



Rochester Hills

Minutes - Draft

City Council Regular Meeting

1000 Rochester Hills Dr
Rochester Hills, MI 48309
(248) 656-4600
Home Page:
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*Susan M. Bowyer Ph.D., Ryan Deel, Dale A. Hetrick, James Kubicina,
Stephanie Morita, Mark A. Tisdell, and David Walker*

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."*

Monday, April 22, 2019

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Vice President Morita called the Regular Rochester Hills City Council Meeting to order at 7:01 p.m. Michigan Time.

ROLL CALL

Present 6 - Susan M. Bowyer, Ryan Deel, Dale Hetrick, James Kubicina, Stephanie Morita and David Walker

Absent 1 - Mark A. Tisdell

Others Present:

*Bryan Barnett, Mayor
Tina Barton, City Clerk
Paul Davis, Deputy Public Services Director/City Engineer
Ken Elwert, Parks & Natural Resources Manager
Kevin Krajewski, Information Services Director
Gary Nauts, Facilities Manager
Tim Pollizzi, Water Resource Specialist
Allan Schneck, Public Services Director
Joe Snyder, Chief Financial Officer
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Bowyer, seconded by Hetrick, that this matter be Approve the Agenda as Presented. The motion CARRIED by the following vote:

Aye 6 - Bowyer, Deel, Hetrick, Kubicina, Morita and Walker

Absent 1 - Tisdell

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council (RHGYC):

Mr. Deel introduced Dana Williams, RHGYC Representative.

Ms. Williams stated she is a student from Rochester High School and is in the 10th grade. She mentioned the RHGYC will be participating in the State of City this Thursday at Adams High School. She also noted that RHGYC is actively reaching out to local middle schools in the district to inform students about RHGYC and how to apply. She mentioned to check the website within the next few weeks for more information on how to apply to be on RHGYC.

Older Persons' Commission (OPC):

Mr. Kubicina announced the following upcoming OPC events:

- Magic of the Movies, April 30th - May 4th. This group is the 650 Players and you can enjoy toe tapping music from Footloose, You Stop the Beat, Hairspray, and This is Me from the Greatest Showman. Lunch and performance tickets are \$15 and the Saturday, May 4th matinee from 1:00 - 3:00 p.m. is \$10.
- Chinese Calligraphy, May 7th and May 14th from 6:00 - 8:00 p.m. in Studio 1. The cost is \$20. For tickets call 248-608-0251. The instructor is Lee Chang Tan.
- Dinner with the Doc, Wednesday, April 24th from 6:00 - 7:30 p.m. in the dining room. The cost is \$5. Neurologist Dr. Ether Young, DO will discuss different types of dementia and treatment options.

Green Space Advisory Board:

Dr. Bowyer mentioned the Green Space Discovery Hike will be held on Saturday, May 4th from 10:00 a.m. - 1:00 p.m. at the Harding Green Space, just off the Clinton River Trail north of Rochester College. She noted there will be revolving hikes, and also raffle prizes. She mentioned you can park at the Rivercrest Professional Center.

Paint Creek Trailways Commission:

Dr. Bowyer reminded everyone that the bridge on the Paint Creek Trailways is being replaced. The trail between Silverbell and Dutton will be closed starting the middle of May, as the new bridge is being brought in on June 1st and the old bridge needs to be taken out. She noted this area will be closed until September. She also mentioned the trail is being resurfaced and to check paintcreektrail.org for updates and closures.

Deer Management Advisory Committee:

Dr. Bowyer stated that it is that time of year when you may come across a baby deer and reminded the public not to rescue them. She noted the mom has left them there and they are fine; however, if you feel there is an issue you can

call Lance DeVoe or Ken Elwert of the Parks & Forestry Department.

PRESENTATIONS

2019-0169 Stormwater Management Review and Recommendations; Public Safety Infrastructure Technical Review Committee (PSITRC), presenters

Attachments: [042219 Agenda Summary.pdf](#)
[Presentation.pdf](#)
[Saw Grant Application Letter.pdf](#)
[Resolution \(Draft\).pdf](#)

In attendance were **Jeff Duperon**, Vice Chair of the PSITRC, **Scott Struzik**, member of the PSITRC, **Greg Hooper**, Chair of the PSITRC, and **Tim Pollizzi**, Water Resource Specialist.

