



TO: Mayor and Council

FROM: Tom Crawford, City Administrator

CC: Derek Delacourt, Community Services Area Administrator
Craig Hupy, Public Services Area Administrator
Brett Lenart, Planning Manager
Molly Maciejewski, Public Works Manager
Tom Shewchuk, ITSU Director

SUBJECT: July 6, 2021 Council Agenda Responses

DATE: July 1, 2021

CA-1 - Resolution to Approve Ongoing Subscription with Zoom Video Communications, Inc. for Meeting and Webinar Services (\$65,000.00) (8 Votes Required)

Question: I just want to clarify: we are approving this licensing on a monthly basis? (Councilmember Nelson)

Response: We are requesting funds to pay for our current existing monthly subscription (approximately \$4,000/month) for the full fiscal year and asking for additional funds to cover any adds or changes that occur throughout the year.

Question: Is there any conversation happening among staff or administrative leadership about participation advantages of this format as compared to straightforward broadcast from a single physical location? (Councilmember Nelson)

Response: Different groups have been exploring the possibility of hybrid meetings which could occur in person and still incorporate Zoom. This would allow the public to engage in-person as well as provide feedback by phone or online without physical presence. CTN has been a part of this exploration to provide audio/visual expertise to the process.

We will also be watching guidance from state Open Meetings Act law, which currently allows boards and commission meetings to occur virtually through the end of 2021.

Question: Do we anticipate a conversation like that to occur among staff or a particular advisory body (e.g. Cable commission)? (Councilmember Nelson)

Response: We will continue to monitor usage and change our subscription as warranted by circumstances.

CA-3 - Resolution to Approve a Purchase Order for License Subscription to NetMotion Software, Inc. (\$32,256.00)

Question: Did this expense originate with the pandemic or did it exist before? (Councilmember Nelson)

Response: NetMotion VPN has been our primary method to secure staff computing outside of City facilities for many years. We incurred a slight increase in cost as we added laptops to facilitate remote work during the pandemic but this is not a new expense.

CA-4 – Resolution to Approve a Purchase Order to CDW Government, LLC for Licenses for Duo Multifactor Software Protection (\$31,104.00)

Question: My husband no longer works at Duo and is now Chief Strategy Officer for Cisco Security. Should I recuse myself from this vote because he was a co-founder of the company? We would not materially benefit from this contract and no longer have associations with the company. Please let me know what City staff preference would be. (Councilmember Song)

Response: Based on the information provided, Councilmember Song could vote on the matter without violating Michigan conflict of interest laws or City conflict of interest rules.

CA-6 - Resolution to Approve a Grant Application to Michigan Department of Natural Resources Grants Management for the Acquisition of Land and Site Improvements Along the Huron River at 841 Broadway for up to \$7,000,000.00

Question: Is there any cost to the City in applying for this grant? (Councilmember Nelson)

Response: No.

Question: If the grant is received, what kind of cost-sharing (or future expenses) are expected in order to complete the purchase? (Councilmember Nelson)

Response: None.

Question: If the site improvements and ongoing maintenance are the responsibility of the developer, is the City or any outside entity supervising this work/maintenance moving forward? (Councilmember Nelson)

Response: Under the current arrangement, no. As proposed there will be an operation and maintenance agreement entered into between the City and the Conservancy that will establish the terms and criteria of that relationship.

Question: What kind of control do we retain over this area, once we have received up to \$7 million dollars and paid that amount to the developer in order to purchase it? (Councilmember Nelson)

Response: We will have full ownership of the area if purchased with operations and maintenance responsibilities established through a separate agreement.

Question: What position are we in to compel maintenance of these improvements in the future if/when they deteriorate? (Councilmember Nelson)

Response: The ability, process to compel and repercussions shall be established in the O&M agreement.

Question: Is there any explanation for why public use/improvement of this portion of the property was not anticipated as part of the original development agreement or site plan? (Councilmember Nelson)

Response: The use and improvement of the area has not changed, only the fee title ownership of the ground, if the grant is awarded and the City decides to go forward. The ownership structure has potential advantages to both the City and Developer.

CA-10 - Resolution to Approve Amendments to the Washtenaw Regional Resource Management Authority (WRRMA) Articles of Incorporation, Including the Addition of the City of Ann Arbor as a Constituent Member of WRRMA

Question: When this topic has been discussed on previous agendas, we expressed concerns about representation, given that Ann Arbor is significantly larger than the communities we are partnering with. I see that “one representative from each Constituent member” will each have one vote. Please review information previously shared regarding relevant comparative statistics (e.g. populations, estimated budgets) for each of the WRRMA member communities. (Councilmember Nelson)

Response: The following chart contains recent population and budget data for WRRMA member communities and the City of Ann Arbor.

