



# Rochester Hills

## Minutes - Draft

### City Council Regular Meeting

1000 Rochester Hills Dr  
Rochester Hills, MI 48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*Kevin S. Brown, Dale A. Hetrick, Greg Hooper, Adam Kochenderfer, Stephanie Morita,  
Mark A. Tisdell and Thomas W. Wiggins*

*Vision Statement: The Community of Choice for Families and Business*

*Mission Statement: "Our mission is to sustain the City of Rochester Hills as the premier  
community of choice to live, work and raise a family by enhancing our vibrant residential  
character complemented by an attractive business community."*

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Monday, September 14, 2015

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order  
at 7:04 p.m. Michigan Time.*

## ROLL CALL

**Present** 7 - Kevin S. Brown, Dale Hetrick, Greg Hooper, Adam Kochenderfer, Stephanie  
Morita, Mark A. Tisdell and Thomas W. Wiggins

## Others Present:

*Ed Anzek, Director of Planning and Economic Development  
Bryan Barnett, Mayor  
Tina Barton, City Clerk  
Alan Buckenmeyer, Parks Operations Manager  
Sean Canto, Chief of Fire and Emergency Services  
Scott Cope, Director of Building/Ordinance Compliance  
Kurt Dawson, Director of Assessing/Treasury  
Pamela Gordon, Director of Human Resources  
Bob Grace, Director of MIS  
Mike Hartner, Director of Parks and Forestry  
Captain Michael Johnson, Oakland County Sheriff's Office  
Gerry Lee, Forestry Operations Manager  
Allan Schneck, Director of DPS/Engineering  
Joe Snyder, Senior Financial Analyst  
John Staran, City Attorney  
Taylor Thorpe, Rochester Hills Government Youth Council Representative*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

A motion was made by Brown, seconded by Morita, that the Agenda be Approved as Amended to add Legislative File 2015-0372 Adoption of Resolution to Adjourn to Closed Session immediately following the adjournment of the Regular Meeting held Monday, September 14, 2015 at 7:00 p.m. for the purpose of discussing a written attorney/client privileged communication to Attorney's Report. The motion carried by the following vote:

Aye 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

## COUNCIL AND YOUTH COMMITTEE REPORTS

### Rochester Hills Government Youth Council (RHGYC):

*Taylor Thorpe, RHGYC Representative, stated that the new members were welcomed at the RHGYC's first meeting this evening. RHGYC members will vote for their officers for the year, and committee assignments will be made.*

### Older Persons' Commission (OPC):

*Mr. Brown reported that the OPC's pie sales for Art and Apples were very successful. He noted that the sale is a major fund raiser for the OPC, and he commented that the new drive-through pick-up process is working well. He stated that 2,000 pies were sold this year.*

## PUBLIC HEARINGS

2015-0316 Public Hearing for the City of Rochester Hills Proposed Fiscal Year 2016 Budget

Attachments: [092815 Agenda Summary.pdf](#)  
[Straw Poll Results.pdf](#)  
[091415 Agenda Summary.pdf](#)  
[Public Hearing Notice.pdf](#)  
[081715 Agenda Summary.pdf](#)  
[081715 Budget Presentation Schedule.pdf](#)  
[Suppl Presentation - Overview.pdf](#)  
[081015 Agenda Summary.pdf](#)  
[081015 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

*Joe Snyder, Senior Financial Analyst, stated that Council will be holding a Public Hearing on the 2016-2018 Budget Plan and the proposed 2015 Millage Rates. He explained that the Budget was first introduced to Council at its August 10, 2015 Regular Meeting, and was subsequently discussed at the August 17, 2015 Special Budget Meeting.*

*He pointed out that two items discussed by Council were included on the Straw Poll:*

*1. Add one additional Deputy II to the Oakland County Sheriff's Office staff for Rochester Hills. This item did not gain enough votes from Council Members.*

2. Include the rehabilitation of South Boulevard between Adams and Crooks. The project, estimated at \$2.4 million, includes \$400,000 in preliminary engineering which would be covered entirely by the Road Commission for Oakland County (RCOC). The \$2 million construction cost would be apportioned one-third to the RCOC, one-third to the City of Troy, and one-third to the City of Rochester Hills, resulting in a cost to the City of roughly \$667,000. Funding would be utilized from a recently-announced additional share granted to local municipalities through Public Act 84 from the State's Road and Bridge Program. Rochester Hills will receive \$549,000 for the Major Road Fund, with three-quarters, or \$411,000, in funding coming in 2016, and one-quarter to be received this November. The net impact on the 2016 Budget would be \$411,000 covered by revenue, and \$255,000 from Major Road Fund Balance. This proposal was unanimously approved by Council in the Straw Poll.

Mr. Snyder noted that the grand total expenditures for the Budget is \$126.8 million, an increase of \$667,000 from the \$126.1 million originally proposed. Revenues for 2016 increased to \$115.3 million, encompassing an additional \$411,000 over what was originally proposed, and includes the South Boulevard Project. Expenditures increase by \$667,000 encompassing the South Boulevard Project, covered in part by \$411,000 in PA 84 Revenues.

He commented that the Public Hearing offers another opportunity for residents to comment on the proposed Budget, and he noted that the Budget would come back for consideration and adoption in two weeks.