Jeff Duperon reviewed the Committees' findings and recommendations for stormwater scope and funding solution:

Why We're Here

- As directed by City Council Item 2015-0163
- No dedicated funding
- "Bolt" ruling compliance
 - Regulatory purpose vs. revenue generating
 - Fees proportionate to use
 - Voluntary (able to be mitigated) by user

Progress So Far:

- \$773K Storm Water, Asset Management and Waste Water (SAW) Grant with \$149.2K matching funds from the City for study
- Detailed review by OHM Advisors/HRC Consulting Engineers
- Resulting in four key deliverables:
 - Mapping of City & private assets
 - Current condition of all assets
 - Recommended amending City scope
 - Recommended funding level
- Impact of funding sources: Utility vs. Millage
- Subcommittee formed to focus - work -scope/funding developed

Current Budgets for Critical City Infrastructure - Stormwater is Significantly Underfunded:

- Wastewater: \$7.0M/year* (revenue source: user fee)
 - Water: \$8.1M/year* (revenue source: user fee)
 - Stormwater/Current City Jurisdiction (24%): \$632K/year (revenue source: General Fund)
 - Stormwater/HOA/Other/No Jurisdiction (76%): \$0/year (revenue source: none)
- *Excludes GLWA transport/treatment costs passed through and OCWRC

Current % of Budget for Stormwater Benchmarks:

- Midwest Benchmark 2-3% of City Budget for stormwater
- Rochester Hills spending = ~0.52% of \$120M budget
- Stormwater is significantly underfunded

Funding Stormwater Infrastructure:

- Infrastructure within easement transition after HOA is built: All underground infrastructure requires dedicated revenue to maintain service to utility customers. In Michigan, almost all cities have no source of funding for storm sewers.

- Dedicated Funding:

- Electricity
- Gas
- Water
- Sewage
- Roads

- No Dedicated Funding:

- Stormwater

Necessary Spending over the next 40 years:

- Starting at \$2.4 million in 2021, increasing to \$250.0 million in 2060

PSITRC Recommendation:Current Scope:

- City is responsible for 24% of complete stormwater system
 - Only inside curb to curb for direct road drainage
- Exclusions: Most HOA assets (ROW, rear yard, side yards, and detention ponds) and all private roads

Expanded Scope Recommendation:

- City responsible for 80% of complete stormwater system
- All stormwater assets within ROW on all roads and easements
- Includes: All City major/local roads and private road ROW
- Matches most SE Michigan Municipality Management Systems
- Excludes: HOA retention/detention ponds (15%)
- Excludes: Small diameter backyard system (5%)
- HOA Retained Ownership (15%) - Retention/Detention Basins:
 - City management of inspection every 5-7 yrs.
 - HOA's regular awareness via water bills/website
 - Included in 50% grant match program
- HOA Retained Ownership (5%) - Small Diameter Backyard Systems:
 - City management of inspection upon HOA request
 - HOA's regular awareness via water bills/website
 - Included in 50% grant match program

PSITRC - Recommended Funding

- Funding Amount: \$6.4M
- Funding Source: Stormwater Utility
 - User fee for all properties
- Grant Program: \$400K of \$6.4M, 50% Match with HOAs
- Implementation Timing:
 - July 2021 Go Date (with water/sewage update)
 - Year 1 (July 2021): \$2.4M (w/grant)
 - Year 2 (July 2022): +\$2M (\$4.4M Total)
 - Year 3 (July 2023): +\$2M (\$6.4M Total)

Critical Outcomes:

- Preservation of green space
- Clean creeks & rivers
- Erosion control
- Prolonged Service life of system
- System failure prevention & expense avoidance
- Minimized cost to each resident/business owner
- Strong resident awareness of HOA responsibilities
- Encourages HOA management & budgeting of their own systems

Other Advantages:

- \$632K General Fund freed up
- \$750-900K road funding freed up (8-10% of road budget diverted to storm water-most recent is \$9M) changes each year
- Residential user fee about \$7.32/month vs. tax millage (1.87 Mill) of \$23.00/month
- User fee is lowest cost for residents
- Fair distribution of costs (includes exempt properties)
- Incentivizes residents & business to reduce system use
- Incentivizes developers to reduce system use
- Provides cost sharing mechanism with developers

Open Actions/Decisions:

- City Council/Mayor/Staff feedback
- Meets "Bolt" Michigan Supreme Court ruling
- Support House and Senate legislative efforts
- City legislative approach: Ordinance
- \$25K requested for additional consulting support
- If adopted by City, eventual bid & source of implementation consulting contract

Vice President Morita stated they mentioned the "Bolt" decision and questioned if the Committee has worked with the City Attorney to determine what is required under law for a stormwater utility.

Mr. Duperon responded that the Committee was expecting to fully engage the City Attorney based on what Council adopted, but has not yet. He mentioned most of the research from the presentation was gleaned from different law websites.

Mr. Hooper mentioned that Mr. Hetrick has helped out quite a bit, as well as Midwest Consulting, but stated there has been no deep dive on how the City would comply with "Bolt". He noted it is one of the tenants, they know it has to comply with "Bolt".