Voting Members	Population	Budget (Total Expenditures)
Ann Arbor Township	4,202	\$1.2 million (2018)
Pittsfield Township	38,567	\$14.8 million (2018)
Scio Township	17,624	No data available
Ypsilanti Township	55,089	\$32,636,537 (2018)
City of Dexter	4,644	\$11.3 million (2019-2020)
City of Saline	9,251	\$9.9 million (2018)
City of Ypsilanti	20,828	\$13.7 million (2017-18)
Non-Member		
City of Ann Arbor	120,735	\$104.6 million (2018)
Population Data: Southeast Michigan Council of Governments Community Explorer Tool . https://maps.semcoq.org/CommunityExplorer/?shortcut=Total_Population		
Budget Data found on member communities' websites – see embedded links above.		

- WRRMA adopted Resolution 20-1 in July 2020. The recently adopted resolution and the articles of Incorporation address the topics of voting and contracts in the following ways:
 - WRRMA must secure approval from each member community's legislative body before entering into any contract over \$5000 per member community.
 - In the process of negotiating and securing any contract as the Authority, WRRMA will consider and acknowledge the particular needs and requirements of each member community including, but not limited to, existing and future labor terms, wage matters, and other issues raised by any member community.
 - In the process of negotiating and securing future contracts as the Authority, WRRMA will consider a weighted voting system to be decided by the then sitting WRRMA board and subsequently approved by member legislative bodies, that is designed to reflect a voting system linked to contract costs on tonnages at issue in the contract. No single WRRMA member community shall become a majority of the voting structure for any contract situation.

While a change to WRRMA's voting structure will require a unanimous and positive vote of the legislative body and a unanimous vote of the WRRMA Board, when it comes to WRRMA business such as contracts, City Council would need to approve any contract made by the Authority on the City's behalf. The City is always able to reject contract

language and not move forward with any proposed contract that the City determines is not acceptable to the City.

B-1 - An Ordinance to Add Sections 5.12.9 and to Amend Sections 5.15, 5.16.3, 5.17.4 and 5.20.4 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (New Zoning District TC1 Transit Corridor) (ORD-21-19)

Question: Explain the significance of removing all Floor Area Limitations, specifically in cases where no additional rules/conditions apply (e.g. areas NOT near pre-existing residential). (Councilmember Nelson)

Response: The significance of removing floor area limitations is that the form of development will rely solely on the area/height/placement rules and conditions. This is a version of form-based zoning regulation, which focuses physical development regulation through height, setback, coverage and other design standards, and deemphasizes use or other regulations. The proposed use specific standards in the UDC and proposed TC1 development standards in combination seek to allow increased development on transit corridors, within the framework of the physical form and space prescribed. Additionally, by not having a maximum Floor Area Ratio limitation, existing development may be incorporated into the plans, increasing the overall density of the corridors by adding infill in an economical and efficient manner.

Question: What is the distance measurement of “near” to residential for the purpose of regulating height and setback? (Councilmember Nelson)

Response: The minimum height for all new buildings in the TC1 district is 2 stories. Maximum height limits are as follows:
Maximum 55 feet when within 80 feet of any R zoning district.
Maximum 75 feet when between 80 and 300 feet of any R district.
Maximum 120 feet when between 300 and 1000 feet of any R district.
Maximum 300 feet when more than 1000 feet from any R district.

The minimum building setback is 30 feet from any R district.

All dimensions are measured from the property line of any adjacent residentially zoned property. Additionally, an interactive map is available on Planning’s website (<https://a2-mi.maps.arcgis.com/apps/View/index.html?appid=b5c06d0574084ff8966c5b6ed16b878e>), where anyone can explore these distances throughout the City.