**President Hooper Opened the Public Hearing at 7:11 p.m.**

**Melinda Hill**, 1481 Mill Race, requested Council consider adding limestone applications for the three major gravel roads in the City. She commented that an additional limestone application to Washington, Livernois and Dutton Roads would help stabilize those roads and eliminate the need for grading as often.

**Seeing No Further Public Comment, President Hooper Closed the Public Hearing at 7:15 p.m.**

**Council Discussion:**

**President Hooper** questioned whether additional limestone applications are warranted. He commented that he recently drove Livernois Road and it appears to be in good shape.

**Allan Schneck**, Director of DPS/Engineering, responded that limestone improves ride quality and durability. He explained that the City applied limestone to Livernois at its sole expense. He mentioned that the Administration approached Oakland Township earlier this year regarding its participation for Dutton, and he noted that the Township Supervisor responded that it was not a high priority and the Township was not interested in splitting the cost. He commented that an application in 2016 cannot hurt as it builds up the limestone.

**President Hooper** questioned whether Mr. Schneck would be opposed to adding \$100,000 to the 2016 Budget for limestone if Council concurred.

**Mr. Schneck** responded that he would not.

**Mr. Snyder** questioned where Council would want the funding to come from.

**Mr. Kochenderfer** noted that he previously requested a limestone application, and commented that Washington Road is likely the next road that should receive application. He expressed his support.

**Mr. Hetrick** expressed his support, and questioned whether \$100,000 is an appropriate amount and if there would be cost participation by the County.

**Mr. Schneck** responded that it is a County Road and there would not be cost participation.

**President Hooper** questioned whether any Council Member opposed the addition. Seeing no opposition, he suggested that the funds be taken from Fund Balance.

He questioned whether there were any further comments from Council on the Budget. Seeing no further comments, he noted that the Budget would return for Council's consideration at the next meeting.

**Discussed.**

**2015-0332** Adoption of the 2015 Millage Rates (for Fiscal Year 2016)

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Joe Snyder**, Senior Financial Analyst, stated that Council is requested to adopt the proposed 2015 Millage Rates to be levied on the December 2015 tax bills to fund 2016 activities. He explained that the rate is proposed to be set at 10.3605 mills, which is a 0.0891 decrease from the current Millage Rate of 10.4496 mills, and encompasses the amount of the expired Older Persons' Commission (OPC) Transportation Levy. He pointed out that the Millage Rates must be submitted to the Oakland County Equalization Office by October 1, 2015; and he stated that should the OPC proposal for 0.1 mill on the November 3, 2015 ballot be successful, Oakland County will allow the City to submit a revised Millage Rate. He mentioned that a request for Council to approve a revised Millage Rate would be brought to the November 9, 2015 Council Meeting.

**President Hooper Opened the Public Hearing at 7:21 p.m.**

**Melinda Hill**, 1481 Mill Race, stated that it appears that the General Fund Millage amount is increasing. She questioned why the rate is proposed to increase when the City has 110 percent Fund Balance in the General Fund, its other Fund Balances are relatively healthy, and the City has extremely low debt. She commented that the Budget Documents should be revised to better clarify the OPC Millage as a requested renewal plus an additional amount.

**President Hooper Closed the Public Hearing at 7:24 p.m.**

**President Hooper** questioned whether the rate is proposed to increase from 2014.

**Mr. Snyder** responded that the City's intention is to keep the same bottom line millage rate for City levies. Should the OPC Proposal pass, the rate would increase by 0.1 mill. He pointed out that the City does have a Headlee Rollback for 2016, and he noted that the General Fund absorbed the Headlee Rollback. He stated that it is the same General Fund millage levy as 2014 with less money going to Local Streets.

**President Hooper** commented that when planning for the Fire and Police Millages, the City intended to account for the Headlee adjustments. He stated that it was the intention of Council as the Fire and Police millages were approved to account for the corrosive effect of the Headlee Rollback and retain the same taxable millage rate.

**Mr. Snyder** confirmed this was correct.

**Mr. Tisdell** commented that the original OPC Transportation Millage was eroded by the Headlee Rollback to an expiring rate of 0.0891. The OPC millage is proposed on the ballot to increase to 0.1 in anticipation of future Headlee erosion.

**President Hooper** noted that the same millage rate is being maintained. He pointed out that while General Fund Fund Balance is eroding, the decrease is for good purposes as it is now paying for Local Road street construction at the rate of \$5 million per year.

**Mr. Snyder** commented that the decrease does not indicate an ongoing systemic issue; the funds are being used for projects.

**President Hooper** stated that this shows the leadership of City Council in maintaining the tax rate.

**A motion was made by Hetrick, seconded by Brown, that the proposed 2015 Millage Rates be Adopted by Resolution. The motion carried by the following vote**

**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0232-2015

**Whereas**, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, and Section III of the Charter for the City of Rochester Hills, the Mayor, as the Chief Administrative and Executive Officer for the City, has prepared the proposed budget for the ensuing year and submitted it to the Council at its first meeting in August; and

**Whereas**, at its August 10, 2015 meeting City Council acknowledged receipt from the Mayor of the Proposed 2016 Proposed Budget and 2017 and 2018 Projected Budgets and set a Public Hearing for September 14, 2015 at 7:00 p.m. to hear comments on the proposed budget plan; and

**Whereas**, at its September 14, 2015 meeting City Council held said Public Hearing and heard comments on the proposed budget and related millage rates.