Mr. Staran stated a legal review is imperative before implementing a storm water utility program as it must be able to withstand a "Bolt"-like challenge.

Vice President Morita questioned if the \$25,000 is for legal review or something else.

Mr. Hooper responded that the \$25,000 would primarily be used for a consultant to put together an ordinance, as well as a fee and credit structure. He stated the legal portion would be deferred to Mr. Staran.

Vice President Morita stated she likes the idea of the City maintaining the private storm water systems, but right now they are privately owned assets and she stated spending public monies on those assets whether they are collected through fees or taxes when they are privately owned may be a constitutional issue that would need to be addressed. Another issue she mentioned is how the city is going to acquire these privately owned storm water systems and the costs involved. She noted there are a lot of issues for the City Attorney to address before they authorize spending money on a consultant. She thanked the Committee for all the time and work they put into this.

Dr. Bowyer thanked the gentlemen for their presentation. She stated her HOA has multiple detention ponds and mentioned they are having issues with phragmites. She stressed that phragmites need to be addressed in this ordinance. She stated she likes how the City would be inspecting the ponds and questioned if that job would be under Mr. Elwert's department and whether more staff would be needed, or if that would be a utility that would then have its own people.

Mr. Pollizzi stated that the inspection portion would fall under the Engineering Department; however, addressing the phragmites may fall under Mr. Elwert's department. He mentioned that they are currently looking at other ordinances that address phragmites in nearby communities in an effort to address the issue.

Dr. Bowyer stated that is great because she mentioned if you are not dealing with the phragmites then the water is not going anywhere. She mentioned in her subdivision there are storm drains in the streets that the city takes care of and every home owner has a sump pump that lead to a retention pond that is maintained by their HOA. She questioned how what they are proposing would benefit the homeowners.

Mr. Pollizzi stated the City is looking to maintain more than what is in just in the right of way, such as the larger flow pipes, which will also put more liability on the City.

Mr. Duperon noted there is a distinction between retention ponds and detention ponds and most of the ponds that are in the City are detention ponds that flow into storm water assets. But he did mention that there could be a credit structure for the HOAs that have already made investments in the assets the City would take over, depending on how long ago that was.

Mayor Barnett mentioned that the work that has been started and presented is very powerful. He noted this topic is not a one Council or Committee meeting issue, rather it will take multiple meetings to come up with a solution. He mentioned we cannot look at this individually for each neighborhood, it has to fit the City as a whole. He noted drainage issues come up when the City does experience heavy rains. He stated if Council is not comfortable allocating

\$25,000 right now, he suggested offering the Committee constructive criticism on how they might get to that point.

Mr. Hetrick stated he is a member of the PSITRC and mentioned this is an issue the City has to tackle and thanked the Committee for bringing their ideas before Council to get something in place. He concurred with the need to engage Mr. Staran and also mentioned engaging Midwest Strategy who are working with the legislators in Lansing to get the legislation passed. He suggested the Committee members go back to the OHM report that had to do with the evaluation of storm water because there are some details in that report that might help answer some of the questions raised this evening. He also suggested that when the Committee comes back before Council they clearly define what the mitigation approach is, so that the HOAs feel that the fees being assessed are appropriate.

Mr. Deel thanked the Committee for all the hard work that went into their presentation, and stated he believes they are taking the right approach. He mentioned what was presented is the broad framework and the details will be worked out. He echoed the comments of Mr. Hetrick and Vice President Morita reiterating the need for the Committee to work in tandem with Mr. Staran and Council.

Vice President Morita stated there is a proposed resolution to allocate \$25,000 for further study with a consultant. She noted her preference that this item be sent to Mr. Staran for review.

Mr. Hetrick stated he would make a motion to refer this to Mr. Staran for evaluation before allocating the \$25,000.

Mr. Deel suggested making a friendly amendment to the motion that Council allocate the \$25,000 with a proviso that the consultant work with Mr. Staran on the development of an ordinance. He stated that way Mr. Staran would have something more concrete to look at.

Mr. Staran stated he is fine with that; however, either way this is very conceptual at this point. He mentioned that the Committee has been working hard but there are other things to consider, such as developing the framework for an ordinance, and the mechanism by which these largely private storm water assets would become public. He stated these are the things he would weigh in on, working in tandem with the consultant.

Mr. Hooper stated that the Committee does not have the expertise that a consultant will have, such as what the proposed ordinance and credit structure would look like and how fees would be collected and how it would work.

Vice President Morita addressed Mr. Hooper stating before spending money she would like to see if what is being proposed is something the City can legally do. She asked Mr. Hetrick if he would accept Mr. Deel's amendment.

