



# 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)

*Susan M. Bowyer Ph.D., Ryan Deel, Dale A. Hetrick, James Kubicina,  
Jenny McCardell, Stephanie Morita and Mark A. Tisdell*

**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, May 21, 2018

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

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

## ROLL CALL

**Present** 7 - Susan M. Bowyer, Ryan Deel, Dale Hetrick, James Kubicina, Jenny McCardell, Stephanie Morita and Mark A. Tisdell

## Others Present:

*Bryan Barnett, Mayor  
Scott Cope, Building/Ordinance/Facilities Manager  
Gary Nauts, Supervisor of Facilities  
Allan Schneck, Public Services Director  
Joe Snyder, Chief Financial Officer  
John Staran, City Attorney  
Tom Talbert, Strategic Innovations Specialist  
Maria Willett, Chief Assistant to the Mayor*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**A motion was made by Bowyer, seconded by Hetrick, that the Agenda be Approved as Presented. The motion carried by the following vote:**

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

## COUNCIL AND YOUTH COMMITTEE REPORTS

### **Rochester Hills Museum Foundation:**

**Vice President Morita** reported that the Foundation Board met last Friday morning and discussed moving forward with all phases of the display renovation project, as it would be more economically feasible than breaking the project up.

She noted that the project will be approximately \$215,000 in total, and the Board hopes that Council will be in favor of moving forward. She mentioned that the displays will focus on history and tell the story of the family that owned the Museum. She commented that Joe Snyder, Chief Financial Officer, will be including the project in the 2nd Quarter Budget Amendments; and she invited any Council Member with questions to contact her, Mr. Snyder, or Pat McKay, Museum Manager.

**Paint Creek Trailways Commission (PCTC):**

**Dr. Bowyer** reported that there will be no closure of the trail this summer for the bridge replacement project. She explained that bids came in \$200,000 to \$300,000 over budget, and a redesign is underway for rebidding in the fall.

**Deer Management Advisory Committee (DMAC):**

**Dr. Bowyer** reminded residents that baby fawns are most likely not abandoned and should be left alone. She stated that if anyone has a concern regarding a fawn, they should contact Ken Elwert, Parks and Natural Resources Director.

**Green Space Advisory Board (GSAB):**

**Dr. Bowyer** reported that the GSAB has scheduled several guided hikes on the City's Green Space properties this summer. The first hike will be held on Saturday, June 9, 2018 at the Ruby Property west of Livernois on Ruby Avenue. Those interested should meet at City Hall at 10:00 a.m. and caravan to the property for a hike at approximately 10:15 a.m. A hike on the Cloverport/Childress Property will be held July 14, 2018. Additional hikes will be scheduled for later in the year.

**Dr. Bowyer** mentioned that May is Mental Health Awareness Month, and encouraged everyone to be cognizant and understanding for those with mental health issues.

**Mr. Deel** stated that not only Council Members give of their time to serve the City; their family members give as well. He noted that today is his wife's birthday, and commented that she graciously allowed him to attend the City meeting tonight after taking the family to dinner. He acknowledged her kindness and generosity to the City.

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

**Mr. Deel** reported that the RHGYC will hold their 5K Charity Run/Walk on Saturday, June 16, 2018, from 8:30 a.m. to 10:30 a.m. at Bloomer Park. This year's proceeds will benefit Innovation Hills Park. Those interested in participating are encouraged to sign up on the Youth Council's page of the City's website.

**Older Persons' Commission (OPC):**

**Mr. Kubicina** reported that the OPC has several upcoming events scheduled, including the following:

- *Boogie Woogie Kid, performing on June 7, 2018. Tickets are \$10 and the event is open to the public.*
- *An Evening with Elvis at Club 650 will be held June 14, 2018 at 7:00 p.m. Tickets are \$15 and the event is open to the public.*
- *Terrific Tuesdays - the June 12, 2018 event will feature the Summer of Love. The event is open to the public.*
- *OPC's 5K Run/Walk for Meals is June 2, 2018 starting at the OPC at 8:00 a.m.*

**Public Safety and Infrastructure Technical Review Committee (PSITRC):**

**Ms. McCardell** reported that the PSITRC has scheduled a stormwater infrastructure informational meeting on Wednesday, May 23, 2018 at 6:00 p.m. in the City Hall Auditorium.