**Now, Therefore, Be It Resolved**, the City Council hereby adopts the following tax rates in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millage(s) Limitation, to be levied in December 2015 to provide the tax revenues included in the Fiscal Year 2016 Proposed Budget:

**PROPOSED MILLAGE RATES**

<b>Operating Millages:</b>	<b>2015</b>
General Fund (Charter)	2.0275
Local Street I (Voted)	0.3542
Local Street II (Voted)	0.4851
Local Street III (Voted)	0.2969
Fire Fund (Charter)	2.7000
Special Police I (Voted)	1.2073
Special Police II (Voted)	1.6036
Pathway (Voted)	0.1856
RARA Operating (Voted)	0.1948
OPC Operating (Voted)	0.2401
OPC Transportation (Voted)	0.0000
Library Operating (Charter)	<u>0.7816</u>
Operating - Subtotal	<b>10.0767</b>

<b>Debt Millages:</b>	
Chapter 20 Drain Debt	0.0426
OPC Building (Voted)	<u>0.2412</u>
Debt - Subtotal	<b><u>0.2838</u></b>
<b>TOTAL MILLAGES</b>	<b>10.3605</b>

The Total Millage rate of 10.3605 is per Thousand Dollars (\$1,000) of taxable valuation, as equalized; and

**Be it Further Resolved**, the City Council hereby adopts the following Special Lighting Levies for the Christian Hills Subdivision at the rate of \$15.60 per lot or description; and for the Denison Acres Subdivision at the rate of \$4.36 per lot or description; and

**Be It Further Resolved**, that the Assessor of the City of Rochester Hills be and hereby is authorized to have said amounts spread on the 2015 Tax Rolls.

**Be It Further Resolved**, that the City Council hereby adopts the following proposed tax rate in accordance with Chapter IV, Taxation, specifically Section 4.1, Power to Tax and Secure Revenue, and Section 4.2, Charter Tax Rate & Special Voted Millage(s) Limitation, to be levied in December 2015 to provide the tax revenues included in the Fiscal Year 2016 Proposed Budget.

**ORDINANCE FOR INTRODUCTION**

**2015-0360** Acceptance for First Reading - An Ordinance to Amend Chapter 6, Alcoholic Liquor, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify liquor licensing requirements, and to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations

**Attachments:** [092815 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[091415 Agenda Summary.pdf](#)  
[Contract - Transfer License.pdf](#)  
[091415 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**John Staran**, City Attorney, stated that Council previously adopted an amendment to the Zoning Ordinance that required an establishment proposing a license for liquor consumption undergo Special Land Use approval. He commented that the proposed Ordinance is a companion to that previously-adopted Ordinance and makes reference to the Special Land Use approval and modifies the application requirements accordingly. He mentioned that the proposed Ordinance also includes a provision requiring new licensees to sign an agreement with the City that contains a clawback provision. The provision is designed that if a new quota license is issued and the business fails, the license is returned back to the City before it would be transferred out to another location. He commented that while the proposed Ordinance was discussed at the time that the previous Ordinance Amendment was adopted, it was not submitted to Council and was therefore not approved at that time.

**A motion was made by Tisdel, seconded by Brown, that this matter be Accepted for First Reading by Resolution. The motion carried by the following vote:**

**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdel and Wiggins

**Resolved**, that an Ordinance to Amend Chapter 6, Alcoholic Liquor, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify liquor licensing requirements, and to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

## **PUBLIC COMMENT for Items not on the Agenda**

**Ann Edwards**, 296 Meadowbridge, announced that the League of Women Voters would hold a Candidate Forum on Monday, September 21, 2015, in the City Hall Auditorium. The three candidates running for Council At-Large, the two candidates running for District 3, and the three candidates running for Mayor will be introduced at the Forum.

**Greg Guidice**, 104 W. University, Rochester, announced that the Eighth Annual Health-Plus Brooksie Way race will be held on Sunday, September 27, 2015. A children's race is set for Saturday, September 26, 2015, at 1:00 p.m. A Health Expo will be held Friday, September 25, 2015, from 3:00 p.m. to 8:00 p.m., and Saturday, September 26, 2015, from 9:00 a.m. to 4:00 p.m. at Oakland University in the Recreation Center. He commented that the race continues to grow at a steady pace, with over 6,000 runners expected to participate this year.

## CONSENT AGENDA

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

- 2015-0331** Request for Acceptance of a Storm Water Maintenance Agreement between Guggenheim Retail Real Estate Partners, Inc., a Delaware Corporation and its Successors and/or Assigns as Developer, TB Rochester Hills 688, LLC, a Delaware limited liability company and its Successors and/or Assigns, and the City of Rochester Hills for Taco Bell

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Storm Water System Maint Agreem Appd 081115.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0233-2015

**Resolved**, that the Rochester Hills City Council, approves the Storm Water Maintenance Agreement, relative to the details of the development and use, repair and maintenance of the Storm Water Agreement, from Guggenheim Retail Real Estate Partners, Inc., a Delaware Corporation, TB Rochester Hills 668, LLC, a Delaware limited liability company, for Taco Bell, City File #14-015, for Parcel No. 15-29-276-005.

