



TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Derek Delacourt Community Services Area Administrator
Craig Hupy, Public Services Area Administrator
Nicholas Hutchinson, City Engineer
Brett Lenart, Planning Manager
Susan Pollay, DDA, Executive Director
Shryl Samborn, 15th District Court, Court Administrator
Colin Smith, Parks and Recreation Director
Kathleen Summersgill, Fire Marshal
Ellen Taylor, Assistant Fire Chief
Robyn Wilkerson, Human Resources and Labor Relations, Director

SUBJECT: Council Agenda Responses

DATE: February 20, 2018

CA-6 - Resolution to Increase the Funding for a Partnership Agreement with Community Action Network for the management of Bryant and Northside Community Centers from \$130,000.00 to \$150,000.00 for Fiscal Year 2018 and Approve Necessary Amendment of the Contract of Services

Question: Why do we fund CAN's "programming that focuses on providing high-quality services and community relations that met the needs of residents in the Bryant and Northside neighborhoods" from the Parks budget? (Councilmember Eaton)

Response: In 2014, Resolution R-14-174 was passed approving a partnership agreement with Community Action Network for the operation of Bryant and Northside Community Centers, which are Parks facilities. All funding for this agreement has historically be funded through the Parks budget.

Question: Regarding CA-6, the cover memo indicates that if the city and CAN enter into another contract an annual fee escalator will be incorporated into the agreement. While that's reasonable for a long-term contract, it's also a good business practice to conduct an RFP for a long-term contract – is that the plan? (Councilmember Lumm)

Response: When the Partnership agreement with Community Action Network expires, a RFP will be issued again for operations of Bryant and Northside Community Centers. Parks & Recreation Services anticipates including an annual escalator fee in the next agreement regardless of vendor.

CA-7 - Resolution to Approve a Services Agreement with Magic Finish for Custodial and Event Services at Cobblestone Farm for an Amount Not to Exceed \$47,200.00 Annually for FY18 - FY21 with a Two-Year Renewal Option Not to Exceed \$47,200.00 Annually for FY22 and FY23

Question: Has the janitorial services for Cobblestone Farm been performed under contract in previous years. If not, why is it being contracted this year? If yes, what period did the prior contract cover and what was the annual amount paid under the prior contract? Does the City contract for all of its janitorial services? If not all, what other facilities have contracted janitorial services? (Councilmember Eaton)

Response: Custodial and events services have been contracted for the last five years. The previous contract, which was also with Magic Finish, was originally for 3 years with two additional years approved administratively. The annual amount for the last two years of the contract was \$47,200.

The agreement with Magic Finish includes event set-up, take down and cleaning for the over 150 events held at Cobblestone. While this contract has unique features specific to Cobblestone, other city facilities utilize contracted custodial services as well.

CA-8 - Resolution to Approve an Agreement with Avalon Housing to Provide Case Management Services to Mental Health Court Defendants (\$47,002.00)

CA-9 - Resolution to Approve an Agreement with Washtenaw County Community Mental Health to provide Mental Health Treatment Services to Mental Health Court Defendants (\$66,203.00)

Question: Regarding CA-8 and CA-9, are Avalon Housing and Washtenaw County Community Mental Health currently providing these services? If so, are the terms essentially the same and if not, were there RFP's conducted for the two services? (Councilmember Lumm)

Response: Yes, these services, same type and under the same terms and conditions, are currently being provided by Washtenaw County Community Mental Health and Avalon Housing. The underlying grant which funds these services statutorily requires a mental health court hire or contract with licensed or accredited treatment providers, in

consultation with the local community health service provider, and other such appropriate persons to assist the mental health court in fulfilling its requirements under law. The Mental Health Court Team, which includes Washtenaw County Community Health (the local health service provider) supports the contract with Avalon Housing as a best source provider for these services.