**Rochester-Auburn Hills Community Coalition (RAHCC):**

**Ms. McCardell** announced that the RAHCC will host a Vaping 101 seminar at West Middle School on May 29, 2018 at 6:30 p.m.

*She noted that a yoga class was held this past Saturday on City Hall's front lawn. About 35 people attended. She expressed her thanks to Red Lotus Yoga and City Parks and Facilities staff members who helped coordinate the event.*

## RECOGNITIONS

2018-0211 Proclamation in Recognition of Eagle Scout Zachary Brown

**Attachments:** [052118 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** stated that the City has been incredibly blessed to have so many Eagle Scouts who commit to do good work in the community. He mentioned several projects that have been undertaken at City Hall, Veterans Memorial Pointe, and other places in the City, and he noted that there is a tremendous amount of hard work and dedication that goes into becoming an Eagle Scout.

*He stated that Eagle Scout Zachary Brown has been a good friend of the City and is the fastest pitcher in the Rochester-Avon Recreation Authority baseball league. He read the proclamation noting Mr. Brown's contribution to the construction beautification project at the VFW Post 4659.*

*Council congratulated Eagle Scout Zachary Brown.*

**Presented.**

**Whereas**, Young men, who master scouting skills, dedicate their efforts to upholding the Boy Scout Pledge, and serve their community with honor, can attain the rank of Eagle Scout, the highest rank in Scouting; and

**Whereas**, On May 6, 2018, Zachary Brown of Rochester Boy Scout Troop 125 completed all necessary requirements to earn the rank of Eagle Scout. Serving as Assistant Patrol Leader, Patrol Leader, Fire and Knives Instructor, Scribe, and Troop Guide, Zach has honorably represented his Troop, his family, and his community all throughout his Boy Scout journey and will continue to serve as an active member; and

**Whereas**, Zach displayed his service and leadership abilities by repairing and upgrading the service counter at the VFW Post 4659 in Shelby Township. Improvements included carpet removal, wall repair, a tile border, counter upgrades, and construction of a pillar to conceal pipes. He planned the project, coordinated volunteers, and raised over \$1800 in funds to implement and complete this extensive beautification project.

**Now, Therefore, Be It Resolved**, that the Mayor and City Council of the City of Rochester Hills hereby congratulate Zachary Brown on attaining the rank of Eagle Scout and offer their best wishes for his future success in all his future endeavors.

**2018-0212** Proclamation in Recognition of Mental Health Awareness Month

**Attachments:** [052118 Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Mayor Barnett** stated that Oakland County handles mental health concerns for the community. He read the proclamation recognizing May as Mental Health Awareness Month.

**Presented.**

**Whereas**, mental health is important for our individual well-being and vitality, as well as that of our families, communities and businesses; and

**Whereas**, one in five Americans experience a mental health illness that requires treatment at some point in their lives; and

**Whereas**, one in 10 children has a serious emotional disturbance that, if untreated, can lead to school failure, physical illness, substance use, jail, and even suicide; and

**Whereas**, stigma and stereotypes associated with mental illnesses often keep people from seeking treatment that could improve their quality of life; and

**Whereas**, mental illness is a biologically based brain disorder that cannot be overcome through "will power" and is not related to a defect in a person's "character" or intelligence; and

**Whereas**, mental health recovery is a journey of healing and transformation, enabling people with mental illness to live in a community of his or her choice while striving to achieve his or her full potential; and

**Whereas**, mental health recovery not only benefits individuals with mental health disorders by focusing on their abilities to live, work, learn and fully participate and contribute to our society, but also enriches the culture of our community life; and

**Whereas**, the City of Rochester Hills through resources like the Oakland County Community Mental Health Authority is committed to inspiring hope, empowering people, and strengthening our community.

***Now, Therefore, Be It Resolved,*** that the Mayor and City Council hereby recognizes May 2018 as Mental Health Month in Rochester Hills and we call upon our citizens, government agencies, public and private institutions, businesses and schools to commit to increasing awareness and understanding of mental illness, and the need for appropriate and accessible services for all people with mental illnesses to promote recovery.