Question: I appreciate that this zoning is intended to “support and sustain existing transit” – please attach maps for the relevant sections of S. State, Eisenhower, Washtenaw, W. Stadium, Maple Rd, and Plymouth Rd. with existing bus stops marked, distance between bus stops, as well as frequency of service to those bus stops. (Councilmember Nelson)

Response: The requested maps are attached, however, we were unable to include distances between stops but instead provided a map scale for use. Additionally, service frequency is provided below from AAATA:

Frequency of transit service along these corridors within the proposed TC1 district (post pandemic service beginning on 8/29:

	Peak	Midday	Evening
Washtenaw Ave	8	15	30
State St	9	14	30
Eisenhower Pkwy	15	15	30
W Stadium Blvd	15	30	60
Maple Rd (south of Stadium)	10	15	30
Maple Rd (north of Stadium)	30	30	60
Plymouth Rd	15	15	30
Plymouth Rd (Green-Nixon)	30	30	30

DB-1 - Resolution to Approve Bylaws of the Council of the Commons

Question: Am I reading 5.4 correctly that a conflict of interest or apparent conflict or “potential conflict” is determined by whether “the member believes” it warrants abstention? (Councilmember Nelson)

Response: Initially, it is up to the member with the potential conflict to determine whether to abstain. If there is a question, the body may vote to exclude the member under section 5.6

Question: For section 5.6, does every discussion of conflict of interest trigger a vote of the majority in determining or would the chair have discretion in deciding whether or not “a question has arisen”? (Councilmember Nelson)

Response: No, a vote is not required. Any member can raise a question of a conflict and request a vote.

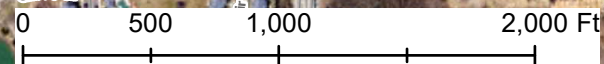
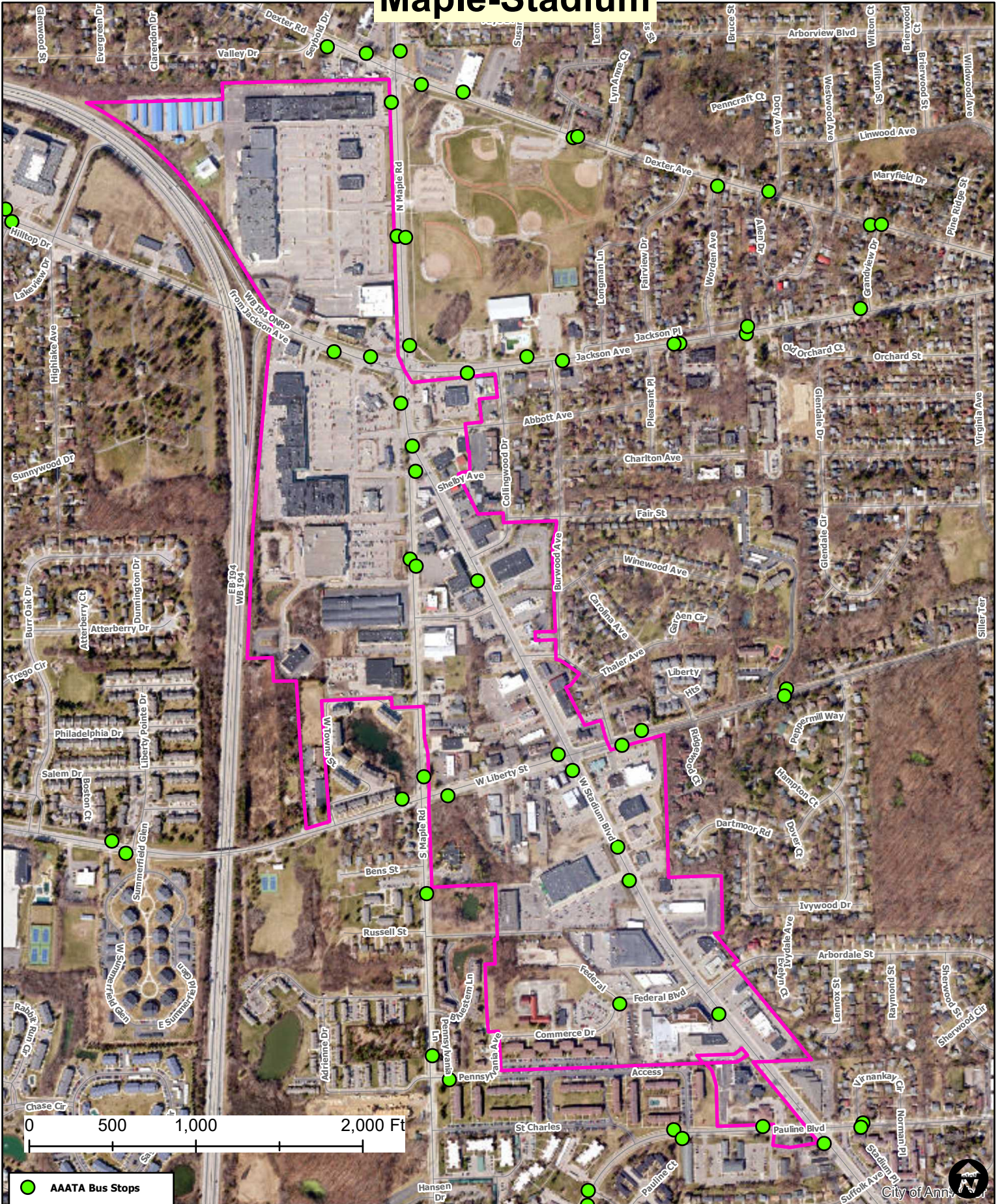
Question: Regarding 5.7, does such a list of disclosures exist for all currently seated members, i.e. was it requested before their appointment? (Councilmember Nelson)

