



TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Tom Crawford, CFO
Derek Delacourt, Community Services Area Administrator
John Fournier, Assistant City Administrator
Craig Hupy, Public Services Area Administrator
Nick Hutchinson, City Engineer
Matthew J. Kulhanek, Fleet and Facilities Manager
Brett Lenart, Planning Manager
Molly Maciejewski, Public Works Manager
Brian Steglitz, Water Treatment Plant Manager

SUBJECT: July 15 Council Agenda Responses

DATE: July 11, 2019

CA-1 - Resolution to Approve Changes to Traffic Patterns and Parking on Certain City Streets for the 2019 University of Michigan Student Move-In Program from August 28 - August 30, 2019

Question: Are these restrictions the same as applied for the 2018 student move-in, as to the areas affected? (Councilmember Eaton)

Response: The closures remain the same as 2018.

Question: Will the City post notices of the changes on buildings within the affected areas? (Councilmember Eaton)

Response: If there were changes, it would be incumbent upon the University of Michigan to effectively communicate those changes to those impacted within the areas. The City would only post through GovDelivery.

CA-6 – Resolution to Approve a Contract with the Michigan Department of Transportation for the Allen Creek Railroad Berm Opening Project (\$5,160,500.00)

Question: Regarding CA-6 and CA-7 (Allen Creek Railroad Berm Opening resolutions), it's great to see the construction agreement on the agenda as it's been quite an effort by staff to get to this point. CA-7 references an August 2020 "substantial completion date". That's not a long time for a project of this magnitude - to meet that date, when does construction have to begin and if the completion date isn't met, does that have an impact on receiving any of the grant funds? (Councilmember Lumm)

Response: While the project is large and complex, it is only estimated that there will be approximately four months of active construction, so based on that estimate construction would need to start no later than March/April of 2020. In terms of grant funding, the stormwater portion of the project needs to be substantially completed by June of 2020, which staff believes to be entirely feasible.

Question: The memo accompanying the resolution provides that \$811,300.00 will be spent on Design Costs & Easements. Can you provide a breakdown of how much will be spent on Design and how much on easements? (Councilmember Eaton)

Response: \$811,300 was the projected budget previously established for design and easement acquisition. As of June 30, 2019, the following had been spent:
Design Engineering (Bergmann) - \$671,965.50
Easements (DTE) - \$114,000
Easements (First Martin) - \$7,000
Total \$792,965.50

Staff considers both of these tasks to be 100% complete as of June 30th.

CA – 7 - Resolution to Approve an Amendment to the Professional Services Agreement with Bergmann Associates for Construction Support Services for the Allen Creek Railroad Berm Opening Project (\$34,920.00)

Question: Also on CA-7, is Bergmann Associates essentially acting as an as-needed advisor to FTC&H for the construction engineering work? (Councilmember Lumm)

Response: Yes. As the designer of the project, it will be worthwhile to have access to Bergmann's engineering staff, depending on what questions may come up during the construction phase of the project. Bergmann will only be consulted on an as-needed basis, and only with staff's authorization.

Question: The memo notes that the City needs "the services of a team, including experts in structural engineering, and underground utility and roadway construction, and members who know the requirements of Amtrak and MDOT." When RFP R-19-105 was

offered for bids, did it include a request for those needed services that will be provided by Bergmann Associates? If not, why not? (Councilmember Eaton)

Response: It is anticipated that the vast majority of the construction phase work will be handled by FTC&H (who was awarded the work in Resolution No. R-19-105). While FTC&H has capable staff to provide the services referenced, it will be worthwhile to have access to Bergmann's engineering staff as the designers of the project. This will potentially save time and resources for questions that may be easily responded to by Bergman. Bergmann will only be consulted on an as-needed basis, and only with staff's authorization.