CA-12 - Resolution to Approve an Agreement with the Downtown Development Authority for the North Fifth Avenue Reconstruction Project

CA—13 – Resolution to Appropriate Contributed Funding (\$3,081,000.00) and Award a Construction Contract to Fonson Company, Inc. for the North Fifth Avenue Reconstruction Project (\$3,681,257.90, Bid No. ITB-4519) (8 Votes Required)

Question: Regarding CA-12 and CA-13 (North Fifth Ave project), the project funding shown in the cover memo of CA-13 indicates a DDA cost of \$3,081,000 while Exhibit B of the agreement attached to CA-12 shows the DDA cost of \$1,869,018. What other costs is the DDA paying for that are not covered in the sharing agreement? (Councilmember Lumm)

Response: The \$3,081,000 in the Contract Award memo is the amount the DDA had budgeted for their construction items, which was a value based on the estimate performed by the engineering consultant. This amount varies from the amount in the contract for two primary reasons - the consultant's estimate was high and a number of construction items will be performed by other contractors due to the specialized nature of the work. This "Work by Others" is shown in Exhibit B of the contract and includes items such as burying overhead lines, relocating electrical panels, and purchasing street lights and poles. In addition, because of the lower bids that were received, the DDA is pursuing installation of on-street EV Charging stations. Thus, to allow for this work and adequate contingency, the DDA's full budget amount is being transferred to the project.

Question: Also on CA-12, the cover memo references intersection improvements. Can you please elaborate on what those intersection improvements are? (Councilmember Lumm)

Response: In addition to the removal and replacement of the brick pavers to improve driving conditions, the changes to the Fifth Ave./Detroit Street intersection primarily involve pedestrian improvements. This includes the installation of ADA compliant sidewalk ramps, crosswalks, a pedestrian island, signage, replacement of streetlights, as well as improved bike lanes.

CA-14 - Resolution to Prohibit On-Street Parking on the South Side of Pauline Boulevard from S. Seventh Street to Redeemer Avenue

Question: Q1. Once the buffered bike lanes are installed, how much of the road width is for vehicle traffic, how much for vehicle parking and how much for the bike lanes? Also,

how is the “buffering” physically accomplished and where else in Ann Arbor do we have buffered bike lanes? (Councilmember Lumm)

Response: Between Redeemer and S. Seventh Street, where the parking is proposed to be removed, the typical cross section of the road will consist of two 10-foot driving lanes, two bike lanes (4-feet and 5-feet in width), two 3-foot buffers, and one 7.5-foot parking lane. The buffering of the bike lanes is accomplished with pavement markings, which are striped to create an extra “buffer” between the vehicular travel lane and the bike lane. The only other location where the City currently has buffered bike lanes is on South Seventh Street from Stadium to Scio Church. This was done temporarily as a trial when the street was restriped following the Stadium Boulevard detour in 2017. These buffered bike lanes will be made permanent this summer after the resurfacing of this segment of roadway.

Question: Q2. Can you please provide some data (or at least a sense) of how much these parking spaces are currently used? (Councilmember Lumm)

Response: Throughout the project design phase, staff visited the site regularly (during the weekdays and on weekends) to see how the parking is utilized at different times. Observations show from 0 to 4 cars parked on this portion of Pauline at any given time.

Question: Q3. In terms of the costs and funding of the project, roughly how much is the project cost and how will the costs be split between street millage funds and alternative transportation funds? Also, when will Council approve the project itself and why would Council not approve the project and the elimination of parking at the same time? (Councilmember Lumm)

Response: The local share of the project is funded by the Street, Bridge, and Sidewalk Millage (estimated \$450,000), and the Drinking Water Fund (estimated \$1,400,000). No Alternative Transportation Funds are being utilized for the project. The bike lanes are established using only lane markings without changing the physical width of the road. The project is included in the CIP, and in the FY18 and FY19 capital budgets. As the project is also using Federal Surface Transportation (STP) Funds, the construction contract will be let through MDOT, not by the City. A City-State agreement will be brought to Council for approval once it is received from MDOT (which is anticipated in April). Staff wanted to present the decision on removing the parking to Council sooner, in case changes to the design needed to be made.

Question: Q4. Regarding the neighborhood input, 13 survey cards were returned – how many were sent? Also, how many folks attended the public participation meeting and what was the feedback at that meeting? Also, why were the neighbors only asked which of the parking reduction options they favored and not whether they favored reducing parking at all?

