



TO: Mayor and Council

FROM: Derek Delacourt, Community Services Area Administrator
Craig Hupy, Public Services Area Administrator
Nick Hutchinson, City Engineer

CC: Tom Crawford, Interim City Administrator

SUBJECT: Council Agenda Responses

DATE: 4/18/16

CA- 2 - Resolution to Close Streets for the Ann Arbor Goddess 5K to Benefit Michigan Ovarian Cancer Alliance on Sunday, May 8, 2016

Question: What outreach has been done to affected businesses, residents, and congregations in advance of the race? (Councilmember Warpehoski)

Response: The applicant has worked with the State Street District who has, in turn, notified and received support from the businesses. The District has also notified the congregations. Yard signs will be placed along the route and flyers will be distributed to congregations, residents and businesses no later than one week prior to the event.

Question: Does staff support approval and is there anything Council needs to do to amend the resolution to reflect the conditions/concerns identified by the Police Department? (Councilmember Lumm)

Response: Staff supports approval as the applicant is actively working towards meeting the conditions imposed by Police. No amendments needed from Council.

CA-13 – Resolution to Approve a Professional Services Agreement with the Ann Arbor Art Association for Artist Selection Services for the Stadium Boulevard Reconstruction Project (\$35,000.00)

Question: The cover memo indicates the budget for the proposed artwork is \$115K – does that include this \$35K for this selection-related services contract? (Councilmember Lumm)

Response: No. The \$115,000 is the targeted figure established for the design, fabrication, engineering (if needed), delivery, and installation of the artwork.

Question: What is the basis for the \$115K budget? Is it based on a percentage of the project budget or on a rough cost estimate of the artwork envisioned or on some other basis? If based on the artwork envisioned, can you please share the thoughts/concepts that are being considered and potential locations? (Councilmember Lumm)

Response: The budget figure is roughly 1% of the overall project budget and is based on what is expected could be delivered that would meet the expectations of the community and be considered appropriate for the location. There are no pre-conceived notions about what the proposed artwork could, or should be.

Question: Are there any dollars remaining in any of the public-art related funds and if so, what are the funds and amounts? (Councilmember Lumm)

Response: Currently the following three projects are open and have unspent funds:

- E. Stadium Bridges Project – Street Millage - \$27,716
- Kingsley & First Rain Garden – Storm - \$1,814
- Coleman Jewett Memorial - \$15,798

An additional \$18,100 is available in Street Millage funding. Any remaining balance in the fund is attributable to investment income and will be returned proportionality to the contributing funds upon closure.

Question: What is the basis of the 85% (Street Millage) 15% (Storm water) split for this services agreement? Can you please provide again the funding sources and amounts for the Stadium Blvd project? (Councilmember Lumm)

Response: The funding for this agreement has been pro-rated based on the proposed construction for the project. For example, about 75% of the construction is directly related to roadway-type work. Similarly, about 15% of the construction is directly related to storm water (water quality/quantity) work, and 10% of the construction is directly related to water main replacements. However, since there is no direct nexus between the water main work and an expected public art component, that portion of the work will be funded from the street millage fund which is more directly related to the work.

Costs for the project will not be able to be finalized until bids are received on August 5, 2016. At this writing, it appears that the total cost of the project will be approximately \$10M, but this figure is subject to change. Based on the cost of the currently estimated work, the City's share of the construction is expected to be funded from three primary sources. They are the Street Millage, the Storm Water Fund, and the Water System Fund and their approximate shares are as follows:

\$4.83M - Street Construction Millage (Fund 0062)
\$1.33M - Storm Water Fund (Fund 0069)
\$1.05M - Water System Fund (Fund 0042)
\$2.68M – Federal Surface Transportation Funds
~\$10M

Question: Are there any other city funded public art projects being considered at this time? If so, can you please provide whatever detail is available and are they all related to a major capital project? (Councilmember Lumm)

Response: Members of the Ann Arbor Art Commission are working with staff to review projects in the upcoming capital improvements plan and put forward recommendations for art projects.

Question: Have we been able to cultivate any non-city funding (private donations, foundation grants, etc.) for our public art program generally or for this project specifically? If so, can you please provide the details (sources and amounts)? (Councilmember Lumm)

Response: Non-public funding has not been developed. Raising of donations within a municipal organization has found to be difficult.

CA-14 – Resolution to Authorize Professional Services Agreements with ROWE Professional Services Company for the Morehead – Delaware Pedestrian Bridge Project: (RFP – 961) (\$37,549.00)

Question: Was the weir upon which the previous bridge sat properly maintained by Lans Basin, Inc.? (Councilmember Warpehoski)

Response: The City does not have information as to what maintenance was or was not done on the weir previously by Lans Basin, Inc. It should also be noted that the new bridge would not be built on top of the weir like the previous one, in order to keep the two structures separate.

