

TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Tom Crawford, CFO

Derek Delacourt, Community Services Area Administrator

Craig Hupy, Public Services Area Administrator

Nick Hutchinson, City Engineer

SUBJECT: Council Agenda Responses

DATE: 7/3/17

<u>CA-4</u> – Resolution to Approve Fees for the 2017 Ann Arbor Art Fairs, July 19-23, 2017

Question: The cover memo indicates that a one-time fee waiver has been granted to the Art Fairs in the amount of \$28,000. How was that waiver applied – was it proportional to all the five fairs/organizations and if not, what was the basis? Also, how do the 2017 fees for the five organizations compare with last year? (Councilmember Lumm)

Response: The \$28,000 is for additional public safety (Police) support. Additional staffing and measures were added last year subsequent to the terrorist attack in Nice, France. The waiver is applied across the board to all fairs.

The costs to support the 2017 Art Fair are significantly higher, including additional Police and Public Safety, as shown in the table below:

Area	2016 Cost	2017 Cost		
Police	\$27,639*	\$70,958		
Fire	\$14,216	\$11,485		
Public Services	\$35,122	\$46,602		
TOTAL	\$76,977	\$129,045		

^{*}Council approved fee prior to the increased police presence required as a result of the France terrorist attack.

The current approach of supporting Art Fair is not financially sustainable in coming years. The Art Fair Directors have expressed their concerns about increasing vendor fees making the Ann Arbor Art Fair less attractive. Staff has discussed how the structure of the Fair can be changed (i.e. creating a single Art Fair governance structure), adopting a "district" approach so that all parties within the district are required to provide financial support, seeking increased sponsorships and grants, and other measures. While these actions can help mitigate the costs, the City will have to consider providing greater support in coming years if Art Fair is to remain viable.

<u>CA -5</u> – Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Hillard Heintze in an Amount Not to Exceed \$230,000.00 and Appropriate \$30,000.00 in Additional Funds (8 Votes Required)

Question: Can you please clarify what this additional \$30K in Amendment 1 is paying for - is it for all of Phase 2 or Phase 2.1 only, and if not for all of Phase 2, what is your ball park sense of the total Phase 2 cost? Also, when is it expected the assessment report will be released publicly? (Councilmember Lumm)

Response: The intended uses of the additional \$30,000 are detailed in the proposal for Phase 2.1 attached to the Council item. At this point, the City does not anticipate any additional support requirement from Hillard Heintze. The draft Assessment Report is scheduled for delivery in mid-August.

Question: Please elaborate on the rationale for this amendment. Does this constitute the shifting of payments forward and is not an overall increase? Also please include the originally contemplated amount to complete the AAPD evaluation process prior to award to current vendor. (Councilmember Westphal)

Response: The Hillard Heintze proposal is attached to the Legistar file, and provides the scope of services included. This is not a shifting of payments, but does address a specific additional scope of work. The FY17 budget included a placeholder amount of \$50,000, which was unrelated to any scope or development of requirements.

<u>CA-9</u> - Resolution to Award a Construction Contract to Corby Energy Services, Inc. for the Street Lighting Replacement - Kerrytown Market and Liberty Street Project (\$789,672.00, ITB-4494)

<u>CA-10</u> - Resolution to Approve the Purchase of 115 Streetlight Globe Fixtures from Caniff Electrical Supply (\$212,175.00, ITB-4475)

<u>Question</u>: I know we've talked about funding sources on these projects a couple of times now, but can you please remind me what the funding sources (DDA, City by fund) will be for the total \$1,080, 814 (assuming the contingency is required)? (Councilmember Lumm)

Response: Kerrytown is being funded through \$720,000 allocated from the General Fund in the FY17 budget. Liberty is being funded through \$225,000 allocated from the General Fund in the FY18 budget. The DDA has agreed to contribute an additional \$150,000.00 towards the construction cost.

Question: Also CA-10, the purchase is for 115 globe fixtures and the resolutions indicate that 89 are needed for the Kerrytown Market (68) and Liberty (21). Are there firm plans to use the other fixtures now in other downtown locations or is the extra 25 or so for inventory? (Councilmember Lumm)

Response: A portion of the streetlights scheduled for replacement are double globe poles, so all 115 globe fixtures will be used for these two projects. There will not be any leftover fixtures.