## ORDINANCE FOR INTRODUCTION

**2018-0199** Request for Acceptance for First Reading - An Ordinance to amend Sections 54-741 through 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** [052118 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[WSTRC - Water Rate Recommendation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Joe Snyder**, Chief Financial Officer, stated that the Water and Sewer Technical Review Committee (WSTRC) met on May 2, 2018 to consider, discuss and recommend water and sewer rates for the 2018-2019 year. He noted that the WSTRC unanimously recommended the following:

- Water is proposed to be a 0.5 percent increase from \$5.81 to \$5.84 per unit.
- Sewer is proposed to be a 4.8 percent increase from \$5.81 to \$6.09 per unit.
- Customer Charge is proposed to be a 1.8 percent increase from \$5.54 to \$5.64 per bill.

Mr. Snyder noted that the WSTRC considered the cost increases by the providers, Great Lakes Water Authority for water and Oakland County Water Resource Authority (OCWRC) for sewer, as well as a consideration to use a portion of the Water and Sewer Fund's operating reserve to help smooth the rate increases moving forward while continuing to establish a reserve level.

He explained that the bottom-line increase would be approximately 2.6 percent for the average user of 12 units. He noted that these are the rate changes anticipated to be carried through the next three to four years.

He mentioned that if approved for First Reading this evening, the Ordinance will return to the next meeting for Second Reading and Adoption, with an effective date of July 1, 2018.

**Public Comment:**

**Lee Zendel**, 1575 Dutton Road, stated that he is a sewer-only customer and feels that a 4.7 percent increase for the flat sewer rate charge in a two percent inflation environment is excessive.

*Ms. Snyder* responded that approximately two-thirds of the sewer bill is the provider charge for sewer system treatment through OCWRC, and he explained that their increase to the City was six percent this year. He noted that this drives the larger sewer rate increase.

*Dr. Bowyer* commented that she is on the WSTRC and the price of water and treating sewage is going up. She stated that the City has a nice fund balance and will begin drawing it down to cover some of the increases and slow down passing through the costs. She stated that while water bills are high, they will continue to rise in the future as there are many pass-through costs for upgrading facilities.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

**Resolved**, that an Ordinance to amend Sections 54-741 through 54-745 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify water and sewer rates and fees, repeal conflicting Ordinances, and prescribe a penalty for violations is hereby Accepted for First Reading.

**2018-0204**

Request for Acceptance for First Reading - An Ordinance to amend Section 102-91 of Chapter 102 Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to increase late payment charges, repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** [052118 Agenda Summary.pdf](#)  
[Suppl Ordinance \(Revised\).pdf](#)  
[Ordinance.pdf](#)  
[WSTRC - Late Penalty Changes.pdf](#)  
[052118 Resolution.pdf](#)

*Joe Snyder*, Chief Financial Officer, explained that the Water and Sewer Technical Review Committee (WSTRC) met to discuss rates and to discuss and recommend changes to the Late Fee Ordinance, with the overall goal to encourage timely payments. He stated that in a survey of ten different neighboring communities, late charges ranging from five percent to ten percent were noted. He commented that the current late fee is two percent, and it is recommended to increase that penalty to five percent to be more in line with the lower range of the City's neighbors.

He pointed out that the proposed Ordinance yields the possibility to waive the late payment if the customer is successful in signing up for automated payments on the due date. He mentioned that a notice would be sent 30 days prior to the transaction and would be free for customers to use. He stated that customers can sign up for the automatic payment by contacting the Treasury Division, through an enrollment form available on the City's website. He added that automatic bill payment saves the City time and money by lowering the standard check processing fees and helping to keep water and sewer rates down.

He noted that there is no current authorization for the City to grant any waivers for any reason, and he mentioned that a revision to the proposed Ordinance

included today as supplemental information further states that the City cannot waive a penalty once it is assigned to the City's tax rolls, which occurs on September 1 of each year. He stated that in the event of a foreclosure, the City works closely with Oakland County to ensure that the City will be made whole for all amounts owed. He commented that this is similar to a structure used by Portage, Michigan.

He stated that if approved tonight, this Ordinance will return for Second Reading and Adoption at the next meeting, with an effective date of July 1, 2018.

**Vice President Morita** expressed her thanks for the revision presented tonight. She commented that individuals should know that they cannot pay their bills late and then continually get relief from the City. She explained that the fees waived would be for a short period of time only; and if the charge goes delinquent, there would be no way for the City to waive the penalty.

**Ms. McCardell** stated that she was not in favor of increasing the late fee and adding additional burdens to the residents' pocketbooks as prices continue to rise.