CA-8 – Resolution No. 1 - Prepare Plans and Specifications for the Proposed Barton Drive Resurfacing Project's Sidewalk Gap Portion- Special Assessment (District #55), and Appropriate \$25,000.00 from the General Fund Balance for the Design of the Project (8 Votes Required)

Question: Regarding CA-8, the cover memo indicates the \$25K from GF fund balance is to fund the design and public engagement for the sidewalk gap project and I'm a bit confused about that. Is it typical to front money from the GF for a sidewalk gap project? Also, is the money paid back to the GF once the assessments are received? Finally, what is the rationale for the source of the \$25K being the GF rather than the Alternative Transportation Fund or Street/Sidewalk millage? (Councilmember Lumm)

Response: Funding the design portion of the project from the General Fund protects that Street, Bridge, and Sidewalk Millage funding in the event that the Special Assessment for the proposed project is not approved. If construction does not ultimately occur, then the design would not be an eligible expense for the Street, Bridge, and Sidewalk Millage. Sidewalk gap installation costs are not eligible expenditures under the Alternative Transportation Fund. Yes, if the Special Assessment is approved, the General Fund is reimbursed for its contribution.

Question: Also on CA-8, it seems from the cover memo that the specific scope of the sidewalk gap project is not determined ("staff will consider..."). Assuming that's accurate, what criteria will be used to make the decision on specific scope and will the decision/recommendation be made as part of the deliverables of Resolution No. 1? (Councilmember Lumm)

Response: The scope of the sidewalk gap portion of the project will include the eastern segment from Brede to Pontiac (which was already in the scope of the project in the CIP), and the western piece (for which the petition was received). The portion under further consideration will be the segment in the middle, as it would be desirable to connect the two ends. The initial concerns for this segment center around vegetation and the slopes adjacent to the roadway. Further information will be available once staff is able to begin

the design, and that will help to inform the public discussion on the issue of sidewalks in this area.

Question: Public Process -- Could an initial exploratory outreach to the 22 parcels/households be done before the approval of \$25,000 to start the whole process? (Councilmember Bannister)

Response: Resolution #1 is the resolution that authorizes staff to begin working on the design and special assessment portion of the project, and establishes the budget to do so. Unless Resolution #1 is approved, these activities cannot proceed.

Question: If we're using the City's Complete Streets policy, why are bike lanes not mentioned? (Councilmember Bannister)

Response: This resolution pertains only to the special assessment for sidewalks. The feasibility for adding bike lanes along Barton Drive will be reviewed as part of the design of the road and would not be part of the special assessment process.

Question: Have any phone calls or emails been received by the residents so far, beyond the petition from the two households (151 and 195 Barton Drive)? (Councilmember Bannister)

Response: No.

Question: Tree Inventory -- Please send any preliminary information on the current age and lifespan of any trees that will be impacted by the proposed sidewalks. (Councilmember Bannister)

Response: Staff does not yet have this information, and would not be able to provide it until design work is underway.

Question: The resolution mentions this project was but is no longer part of the Northside STEAM SRTS grant project. Please elaborate on recent developments with the SRTS grants and how this project might become a SRTS project. (Councilmember Bannister)

Response: Only a portion of this project was previously included in the STEAM SRTS project, namely the properties at the intersection of Barton and Starwick. With City Council denial of Special Assessment Resolution #4, the STEAM SRTS project is no longer active. The City is not currently directly involved in any active SRTS grant projects for capital improvements. The Barton Drive project would not be able to "become" a SRTS project, as SRTS grants need to be originated by school groups, and no such grant application has been initiated for the Barton Drive project to the knowledge of City staff.

CA-9 - Resolution to Authorize a Contract with Margolis Companies, Inc. for the Purchase, Delivery and Planting of Trees along City Street Rights-of-Way (\$321,550.00; Bid No. ITB-4578)

Question: Are the trees that will be purchased and planted pursuant to this contract native species? (Councilmember Eaton)

Response: Over half of the trees to be planted each season are native. The city plants non-native trees because locally-proven non-natives, like dawn redwood (*Metasequoia glyptostroboides*) and ginkgo (*Ginkgo biloba*) can survive the stresses of the urban environment such as compacted or undernourished soils, paved surfaces and high traffic. They contribute to species diversity, which is extremely important as we try to protect our urban forest from deforestation like we encountered with the emerald ash borer.