- 2015-0336** Request for Approval of the Amendment to Agreement for Maintenance for Storm Water Retention System between the City of Rochester Hills and Nan Realty, Inc., an Ohio Corporation, for Meijer Parking Lot Improvement

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Amendment to Storm Sys Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0234-2015

**Resolved**, that the Rochester Hills City Council, approves the Amendment to Agreement for Maintenance for Storm Water Retention System from Nan Realty, Inc., an Ohio Corporation, of 2040 E. Camino Miravel, Tucson, Arizona 85718, for Meijer Parking Lot Improvement, for Parcel No. 15-35-100-051.

- 2015-0337** Request for Acceptance of a Pedestrian-Bicycle Pathway Easement granted by Nan Realty, Inc., an Ohio Corporation, for Meijer Parking Lot Improvement

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Pathway Easement.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0235-2015

**Resolved**, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Pedestrian-Bicycle Pathway Easement granted by Nan Realty, Inc., an Ohio Corporation, of 2040 E. Camino Miravel, Tucson, Arizona 85718.

**Further Resolved**, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.



- 2015-0334** Request for Adoption of a Street Resolution to place newly constructed Somerset Boulevard and Somerset Circle (Somerset Pines Condominium Subdivision) within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as amended

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Somerset Pines Condo Plan.pdf](#)  
[Preliminary Acceptance letter 080315.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0236-2015

**Whereas**, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

***Now Therefore Be It Resolved,***

1. That the said streets are described as:

Somerset Blvd. and Somerset Circle as depicted in the "Master Deed of Somerset Pines Condominiums Subdivision" as recorded in Liber 46652 Pages 596-666, Oakland County Records being part of the Southwest 1/4 of Section 32, T3N, R11E, City of Rochester Hills, Oakland County, Michigan, and

2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills, and
3. That said streets are certified as public streets and are for public street purposes, and
4. That said streets are accepted into the City Local Street System, and
5. That said streets are open for traffic on December 29, 2014 and have been constructed according to City standards.

- 2015-0338** Request for Purchase Authorization - DPS/ENG: Agreement for the installation, operation and maintenance of the new traffic signal at the intersection of Tienken Road and Grandview Drive; Road Commission for Oakland County, Waterford, MI

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0237-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes the agreement between the Road Commission for Oakland County, Waterford, Michigan, and the City of Rochester Hills for the installation, operation and maintenance of the new traffic signal at the intersection of Tienken Road and Grandview Drive and further authorizes the Mayor to execute the agreement on behalf of the City.

- 2015-0359** Request for Approval of the Winter Maintenance Agreement for Livernois Road between the Road Commission for Oakland County and the City of Rochester Hills for 2015/2016

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Livernois Winter Maintenance Agreement 2015-2016.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0238-2015

*Resolved*, that the Rochester Hills City Council hereby approves the 2015-2016 Winter Maintenance Agreement between the City of Rochester Hills and the Road Commission for Oakland County (RCOC) for Livernois Road and further authorizes the Mayor to execute a contract on behalf of the City.

- 2015-0361** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for 2015 Pathway Program in the amount of \$69,073.62 with a 10% project contingency in the amount of \$6,907.36 for a total not-to-exceed amount of \$75,980.98; Pavex Corporation, Trenton, MI

**Attachments:** [091415 Agenda Summary.pdf](#)  
[40.5 Auburn Rd Pathway Gap.pdf](#)  
[Bid Tab.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0239-2015

*Resolved*, that the Rochester Hills City Council hereby authorizes a contract for 2015 Pathway Program to Pavex Corporation, Trenton, Michigan in the amount of \$69,073.62 with a 10% project contingency for a total not-to-exceed amount of \$75,980.98 and further authorizes the Mayor to execute a contract on behalf of the City.

*Further Resolved*, that the City's acceptance of the bid and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

- 2015-0357** Request for Purchase Authorization - PARKS/FORESTRY: Blanket Purchase Order for stump grinding services in the amount not-to-exceed \$18,000.00 through October 31, 2018; Owen Tree Service, Attica, MI

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0240-2015

*Resolved*, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for stump grinding services to Owen Tree Services, Attica, Michigan in the amount not-to-exceed \$18,000.00 through October 31, 2018 and further authorizes the Mayor to execute a contract on behalf of the City.