Response: The Public Meeting on October 12, 2017 where parking options were discussed, was attended by 30 people. Staff presented different options for future street layout between Redeemer Avenue and S. Seventh Street, including keeping parking on

both sides, removing parking on one side, and alternating parking on both sides. 90% of the meeting attendees chose removing parking on one side of the street as their preferred option. A full summary of the public meeting can be found at www.a2gov.org/Pauline. Following this meeting, survey cards were sent to 34 addresses who are directly adjacent to the proposed parking removal area in order to get their feedback as to which side of the street parking should be removed.

CA-15 - Resolution to Appropriate Funding from the Stormwater System (\$232,115.00) and Water Supply System (\$79,900.00) Funds for the Design of Nixon Road Corridor Improvements Project (8 Votes Required)

Question: Regarding CA-15, it's good to see the Nixon Corridor Improvements project progressing. Can you please provide detail on the specific next steps/approximate timing including (1) what the specific steps are with regard to including the project construction in the CIP (2) when we'd expect to begin to engage neighbors and (3) roughly when we'd expect the design process to be completed? (Councilmember Lumm)

Response: (1) The construction project for the Nixon Corridor Improvements will be evaluated and prioritized along with all other proposed road projects this fall as part of the development of the 2020-2025 Capital Improvement Plan. (2) Staff is currently finalizing the community engagement plan for the project. No exact dates have been established yet, however it is anticipated that the first round of engagement will occur this spring. (3) The design of the project is currently expected to continue through June of 2019.

CA-16 - Resolution to Approve Amendment No. 2 to the Parking Agreement between the City of Ann Arbor and the Downtown Development Authority of the City of Ann Arbor

Question: What steps has the City taken to comply with the contract requirement that "The City shall endeavor through collective bargaining and other measures to reduce the provision of free or subsidized employee parking provided in structures, lots or parking meter locations operated by the DDA"? Do City employees continue to receive free or subsidized parking benefits? Has a parking cash out for City employees been explored that would support employees selection of alternative transportation? (Councilmember Warpehoski)

Response: As noted in DC-3, CBA between the City and the Police Services Specialists, on approval of the proposed CBA PSS members will begin paying for parking with an incremental increase each contract year until they are paying the same as non-union employees (PSS members previously did not pay for employee parking). The City is currently in negotiation with the only other remaining police union that has a discounted employee parking provision in its CBA and has presented a proposal for the Union's consideration. City employees who work in City downtown facilities receive subsidized parking benefits. The City and the getDowntown Program Director are researching and discussing parking cash out options. It should be noted that City staff are also offered the option of a go!PASS at no cost as well.

Question: Regarding CA-16, in response to my question a few months ago it was indicated that the possibility of the DDA taking over parking enforcement (and absorbing the costs) was not actively being considered, but wasn't officially "dead". (Councilmember Lumm)

Response: At its retreat in November 2016, the DDA majority opinion was not to pursue taking over responsibility for parking enforcement based on the complex financial framework concerning the potential distributions of ticket revenues and expenses between the City and DDA. A few months ago the matter came up again in the DDA's Operations Committee, which is the subcommittee responsible for overseeing DDA parking and transportation programs. The DDA members asked if it would be possible to revisit the question to determine if it would be feasible for the City to split ticket revenues with the DDA to make up for much of these costs. This idea was investigated with City staff, and it was determined that this was not possible in the short term, but it was agreed that the question would be explored again in the future. In addition to any discussion on revenue-sharing, it will be necessary to address City staff collective bargaining agreement provisions related to parking enforcement duties and the requirements for court filing for parking citation.

Question: Can you please provide a status update on that as well as the timeline for the addition to the Ann-Ashley structure? (Councilmember Lumm)

Response: The DDA will meet with its engineers later this week to review the status of their work. At this time it is anticipated that the project will be submitted in April to the City for review and approvals, and it will be out to bid by July or August.

B-1 - An Ordinance to Amend Chapter 55 (Zoning Ordinance) of Title V of the Code of the City of Ann Arbor to add Section 5:83 (Solar Energy Systems) (Ordinance No. ORD-18-01)

Question: Regarding B-1, the proposed ordinance establishes a height limit of 21 feet in rear/side yards. Can you please provide the rationale for 21 feet? Also, in the benchmark data provided previously it was not clear if the height restrictions listed were for front yards or rear/side yards. How does the proposed limit of 21 feet in the Ann Arbor ordinance compare with benchmarks? (Councilmember Lumm)

Response: This height limit replicates the City's current accessory structure height limit for rear yard structures. The comparisons vary, for rear yard solar height limits: Evanston, IL – 10 feet; Madison, WI – 15 feet; Chapel Hill, NC – 8-17 feet; Manchester Township, MI – 16 feet; Seattle, WA – Not more than 9 feet above height limit for the district; Troy, MI – 40 feet; and Model Ordinances from Massachusetts, Utah, and New York stipulate height should be the same as accessory structure requirements.