Question: While the community appreciates the benefits of LEDs, I have received complaints about their light quality. There are also preliminary concerns about eye health consequences resulting from certain light spectrum. Please discuss how the bulbs in the new globes will be determined re: color temperature, CRI, and internal arrangement (e.g., matching the "blue" temperature and individual bulb arrangement of the current LED globes, or will design advice be sought to improve the aesthetics). (Councilmember Westphal)

Response: A team consisting of staff from the DDA and City were joined by lighting engineers from SmithGroupJJR to specifically evaluate the lighting aesthetics when selecting the new downtown light fixtures. The team completed research and performed a pilot test installation of fixtures on South University with different color temperatures. The new globes are specified to have a 3000K color temperature and a minimum CRI of 70.

The selected 3000K color temperature is considerably less "blue" than previous led fixtures and retrofits installed downtown within the past 10 years. The LEDs are arranged in a circular fashion around the middle of the fixture and the globe features a prismatic lens to provide uniform light distribution. A perforated light lid can be installed in locations where it is desirable to minimize up-light.

<u>CA-12</u> - Resolution to Approve a Professional Services Agreement with Brush Design, LLC for "Leaven" Public Art for the Stadium Boulevard Reconstruction Project - S. Main Street to Kipke Drive (\$100,000.00)

Question: Are there any non-city (public or private) sources of funding that have been secured to help pay for this artwork or for the costs of the selection process, and if so, can you please provide the sources and amounts? (Councilmember Lumm)

<u>Response</u>: No private funding sources have been secured for this project's selection, fabrication, or installation.

<u>Question</u>: Also related to fundraising, have there been any new developments/recent progress in terms of securing private funding for Ann Arbor public art in general or other specific city projects? (Councilmember Lumm)

Response: Nothing new to share at this time.

Question: If this project were not pursued, presumably the \$100,000 would be returned to the fund balances for the underlying funds (street millage, stormwater etc) that paid for the Stadium Blvd re-construction project. Can you please confirm that's accurate and the specific funds and amounts where the \$100,000 would return to? (Councilmember Lumm)

Response: The \$100,000 would be returned to the originating fund(s). The allocation from the various funds depends on final project costs, which are not yet available. Based on pre-construction contract award estimates it appears that the \$100,000 for the public art portion of the project would come from the Street Millage (Fund 0062).

Question: While the renderings are helpful in getting a sense of what the artwork looks like and the materials that would be involved, I'm not clear on what the size of the artwork is and specifically where it would be located – can you please clarify? (Councilmember Lumm)

Response: The artwork will be placed along both walls within the "reveals" that have been constructed in each wall panel. The reveal is a 3" deep, formed, recess constructed in the wall to break-up the overall size and appearance of the wall and provide character much like a picture frame. The overall size of each reveals varies proportionately with the height of the wall, the largest reveals will be approximately 5' tall by 23' long.

We will work with the artist in the final phase of the design of the artwork to determine how the "vines" that comprise the project will extend around the reveals. Attached, please find an elevation view of the retaining walls depicting the reveals that were constructed. The retaining walls can be viewed from the north sidewalk of E. Stadium Boulevard on which we are maintaining pedestrian traffic during the project's construction. Engineering Staff would be more than happy to provide a walk-through if that is of interest any Councilmembers.

<u>Question</u>: Are there any other project-related public art projects being considered at this time by the City? If so, can you please identify the project and the rough funding amount that's contemplated for public art? (Councilmember Lumm)

Response: The 2015/2016 Public Art Annual report was submitted to Council on October 6, 2016. It list several CIP Enhancements Projects for recommendation. While several projects are mentioned, there are no budgets attached to these items; therefore no funds have been allocated to these enhancements. While several are out in the future, staff could incorporate them if budgets were attached to the projects. In addition, staff is currently working to see if the Fifth Avenue joint project with the DDA (besides deciding the final placement for the Jewett Chairs) can possibly work art into the streetscape elements despite no budget being allocated presently.

<u>Question</u>: Council had approved \$35K for the selection process. How much of that has been spent to date and what are we projecting for the total costs of the selection process? (Councilmember Lumm)

Response: We have expended the total \$35,000 for the selection process, plus some staff time in organizing the project and managing the Consultant. The unaudited total cost of the staff time for the entire selection process and working with the artist during the contract negotiations is about \$4,144, or about 30 hours of staff time (this figure includes overhead and fringe benefit costs.)