**Further Resolved**, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

**2015-0362** Request for Approval to Add Delinquent Charges to the 2015 Winter Tax Roll

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0241-2015

**Resolved**, that the Rochester Hills City Council approves the following delinquent charges, as certified by the City of Rochester Hills Treasurer, to be made a part of the 2015 Winter Tax Roll; and

**Further Resolved**, the City Assessor be and is hereby authorized to spread said amount on the 2015 Winter Tax Roll.

<u>Roll/Fund</u>	<u>Total</u>	<u>Ordinance</u>
Delinquent W/S Charges Water/Sewer Fund	\$1,075,353.06	Ch. 102-92.(b)
Delinquent Weed Control General Fund	\$ 4,445.27	Ch. 84-17.(c).(5)
Delinquent SAD Local Street Fund	\$ 6,204.86	Ch. 90-114.(b)
Delinquent Costs Incurred Temporary Safeguards General Fund	\$ 1,719.25	Ch. 90-30.(d)
Delinquent False Alarms Special Police Fund	\$ 9,422.81	Ch. 42-65.(f)(2)
Delinquent Solid Waste Collection Allied Waste Services	\$ 178,407.72	Ch. 86-103.(4) and .(5)

## Passed the Consent Agenda

**A motion was made by Morita, seconded by Wiggins, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Mayor Barnett** announced that the City has had an excellent week, and he credited his staff for much of the success. He noted the following:

- The Oakland Press recently reported that Rochester Hills was named the Safest City out of those communities with a population over 50,000. This announcement was unveiled at an event attended by members of the Oakland County Sheriff's

Office and two local District Court Judges last Thursday at the Village of Rochester Hills Shopping Center. Unique to the survey is that Rochester Hills has the lowest per capita cost for police protection of any of the top communities mentioned.

- The Fire Department held a moving ceremony to remember the events of 9-11. Thanks go to Sean Canto, Chief of Fire and Emergency Services, for his efforts.

- Tienken Road between Rochester Road and Livernois opened on the Friday before school went back into session. The segment of Tienken Road between Adams and Brewster is also open. The mid-section between Brewster and Livernois will hopefully be completed by October 9, 2015. Hamlin Road between Livernois and Rochester Road will also hopefully be open by October 6, 2015. Construction activities on Rochester Road should be wrapped up after one more weekend of work.

- A Ribbon Cutting event is scheduled for the new Stein Mart located near Avon and Rochester Roads.

- The North Oakland County Water Authority (NOCWA) partnership between member communities is up for a vote competing for being named one of the top three best collaborative ideas on Tuesday and Wednesday of this week.

## ATTORNEY'S REPORT

**2015-0372** Adoption of Resolution to Adjourn to Closed Session immediately following the adjournment of the Regular Meeting held Monday, September 14, 2015 at 7:00 p.m. for the purpose of discussing a written attorney/client privileged communication

**Attachments:** [Resolution \(Draft\).pdf](#)

**A motion was made by Morita, seconded by Hetrick, that this matter be Adopted by Resolution. The motion carried by the following vote:**

**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0242-2015

**Resolved**, that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCL 15.268 on Monday, September 14, 2015 immediately following the adjournment of the Regular Meeting held Monday, June 15, 2015 at 7:00 p.m., Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Michigan. The purpose of the Closed Session is to discuss a written attorney/client privileged communication.

## NEW BUSINESS

**2015-0335** Request for Purchase Authorization - PARKS/FACILITIES: Request for the purchase and installation of one (1) roller rink system at Borden Park in the amount not-to-exceed \$82,120.00; Mateflex, Utica, NY

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Alan Buckenmeyer**, Parks Operations Manager, stated that Borden Park has two roller rinks, encompassing plastic boards and tile, which have been heavily used. Staff have been replacing damaged parts over the years; however, the source of the replacement parts has since gone out of business. Since then, parts from one court have been used to repair the other. He explained that it is requested to replace one court entirely with a system that will hopefully hold up better. As the bids came in extremely high, only one court is requested at this time.

**President Hooper** questioned whether the recommended bidder was the lowest.

**Mr. Buckenmeyer** responded that they were.

**Mr. Wiggins** questioned when the second court would be replaced.

**Mr. Buckenmeyer** responded that the replacement would be reintroduced to the Capital Improvement Plan and could be submitted as early as the 2017 Budget.

**Mr. Hetrick** questioned whether both courts will be operable after the new court is installed.

**Mr. Buckenmeyer** responded that one court will be new; and the other should hold until replacement in the spring of 2017. He commented that it is currently safe to use; however, as parts break, they will not be replaced.

**A motion was made by Wiggins, seconded by Brown, that this matter be Adopted by Resolution. The motion carried by the following vote:**

**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0243-2015

**Resolved**, that the Rochester Hills City Council authorizes the purchase and installation of one (1) roller rink system at Borden Park in the amount not-to-exceed \$82,120.00 to Mateflex, Utica, NY.

**Further Resolved**, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

**2015-0356**

Request for Purchase Authorization - PARKS/FORESTRY: Blanket Purchase Order for tree maintenance services in the amount not-to-exceed \$300,000.00 through October 31, 2018; JH Hart Urban Forestry, Sterling Heights, MI

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Proposal Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Gerry Lee**, Forestry Operations Manager, stated that JH Hart has been the tree service contractor for the City since 2003. He commented that they have served the City well as they know Rochester Hills and know the expectations for high quality. He explained that funding will come from Local Roads, Major Roads, Pathway Maintenance, and the General Fund.

**President Hooper** noted that based on unit prices, they were low bid as well.

**A motion was made by Brown, seconded by Morita, that this matter be Adopted by Resolution. The motion carried by the following vote:**

**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0244-2015

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for tree maintenance services to JH Hart Urban Forestry, Sterling Heights, Michigan in the amount not-to-exceed \$300,000.00 through October 31, 2018 and further authorizes the Mayor to execute a contract on behalf of the City.