Question: Can you provide an update of what staff has done to date regarding the Lans Basin pedestrian bridge? (Councilmember Eaton)

Response: Staff has prepared a project scope and an RFP for engineering design services, received and reviewed proposals, interviewed consultants, and recommended ROWE for selection as the design consultant for the project.

Question: Can you provide an accounting of any funds spent on the Lans Basin pedestrian bridge, to date? (Councilmember Eaton)

Response: Approximately \$12,000 has been spent on the project to date on the activities outlined in the previous question.

Question: Will the \$37,549 expenditure in CA-14 result in a plan that identifies the cost of replacing the bridge? (Councilmember Eaton)

Response: Yes, the consultant will be responsible for preparing complete engineering drawings for the project, and will include an engineer's estimate of the construction cost.

Question: Regarding CA-14 (and DC-5 as well) is there an updated projection for the total project cost including the design and construction or is \$450K still the best estimate at this time? Also, are there alternative designs of the bridge or other opportunities to reduce the cost? (Councilmember Lumm)

Response: As design work has not yet begun on this project, there is no updated project cost at this time. Cost will be a significant consideration in the design of the bridge.

Question: Regarding the remove "the pathway and re-seed" option, do we have a price estimate on this? (Mayor Taylor)

Response: Staff estimates an approximate price of \$20,000.

**C-3 – An Ordinance to Amend Sections 2:63, 2:64, and 2:69 of Chapter 29
(Increase Water, Sewer, and Stormwater Rates) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-10-15)**

Question: In the cover memo, it indicates that the year-to-year increase for the typical single family is 5.0%. The revenue increases, however, are projected at 5.5%, 6.0% and 6.5% respectively for water, sewer and stormwater (all above 5%). Can you please provide a high-level reconciliation - is the difference due to projected increases in volume, higher commercial fees vis-à-vis residential, other reasons? (Councilmember Lumm)

Response: The proposed rate increases result in estimated annual revenue increases 5.5%, 6.0% and 6.5% respectively. Those increases are reflective of increases in all of our rate classes. For comparative purposes, the average residential utility bill is

calculated, which results in an average homeowner increase of 5%. The rates are based on the cost of service, so some classes are above and some are below.

Question: The water rate increase for the lowest volume residential users is increased by a smaller percentage than others. Do you have a sense of what percent of communities use a tiered rate system (higher rates per 100 cubic feet for higher volume users) like we do? And for those that do use a tiered rate system based on usage, are their tiers similar to ours (specifically, is it typical that higher volume residential users would pay a rate 3 ½ times the low volume user? (Councilmember Lumm)

Response: In order to provide a fair and equitable water and sewer rate structure, a tiered-rate model was established after a comprehensive cost-of-service study was completed. Data regarding other municipalities using the same structure is not available in the short time-frame required for a caucus response.

Question: You may recall that last year, I asked questions about the allocation/use of the sewer charges as identified in Section 2:64 (1). Specifically, it appeared on the surface last year that the increased sewer charges were more for systems planning and administration than for capital. The explanation last year was that FY16 was not an apples-to-apples comparison with FY15. For FY 17, the same phenomenon is occurring. Not as dramatically as last year, but for FY17, the allocation of the sewer charges to fund “a portion of the capital expenditures” is decreasing slightly, while the other categories are increasing by 10% +. The rationale for rate increases every year over inflation is that we need to reinvest in the infrastructure, but this particular allocation of revenues doesn’t seem to bear that. Can you please explain this apparent contradiction? (Councilmember Lumm)

Response: The rate increase is allocated based on a percentage. As indicated below, the percentage increases are within normal ranges. The decrease in capital is a result of decreased budgeted depreciation.

FY 16:	FY 17:
Field	12%
WWTP	41%
Admn	9%
Capital	38%
	13%
	43%
	10%
	35%

DC-4 – Resolution to Direct the City Administrator and City Attorney to Develop a Draft Ordinance to Require Activation of Closed Captioning in Places of Public Accommodation

Question: Can you please provide a rough estimate of the time required to draft the ordinance(Councilmember Lumm)

Response: At this stage, staff expects a modest expenditure of time to draft an ordinance similar to Portland's. Changes to the ordinance, solicitation of public feedback/public engagement, or public education may require additional staff time as the ordinance goes forward.

Question: Are you aware of any other cities that have adopted similar ordinances in addition to the two mentioned (Portland and San Francisco) (Councilmember Lumm)

Response: In addition to those two cities, we are aware that the USDOT has a similar requirement to activate closed captioning in certain airports that receive federal funding and that the State of Maryland requires activation of closed captioning upon request.

Question: Has any public feedback been received (or sought) on this ordinance? If so, what was that feedback and if not, what would be the plan to solicit community feedback prior to adoption (eg., any engagement efforts beyond just conducting a public hearing at second reading)? (Councilmember Lumm)

Response: Staff has not solicited or received any public feedback at this point. Community feedback will be accepted through normal channels. As to what additional public engagement may be appropriate or desirable prior to adoption, Council may wish to consult the Commission on Disability Issues and identify stakeholders.