Response: Yes, the City’s application for boards and commissions asks applicants to list potential conflicts.

Question: Does anything like section 5.8 exist in the Bylaws for other commissions? (Councilmember Nelson)

Response: Yes, this is a standard bylaws provision for City boards and commissions.

Maple-Stadium

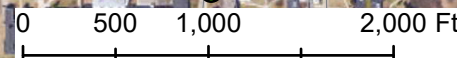
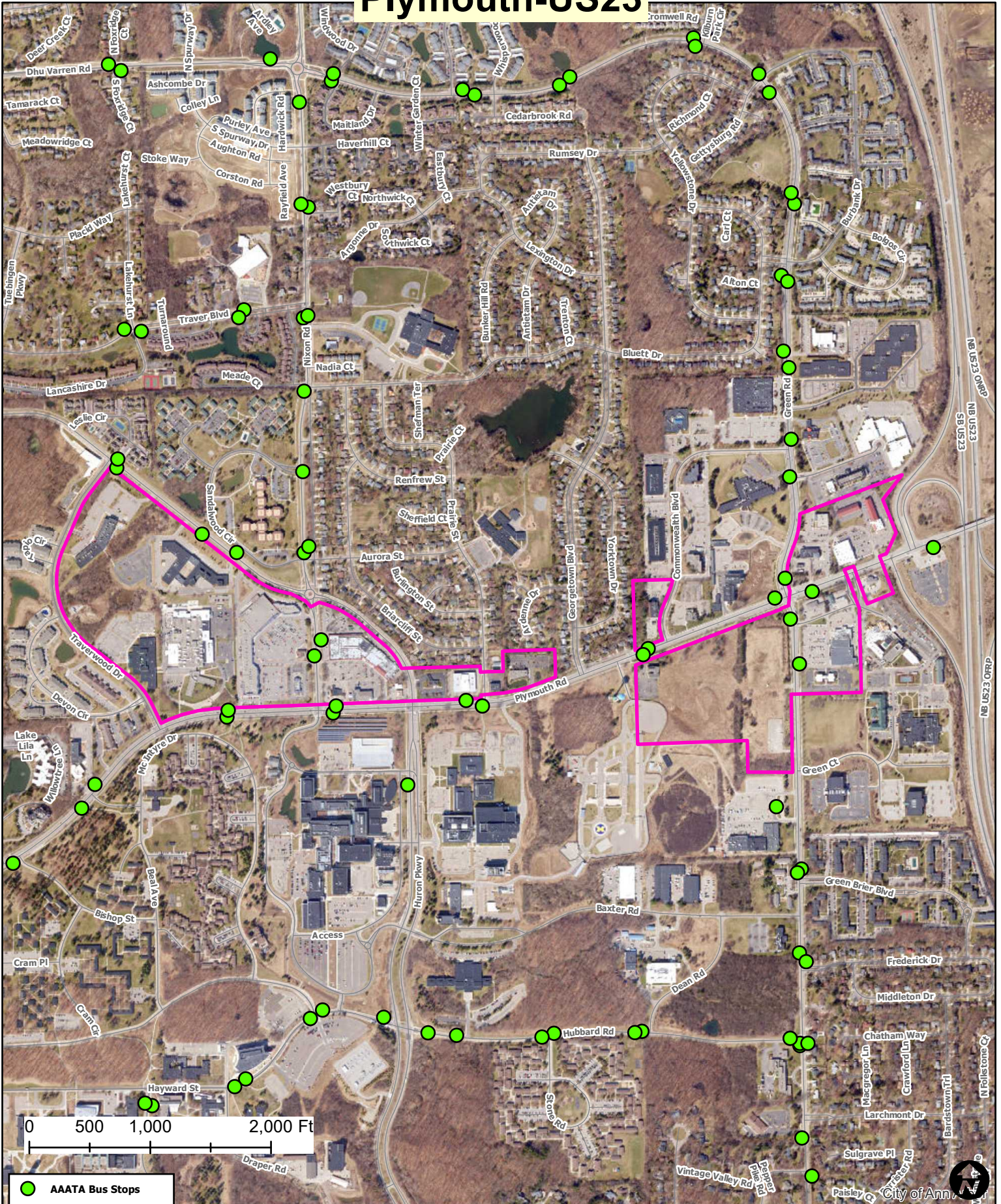