**President Tisdell** responded that part of the request for an increase is driven by chronically-late users who do not show a financial hardship. He commented that anyone facing hardship should contact the Finance Department, and questioned whether there would be a way to work with these individuals.

**Mr. Snyder** responded that there is the availability to waive a late fee. If there is a more pressing issue, the City can make payment arrangements.

**President Tisdell** stated that there has been frustration with some of the chronically-late users, and this is a carrot-and-stick approach to get bills paid in a timely manner.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

**Resolved**, that an Ordinance to amend Section 102-91 of Chapter 102 Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to increase late payment charges, repeal conflicting Ordinances, and prescribe a penalty for violations is hereby Accepted for First Reading.

**2018-0221** Request for Acceptance for First Reading - An Ordinance to add new Section 46-65 to Article III, Litter, of Chapter 46, Environment, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to designate violations as Municipal Civil Infractions, to repeal conflicting or inconsistent Ordinances, and to prescribe a penalty for violations

**Attachments:** [052118 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[Resolution \(Draft\).pdf](#)

**John Staran**, City Attorney, stated that the proposed change to the Littering Ordinance will give the City a tool to deal with unwanted fallout from fireworks on

residents' lawns. He commented that in the course of a review of the Ordinance, it was noted that this was still considered a misdemeanor violation. He explained that as Council is aware, the City has decriminalized a number of Ordinance violations to Municipal Civil Infractions. He mentioned that there are a number of enforcement advantages and benefits to the City to do so, and he noted that the Littering Ordinance was a good candidate for this change. He commented that the City is more likely to successfully enforce and prosecute matters and a judge is more likely to be favorably disposed to fine someone for littering. He noted that there will be no criminal stigma attached to a violation.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

**Resolved**, that an Ordinance to add new Section 46-65 to Article III, Litter, of Chapter 46, Environment, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to designate violations as Municipal Civil Infractions, to repeal conflicting or inconsistent Ordinances, and

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

*Joanna VanRaaphorst, 441 S. Livernois, questioned what progress had been made on the Diversity and Inclusion Committee. She suggested that the City have a community cleanup next year in conjunction with cleanup efforts in neighboring communities on the first weekend in May.*

## **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.

**2018-0200** Approval of Minutes - City Council Special Meeting - May 7, 2018

**Attachments:** [CC Special Mtg Min 050718.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0131-2018

**Resolved**, that the Minutes of a Rochester Hills City Council Special Meeting held on May 7, 2018 be approved as presented.

**2018-0201** Approval of Minutes - City Council Regular Meeting - May 7, 2018

**Attachments:** [CC Min 050718.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0132-2018

**Resolved**, that the Minutes of a Rochester Hills City Council Regular Meeting held on May 7, 2018 be approved as presented.

**2018-0218** Request for Purchase Authorization - BUILDING/FACILITIES: Blanket purchase order/contract for janitorial services in the amount not-to-exceed \$99,500.00 through June 30, 2019; Americlean Inc., Chesterfield Township, MI

**Attachments:** [052118 Agenda Summary.pdf](#)  
[Proposals Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

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

Enactment No: RES0133-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for janitorial services to Americlean, Inc., Chesterfield Township, Michigan in the amount not-to-exceed \$99,500.00 through June 30, 2019 and further authorizes the Mayor to execute the 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.

## Passed the Consent Agenda

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

*Vice President Morita thanked Allan Schneck, Public Services Director, for spending time with her 13-year-old son to review his concerns regarding bike path condition. She commented that it is an important civic lesson for her son to show that he can make a change in a small way.*

*Dr. Bowyer announced that the Friends of the Clinton River Trail will host Bob Willson, Executive Director of the Michigan Trails and Greenways Alliance, on May 22, 2018 at the RiverCrest. Mr. Willson will speak at 7:00 p.m. There will be a cash bar and snacks available.*

*She noted the upcoming runs and stated that proceeds support great organizations:*

- Older Persons' Commission Walk/Run for Meals, June 2, 2018.
- Rochester Hills Government Youth Council 5K, June 16, 2018.
- Paint Creek Trail Labor Day Walk, September 3, 2018.
- Ovarian Cancer Alliance Wheels and Teal Car Show and 5K, September 15, 2018.
- Brookside Way Half Marathon, 10K and 5K, September 23, 2018.