CA-10 - Resolution to Approve Purchase of Certified Laboratory PFAS Testing for Water Treatment Service Unit from SGS North America Inc., RFP #19-14 (estimated \$32,410.00/year)

Question: Regarding CA-10, the resolution indicates that the agreement can be extended for up to (4) additional one- year periods “if the vendor is agreeable and if in the best interest of the city.” While one or two additional years isn’t unusual, four years is a lot and typically it’s specified that renewals are at the same terms and conditions . Can you please explain what criteria you’ll use to determine if the renewal is “in the best interest of the city”? (Councilmember Lumm)

Response: The City would evaluate both the vendor’s performance and cost. There are no provisions for cost escalation in the contract, so if the vendor is meeting the city’s quality control and response time requirements, and the costs remain competitive with the market rate for these services, then the city would opt to renew. Analytical testing costs are for contract labs are publicly available, so the city is able to evaluate whether a better rate may be available before opting to renew.

CA-12 – Resolution to Authorize the Purchase of a 2020 Vactor Combination Sewer and Catch Basin Cleaner from Jack Doheny Companies (Sourcewell Bid - \$571,090.00)

Question: Regarding CA-12, how much is the water recycler adding to the purchase of the equipment? (Councilmember Lumm)

Response: The water recycler option is \$112,500.00, which is included in the total cost of the Vactor in the resolution.

CA-15 - Resolution to Approve a Two Year Contract with Harper Electric Inc., for On-Call Electrical Services (Not to Exceed \$75,000.00 Annually) RFP #19-17

Question: Regarding CA-15, the cover memo indicates that of the two RFP responses, Harper's response was considered most responsive – was it also lowest cost? If not, why was it selected (as it seems this is a rather straightforward service need)? (Councilmember Lumm)

Response: Harper's rate was the higher of the two proposers. In reviewing the rates, staff noted that the lowest priced vendor's rate barely covered the current prevailing wage rate for an electrician in Washtenaw County. When asked about it during the interview, they stated that they did not build the prevailing wage into their billing rate under the proposal even though they had signed the City's Prevailing Wage Rate Compliance form. There were other non-financial reasons for selecting Harper as the most responsive, but the non-sustainability of the other vendor's rate was a significant component in making the recommendation.

C-1 – An Ordinance to Amend the Zoning Map, Being a Part of Section 5:10.2 of Chapter 55 of Title V of the Code of Ann Arbor, Rezoning of 0.2 Acre from C1B (Community Convenience Center District) to C1A (Campus Business District) WITH CONDITIONS, The Garnet Rezoning, 325 East Summit Street.

Question: Q1. The staff report states that “Based on the Master Plan land use designation, it is appropriate to keep this small block consistently zoned commercial.” Given that, why is the re-zoning being recommended? (Councilmember Lumm)

Response: The rezoning is from one commercial district to another. The entire block would remain commercial if the rezoning is enacted.

Question: Q2. The staff report states that the re-zoning is “generally consistent” with the Master Plan, Land Use Element. What does “generally consistent” mean, and can you please reconcile that with “Based on the Master Plan land use designation, it is appropriate to keep this small block consistently zoned commercial.”? (Councilmember Lumm)

Response: In this case, “generally consistent” means in line with the overall goals of the Master Plan. The entire block is zoned commercial now, and would remain commercially zoned if the petition is approved. Both the existing and proposed zoning are consistent with the master plan recommendation of commercial/office.