- AAATA Bus Stops
- Transit Corridor Zones
- Centerlines



Map date 6/30/2021
 Any aerial imagery is circa 2020 unless otherwise noted
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Plymouth-US23

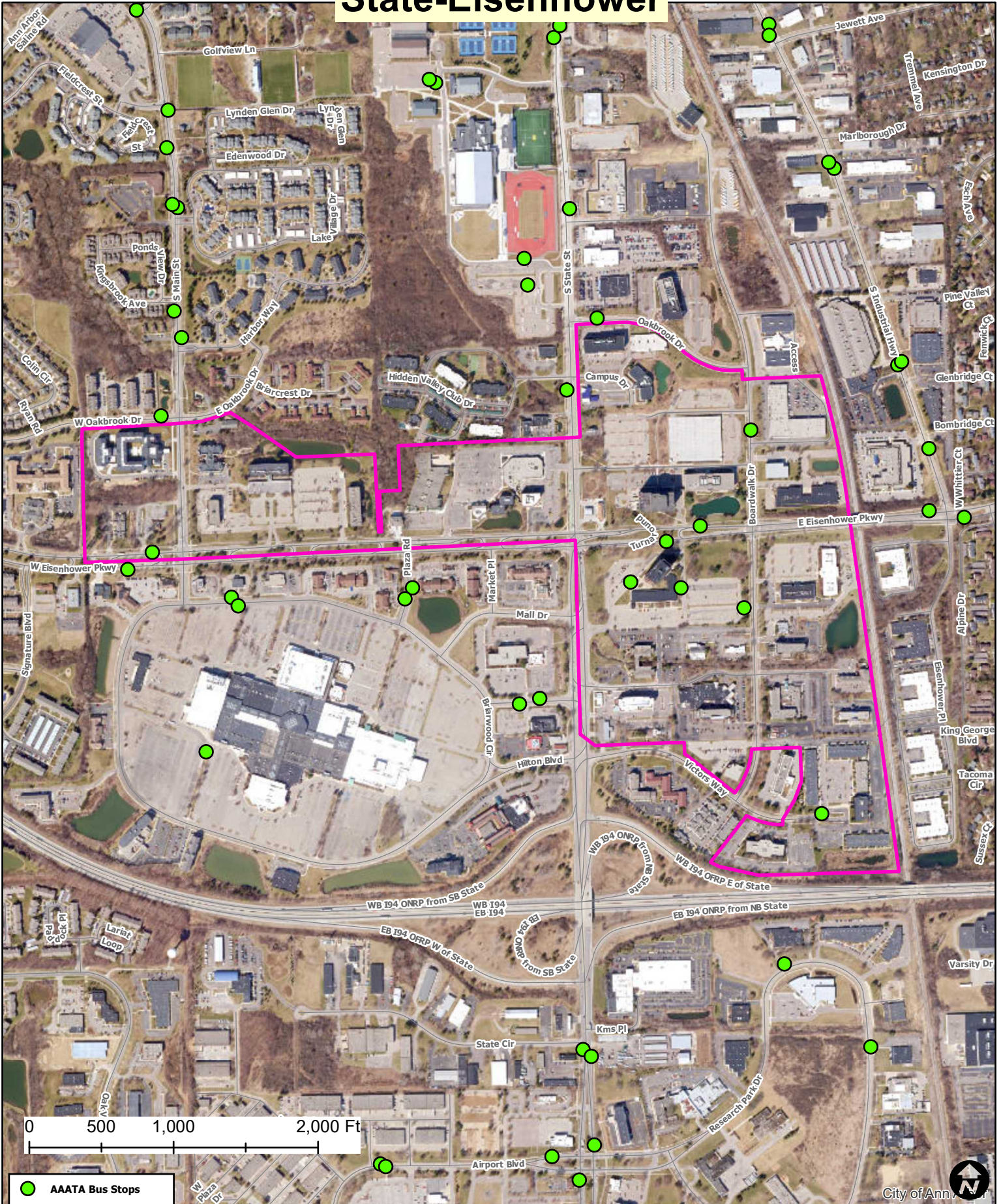