- *RUN the Fairway, Pine Trace Golf Club, November 11, 2018.*

*She stated that there are many opportunities for Outdoor Engagement through the City. She encouraged anyone interested to sign up on the City's website as activities are filling fast, and noted the following events:*

- *Native Prairie Plantings on Harding Green Space, May 22, 2018.*
- *Fishing for Beginners, Wednesdays at Spencer Park from July 11, 2018 to August 1, 2018.*
- *Campfire Cookouts on July 12, 2018 and August 17, 2018.*
- *Kayaking 101, a second slot added on July 14, 2018.*

**Mr. Deel** noted that he has received a number of citizen concerns over power outages in the north and northeast corners of Rochester and Avon Roads, and from the Brooklands area. He explained that he contacted Mr. Schneck who has been in contact with DTE representative Mike Palchesko and confirmed that their engineers are investigating outages occurring in the Spokane Station.

**Mr. Hetrick** noted that he participated in the Hometown Hustle last weekend and was the Fastest City Council Member with his second place finish. He mentioned that Mr. Deel participated as well.

**Mr. Kubicina** stated that the City's Memorial Day Ceremony would be held at Veterans Memorial Pointe on Monday beginning at 10:30 a.m.

**Ms. McCardell** noted that there will not be a parade this Memorial Day. She announced that there will be an open-house style public meeting tomorrow at 4:30 p.m. at Deerfield Elementary hosted by the City and the Road Commission for Oakland County to discuss the South Boulevard projects.

**Mayor Barnett** encouraged residents to become a friend of the City on Facebook and other social media platforms. He noted that the City has been working with DTE contacts who have recognized that there are challenges and equipment-related power interruptions in that area. He stated that Mr. Palchesko's message to the City is that they are investing to eliminate these problems moving forward.

*He noted that water concerns arose today as one of the schools undertook a water sampling experiment and sent samples to a location in Arizona. The sample results came back with higher than appropriate levels of mercury, prompting the closure of Adams High School and Van Hoosen Middle School out of precaution. He explained that the City's team went out and sampled the water for testing at a certified sampler with results due back in the morning. He stated that the City always uses certified samples for processing at a certified sampler for consistency. He commented that the City is being cautious, there is no boil water alert, and a clean result is anticipated. He noted that individuals having concerns over media reports can always call the City.*

*He mentioned the following events and activities:*

- *Memorial Day Ceremony on Monday, May 28, 2018, at 10:30 a.m.*

- *Paddlepalooza, June 2, 2018, beginning in Auburn Hills and ending in Rochester Hills.*
- *The Diversity and Inclusion Committee will be looking for a few community members. An application will be available on the City's website by the week's end. Business members, university personnel, and members of the faith have been approached to participate.*

*He mentioned that the unfortunate incident occurring last month in Christian Hills has led to community action. He noted that a GoFundMe page started by a resident known only as "Mike" yielded contributions of \$3,100 to the Walker family to help their situation. He commented that he is proud of the City.*

*He noted that he attended a dinner at the Islamic Association of Greater Detroit, celebrating their 40th year in the community. He stated that after their expansion they will be the second largest mosque in metropolitan Detroit.*

*He mentioned that members of the group Moms Demanding Action contacted him about June 1, 2018 as National Gun Violence Awareness Day, to honor the over 36,000 people killed annually by guns in this country. He stated that the group encourages the wearing of orange on that day. He commented that in his role as a leader of the National Organization of Mayors he has had the opportunity to meet mayors who have had gun violence in their community. He pointed out that the City has reinvested in its liaison officers in the schools. He expressed his thanks to the members for their advocacy.*

*He reported that Lori Blaker, TTI Global, is in Oslo, Norway to accept the 2018 Oslo Business for Peace Award, which he noted is the equivalent of the Nobel Peace Prize for business. He explained that Ms. Blaker has been a friend of this community and an advocate for inclusion and gender equality.*

*He mentioned that the City of Rochester Hills has had a great year of recognitions, with our Finance Department recognized in the top two percent in the state, the Fire Department one of the top eight tied for first place, and the DPS Fleet named number one in Michigan and 47th in the country, out of 38,000 fleet departments.*

## **ATTORNEY'S REPORT**

*City Attorney John Staran had nothing to report.*

## **NEW BUSINESS**

- 2018-0202** Request for Purchase Authorization - DPS/ENG: Blanket purchase order/contract for the Hamlin Road Rehabilitation Project in the amount of \$4,957,061.84 with a 10% project contingency in the amount of \$495,706.18 for a total not-to-exceed cost of \$5,452,768.02; Dan's Excavating, Inc., Shelby Township, MI