Mr. Hetrick stated he believes it is best for Mr. Staran to weigh in and provide an opinion first. He noted once the Committee and Mr. Staran get to a point

where it is beyond conceptual, it will make it easier to then allocate \$25,000. He noted then a consultant can come in and expand and improve on what has been started.

Dr. Bowyer stated she agrees with Mr. Hetrick, that Mr. Staran needs to review the legality of implementing something like this before spending additional money on a consultant.

Mr. Hetrick mentioned the importance of providing feedback to the Committee, in addition to City Council, after Mr. Staran's review.

A motion was made by Hetrick, seconded by Bowyer, that this matter be referred to Attorney Staran for evaluation and to report back to City Council and the PSITRC with his findings. The motion carried by the following vote:

Aye 6 - Bowyer, Deel, Hetrick, Kubicina, Morita and Walker

Absent 1 - Tisdell

Enactment No: RES0142-2019

Resolved that this matter be referred to Attorney Staran for evaluation and to report back to City Council and the Public Safety Infrastructure Technical Review Committee (PSITRC) with his findings.

PUBLIC HEARINGS

2019-0148 Request for Approval of the proposed amendments to the 2019 Budget for the Solid Waste Fund

Attachments: [042219 Agenda Summary.pdf](#)
[Solid Waste Fund.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution \(Draft\).pdf](#)

Joe Snyder, Chief Financial Officer, stated that what is before Council are the 2019 proposed budget amendments to establish an authorized revenue and expenditure budget for the City's Solid Waste Fund. He mentioned on March 11, 2019 City Council approved a 5-year solid waste hauling contract with GFL, as well as an inter-local agreement between the City of Rochester Hills and SOCCRA, and a contract with Recyclebank. He noted these were both costs that were formally charged and paid through the City's waste hauler, but will now flow through the City. He mentioned additional expenditures proposed from the City's Solid Waste Fund include the City's share for costs for the NoHaz program, as well as the City's Green City Initiative Program. He noted that these new expenditures began April 1, 2019 and the budget will coincide with the beginning of the City's new 5-year waste hauling program. He also mentioned that funding for the Solid Waste Fund is to be generated through fees collected by the City's solid waste hauler, which will then be distributed into the Solid Waste Fund on a quarterly basis. He noted that pursuant to the State of Michigan Department of Treasury, funds cannot be expended unless they have been approved by a budget by the community's governing body. He stated in summary the budget amendments presented propose an increase in the total Solid Waste Fund revenues of \$464,700.00, with a corresponding increase in

total expenditures of \$464,700.00 to cover the remaining nine months of 2019.

Vice President Morita Opened the Public Hearing at 7:58 p.m.

Seeing No Public Comment, Vice President Morita Closed the Public Hearing at 7:59 p.m.

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

Aye 6 - Bowyer, Deel, Hetrick, Kubicina, Morita and Walker

Absent 1 - Tisdell

Enactment No: RES0124-2019

Whereas, in accordance with the provisions of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act, and the Charter for the City of Rochester Hills, Chapter III Section 3.7, the City Council may amend the budget during the fiscal year, either on its own initiative or upon recommendation of the Mayor; and

Whereas, the Public Hearing for the proposed FY 2019 Budget Amendments was noticed on April 4, 2019; and

Whereas, the proposed FY 2019 Budget Amendments were available for public viewing beginning on April 12, 2019; and

Whereas, at its April 22, 2019 meeting City Council held a Public Hearing on the proposed FY 2019 Budget Amendments.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby approves the following FY 2019 fund total as amended:

TOTAL BUDGET SUMMARY	2019 Current Budget	Proposed Change	2019 Amended Budget
229 - Solid Waste Fund	\$ -	\$ 464,700	\$ 464,700
GRAND TOTAL - ALL FUND	\$ -	\$ 464,700	\$ 464,700

PUBLIC COMMENT for Items not on the Agenda

None.

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.

2019-0172 Approval of Minutes - City Council Regular Meeting - March 25, 2019

Attachments: [CC Regular Meeting Minutes 032519.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0125-2019

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on March 25, 2019 be approved as presented.

The following five (5) Legislative Files pertain to Berkshire Site Condominiums

2019-0155 Request for Acceptance of a Sanitary Sewer Easement granted by Crestline Homes, LLC, a Michigan limited liability company, for Berkshire Site Condominiums

Attachments: [042219 Agenda Summary.pdf](#)
[Sanitary Sewer Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0126-2019

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a sanitary sewer easement granted by Crestline Homes, LLC, a Michigan limited liability company, whose address is 2553 23 Mile Rd., Shelby Twp., MI 48316, for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer over, on, under, through and across land more particularly described as Parcel No. #15-25-351-045.