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State-Eisenhower

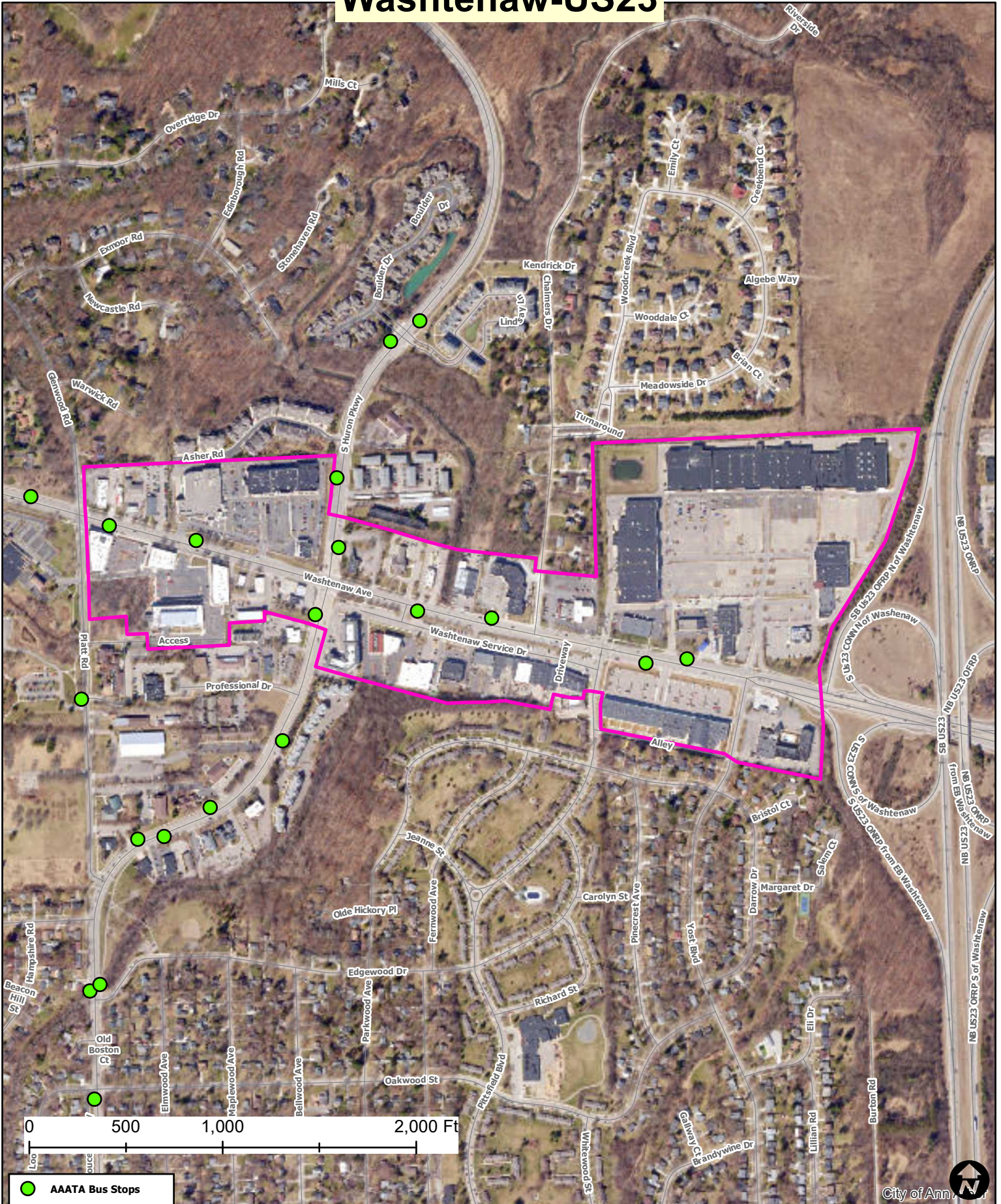


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Washtenaw-US23



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