**Attachments:** [052118 Agenda Summary.pdf](#)  
[Bid Tabulation.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that this proposal is for the rehabilitation of Hamlin Road from the City's westerly border to 500 feet east of Adams Road. He pointed out that the project also incorporates work in Auburn Hills, as they are advance-constructing work they originally had planned for 2019. He noted that favorable bids were received, and Dan's Excavating is recommended for the contract award.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0134-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for the Hamlin Road Rehabilitation Project to Dan's Excavating, Inc., Shelby Township, Michigan in the amount of \$4,957,061.84 with a 10% project contingency in the amount of \$495,706.18 for a total not-to-exceed cost of \$5,452,768.02 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.

**2018-0203** Request for Purchase Authorization - DPS/ENG: Blanket purchase order/contract for construction engineering services for the Hamlin Road Rehabilitation Project in the amount not-to-exceed \$451,792.00; Nowak & Fraus Engineers, Pontiac, MI

**Attachments:** [052118 Agenda Summary.pdf](#)  
[CE Services Nowak & Fraus.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that as the Hamlin Road project is sizeable, due to the workload in the DPS Department it is recommended that a consultant provide assistance to oversee the project.

**Public Comment:**

**Lee Zendel**, 1575 Dutton Road, stated that he recently questioned a \$75,000 contract for construction engineering services and whether DPS staff should be added to avoid using outside consultants. He mentioned the amounts spent last year in consulting services and questioned why one or two employees could not be added to keep this work in-house. He suggested that the Administration look at the Capital Improvement Plan to determine whether this could be an option.

**President Tisdell** questioned whether there were different skill sets needed for the various projects, and if one person hired could provide these services.

**Mr. Schneck** responded that the construction engineering work is not typical, and projects encompass hot melt asphalt, concrete, pathway and watermain. He noted that these differing projects require different skill sets, education and certifications. He added that consultant staff also process damage claims, measure, set production rates and prepare progress estimates. He noted that no one

person could be hired to do all this as there are many moving pieces to a project. He stated that they will look at the CIP to forecast possible staff needs.

**President Tisdell** noted that the City is hiring a company and not an individual. He stated that he has always been a proponent of a variable expense even if it is at a premium when it is needed.

**Mr. Schneck** added that in addition to employee cost there would be a good deal of technology and equipment needed, including work stations, vehicles, and supporting personnel.

**Mr. Kubicina** questioned whether this contract was put out for bid.

**Mr. Schneck** responded that the City retains five consulting firms selected from a quality-based selection process. Firms from this list are requested to present a proposal. He noted that it is awarded on the basis of best value, not low bid. He mentioned that the firms' workloads, capacity, and personnel are reviewed, and Nowak and Fraus was determined to be the best fit. He pointed out that they performed the construction engineering services on Eddington, and utilized the software application Constant Contact which provided an email each Monday morning to those interested in what was to be done for the week. He explained that this kept the call volume down.

**Dr. Bowyer** commented that this company did a great job communicating on the Eddington project. She stated that it would be difficult for the City to do the engineering in-house.

**Mr. Schneck** responded that employing a company is the more prudent thing to do. He stated that he is big on sustainability and the cost of doing business, and does not want to grow staff to have to lay off at some point.

**Dr. Bowyer** questioned whether perhaps additional inspection staff might be warranted considering the upcoming Auburn Road Corridor Project.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0135-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for construction engineering services for the Hamlin Road rehabilitation project to Nowak & Fraus Engineers, Pontiac, Michigan in the amount not-to-exceed \$451,792.00 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.

(BOARD) for the County of Oakland and the City of Rochester Hills for the road reconstruction and construction engineering services on Hamlin Road from Old Adams to 500' east of Adams Road in the amount of \$4,573,968.00; Road Commission for Oakland County; Beverly Hills, MI

**Attachments:** [052118 Agenda Summary.pdf](#)  
[Cost Participation Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that this item for consideration is the cost participation agreement between the Road Commission for Oakland County and the City of Rochester Hills to share the cost of construction expense as well as construction engineering for the Hamlin Road project. He noted that City Attorney John Staran reviewed the agreement as to form.