Question: Q3. The proposal here is for four stories and the staff report indicates that “the surrounding neighborhood is primarily 1 to 2 ½ story structures.” The staff report also states, “As offered, at 65 feet, a structure on this lot would be one floor taller than is

allowed on the rest of the block.” Given that, why would staff recommend approval of the zoning and of the site plan? (Councilmember Lumm)

Response: It is not desirable to restrict a commercially zoned block to match the height of surrounding residential structures in the neighborhood. On the other hand, commercial buildings across the street from residential should not overwhelm them. Staff believes the design and massing of the proposed four-story, 57 foot building on average (60 feet max on the west end, 50 feet max on the east) is appropriate. Wholesale C1A zoning would not be appropriate – the conditions proposed restrict the district from no height limit to a 65 foot maximum.

Question: Q4. The staff report also states that C1A zoning is “intended primarily to serve as a neighborhood shopping area for the university oriented population that is concentrated around it.” This proposal does not seem at all consistent with that – what am I missing? (Councilmember Lumm)

Response: The C1A District has evolved over time to allow much more than shopping. Permitted uses in the district now also include business, financial, medical and dental offices, and all forms of residential. In the application of ordinances, the ordinance itself is primary, while the intent is utilized only in the circumstance of refining an interpretation. In this circumstance, the proposed uses are clearly permitted in the district.

Question: Q5. The staff report indicates that, “ It has been suggested that the proposed site is not in the shadows of the University of Michigan Central Campus and therefore the requested rezoning to C1A (Campus Business) district is not appropriate.” Who suggested that, are there any other C1A zoning designations in this area, and since the suggestions seems valid, what is staff’s response? (Councilmember Lumm)

Response: Staff raised the argument early in the review to assist in providing the Planning Commission and City Council with another view of the proposed application. As a result of the completed zoning analysis (see Staff Comments in the staff report), staff concurs that the argument is not valid. There are three small parcels zoned C1A at the corner of Catherine and Glen (Angelo’s restaurant and parking) and 19 small parcels around Packard, State, and Hill.

Question: Q6. In terms of the contamination on the site, the staff report states that, “a paragraph has been added to the development agreement to allow City Staff to request analytical results of water discharged by the buildings sump pump. If contamination is found, the city may require the developers to disconnect from the city storm sewer system, filter the water, and/or other remedial action.” Can you please provide a copy of that paragraph and also please elaborate on the process required and what “other remedial action” might be? (Councilmember Lumm)

Response: From the draft development agreement:

(P-14) The DEVELOPER shall provide, upon request by city staff, analytical results of water discharged by the sump pump. City staff are to witness the collection of the sample and will provide a list of testing parameters. The parameters may include: BTEX, SVOC's, Arsenic, Barium, Cadmium, Chromium, Copper, Lead, Manganese, Mercury, Selenium, Silver, Zinc, available Cyanide, and ammonia. Testing results are to be provided to the City Public Services Area. If at any point, sampling results show the presence of contamination, one or more of the following actions may be required: (a) disconnection of the sump discharge from the city storm sewer system, (b) routing the sump pump discharge to an alternative location, (c) the installation of an appropriate filtration system, designed to handle to constitute(s) found during sampling.

Question: Q7. One of the conditions is that the building elevation may not exceed 850 feet. I'm assuming elevation is referenced because of a slope in the property – is that correct, and can you please explain the intent/what we're trying to accomplish by including this condition in addition to the condition on maximum building height? (Councilmember Lumm)

Response: To staff this is mostly redundant. It does prevent the developer from significantly raising the grade before construction.

Question: When Council deliberated on the rezoning request for 1140 Broadway, residents provided Council members with a City staff memo dated November 13, 1987 titled "Analysis of the C1A/R, C2A/R, and C2B/R Zoning Districts in the Downtown Area". Can you provide a similar analysis of the use of the C1A (Campus Business District) zoning classification? (Councilmember Eaton)

Response: There are 22 parcels zoned C1A (Campus Business District) in the city. The C1A zoning district was created in 1966. By 1987, two and a half blocks of South University from East University to just past Forest were zoned C1A, as was a portion of Packard between Hill and slightly south of S. State. In this area, C1A/R zoning was used as a buffer between C1A and some residential and public land (University) parcels. Today, 19 small parcels remain zoned C1A on Packard. For reference, current tenants here include Jimmy John's, Ali Baba, BTB, other small business, and apartments and former single-family residences. The South University parcels are now zoned D1 Downtown Core. C1A is found in one other location, on the Angelo's restaurant site at the corner of Catherine and Glen.