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

2019-0156 Request for Acceptance of a Water Main Easement granted by Crestline Homes, LLC, a Michigan limited liability company, for Berkshire Site Condominiums

Attachments: [042219 Agenda Summary.pdf](#)
[Water Main Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0127-2019

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a water main easement granted by Crestline Homes, LLC, a Michigan limited liability company, whose address is 2553 23 Mile Rd., Shelby Twp., MI 48316, for the construction, operation, maintenance, repair and/or replacement of a water main, over, on, under, through and across land more particularly described as Parcel No. #15-25-351-045.

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

- 2019-0157** Request for Approval for Crestline Homes, LLC, a Michigan limited liability company to grant a Warranty Deed to the City of Rochester Hills, for a 5' wide Road Right of Way for Gravel Ridge Drive, for Berkshire Site Condominiums

Attachments: [042219 Agenda Summary.pdf](#)
[Warranty Deed.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0128-2019

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Warranty Deed granted by Crestline Homes, LLC, a Michigan limited liability company, whose address is 2553 23 Mile Road, Shelby Township, Michigan 48309-3033, for a 5' wide Road Right of Way for Gravel Ridge Drive, for Part of Parcel #15-25-351-045.

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

- 2019-0158** Request for Acceptance of the Agreement for Maintenance of Private Road between the City of Rochester Hills and Crestline Homes, LLC, a Michigan Limited Liability Company, for Berkshire Site Condominiums

Attachments: [042219 Agenda Summary.pdf](#)
[Maintenance Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0129-2019

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts the Agreement for Maintenance of Private Road, for ingress and egress for public and emergency vehicles and for the performance of public and emergency services over the internal, undedicated roads and/or driveways being used in common for vehicular travel, granted by Crestline Homes, LLC, a Michigan Limited Liability Company, whose address is 2553 23 Mile Road, Shelby Township, Michigan 48309-3033, for Berkshire Site Condominiums, Parcel No. #15-25-351-045.

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

- 2019-0159** Request for Approval of a Storm Water System Maintenance Agreement between the City of Rochester Hills, and Crestline Homes LLC., a Michigan limited liability company, for Berkshire Site Condominiums

Attachments: [042219 Agenda Summary.pdf](#)
[Maintenance Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0130-2019

Resolved, that the Rochester Hills City Council, hereby approves the storm water system maintenance agreement, relative to the details of the development and use, repair and maintenance of the storm water system from Crestline Homes LLC, a Michigan limited liability company, whose address is 2553 23 Mile Road, Shelby Township, Michigan 49309-3033, for Berkshire Site condominiums, Parcel No #15-25-351-045.

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

- 2019-0163** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for shoulder right-of-way and pathway mowing services in the not-to-exceed amount of \$55,000.00 through December 31, 2019; Brantley Development, LLC., Inkster, MI

Attachments: [042219 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0131-2019

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for shoulder right-of-way and pathway mowing services to Brantley Development, LLC., Inkster, Michigan in the not-to-exceed amount of \$55,000.00 through December 31, 2019 and further authorizes the Mayor to execute a contract amendment on behalf of the City.

- 2019-0164** Request for Purchase Authorization - DPS/FLEET: Blanket purchase order for new fleet and fire truck tires and other related services in the amount not-to-exceed \$80,000.00 through March 31, 2021; Goodyear Tire & Rubber Company, Akron, OH

Attachments: [042219 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0132-2019

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order for new fleet and fire truck tires and other related services to Goodyear Tire & Rubber Company, Akron, Ohio in the amount not-to-exceed \$80,000.00 through March 31, 2021.

- 2019-0165** Request for Approval of an Electrical Easement granted by the City of Rochester Hills to DTE Energy Co., a Michigan Corporation, for Innovation Hills

Attachments: [042219 Agenda Summary.pdf](#)
[Easement.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0133-2019

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills,

hereby agrees to grant approval for an Electrical Easement to DTE Energy Co., a Michigan Corporation, to construct, operate, maintain, repair, and/or replace electric lines for Innovation Hills for Parcel No. 15-29-101-020.

- 2019-0167** Request for Purchase Authorization - FACILITIES: Blanket Purchase Order/Contract for as-needed miscellaneous concrete work services in the amount not-to-exceed \$31,000.00 through May 31, 2020; Luigi Ferdinandi & Son Cement Company, Roseville, MI

Attachments: [042219 Agenda Summary.pdf](#)
[Quote Tab.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0134-2019

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for as-needed miscellaneous concrete work services to Luigi Ferdinandi & Son Cement Company, Roseville, Michigan in the amount not-to-exceed \$31,000.00 through May 31, 2020 and further authorizes the Mayor to execute a contract on behalf of the City.