**Dr. Bowyer** questioned whether the City would own the road at the completion of the project.

**Mr. Schneck** responded that the agreement for transfer will be presented to Council once the project is completed.

**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 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0136-2018

**Resolved**, that the Rochester Hills City Council hereby approves the Cost Participation Agreement between the City of Rochester Hills and Board of Road Commissioners (BOARD) for the County of Oakland for the road reconstruction and construction engineering services on Hamlin Road from Old Adams to 500' east of Adams Road in the amount of \$4,573,968.00 and further authorizes the Mayor to execute the contract on behalf of the City.

**2018-0210** Request for Purchase Authorization - DPS/ENG: Request for approval of the Cost Participation Agreement between the City of Rochester Hills and City of Auburn Hills for road reconstruction on Hamlin Road (North Squirrel Rd to Auburn Hills east City Limits) in the amount of \$918,374.55; City of Auburn Hills, Auburn Hills, MI

**Attachments:** [052118 Agenda Summary.pdf](#)  
[Cost Participation Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that the cost participation agreement presented here this evening outlines that Auburn Hills will pay for their portion of the work included in the Hamlin Road project. He gave credit to City Attorney John Staran, noting that there were several volleys of emails back and forth to ensure the language included in the agreement protected the City's interests.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0137-2018

**Resolved**, that the Rochester Hills City Council hereby approves the Cost Participation Agreement between the City of Rochester Hills and the City of Auburn Hills for road reconstruction on Hamlin Road (North Squirrel Rd to Auburn Hills east City Limits) in the amount of \$918,374.55 and further authorizes the Mayor to execute the contract on behalf of the City.

- 2018-0214** Request for Purchase Authorization - DPS/ENG: Blanket purchase order/contract for the Adams High School Water Main Replacement Project in the amount of \$396,724.50 with a 10% project contingency in the amount of \$39,672.45 for a total not-to-exceed contract amount of \$436,396.95; Aielli Construction Company, Inc., Shelby Township, MI

**Attachments:** [052118 Agenda Summary.pdf](#)  
[Itemized Bid Tab\\_3 Low Bid.pdf](#)  
[Bid Tabulation Summary.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, explained that the Rochester Community Schools have been going through a large investment program in their schools, and noted that one project is currently ongoing at Adams High School. He noted that part of their scope of work is to repave the parking lots. He stated that the City thought it would be prudent to undertake the watermain replacement prior to the parking lots being completed. He gave credit to Tracey Balint, Public Utilities Engineering Manager, and to the City's Purchasing Division, for preparing the plans and specifications quickly. He commented that while there was some concern expressed regarding the contractor selected, references were checked which were not on their list to garner some additional input. He explained that those references came back acceptable.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0138-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for the Adams High School Water Main Replacement Project to Aielli Construction Company, Inc., Shelby Township, Michigan in the amount of \$396,724.50 with a 10% project contingency in the amount of \$39,672.45 for a total not-to-exceed contract amount of \$436,396.95 and further authorizes the Mayor to execute the 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.

- 2018-0215** Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement approval between the Board of Commissioners (BOARD) for the County of Oakland and the City of Rochester Hills for Local Road Improvement Matching Fund Pilot Program in the amount of \$273,250.00; County of Oakland, Waterford, MI

**Attachments:** [052118 Agenda Summary.pdf](#)  
[2018 LRIP Application Signed.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that this initiative through Oakland County makes investment dollars available for infrastructure projects in communities who wish to participate. He explained that in past years, the amount available was \$86,000, and noted that this year it is \$136,000. He stated that the City is leveraging its concrete program, approved to use as the match for funds. He noted that the City will receive an additional \$136,000 from the Board of Commissioners for Oakland County.

**Mr. Hetrick** questioned whether this pilot program would become permanent.

**Mr. Schneck** responded that this is the third year of the program. He explained that the program is influenced by revenues, and he noted that as long as the economy remains good it may continue. He commented that there has been no notification that there is a sunset on the program.

**Mr. Hetrick** commented that it has clearly been a benefit to the City and would be worth the City's effort to encourage it be made a full-fledged program.

**Mr. Schneck** noted that County Commissioner Adam Kochenderfer has lobbied for the City. He stated that he will reach out to him to encourage a look toward a full-fledged program.