<u>CA-14</u> - Resolution to Approve a Contract with NatureWrite, LLC for Monitoring and Assessment of Deer Impacts in Ann Arbor Natural Areas (\$33,000.00/yr, \$99,000.00 total)

<u>CA-15</u> – Resolution to Approve a Two-Year Contract with White Buffalo, Inc. for Deer Management Program Services for the City of Ann Arbor (NTE \$170,000.00/yr.)

<u>CA-16</u> - Resolution to Approve a Two-Year Agreement with the Office for Survey Research, Michigan State University to Administer, Analyze, and Report on a Resident Survey On Deer Impacts in Ann Arbor (Approx. \$19,971 FY18, \$21,969 FY19)

Question: Assuming these contracts are approved, what are the other resolutions/contracts that will come to Council for the 2018 program and what is the general timeline? (Councilmember Lumm)

Response: After the 2018 plan is developed staff will know with certainty, but at this time no other resolutions/contracts are anticipated. Staff will communicate the 2018 plan to City Council once it's developed.

Question: The contract with White Buffalo (CA-15) does not yet contain the specific objectives for the 2018 program. That's understandable, but at what point do you expect

to have the specific objectives for the 2018 program established? (Councilmember Lumm)

Response: No later than October 16, 2017.

Question: The cover memo for CA-15 indicates the existing MDNR permit is valid through March 31, 2020. Is it necessary to get a new (or revised) permit if the objectives of the program (number of deer culled and/or surgically sterilized) change or if the operations change (for example, as a result of the change in the 450 foot rule)? (Councilmember Lumm)

Response: Yes, White Buffalo will be responsible for seeking an amended permit with the MDNR consistent with the 2018 program determined by the City.

<u>C-1</u> - An Ordinance to Amend Chapter 55 (Zoning), Rezoning 20 City-Initiated Annexed Properties from TWP (Township District) to R1C, R1D (Single Family Dwelling District), and M-1 (Limited Industrial District) (CPC Recommendation: Approval - 8 Yeas and 0 Nays) Recommendation: Approval

<u>Question</u>: Are we aware of any objections by the respective property owners to the proposed zoning of these properties? Also, when do we expect the next batch of city-initiated annexations will occur? (Councilmember Lumm)

<u>Response</u>: No objections have been submitted to date. Staff anticipates the next batch of city-initiated annexations to be presented to Council this summer or fall.

<u>DC-1</u> – Resolution to Appoint Stefanie Stauffer to the Greenbelt Advisory Commission (7 Votes Required)

Question: Can you please provide a resume or copy of Ms. Stauffer's application? Also, are there any applications from City residents to serve as an at-large representative on the GAC? (Councilmember Lumm)

Response: The resume is attached to the Legistar file. The Mayor's Office has one other application from a City resident on file.

http://a2gov.legistar.com/LegislationDetail.aspx?ID=3091932&GUID=93094975-5EBD-472E-879F-E9A6DFC96FC6&Options=Text|&Search=

<u>DC-2</u> – Resolution to Support Increasing the Penalties for Speeding in School Zones

Question: Could you please update the chart staff had developed previously for the Policy Agenda Committee (May 23rd) that lists all the current speeding penalties (fines and points) and what the penalties would be if this resolution's recommendations were ultimately adopted. I just think it's helpful to see the numbers. (Councilmember Lumm)

Response:

	CITY STREETS		CONSTRUCTION ZONE		CURRENT SCHOOL ZONE		PROPOSED SCHOOL ZONE	
	FINE	POINTS	FINE	POINTS	FINE	POINTS	FINE	POINTS
Speeding 1-5	130	2	170	3	170	2	260	3
Speeding 6-10	140	2	190	3	190	2	280	3
Speeding 11-15	150	3	210	4	210	3	300	4
Speeding 16-20	170	4	240	5	240	4	340	5
Speeding 21-25	190	4	270	5	270	4	570	5
Speeding 26-30	230	4	320	5	320	4	690	5
Speeding 31+	240	4	340	5	340	4	720	5

Question: What, if any, road design or signage enhancements are proposed for 4-lane roads in school zones prior to increasing penalties for violators?