**Further resolved**, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

**2015-0280** Request to determine whether a Blanket Purchase Order to Rochester Event and Equipment Rental LLC, Rochester Hills, MI is in the best interest of the City

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Bid Tabulation.pdf](#)  
[Rochester Rental - Mayor Letter for Ethics.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, stated that during the solicitation for propane, a bid was submitted by Rochester Event and Equipment Rental LLC. He pointed out that there are individuals that have an interest in the company who work for the City; and per the City's Purchasing Ordinance, Council must be notified, the interest disclosed, and approval granted prior to awarding to that firm.

**Mr. Brown** commented that in reviewing the bid tabulation, Rochester Event and Equipment appears to be the lowest for metered propane; however, another bidder is lower if certain size tanks are required.

**Mr. Schneck** responded that it would be a split bid. The vendor would be utilized depending on the need for the various departments. Cylinders would be purchased from Chet's, and metered per-gallon propane would be purchased from Rochester Event and Equipment.

**Mr. Wiggins** questioned whether it has come up in the past that employees are considered as vendors.

**Mr. Schneck** responded that this has not come up since he has been with the City.

**President Hooper** mentioned that approximately 29 years ago, a Paid-on-Call firefighter was awarded a contract for carpet cleaning services.

**Mr. Wiggins** questioned whether there would be any additional due diligence required.

**Mr. Schneck** responded that there would not. He noted that per the Purchasing Ordinance, the relationship must be brought forth to Council as a disclosure.

**A motion was made by Hetrick, seconded by Brown, that this matter be Adopted by Resolution. The motion carried by the following vote:**

**Aye** 6 - Brown, Hetrick, Hooper, Kochenderfer, Morita and Tisdell

**Nay** 1 - Wiggins

Enactment No: RES0245-2015

**Resolved**, that the Rochester Hills City Council determines that award of metered propane to Rochester Event and Equipment Rental LLC, Rochester Hills, Michigan is in the best interest of the City.

**2015-0333** Request for Purchase Authorization - DPS/ENG: Standard Agreement for Municipal Street Lighting for the installation of fourteen (14) public street lights in Clear Creek Subdivision No. 5. in the amount of \$29,904.61; Detroit Edison Company

**Attachments:** [091415 Agenda Summary.pdf](#)  
[DTE Agreement Clear Creek #5.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, stated that the proposal is for the approval of a standardized agreement between Detroit Edison and the City of Rochester Hills. He noted that Detroit Edison will not consummate an agreement with a homeowner's association; and the City is used as a conduit to facilitate the agreement.

**Mr. Kochenderfer** disclosed that while he lives in Clear Creek Subdivision, he does not live in the phase slated for the lighting.

**President Hooper** stated that the 14 lights to be installed were requested by the subdivision; and he noted that the subdivision will be paying for them.

**A motion was made by Brown, seconded by Morita, that this matter be Adopted by Resolution. The motion carried by the following vote:**

**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0246-2015

**Resolved**, that the Rochester Hills City Council approves the Standard Municipal Street Lighting Agreement for the installation of fourteen (14) public street lights in Clear Creek Subdivision No. 5 to the Detroit Edison Company, Belleville, Michigan in the amount of \$29,904.61 and further authorizes the Mayor to execute the agreement on behalf of the City.

**2014-0011** Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order between the Michigan Department of Transportation (MDOT) and the City of Rochester Hills for the Clinton River Trail Transportation Alternatives Program in the amount not-to-exceed \$52,200.00; Michigan Department of Transportation, Lansing, MI

**Attachments:** [092815 Agenda Summary.pdf](#)  
[MDOT Bid Tabs.pdf](#)  
[Revised Cost Participation Construction Agreement.pdf](#)  
[091415 Agenda Summary.pdf](#)  
[MDOT Construction Funding Agreement 083115.pdf](#)  
[100614 Agenda Summary.pdf](#)  
[Cost Participation Agreement.pdf](#)  
[Spalding DeDecker Proposal.pdf](#)  
[Staran Approval.pdf](#)  
[Auburn Hills Approval.pdf](#)  
[Rochester Approval.pdf](#)  
[FCRT approval.pdf](#)  
[012714 Agenda Summary.pdf](#)  
[Presentation 021113.pdf](#)  
[012714 Resolution.pdf](#)  
[100614 Resolution.pdf](#)  
[091415 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, noted that Mike Hartner, Director of Parks and Forestry, pursued this grant along with partner cities Auburn Hills and Rochester. Administered through the Michigan Department of Transportation (MDOT) and the Southeast Michigan Council of Governments (SEMCOG), and led by Rochester Hills, the \$200,000 grant will allow the project to move forward and begin construction this year, with completion in 2016.

**A motion was made by Wiggins, seconded by Morita, that this matter be Adopted by Resolution. The motion carried by the following vote:**

**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

**Resolved**, that the Rochester Hills City Council hereby approves a Contract/Blanket Purchase Order between the Michigan Department of Transportation (MDOT) and the City of Rochester Hills for the Clinton River Trail Transportation Alternatives Program in the amount not-to-exceed \$52,200.00 and authorizes the Mayor and City Clerk to execute the Contract on behalf of the City.