- 2019-0168** Request for Approval of a five-year extension of the METRO Act Permit for AT&T

Attachments: [042219 Agenda Summary.pdf](#)
[Staran_email_073014.pdf](#)
[Permit Extension.pdf](#)
[2004 Metro Act Permit.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0135-2019

Resolved, that the Rochester Hills City Council hereby approves a five-year extension of the existing METRO Act Permit issued by the City of Rochester Hills to Michigan Bell Telephone Company formerly d/b/a SBC Michigan, now d/b/a AT&T Michigan ("AT&T") to expire on August 31, 2024.

Passed the Consent Agenda

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

Aye 6 - Bowyer, Deel, Hetrick, Kubicina, Morita and Walker

Absent 1 - Tisdell

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett mentioned the following updates:

- The Arbor Day celebration is this Friday at 4:00 p.m. and noted they will be planting a tree on the Clinton River Trail near the Livernois/Avon Road

intersection and that free tree seedlings will be handed out.

- He thanked Council for attending the Auburn Road Meeting, specifically Mr. Deel and Dr. Bowyer for answering questions. He shared that a resident came up to him at the meeting and she said she believes she hit the jackpot when she bought her house in Rochester Hills a little over a year ago because of all the great things coming to the Brooklyn area. He also thanked the Planning and Economic Development, Engineering, and DPS Departments for spending the time with the residents and helping them understand what is happening.

- On April 11th he visited a company called WABCO to celebrate Reman Day. He noted Reman Day, named by Governor Whitmer, is to recognize companies that take parts from other companies that may otherwise be discarded and remanufacture them into a new line of products.

- He recognized and thanked the young men and women from Rochester University who were out in the community last week for Warrior Serve Day. He noted over 100 students, faculty, and administrative leaders came out and worked with the City's teams to improve things in the community, including assisting the Fire Department with installing 10 year smoke alarms in homes for senior citizens.

- The City received recognition that the DPS Department has one of the Top 100 Best Fleets in the country. He noted Rochester Hills was the only Michigan municipality this year, competing against 36,000 other communities and jurisdictions across the country. He recognized Allan Schneck and Bruce Halliday and their teams, stating these men and women represent the front line of the City.

- The State of the City will be at Adams High School on Thursday, April 25th at 7:00 p.m. Doors will open at 6:30 p.m. He noted it is 80's themed, as the City was founded in 1984 and is turning 35 this year. To reserve a seat call the Mayor's Office at 248-656-4664.

Mr. Walker wished the Mayor a Happy Birthday.

Mr. Kubicina congratulated Bruce Halliday and his team for being in the Top 100 Best Fleets. He also thanked Paul Davis and Paul Shumejko for responding to his request to meet with a HOA that has private roads that are in the process of being repaved. He explained that the HOA wanted some guidance from the City and they both gave them some great tips that were well received.

Mr. Hetrick congratulated Allan and his staff for being in the Top 100 Fleets. He shared that a meeting for the Livernois Reconstruction Project is scheduled for May 2, 2019 from 4:00 p.m. to 7:00 p.m. and invited the public to attend.

Mr. Deel thanked everyone who attended the Auburn Road Corridor Redevelopment Open House. He mentioned it was great to get feedback from the residents and noted that you could really sense the excitement. He also thanked the City staff for being consistently engaged with the residents. He acknowledged the Youth Council for their hard work and mentioned that they will be at the State of the City on Thursday. He also wished the Mayor a Happy Birthday.

Dr. Bowyer wished the Mayor a Happy Birthday and mentioned she is looking

forward to attending the State of the City on Thursday. She congratulated Allan and Bruce for being in the Top 100 Fleets.

She pointed out that today, April 22nd, is Earth Day and noted the following:

- The first Earth Day occurred in 1970 a few months after the Apollo landing in 1969
- NASA describes Earth as an "isolated ecosystem floating in space" and captured view of our stunning planet the "Blue Marble".
- This is a day for cleaning up our Planet

She mentioned the Arbor Day celebration will be held this Friday at 4:00 p.m. on the Clinton River Trail at the southwest corner of Livernois and Avon Roads. Free tree seedlings will be given out.

Dr. Bowyer noted the following Outdoor Engagement events:

- St. Clair-Detroit River Sturgeon - Thursday, May 2nd - at the Van Hoosen Museum.
- Campfire and Night Hike - Friday, May 3rd and Thursday, August 8th - at Bloomer Park.
- Nature Walks A-Z with Lauren and Lance - Thursday, May 16th and August 22nd - at Innovation Hills.
- Kayaking 101 - Saturday, July 13th - at Spencer Park.
- River Float Tubing on the Clinton River - Sunday, July 14th from 1:00 - 4:00 p.m - starting at Eagles Landing.
- 5k Run/Walks: Rochester Community Schools Hometown Hustle, Saturday, May 11th; OPC 5k, Saturday June 1st; and the Paint Creek Trail Labor Day Bridge Walk, September 2nd.