Question: When was the most recent occasion where a property was rezoned to C1A (Campus Business District) and what property was involved? (Councilmember Eaton)

Response: In 1990 , Angelo's requested a rezoning to C1A.

Question: The UDC defines the C1A (Campus Business District) as follows:

"5.12.3 C1A Campus Business District

"This district is intended primarily to serve as a neighborhood shopping area for the university-oriented population that is concentrated around it, providing goods that are day-

to-day needs, specialty shops, and recreation. While the primary function of this district is to serve as a neighborhood shopping area for the student/faculty population concentrated around it, it also has a community-wide orientation due to its unique and distinctive commercial function peculiar to university-oriented population. These districts shall be located in close proximity to the central area of the City.” The proposed development is residential, not retail. How is the C1A zoning classification appropriate for a residential project? (Councilmember Eaton)

Response: Residential is allowed as a principal use in all commercial zoning districts. The various C zoning districts are distinguished by their area, height, and placement standards.

Question: The proposed residential project is not located in an area where a “university-oriented population that is concentrated around it”. How is this project consistent with that stated purpose? (Councilmember Eaton)

Response: In presenting the recommendation, staff felt that the proposed rezoning is consistent with other excerpts of the intent referencing a “community-wide orientation” and appropriate location in proximity to the central area of the City. The site is less than a half-mile walk to both the Kellogg Eye Center and the university’s nursing school on N. Ingalls.

Question: Page 8, Exhibit B of The Garnet Conditions PDF does not show an image. Is this my computer or is the exhibit missing? (Councilmember Bannister)

Response: If the site plan for The Garnet is approved, it will be added as Exhibit B. For now it is a placeholder.

Question: Has City staff discussed with the developers what their options and future actions might be if City Council declines to pass the rezoning? (Councilmember Bannister)

Response: Staff have discussed other proposals prior to this one with the developer, but have not discussed future actions if denied.

Question: Please any communications via phone, email, or in-person that have been received by staff about this rezoning, especially if any concerns have been discussed.

Response: Fifteen letters of support for the Garnet were received, and are attached in Legistar to the City Planning Commission file 19-1030. Staff received no other phone calls, inquiries, or emails about the petition.

Question: How does C1B compare to C1A and other similar zoning? (Councilmember Bannister)

Response:

- The property is currently zoned C1B (Community Convenience Center), as is the rest of this block. This district is intended to “...serve the needs of the surrounding community. This includes establishments that although they primarily serve a surrounding neighborhood, could also serve a larger trade or service area.”^[1] It goes on to say that office could be appropriate if adequate parking can be provided.
- The requested zoning is C1A (Campus Business), which is “...intended primarily to serve as a neighborhood shopping area for the university oriented population that is concentrated around it.” It adds, “These districts shall be located in close proximity to the central area of the city.”^[2] It has been suggested that the proposed site is not in the shadows of the University of Michigan Central Campus and therefore the requested rezoning to C1A (Campus Business) district is not appropriate. The C1A/R (Campus Business Residential) district was originally a companion to the C1A (Campus Business) district and its intent is integrally related to the C1A. When the current zoning format was adopted in 1963, residential uses were not permitted in commercial districts. Later, so-called “slash R” districts were created for most commercial districts as companions to allow both commercial and residential mixed use buildings. The C1A/R is “designed to encourage the orderly clustering and placement of high-density residential and complementary commercial development near the campus business district.”^[3] Then, residential uses were added to the commercial districts (while the slash-R districts remained).
- In general, all of the C1 districts (C1, C1A, C1A/R, C1B) are designed to allow mixed uses to serve the residents within and nearby to that particular district location. Retail shops ideally providing goods necessary for day-to-day needs, as described in the C1 district intent, are permitted. Business, financial, medical and dental offices are also permitted. And, all forms of residential, including single and two-family, townhouses, and multiple-family apartments are permitted.
- The primary difference between the various C1 districts is scale and location. The C1 and C1B districts allow 100% or 150% FAR, respectively, and have height limits of 3 and 4 stories. Although exceptions abound, these districts were designed to be pedestrian-oriented but still accommodating to cars, small commercial nodes throughout the city, well outside of downtown.
- The C1A and C1A/R districts respectively allow 200% and 300% FAR. Neither has a height limit. These two districts were established to enable downtown-like development surrounding the University of Michigan campus at a time when downtown Ann Arbor solely meant the Main Street shopping district, and there was only one central campus. Today, downtown encompasses 66 blocks – including the Main Street, East Liberty Street corridor, South State Street, Kerrytown and