Response: The item before Council seeks to increase points and fines for excessive speeds in school zones. There are no other road design or signage changes currently being proposed.

Question: What is the daily traffic volume on the stretch of Huron Parkway next to Huron High School, and how does this compare with the volume on Jackson pre 4-3 conversion?

Response: The traffic volume on Huron Parkway and on Jackson Road are not specifically related to the item on the agenda, however this data can be prepared by staff and forwarded separately.

<u>Question</u>: Also, are other local-control changes proposed to be lobbied for at the state as a package, such as more flexibility to set speed limits on non-MDOT roads? (Councilmember Westphal)

Response: The item before Council seeks to increase points and fines for excessive speeds in school zones. There are no other local-control issues currently being proposed.

<u>Question</u>: Has this resolution been approved or discussed by the city's Transportation Commission? (Councilmember Westphal)

Response: The Transportation Commission is still going through its initial start-up and educational process. It is our intent going forward to bring these issues to the Commission as appropriate.

Question: Do they have additional suggestions for state-level changes? (Councilmember Westphal)

Response: There are no other local-control issues currently being proposed.

<u>DC-3</u> – Resolution of Intent Regarding Potential Washtenaw County Millage to Support Community Mental Health Department, County Sheriff Operations, and Policing Jurisdictions Rebate

<u>Question</u>: Is it legal for the City of Ann Arbor to use funds from the County Mental Health and Law Enforcement millage for purposes other than Mental Health and Law Enforcement? (Councilmember Eaton)

Response: The proposed millage will not be final until it is acted on by the County Commission at its meeting on July 12, 2017, or possibly at a later meeting. The Commission's final action may include amendments to what was proposed to and approved by the Ways and Means Committee. Answers to the various questions posed regarding DC-3 could only be hypothetical at this point. An additional difficulty is that the version reviewed by the Ways and Means Committee as a supplemental agenda item on June 7, 2017, is not yet available to the public, so that language cannot be reviewed for purposes of answering the questions posed. It would be better to wait to answer those questions until the actual language is finalized and approved by the County.

Question: Does the transfer of this county tax from tax levies on Ann Arbor residents with the subsequent pass through to the City have the effect of exceeding the City Charter limit on millage assessed for general government purposes? (Councilmember Eaton)

Response: Please see above response.

Question: Does the City have even a rough plan for how the funds transferred from the County will be spent on crosswalk improvements? (Councilmember Eaton)

Response: Please see above response.

Question: To what purpose will the money from the County tax that be allocated to "affordable housing"? Will it be assigned to the housing fund or will it be purposed to specific projects that will increase the number of affordable housing units? (Councilmember Eaton)

Response: Please see above response.

Question: Has staff identified the actionable climate action tasks it will undertake with the funds transferred to the City from the possible County tax? (Councilmember Eaton)

Response: Please see above response.

Question: The AA news reported that the County millage (at 1.0 mil) would raise \$15.4M in the first year county-wide – is that correct? (Councilmember Lumm)

Response: Please see above response.

Question: The cover memo indicates that the City of Ann Arbor would receive \$2.3M to \$2.5M in the first year as its share of the "25% of the total millage to those jurisdictions within the County which maintain their own Police Force". Can you please confirm that is accurate? Also, assuming the \$15.4M is correct, then the 25% that goes to the jurisdictions with their own Police Forces would be about \$3.8M. How is it determined that the City of Ann Arbor's share of that \$3.8M is \$2.3M to \$2.5M and what are the shares for the other jurisdictions with Police? (Councilmember Lumm)

Response: Please see above response.

Question: In looking at other City millages, it seems that a 1.0 mil tax would raise about \$5.2M from Ann Arbor taxpayers (or about 1/3 of the total revenue raised county-wide). Is that correct? Assuming it is correct, that means Ann Arbor taxpayers are putting in \$5.2M and getting back \$2.4M in a rebate, so the remaining \$2.8M is essentially the city's contribution for mental health services. Pease confirm I'm thinking about this correctly and can you please explain what the basis was in establishing that 25% of the total will be rebated? (Councilmember Lumm)

Response: Please see above response.