She mentioned that there was a great turnout at the Auburn Road Corridor meeting. She stated those interested in getting weekly updates should send an email to Mitchell.Master@ohm-advisors.com. She stated thus far updates include: DTE Energy has moved the alley utility poles, Consumers Energy has relocated gas lines, removal of a block wall, and some storm sewer/pipe structures have been installed. She stated currently they are working on some brush and tree removal and storm sewer pipe/structure installation will continue. She noted that coming soon portions of the north alleyway may be closed to through traffic as they are getting ready to take most of the traffic off of Auburn Road.

Vice President Morita mentioned that the City's Capital Improvement Plan (CIP) has moved forward. She noted it was presented to the Planning Commission and was passed with some minor modifications. She also stated the Strategic Planning Committee met last week and made some modifications to the City's Strategic Plan which will be coming before Council for approval in the near future. She thanked Nothing Bundt Cakes for sharing joy on the Mayor's birthday. She also questioned the timing of road construction for both Adams and Livernois.

Mr. Schneck stated he spoke with the Road Commission today and the work

on Walton was rained out last week, so today was the first day of paving. He stated weather dependent, the work on Walton should be done by the end of May. He commented that the Livernois project is on the Michigan Department of Transportation Friday May 3rd Bid Letting. He stated once the bids are read and the low bid is checked for math the Road Commission has 30 days to award that contract. He stated he believes this project will begin at the end of May/beginning of June. He mentioned in regards to Adams Road, the Road Commission for Oakland County has a record breaking preservation overlay program this year, which includes the resurfacing of Adams from Hamlin to Gunn. He noted the work is scheduled to begin at the end of July and should be finished the first couple of weeks in August.

Vice President Morita questioned if the work on Livernois will be finished before the work on Adams begins.

Mr. Schneck responded no, work on Livernois will take place the entire construction season. He noted Livernois is on an expedited schedule, which means the contractors are required to work 6 days a week. He stated there is a lot of effort being put in to that project to get it done in one construction season. He suggested that anyone who has questions about what is happening during the construction season to check out the website and look at the DPS interactive construction map.

Vice President Morita questioned if the City has heard back from Oakland University in regards to the maintenance of their trees on the west side of Adams.

Mayor Barnett stated they are working on a variety of issues with Oakland University, but did not yet have an answer in regards to the trees.

ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

NEW BUSINESS

- 2019-0162** Request for Purchase Authorization - PARKS: Blanket Purchase Order/Contract for the construction of the Brooksie Way Boardwalk within Innovation Hills in the amount of \$546,086.00 with a 10% project contingency in the amount of \$54,608.60 for a total not-to-exceed amount of \$600,694.60; LJ Construction, Inc., Clifford, MI

Attachments: [042219 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Map 1.pdf](#)
[Map 2.pdf](#)
[Resolution \(Draft\).pdf](#)

Ken Elwert, Parks & Natural Resources Director, stated this is a request for a 1,200 foot wood boardwalk to be constructed along the river and the back side of the park. He recommended going with the lowest responsible bidder, noting they have strong references and have previously done work for other

municipalities.

Dr. Bowyer questioned how much of the cost is grant funding and how much is coming from the General Fund.

Mr. Elwert responded that approximately \$30,000.00 is from grant funding; and noted that the next two boardwalks are more strongly funded.

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

Aye 6 - Bowyer, Deel, Hetrick, Kubicina, Morita and Walker

Absent 1 - Tisdell

Enactment No: RES0136-2019

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for the construction of the Brookside Way Boardwalk within Innovation Hills to LJ Construction, Inc., Clifford, Michigan in the amount of \$546,086.00 with a 10% project contingency in the amount of \$54,608.60 for a total not-to-exceed amount of \$600,694.60 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.

2018-0594 Request for Purchase Authorization - MAYOR: Increase to Blanket Purchase Order for JDE Consulting and Support Services in the amount of \$111,000.00 for a new not-to-exceed amount of \$180,000.00 through May 31, 2020; JDEvolution, LLC., Flower Mound, TX

Attachments: [042219 Agenda Summary.pdf](#)
[121018 Agenda Summary.pdf](#)
[121018 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Kevin Krajewski, Information Systems Director, stated this is request to increase the departments existing blanket purchase order for consulting services for the JD Edwards ERP application. He mentioned this increased purchase order will take them through mid-2020, including the expected upgrade.

Dr. Hetrick commented that the agenda summary stated that part of this was due to a vacancy in the organization and he questioned if there are plans to replace this individual.

Mr. Krajewski stated the department has already filled that position. He mentioned most of the work of this consulting contract is outside the scope of that position. He noted that that position runs the back end of the application and the consulting contract helps with report writing and application development.