**2015-0347** Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement approval between the City of Rochester Hills, City of Rochester, and the City of Auburn Hills for the Clinton River Trail Transportation Alternatives Program for Construction Engineering Services for the Clinton River Trail in the amount of \$29,500.00; Anderson, Eckstein and Westrick, Inc., Shelby Township, MI

**Attachments:** [091415 Agenda Summary.pdf](#)  
[Cost Participation Agreement.pdf](#)  
[AEW CE Proposal.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, noted that the grant received for the Clinton River Trail Transportation Alternatives Program does not include construction engineering services. These costs are proposed to be split between the participants.

**A motion was made by Brown, seconded by Wiggins, that this matter be Adopted by Resolution. The motion carried by the following vote:**



**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0248-2015

**Resolved**, that the Rochester Hills City Council hereby approves the Cost Participation Agreement between the City of Rochester Hills, the City of Rochester, and the City of Auburn Hills for the Clinton River Trail Transportation Alternatives Program (TAP) Cost Participation Agreement for Construction Engineering Services in the amount of \$29,500.00, and authorizes the Mayor to execute the agreement on behalf of the City.

**2015-0211** Request for Purchase Authorization - DPS/ENG: Increase to Contract/Blanket Purchase Order between the Michigan Department of Transportation (MDOT) and the City of Rochester Hills for the Hamlin Road Construction Project (Hamlin Ct. to Dequindre Rd.) in the amount of \$1,670,283.25 for a new not-to-exceed amount of \$4,536,333.25

**Attachments:** [091415 Agenda Summary.pdf](#)  
[051815 Agenda Summary.pdf](#)  
[MDOT Hamlin Const. Contract.pdf](#)  
[051815 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Director of DPS/Engineering, stated that Council granted approval to enter into an agreement with the Michigan Department of Transportation (MDOT) for the Hamlin Road Project on May 18, 2015. He pointed out that the funding agreement was based on the engineer's estimate received prior to the bid letting. He noted that while the estimate was approximately \$5 million, the bids came in approximately 19 percent over the engineer's estimate. He commented that the difference is not the result of any overage and is the result of the bid letting process.

**President Hooper** commented that while he has no problem with the revised bid amount as it resulted from market price and competitive bid, he does not want to approve a ten percent contingency at this time. He stated that due to the lack of time limits and the project being significantly behind schedule, he would like to see any changes that increase the contract value come back before Council.

**Mr. Wiggins** noted that understanding the process is frustrating, and he pointed out that the project is significantly behind schedule.

**Mr. Schneck** stated that MDOT expects that a project should be awarded within 49 days. He stated that agreements are typically provided in advance of a bid, and encompass estimates based on average unit pricing. Three bidders submitted proposals, with the current contractor, DiPonio, being the lowest.

**Mr. Wiggins** questioned whether it was the engineering firm that proposed the original cost, and who chooses that firm.

**Mr. Schneck** responded that it was, and stated that the City chooses the engineering firm.

**Mr. Wiggins** commented that this should be taken into account when considering engineering firms as it has resulted in a significant mistake. He concurred with holding back the ten percent contingency at this time.

**Mr. Schneck** explained that the State has a resource called average unit pricing, where regional changes are considered. The City is in Region 7. He noted that several things can affect a bid including interim open traffic dates, utility coordination, and capacity within the industry. He added that he has seen the State change the engineer's estimate.

**Mr. Wiggins** commented that the City is paying a company to provide an estimate resulting in a bid.

**Mr. Brown** questioned whether all of the contractors bidding would have had access to the engineer's estimate as they are bidding.

**Mr. Schneck** responded that they would not.

**Mr. Brown** requested a summary be developed for Council explaining the difference between the engineer's estimate and the actual bid. He suggested that an email be distributed or a short presentation be made. He commented that he would like to know what large items drove the request.

**Mr. Hetrick** concurred. He stated that he would agree with recommending an amount without the contingency; and if more money is needed, Council would consider it at a later date.

**President Hooper** suggested approving the as-bid price with no contingencies.

**Ms. Morita** stated that she believes Council is entitled to a written explanation from the engineer as to why the construction of Hamlin Road estimated at \$1.8 million is now \$3.2 million. She questioned where the additional funding would come from, and if it will affect any other project in the City.

**Mr. Schneck** responded that a multitude of funds contribute to the project, with the majority coming from the Major Road Fund. Additional funds will come from Local Roads and Water & Sewer Capital. He commented that Fiscal Staff have been consulted, and it was determined that there is a safe amount of capital reserves remaining to follow through on any other Major Road projects in the future.

**Ms. Morita** concurred with supporting a motion without the ten percent contingency.

**A motion was made by Morita, seconded by Hetrick, that this matter be Adopted by Resolution. The motion carried by the following vote:**

**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0249-2015

**Resolved**, that the Rochester Hills City Council hereby approves an increase to the Contract/Blanket Purchase Order between the Michigan Department of Transportation (MDOT) and the City of Rochester Hills for the Hamlin Road Construction Project (Hamlin Ct to Dequindre Rd) in the amount of \$1,257,889.30 for a new not-to-exceed amount of \$4,123,939.30 and authorizes the Mayor and City Clerk to execute the contract on behalf of the City.