Question: Also on B-1, in section (3) (b) (5) – Lot Coverage – the ordinance states that “Solar Energy Systems shall not occupy greater than 35% of the required rear setback area.” Is there a similar restriction for side setback areas? (Councilmember Lumm)

Response: No, this language replicates the City’s current accessory structure requirements, and no such restriction applies to side setback areas.

DC-3 - Resolution to Approve the Collective Bargaining Agreement between the City of Ann Arbor and the Ann Arbor Police Officers Association for Police Service Specialists Effective January 1, 2018 - December 31, 2020

DC-4 - Resolution to Approve the Collective Bargaining Agreement between the City of Ann Arbor and Local 369 of the International Union of the American Federation of State, County, And Municipal Employees AFL-CIO (AFSCME), Effective January 1, 2018 - December 31, 2021

Question: Were the AAPOA (DC-3) and AFSCME (DC-4) collective bargaining agreements discussed in the Council’s Budget and Labor committee? (Councilmember Eaton)

Response: Yes, on November 20, 2017.

Question: Regarding DC-4, as I recall, AFSCME unit new hires are already on the dual pension plan – is that correct? (Councilmember Lumm)

Response: Yes, AFSCME new hires started the dual plan on January 1, 2017.

DB-1 – Resolution to Approve Grant Application to the USDA Agricultural Conservation Easement Program (ACEP) through the Huron River Regional Conservation Partnership Program (RCPP) for the Purchase of Development Rights (PDR) on Properties in Northfield Township

Question: Regarding DB-1, for these PDR where we partner with the Huron River Regional Conservation Partnership Program, can you please remind me who the parties are in the partnership, what the respective roles and responsibilities of the parties are in terms of ownership and administration, and who typically joins in the funding of these PDR? (Councilmember Lumm)

Response: The lead partner for the Huron River Regional Conservation Partnership Program (RCPP) is Legacy Land Conservancy (LLC). Besides the City of Ann Arbor (AA), the other partners are Washtenaw County Parks and Recreation Commission (WCPARC), Six Rivers Land Conservancy (6R), Huron River Watershed Council (HRWC), and Ducks Unlimited (DU). LLC has the main administrative responsibilities and provides NRCS with progress reports and updates concerning the RCPP throughout the 5-year program period. The other partners report their accomplishments to the lead partner on a semi-annual basis and support outreach efforts for the RCPP.

Roles and responsibilities are divided among the partners:

- HRWC: responsible for completion of bioreserve assessments and water quality monitoring, shared implementation with the other partners of NRCS's Environmental Quality Incentives Program (EQIP)
- LLC, 6R, WCPARC, and AA: protect land through Agricultural Conservation Easement Program easements (ACEP);
- LLC, 6R, and DU: protect land through Wetland Reserve Easements (WRE).

Under the RCPP, each partner submits their respective ACEP applications to NRCS individually. The application process under the RCPP is virtually identical to the general annual ACEP application process, except that the funds have already been allocated under the RCPP and funding is certain (compared to the general application process, where the applicant does not know if funds will be awarded until the fall). Partners who join in the funding for each ACEP application under the RCPP are the same entities that have and continue to support funding of general ACEP applications, , and for Northfield Township properties a typical partner has been WCPARC in the past.