DC-5 – Resolution to Redirect Staff Responses and Funding from the Morehead-Delaware Pedestrian Bridge Project to the Changing Driving Culture Study and Installation of Additional Enhanced Pedestrian Crosswalks

Question: How much will it cost the City for staff to engage with WMU in the Changing Driving Culture Study? (Councilmember Eaton)

Response: Staff has estimated that the City's cost to participate in this project to be \$150,000.

Question: If Resolution DC-5 were immediately approved, how soon would the work on the 11 RRFBs begin? (Councilmember Eaton)

Response: Staff has not yet had a chance to determine how exactly resources would be shifted to accommodate this work, but it is anticipated that design work would begin this autumn and installations would begin in 2017.

Question: Would the work on RRFBs be delayed substantially if the design study in CA-14 were allowed to be completed first? (Councilmember Eaton)

Response: The work on these RRFBs has not been programmed. Currently, RRFB installations from this list are being done a few at a time, primarily through the use of Safety Grants when they qualify, or as part of road reconstruction projects. If staff

resources and funding are specifically shifted to this effort, the list would be completed sooner than it would otherwise.

Question: What is the approximate cost of the 11 RRFB installations? (Councilmember Eaton)

Response: Based on the cost of previous installations, which vary considerably from location to location, staff estimates the average cost of an RRFB installation to be approximately \$50,000; for a total cost to complete 11 locations of \$550,000.

Question: In terms of redirecting staff resources, approximately how much staff time would be spent on the Morehead-Delaware pedestrian Bridge project and how much staff time would be spent on this resolution (for both the work with WMU on the “Changing Driving Culture Study” and beginning work on the engineering review of the additional 11 RRFB locations)? (Councilmember Lumm)

Response: For the Morehead-Delaware project, the total cost for staff time is estimated to be approximately \$40,000 (this does not include the consulting contract with ROWE). For the development and design of the RRFB installations, staff has not yet had an opportunity to evaluate the total amount of staff time that would go into this effort. For the Changing Driving Culture Study, see below.

Question: Can you please provide the detail for the \$150K city cost estimate for the “Changing Driving Culture Study” and does that include any ongoing costs for monitoring or follow-up? Specifically, please identify the incremental police resources required and for how long, as well as the impacts that will have on other police-related work and staffing? (Councilmember Lumm)

Response: The proposed budget is comprised of the following:

Police Enforcement	\$80,000
Pavement Markings	\$15,200
Signage Upgrades	\$19,200
Feedback Signs	\$ 3,600
Traffic Engineering	\$25,000
Contingency	\$ 7,000

The monitoring and follow-up work of the initial program will be covered by the WMU research team through their grant amount. The budget for police enforcement was developed by AAPD staff and includes the necessary staff resources and overtime required for four targeted waves of enforcement without impacting normal operations. These four waves of enforcement activity would occur in four one-week periods over the course of a year.

Question: The street, bridge, sidewalk millage ballot question as adopted by Council includes new permitted uses including pedestrian crosswalk enhancements. Assuming voters pass that millage, what criteria will staff use in determining the funding source

(among the millage, this fund, alternative transportation fund, and construction projects) used for pedestrian crosswalk enhancements? (Councilmember Lumm)

Response: If DC-5 is passed, this would be used as the first source of funds for implementing RRFBs that are not already budgeted. Once those funds are exhausted, the millage would be the primary source of funding – this would include “construction projects”, as these projects would typically be road projects, which are already funded by the millage.

DB-2 - Resolution to Approve Sun Baths Site Plan, 319 North Main (CPC
Recommendation: Denial – 5 Yeas and 0 Nays)

Question: The staff report notes that “The building will also be designed to harvest most of the rain water that falls on the roof for re-use within the building.” please describe how that will be accomplished. (Councilmember Warpehoski)

Response: Sun Baths is harvesting rainwater from the solar panels and roof. The water is stored filtered and in a 50,000 gallon cistern in the basement of the building. This water will then be treated and reused as greywater for the showers, flushing toilets and laundry as permitted by current code. This water is also the main energy sink for the building, acts as a storm water buffer and the petitioner is designing a treatment system so it can serve as a water supply for the spas in the future. The petitioner has been meeting with Washtenaw County and MDEQ to discuss this rainwater use. Current codes and administrative rules do not permit an alternative potable water supply when a municipal supply is available. However, they are proposing to be a pilot project for rainwater harvesting and treatment for Washtenaw County and MDEQ. The project will be collecting water quality and other operational data as part of a pilot project to document the viability of harvesting rain water for pool use. All elements of the stormwater system will be reviewed to ensure compliance with applicable City Codes and regulations.