**Mayor Barnett** stated that any time a governmental agency gives a community more money than it was anticipated to receive, it is good to say thank you. He noted that the City will put the money to good use and will send thanks to those representing the City at the Commissioners' table.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0139-2018

**Resolved**, that the Rochester Hills City Council hereby approves the Cost Participation Agreement between the City of Rochester Hills and the Board of Commissioners (BOARD) for the County of Oakland for Local Road Improvement Matching Fund Pilot Program in the amount of \$273,250.00 and further authorizes the Mayor to execute the agreement on behalf of the City.

**2018-0217** Request for Purchase Authorization - DPS/ENG: Blanket purchase order/contract for catch basin and manufactured treatment device cleaning services in the amount not-to-exceed \$168,000.00 for a three-year term to expire on December 30, 2021; United Resource, LLC., Livonia, MI

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

**Allan Schneck**, Public Services Director, stated that while catch basin cleaning represents good housekeeping on the part of the City, it is also required as a

part of the City's MS-4 Permit through the Michigan Department of Environmental Quality. He explained that the scope of the project is to clean about 800 catch basin structures each year for the next three years. He noted that the City's Water Resources Coordinator has fine-tuned the project and will undertake the north section of the city this year. He added that it will include removal of heavy debris. He mentioned that work will be coordinated with the dropping of briquettes for West Nile Virus in early June and will be undertaken in late summer and fall so as not to jeopardize that program.

**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 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0140-2018

**Resolved**, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for catch basin and manufactured treatment device cleaning services to United Resource, LLC., Livonia, Michigan in the amount not-to-exceed \$168,000.00 for a three-year term to expire on December 30, 2021 and further authorizes the Mayor to execute the 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.

**2017-0501** Request for Approval for an increase in the cost for the Cost Participation Agreement between the City of Rochester Hills and the Road Commission for Oakland County (RCOC) for Construction of South Boulevard Road (Adams Road to Crooks Road) in the amount of \$143,000.00 for a new not-to-exceed amount of \$621,845.00

**Attachments:** [052118 Agenda Summary.pdf](#)  
[052118 Bid Tabulation.pdf](#)  
[102317 Agenda Summary.pdf](#)  
[Cost Participation Agreement.pdf](#)  
[102318 Resolution \(Draft\).pdf](#)  
[Resolution \(Draft\).pdf](#)

**Allan Schneck**, Public Services Director, stated that the City partnered with the Road Commission for Oakland County (RCOC) and the City of Troy for the past three years in the rehabilitation of South Boulevard from Dequindre westerly to the City's border. He noted that this is the last stretch from Crooks to Adams Roads. He stated that funding is leveraged through the Tri-Party Program, where the City pays one-third, the Board of Commissioners pays one-third, and the RCOC pays one-third from the Tri-Party allocation.

He noted that each entity must go to their respective boards to approve their portion of the increase. He mentioned that the project was originally budgeted for \$800,000 and is still coming in \$180,000 under the projected budget.

**Dr. Bowyer** commented that she is so happy to see this project move forward.

**Vice President Morita** questioned whether the price went up because the bid was let out later than expected.

**Mr. Schneck** responded that the bid was put out in a timely manner within the first or second quarter of the year. He explained that bid prices are often driven by the amount of work in the industry. He noted that bid tabulations were reviewed and nothing was noted as highly unusual to infer that it was an unbalanced bid. He mentioned that average unit prices and work in other municipalities is reviewed to help the engineers place their unit costs for budgeting.

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

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0141-2018

**Resolved**, that the Rochester Hills City Council hereby approves an increase in the cost for the Cost Participation Agreement between the City of Rochester Hills and the Road Commission for Oakland County (RCOC) for construction of South Boulevard Road (Adams Road to Crooks Road) in the amount of \$143,000.00 for a new not-to-exceed amount of \$621,845.00.

## ANY OTHER BUSINESS

*None.*

## NEXT MEETING DATE

*Regular Meeting - Monday, June 4, 2018 - 7:00 p.m.*

## ADJOURNMENT

*There being no further business before Council, it was moved by Morita and seconded by Bowyer to adjourn the meeting at 8:39 p.m.*

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MARK A. TISDEL, President  
Rochester Hills City Council

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TINA BARTON, MMC, Clerk  
City of Rochester Hills

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MARY JO PACHLA, CMMC  
Administrative Coordinator - City Council  
City Clerk's Office

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