**2015-0296** Request to Rescind Purchase Authorization - BLDG/FACILITIES: Blanket Purchase Order/Contract for the rental of two (2) temporary housing units in the amount not-to-exceed \$61,248.00; Mobilease Modular Space, Inc., Pedricktown, NJ

**Attachments:** [091415 Agenda Summary.pdf](#)  
[072015 Agenda Summary.pdf](#)  
[BID Tabulation.pdf](#)  
[072015 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Scott Cope**, Director of Building and Ordinance Compliance, explained that the contractor providing the temporary trailers for the Fire Station projects informed the City that they had made an error in their bid which would have increased the amount by approximately \$18,000 to \$79,000. They would not hold their original bid price. He commented that only one company bid on this item and the City has been struggling to get companies to participate. The construction manager was consulted and provided a company that will result in a substantial savings in the cost of the trailer.

**Mr. Hetrick** noted that the amount does not appear to be a savings.

**Mr. Cope** responded that in reviewing the breakdown, additional items are included in this bid related to connection of the trailers to utilities, encompassing a substantial cost.

**Mr. Hetrick** questioned whether the first bid included hookups.

**Mr. Cope** responded that the total cost for two units is \$37,000 just to bring the trailers themselves onto the site for twelve months. Connections and underground work was not included.

**A motion was made by Brown, seconded by Morita, that this matter be Adopted by Resolution. The motion carried by the following vote:**

**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

Enactment No: RES0250-2015

**Whereas**, the Request for a Blanket Purchase Order/Contract for the rental of two (2) temporary housing units was passed at the Regular City Council meeting held on July 20, 2015, RES0206-0215 and the awarded vendor has informed the City that they made a pricing error in their bid submission and will not honor their pricing and the parties could not successfully negotiate an agreement.

**Be It Resolved**, that the Rochester Hills City Council hereby rescinds its authorization for the rental of two (2) temporary housing units in the amount not-to-exceed \$61,248.00 to Mobilease Modular Space, Inc., Pedricktown, New Jersey.

**2015-0363** Request for Purchase Authorization - BLDG/FACILITIES: Increase to the Blanket Purchase Order/Contract for Construction Management Services for the Fire Stations Project in the amount of \$151,275.00 for a new not-to-exceed amount of \$165,025.00; George W. Auch Company, Pontiac, MI

**Attachments:** [092815 Agenda Summary.pdf](#)  
[RHFS GMP Stations 1, 2, 3 & 5a.pdf](#)  
[091415 Agenda Summary.pdf](#)  
[Auch Temporary Trailer Stations #3 & #5.pdf](#)  
[091415 Resolution.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Scott Cope**, Director of Building/Ordinance Compliance, noted that an increase of \$7,500 is requested to the original agreement for construction management services for phase one of construction as a result of additional work requested provided to the City. He pointed out that he asked the firm to utilize their resources to try to secure a better price for the temporary trailers. The additional amount requested includes approximately \$70,000 for the substantial site work required and connection of utilities. In addition, a contingency of approximately \$6,300 per project, or roughly \$12,000 total, is requested for the projects.

**President Hooper** observed that a fee is included for an insurance bond and owners' protective liability. He questioned whether this is in addition or pertains to the trailers.

**Mr. Cope** responded that the company is covering their costs to provide the insurance. He noted that representatives from the firm were in attendance to answer any questions.

**Jim Munchiando** and **Aaron St. Dennis** were in attendance from George W. Auch.

**Mr. Munchiando** noted that providing owner/contractor liability insurance is a City requirement. The policy obtained is solely for the project.

**President Hooper** questioned why general liability and a bond are required.

**Mr. Munchiando** responded that general liability is a percentage of the cost of work. He noted that his firm does not incorporate this amount into other fees, and actually exposes it as its own line item. He added that the bond is also a requirement of the City and is a percentage of the cost.

**A motion was made by Brown, seconded by Hetrick, that this matter be Adopted by Resolution. The motion carried by the following vote:**

**Aye** 7 - Brown, Hetrick, Hooper, Kochenderfer, Morita, Tisdell and Wiggins

**Resolved**, that the Rochester Hills City Council authorizes an increase to the Blanket Purchase Order/Contract for Construction Management Services to George W. Auch Company for the Fire Stations Project in the amount of \$151,275.00 for a new not-to-exceed amount of \$165,025.00 and further authorizes the Mayor to execute the contract on behalf of the City.

## ANY OTHER BUSINESS

**Mayor Barnett** announced that the Van Hoosen Jones-Stoney Creek Cemetery would be holding an Open House on Thursday, September 17, 2015, between 3:00 p.m. and 7:00 p.m.

## **NEXT MEETING DATE**

*Regular Meeting - Monday, September 28, 2015 - 7:00 p.m.*

## **ADJOURNMENT**

*There being no further business before Council, President Hooper adjourned the meeting to Closed Session at 8:25 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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*TINA BARTON, MMC, Clerk  
City of Rochester Hills*

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*MARY JO PACHLA  
Administrative Secretary  
City Clerk's Office*

*Approved as presented at the (insert date, or dates) Regular City Council Meeting.*