DB-2 - Resolution to Approve the Purchase of Development Rights on the DeVine-Koselka Farm Property in Scio Township, Approve a Participation Agreement with Washtenaw County Parks and Recreation, and Appropriate Funds, Not to Exceed \$575,367.00, from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)

DB-3 - Resolution to Approve the Purchase of Development Rights on the Rogers Revocable Trust Property in Lodi Township, Approve a Participation Agreement with Washtenaw County Parks and Recreation, and Appropriate Funds, Not to Exceed \$378,367.00, from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)

Question: Regarding DB-2 (and DB-3), the cover memos indicated the January 2017 appraisal was updated in October 2017. It's good to see we're using an up to date appraisal, particularly for large PDR like these. What is our policy/practice in terms of updating appraisals and how current the appraisal needs to be? (Councilmember Lumm)

Response: The DeVine-Koselka and Rogers PDR purchases are funded through the USDA ACEP program, which requires an appraisal dated either within 6 months of the cooperative agreement or within 1 year of the closing of the PDR. Since the cooperative agreement for these projects is dated September 2017, updating the appraisals in October 2017 ensured that the purchase prices would still be valid when we close on the properties, even if the closings occur after September 2018.

As a general rule the City has applied the USDA 1-yr standard to non-ACEP funded acquisitions to ensure uniformity in the acquisition process.

Question: Also, does Scio Township have a preservation program? (Councilmember Lumm)

Response: Scio Township has a PDR program, but the landowners requested that we do not approach the township for funding. Both the ACEP program and the County are contributing, however, reducing the City's portion of the purchase price to 31%. For DB-3, the Lodi Township contribution was provided specifically towards the purchase of this property, not as a general contribution.

DS-2 - Resolution to Approve FY19 Fee Adjustments for Safety Service Area - Fire Department Service Fee Schedule

Question: What is the total annual cost to business owners of the inspection program. (Councilmember Warpehoski)

Response: The total cost to the business owners for fiscal '17 was \$466,000 and the projected total cost for fiscal '18 is \$400,000. The business costs vary but is based on the size (square footage) of the overall building with a more equitable approach. The goal is to have fuller coverage of the annual required fire safety inspections, which will in turn increase this total cost due to additional fire safety inspections completed. This can be achieved by reorganizing the Fire Prevention Bureau to create dedicated fire safety inspectors.

- The average cost for a business owner or a tenant of a primary occupancy estimated average is \$220.
- This cost is far less than the overall reduction from fire losses that have been shown from 2012 (\$5,549,659) to 2016 (\$581,000). These costs do not include the loss by business closures.

Question: Since property loss from fire is generally reimbursed by insurance, does the program focus on businesses with a greater risk of injury or death? For example, a business with flammable chemicals or one in which people are immobile such as a medical office would have a higher risk of fire-related injury or death than an accounting office in which people present are likely to be awake, mobile, and able to escape a fire. (Councilmember Warpehoski)

Response: The degree of hazard determines the frequency that a business is inspected. The businesses that are on the annual inspection schedule are occupancies with higher potential hazards and risks.

- Examples of the business occupancies inspected annually inspection are 'Assembly' (higher number of occupants in concentrated spaces), 'Factory',

'Hazard Groups' (as your example of a business with flammable chemicals), and 'Mercantile' due to the usage and risk for the public.

- The business occupancies that are on 2 or 3 year schedules are identified as less hazardous and a lower risk, which are 'Storage', 'Business Offices and Professional Services.'

Question Regarding DS-2, I appreciate that staff worked closely with the business stakeholders in developing the fee proposal which the business stakeholder group indicates they support. Can you please provide any benchmark data you have that shows fire inspection approaches and inspection fees in other cities? (Councilmember Lumm)

Response: The Ann Arbor Fire Department is a leader in the thoroughness of our fire safety inspection program. Many fire departments are looking at our department to lead the way in being successful as a model in implementing fire safety inspection programs. The benchmarking found from research ranged from charging by the hour (\$70 to \$220) to by square footage (up to 10 cents) and by flat fees. Ann Arbor Fire Department is one of very few fire departments who do not perform new construction/remodeling fire suppression and fire alarms system inspections. Most fire departments who were contacted during the research stated that their priority and time was spent on inspecting new construction/remodeling prior to certificate of occupancy and were neglecting their maintenance fire safety inspections. Some departments attempt to conduct targeted inspections, however, we have found this is a hit and miss approach and is not consistent or fair to all business owners. We have found the fairest and most thorough approach is to inspect all businesses based on their risks due to the type of business occupancy. Thus, with the input of business owners and managers, square footage fees were found to be the best and most accurate representation of the inspection costs.