Question: I believe Councilmember Eaton has already inquired about the legality of using funds from the County Mental Health and Law Enforcement millage for purposes other than mental health or law enforcement so I will not repeat the question, but I'm also interested in the response. Additionally, I'm interested in knowing if there are any precedents in Ann Arbor or anywhere in Michigan for utilizing the proceeds of a millage approved by voters for one purpose for a completely different purpose? (Councilmember Lumm)

Response: Please see above response.

Question: Although I'm not a lawyer, it would seem to me that what the re-purposing (and ignoring the stated purpose) represents is essentially just raising the general Operating Levy (the one levy without significant restrictions on usage). If that's accurate, wouldn't it represent a violation of the Headlee amendment or at least a form of Headlee

override that would need to be called out or be subject to a different set of rules? (Councilmember Lumm)

Response: Please see above response.

Question: Would the ballot language in Ann Arbor be different than the balance of the County? If so, what would the language essentially need to say and who is responsible for drafting, submitting, and obtaining approval of the Ann Arbor-specific language? If not, please explain how it is appropriate (even if legal) to have voters act on a tax proposal where the proceeds will be used for purposes altogether different than the ballot language stipulates? (Councilmember Lumm)

Response: Please see above response.

<u>Question</u>: When the County Commissioners discussed the potential millage at any of their meetings, was there any discussion of any one individual governmental entity repurposing the proceeds and if so, what was the gist of that discussion. Has the City received any official communication or reaction from the County on this proposal? (Councilmember Lumm)

Response: Please see above response.

<u>Question</u>: Given how confusing this could be to voters, what special educational efforts would the City plan to implement to ensure Ann Arbor voters know what they are actually voting on? (Councilmember Lumm)

Response: Please see above response.

Question: Q9. Why us this being brought forward now? It makes much more sense to at least wait until the County takes an official action before passing resolutions based on conjecture? Is there any reason this item couldn't be postponed until the County Commissioner have actually acted? (Councilmember Lumm)

Response: This question regarding possible postponement is best answered by the sponsors.

<u>DB-1</u> - Resolution to Approve 904 South Main Site Plan, 904 South Main Street (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

Question: I recognize the existing home is not in an historic district, but it's not every day that 1890's vintage homes are demolished in Ann Arbor. What is staff's assessment of the historic value of the existing home and if it is considered of significant value, what (if any) options are available to potentially protect it? (Councilmember Lumm)

Response: City records indicate that the home was constructed in 1907. This "post-Victorian folk" house is about a block away from the Old West Side Historic

District. Although the petitioner has not indicated an interest in moving the house, some materials might be salvaged during de-construction. To enact restrictions that would mandate protection of the resource, the City would need to establish a Historic District Study Committee, consider the report and recommendation from the committee, and if warranted, consider ordinance amendments to include the property in a historic district.

Question: I also recognize that no stormwater detention is required because the proposed imperviousness of the site is 4,850 sq ft (or slightly less than the minimum where detention is required), but is any stormwater detention or mitigation planned or was any considered? How much impervious surface is on the site now? (Councilmember Lumm)

Response: The existing site contains 2,941 square feet of impervious surface; 4,850 square feet of imperviousness is proposed. The proposed open space constitutes approximately 64% of the site; a minimum of 40% open space is required. The petitioner decided to not provide stormwater management features.

Ann Arbor Public Art Commission Annual Report for 2015-2016

Overview

The City of Ann Arbor's public art program is in transition. The Ann Arbor Public Art Commission (AAPAC) this year has focused on recommending enhancements to municipal construction and recruiting art donations. Given our resources (citizen volunteers with no budget) we believe focusing our efforts in this direction is the most productive use of our time for the near future.

Additionally, we are designing our public meetings to serve as a forum for members of Ann Arbor's creative community who want to educate the public, promote ideas, or solicit our endorsement for projects.

We also recognize that Ann Arbor needs major artworks to serve as gateways to our city, artwork that expresses the unique identities for our neighborhoods, and artwork that creates a sense of place, such as an art-park. These are ambitious initiatives that will require resources, staff, and wide community support. We do not think those are in place at this time.