^[1] Unified Development Code (UDC), Chapter 55, Section 5.12.4

^[2] UDC, Chapter 55, Section 5.12.3

^[3] UDC, Chapter 55, Section 5.12.5

South University areas. The University of Michigan now has North, Central, South and Medical campuses.

- This building is 60' tall on the west side (with the garage entrance) and 50' tall above the sidewalk on the east (Broadway) side. (The building sits a couple of feet below the public sidewalk, which helps it look two feet shorter from Broadway.) The surrounding neighborhood is primarily 1 to 2 ½ story structures. There are a few exceptions – the former brewery building at East Summit and North Fifth Ave is 3 ½ stories on the downhill side (at the corner), and there is a 3-story brick apartment building across Broadway on High Street. When requested by staff, the petitioner declined to provide massing drawings showing this building in relation to surrounding structures.

DC-1 - Resolution to Approve an Addendum to Council Administrative Rules: Rule 3 - Reimbursement of Council Expenses

Question: Regarding DC-1, the cover memo indicates the new Rule 3 is attached, but it's not attached. Can you please forward it? (Councilmember Lumm)

Response: The document is attached to the [Legistar file](#).

DS-1 – Resolution No. 4 Confirming the Single Lot Special Assessment - 1425 Pontiac Street Project Special Assessment Roll (8 Votes Required)

Question: Based on a January 4 email from Sara Higgins (subject: Sidewalk installation on Longshore Drive, Ottawa, and Amherst), staff reached out to 6 property owners and received a response from 10 property owners that they strongly opposed sidewalks, to which staff responded they would cancel the sidewalks. Why did staff not also include the strong opposition from the owners of the Beckley House and could they also be included in the cancellation? (Councilmember Bannister)

Response: As staff developed the scope for the current watermain and resurfacing project, there were two areas of sidewalk gaps that were reviewed: 1) the current gap along Argo; and 2) gaps near the west end of Indianola and Amherst and the east side of Longshore. Reviewing the City's sidewalk gap prioritization, area #1 was ranked fairly high in the prioritization (80th percentile); whereas the gaps at #2 were much lower (15th to 35th percentile). Thus, staff decided to include area #1 in the project. However, staff also reached out to the property owners in area #2 to see if there was a strong interest from them in adding sidewalks to the project. Since there was not, this lower priority area was not added to the project.

DS-3 – Resolution No. 4 Dhu Varren Sidewalk Improvements Project, Special Assessment District No. 53, File No. 19-0881

Question: In a June 24 email from Nicholas Hutchinson (subject: Sidewalk Gap Prioritization between Foxfire and Olson Park), the City's use of the prioritization system, including automatic scoring using Geographical Information System (GIS) was mentioned as having been in use for a few years, and that a team of staff members are getting ready to discuss making changes to it. How many years has it been since the last update? Please send a timeline for changes to the prioritization system. (Councilmember Bannister)

Response: The prioritization system for sidewalk gaps has not been updated since it was created in 2016. Staff has an initial meeting scheduled for next week to discuss modifying the system. No timeline has yet been established for this update.