Vice President Morita questioned if this is going to be an annual expense.

Mr. Krajewski mentioned extra work had to be done this year because of the vacant position. He noted this consulting firm filled in for that capacity in addition to the work they normally do. He stated the City will continue to use them, but it will be at a lower amount. He mentioned the amount is higher this year because the City is going through a major upgrade with this application.

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

Aye 6 - Bowyer, Deel, Hetrick, Kubicina, Morita and Walker

Absent 1 - Tisdell

Enactment No: RES0137-2019

Resolved, that the Rochester Hills City Council hereby authorizes and increase to the blanket purchase order for JDE Consulting and Support Services to JDEvolution, Flower Mound, Texas in the amount of \$111,000.00 for a new not-to-exceed amount of \$180,000.00 through May 31, 2020.

2019-0166 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for construction engineering services for the Auburn Road Reconstruction project in the amount not-to-exceed \$915,000.00; OHM Advisors, Livonia, MI

Attachments: [042219 Agenda Summary.pdf](#)
[OHM Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Public Services Director, stated that what is before Council is to enter into a contract agreement with OHM for construction engineering services on Auburn Road, from Culbertson to Dequindre, including all the other amenities adjacent to Auburn Road. He pointed out that their memo cited engineering services related to the alley and parking lots but clarified that is not what this is for; this is for work on Auburn Road.

Vice President Morita questioned why the award is going to OHM when the low bidder was lafrate.

Mr. Schneck stated that what is being asked is for Council to secure a consultant to perform the construction engineering services which would oversee Angelo lafrate.

Vice President Morita questioned if this was for Phase 1, 2, or 3 of the project.

Mr. Schneck responded Phase 2.

Dr. Bowyer questioned if OHM was the company that designed the project.

Mr. Schneck responded that they were, and as such they will understand the design intent..

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

Aye 6 - Bowyer, Deel, Hetrick, Kubicina, Morita and Walker

Absent 1 - Tisdell

Enactment No: RES0138-2019

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for construction engineering services for the Auburn Road Reconstruction project to OHM Advisors, Livonia, Michigan in the amount not-to-exceed \$915,000.00 and further authorizes the Mayor to execute a contract on behalf of the City.

2019-0170 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for the 2019 Asphalt Road Rehabilitation Program in the amount of \$3,497,330.00 with a 5% project contingency of \$174,866.50 for a total not-to-exceed project amount of \$3,672,196.50; Pro-Line Asphalt Paving Corp., Washington Township, MI

Attachments: [042219 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Map.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Public Services Director, stated the City received five sealed bids which shows there is competition in the marketplace. He stated the City is looking to award this agreement to Pro-line Asphalt, which showed very competitive unit prices and they are also currently doing other work for the City.

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

Aye 6 - Bowyer, Deel, Hetrick, Kubicina, Morita and Walker

Absent 1 - Tisdell

Enactment No: RES0139-2019

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for the 2019 Asphalt Road Rehabilitation Program to Pro-Line Asphalt Paving Corp., Washington Township, Michigan in the amount of \$3,497,330.00 with a 5% project contingency of \$174,866.50 for a total not-to-exceed project amount of \$3,672,196.50 and further authorizes the Mayor to execute a contract on behalf of the City.

2019-0173 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for construction engineering services for the proposed 2019 Asphalt Road Rehabilitation Program in a not-to-exceed amount of \$439,800.00; Spalding DeDecker, Rochester Hills, MI

Attachments: [042219 Agenda Summary.pdf](#)
[Spalding DeDecker Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Public Services Director, stated that due to work load and departmental priorities Council is being asked to act favorably in allowing the City to enter into a contract a agreement with Spaulding DeDecker to oversee

the 2019 Asphalt Road Rehabilitation Program on behalf of the City.

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

Aye 6 - Bowyer, Deel, Hetrick, Kubicina, Morita and Walker

Absent 1 - Tisdell

Enactment No: RES0140-2019

Resolved, that the Rochester Hills City Council hereby authorizes a contract/blanket purchase order for construction engineering services for the proposed 2019 Asphalt Road Rehabilitation Program to Spalding DeDecker, Rochester Hills, Michigan in a not-to-exceed amount of \$439,800.00 and further authorizes the Mayor to execute a contract on behalf of the City.

ANY OTHER BUSINESS

NEXT MEETING DATE

Regular Meeting - Monday, May 6, 2019 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, it was moved by Bowyer and seconded by Deel to adjourn the meeting at 8:43 p.m.

*MARK A. TISDEL, President
Rochester Hills City Council*

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

*Leah Motyka
Administrative Coordinator - City Council
City Clerk's Office*

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