Accomplishments

Strategic Outreach

Chair, John Kotarski, and Vice Chair, Jim Simpson, met with Art Commissioners, City Council Members, DDA director, and art patrons to gain feedback on a way forward. Consensus from meetings was to leverage municipal construction for an enhanced built environment, redesign public meetings to promote creativity, and facilitate public input.

Process/promotion

- New Artwork Donation Form online
- New Project Proposal Form online
- Updated website
- New CIP enhancement process: AAPAC recommends enhancement, project manager leverages AAPAC recommendation, refinement of enhancement and selection of artwork administered by city staff or outsourced to Ann Arbor's creative community, AAPAC represented in process. A two-year trial period with review and feedback is recommended.
- AAPAC business meetings are planned to be cablecast with a portion of the meeting set aside for TED like presentations by Ann Arbor's creative community.

Art Donations

Artists are willing to donate if the city can display their artwork prominently. Matching artwork with location is key. AAPAC is identifying locations and partners

for donated artwork (Parks, DDA). We are also considering an outdoor space for rotated artwork that could be an enhancement to a CIP project.

- Clouds of Color Ursula Buchegger. Washtenaw County donation of artwork from sister city Tubingen, Germany. Installation TBD
- Blue Giraffe and Glass Tiger donated by Ann Arbor artist James Neal. Artwork placed in top 20 of Art Prize 2015. Installation TBD

New Artwork Installed

- *Arborwinds* Artist Catherine Widgery. Installed at Stadium Bridge and State Street underpass. National competition; selection by jury; Percent for Art.
- Canoe ImagineArt five artworks fashioned from canoes and installed in five different parks situated along Huron River; national competition; selection by jury with public voting. Collaborators: AAPAC, Parks and Rec, Michigan Council for Arts, Art Alliance.
- *PowerArt II* 2-D vinyl artwork wrapped around traffic signal boxes mainly in downtown. Regional competition; selection by jury with public voting. Collaborators: AAPAC, DDA, Michigan Council for Arts, NEA, Art Alliance.
- Art in the Sky Artist Bill Burgard. Public competition for repainting Manchester Water Tower. 598 entries with 3,200 votes to select from five finalists. CIP enhancement.
- Coleman Jewett Memorial Chairs Tad McKillop, Ann Arbor artist. Bronze replica of Adirondack chairs Mr. Jewett sold at Farmer's Market. Located temporarily at Farmers Market admin office; final location near Mr. Jewett's stall with stylized covering simulating roof line of market. Collaborators: AAPAC, DDA, Community Foundation, Mosaic Foundation of Peter and Rita Heydon, plus 239 anonymous donors.

Projects in Progress with Art Commission Input

- Rotating art gallery in City Council Chambers
- Stadium Blvd retaining wall. National competition administered by Ann Arbor Art Center

CIP Enhancements

AAPAC reviews municipal construction and identifies projects with potential for enhancement through creative design. Enhancement may include sculpture, murals, lighting, benches, walkways, or architectural details. Designation of enhanced CIP status includes broad concept with budget range. Final details and selection process may be achieved with task force of residents administered by city staff or outsourced. Budget range is a guide for project managers.

Potential for Resident design competition (manhole covers, cement stamps, and embedded medallions)

- UT-SN-16-12 Sanitary Manhole Lid and Sealing
- TR-AT-13-01 Annual Sidewalk Repair Program
- UT-SN-10-05 Manhole Rehabilitation Project

Potential for Streetscapes

- TR-OT-15-02 South University Streetscape (E Univ. to Washtenaw)
- TR-SC-14-07 Fifth Ave (Kingsley to Catherine)
- TR-SC-06-05 Detroit St. Brick Road Pavement Reconstruction

Potential for way-finding and unique bike/walkway design

- TR-AT-16-04 Non-Motorized Connection under E Medical Center Dr Along S side of Fuller
- UT-ST-16-02 Allen Creek Railroad Berm Opening (Depot St Tunnel)
- TR-AT-01-07 (Arboretum/Gallup Underpass)

Potential for place-making designs

- MF-CB-16-04 (Housing Commission: 3401-3481 Platt)
- MF-CB-17-01 (Housing Commission: White/State/Henry)

Potential for recycling/recycled artwork

• MF-SW-06-03 (Drop-off Station)

Potential for gateway artwork

• TR-AT-14-07 Ann Arbor Station Construction

