
Village of Baraga	Baraga, MI	No data	
City of Bay City	Bay City, MI	1868	20,000
City of Charlevoix	Charlevoix, MI	No data	4,400
Chelsea Light and Power	Chelsea, MI	1898	2,800
Village of Clinton	Clinton, MI	1893	
Coldwater Board of Public Utilities	Coldwater, MI	1891	
Croswell Municipal Light & Power Dept.	Croswell, MI	No data	
City of Crystal Falls	Crystal Falls, MI	1890	
Daggett Electric Department	Daggett, MI	No data	
City of Dowagiac	Dowagiac, MI	No data	
City of Eaton Rapids	Eaton Rapids, MI	1898	2,755
City of Escanaba	Escanaba, MI	No data	
City of Gladstone	Gladstone, MI	1897	
Grand Haven Board of Light & Power	Grand Haven, MI	1896	14,500
City of Harbor Springs	Harbor Springs, MI	No data	3,600

City of Hart	Hart, MI	No data	1,300
Hillsdale Board of Public Utilities	Hillsdale, MI	1892	6,300
Holland Board of Public Works	Holland, MI	1893	28,000
Village of L'Anse	L'Anse, MI	No data	
Lansing Board of Water & Light	Lansing, MI	1885	95,000
Lowell Light & Power	Lowell, MI	1895	2,600
Marquette Board of Light & Power	Marquette, MI	1889	16,000
City of Marshall	Marshall, MI	1893	4,500
City of Negaunee Dept. of Public Works	Negaunee, MI	1885	
Newberry Water and Light Board	Newberry, MI	No data	
Niles Utilities Department	Niles, MI	No data	7,500
City of Norway	Norway, MI	No data	
Village of Paw Paw	Paw Paw, MI	1890	
City of Petoskey	Petoskey, MI	No data	5,481
City of Portland	Portland, MI	1896	2,500
Sebewaing Light & Water	Sebewaing, MI	1911	
City of South Haven	South Haven, MI	No data	7,400
City of St. Louis	St. Louis, MI	No data	1,900
City of Stephenson	Stephenson, MI	No data	
City of Sturgis	Sturgis, MI	1896	7,200
Traverse City Light & Power	Traverse City, MI	1912	12,000
Union City Electric Department	Union City, MI	"Early 1920s"	
City of Wakefield	Wakefield, MI	No data	
Wyandotte Municipal Services	Wyandotte, MI	1894	12,000
Zeeland Board of Public Works	Zeeland, MI	1902	6,200

Question: To what detail will the information and data be given to the City under the contract called out within this resolution? (Councilmember Ramlawi)

Response: This has not been determined as the Energy Commission has not yet had their special session, scheduled for October 12th, to hear from others who have undertaken similar assessments as to what they have included, what they wish they had included, and what was most useful in their preliminary feasibility studies. In addition, we would hope that City Council would have the opportunity to share what they hope to learn from a feasibility study so the RFP can reflect those ideas. Staff's hope is that a feasibility study would provide as broad of a dataset as possible so that Council can have information to make an informed decision about the feasibility of public power, including traditional and non-traditional but more sustainability-centered approaches.

Question: What other measures and costs will be required by the city for future steps to be taken, before having the opportunity to making a final decision in having Ann Arbor as a Public utility? (Councilmember Ramlawi)

Response: This is also not determined at this time as the Energy Commission was undertaking a systematic review of what other municipalities have done to understand more fully and comprehensively what the full process looks like. It is clear that the feasibility study is but the first of multiple studies and assessments that will be needed should the City move forward with this idea. The specific next steps won't be answerable until after the initial feasibility study is complete.

DC – 2 – Resolution in Support of Good Food Procurement Policies

Question: Does OSI regard this resolution as a feasible and productive step toward realizing some of the upstream goals of A2Zero that require consumer- and purchaser-behavior change? (Councilmember Disch)

Response: Our understanding is that this resolution would allow the City to investigate its internal food-related procurement policies and actions and explore ways to make them more sustainable. It is likely such an investigation would lead to some recommended shifts, including some actions related to consumer education. If implemented, these actions have the potential for the City to not only lead by example, but to demonstrate the feasibility and importance of sustainable food procurement to the broader public and other major institutions.

DB-2 – Resolution to Approve Revised Bylaws of the Planning Commission

Question: Why did we strike the “special accommodations” clause in 8-1? (Councilmember Hayner)

Response: This amendment is based on the City's obligations to provide such accommodations across the organization. This is an outdated provision, as such accommodation is not determined on a by-commission basis, nor is it provided by the Commission itself apart from City staff. Accommodations are currently coordinated through the Clerk's Office.

Question: Sections 11-1, 11-2 seems to remove formal designations of the purposes of committee, subcommittee and other sub-groups. What was the purpose of this change? (Councilmember Hayner)

Response: This is a standard bylaws provision that reflects the actual practice of City commissions, i.e., assigning smaller tasks to work groups rather than always creating formal committees. The Commission retains the ability to designate formal purposes and create committees where appropriate.

Question: Section 12-2 removes the requirement for annual review of the Planning Manager position. Is this consistent with state law? (Councilmember Hayner)

Response: There is no requirement for the review of the Planning Manager in State Law. This revision recognizes a historical shift in the City from a Planning Director being hired and reviewed by the Planning Commission, to the current configuration of a Planning Manager being fully accountable to the City administrative structure.

E-5 – Communications from the State of Michigan Department of Attorney General regarding Approval of the Proposed Charter Amendment to Section 13.4(a) and 13.5(a) of the Ann Arbor City Charter for the November 2021 Ballot

Question: In the correspondence chain for possible Charter questions, it indicates that a special election will be held on November 2, 2021. Can you provide a summary of the items that will appear on this ballot? What is the total cost for holding this special election city-wide? (Councilmember Hayner)

Response: The November 2, 2021 Special Election will include the following for Charter amendments: Proposal A – Ann Arbor Charter Amendment Related to Best Value Purchasing, Proposal B – Ann Arbor City Charter Amendment Ranked Choice Voting for the Election of City Officers, Proposal C – Ann Arbor City Charter Amendment Related to Emergency Procurement, Proposal D – Ann Arbor City Charter Amendment Related to the \$25,000 Dollar Limit. We currently estimate the cost to administer this special election to be between \$150,000 - \$250,000.