



Rochester Hills Minutes - Draft

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City Council Regular Meeting

*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."*

Monday, July 30, 2018

7:00 PM

1000 Rochester Hills Drive

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 6 - Susan M. Bowyer, Ryan Deel, James Kubicina, Jenny McCardell, Stephanie Morita and Mark A. Tisdell

Absent 1 - Dale Hetrick

Others Present:

*Tina Barton, City Clerk
Alan Buckenmeyer, Parks Manager
Grace Currier, Rochester Hills Government Youth Council Representative
Ken Elwert, Parks and Natural Resources Director
Gary Nauts, Facilities Manager
Allan Schneck, Public Services Director
Joe Snyder, Chief Financial Officer
John Staran, City Attorney
Tom Talbert, Strategic Innovation Specialist*

Mr. Hetrick provided prior notice that he would be unable to attend.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by members of the Rochester/Auburn Hills Community Coalition Youth Action Council.

Ms. McCardell *introduced the members of the Rochester/Auburn Hills Community Coalition Youth Action Council.*

Youth Action Council Adult Leader Maria Kopicki *noted that the nonprofit group is comprised of students from Rochester Hills and Auburn Hills and strives to make a difference to promote alcohol awareness and fight teen drug abuse.*

President Tisdell thanked the group for their service.

APPROVAL OF AGENDA

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

Aye 6 - Bowyer, Deel, Kubicina, McCardell, Morita and Tisdell

Absent 1 - Hetrick

COUNCIL AND YOUTH COMMITTEE REPORTS

Paint Creek Trailways Commission (PCTC):

Dr. Bowyer announced that the PCTC will host the annual Labor Day Walk on Monday, September 3, 2018. Proceeds from the walk will go toward bridge improvements. Activities will begin at 8:00 a.m., with the walk starting at 9:00 a.m. She noted that she is the volunteer coordinator for the event, and those interested in helping are encouraged to sign up via the PCTC website.

Green Space Advisory Board (GSAB):

Dr. Bowyer reported that the GSAB will host the next Second Saturday Guided Hike on August 11, 2018 at the White Green Space, consisting of 40 acres just to the north of Innovation Hills Park. The September hike will be held at the Harding Green Space off of the Clinton River Trail near Rochester College. Those interested in participating are encouraged to sign up at rochesterhills.org/outdoors.

Rochester/Auburn Hills Community Coalition (RAHCC):

Ms. McCardell read the mission statement for the RAHCC Youth Action Council, and noted that an event hosted by the group at the Imagine Theater previewed a public service video addressing real-life situations such as underage parties. Council viewed the video.

Older Persons' Commission (OPC):

Mr. Kubicina reported that OPC's Senior Day will be held at Bloomer Park on Wednesday, September 12, 2018 from 9:30 a.m. to 2:30 p.m. He noted that the OPC is celebrating their 35th anniversary. He encouraged those attending to register for the free event by calling 248-656-1403.

Mr. Deel reported that students Zena and Mena Nasiri have formed their own charity, Girls of the Crescent; and recently donated a series of books to the Rochester Hills Public Library with positive female Middle-Eastern role models. He noted that a news story on their charity and donation is currently viewable on the Rochester Hills Public Library's web page.

Planning Commission:

Vice President Morita reported that the Planning Commission will hold a Special Meeting on Wednesday to review the Master Plan proposed changes. She commented that she is excited about one of the changes proposed that will alter zoning classifications to allow for more affordable housing in the area. She noted that smaller acreage requirements and other changes will hopefully provide a larger stock of more affordable homes that are not out of the reach of the average buyer.

Rochester Hills Government Youth Council (RHGYC):

Mr. Deel introduced **Grace Currier**, RHGYC Representative and outgoing senior. He noted that she is a recent graduate of Marian High School and will be attending New York University in Shanghai.

Ms. Currier reported that the RHGYC will be recognizing outgoing seniors and welcoming returning and new members at the August 13, 2018 City Council Meeting. She noted that incoming members will attend an Orientation and Luncheon with Department Directors, City Officials, and City employees on August 15, 2018. She explained that the new term for 2018-2019 will begin on September 1, 2018. On behalf of the RHGYC members, she thanked Council, in particular President Tisdell, Vice President Morita, Mr. Deel, and City Clerk Tina Barton for their continued support this past year.

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.

2018-0301 Adoption of the Oakland County Hazard Mitigation Plan

Attachments: [073018 Agenda Summary.pdf](#)
[Oakland FEMA Conditional Approval.pdf](#)
[Resolution \(Draft\).pdf](#)
[Resolution \(Draft-Revised\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0198-2018

Whereas, the mission of City of Rochester Hills includes the charge to protect the health, safety, and general welfare of the people of City of Rochester Hills, and

Whereas, City of Rochester Hills, Michigan is subject to flooding, tornadoes, winter storms, and other natural, technological, and human hazards; and

Whereas, the Oakland County Homeland Security Division and the Oakland County Local Emergency Planning Committee, comprised of representatives from the County, municipalities, and stakeholder organizations, have prepared a recommended Hazard Mitigation Plan that reviews the options to protect people and reduce damage from these hazards; and

Whereas, City of Rochester Hills has participated in the planning process for development of this Plan, providing information specific to local hazard priorities, encouraging public participation, identifying desired hazard mitigation strategies, and reviewing the draft Plan; and

Whereas, the Oakland County Homeland Security Division (HSD), with the Oakland County Local Emergency Planning Committee (LEPC), has developed the Oakland County Hazard Mitigation Plan (the "Plan") as an official document of the County and establishing a County Hazard Mitigation Coordinating Committee, pursuant to the Disaster Mitigation Act of 2000 (PL-106-390) and associated regulations (44 CFR 210.6); and

Whereas, the Plan has been widely circulated for review by the County's residents, municipal officials, and state, federal, and local review agencies and has been revised to reflect their concerns; and

Now, Therefore, Be It Resolved, by the City of Rochester Hills and the Rochester Hills City Council that:

1. The Oakland County Hazard Mitigation Plan (or section(s) of the Plan specific to the affected community) is/are hereby adopted as an official plan of the City of Rochester Hills.
2. The Mayor is the administrative and executive head of the City, and is charged with supervising the implementation of the Plan's recommendations, as they pertain to City of Rochester Hills and within the funding limitations as provided by the City of Rochester Hills City Council or other sources.

2018-0311 Request for Purchase Authorization - DPS/Fleet: Purchase of one (1) Infield Groomer with Attachments in the amount of \$28,302.46; ABI Attachments, Mishanaka, IN

Attachments: [073018 Agenda Summary.pdf](#)
[18-030 Proposals Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0199-2018

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of one (1) infield groomer with attachments to ABI Attachments, Mishanaka, Indiana in the amount of \$28,302.46.

2018-0295 Request for Purchase Authorization - FACILITIES: Blanket Purchase Order for 2018-2019 Snow Removal Services at City Hall, 52/3rd District Court, Oakland County Sheriff's Office Substation and the five fire stations in the amount not-to-exceed \$75,000.00 through June 30, 2019; Xpert Lawn and Snow, Inc., Warren, MI

Attachments: [073018 Agenda Summary.pdf](#)
[Proposals Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0200-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for 2018-2019 Snow Removal Services at City Hall, 52/3rd District Court, Oakland County Sheriff's Office Substation and the five fire stations to Xpert Lawn and Snow, Inc., Warren, Michigan in the amount not-to-exceed \$75,000.00 through June 30, 2019 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.

2018-0302 Request for Purchase Authorization - FACILITIES: Blanket Purchase Order/Contract for concrete floor application at the Department of Public Services parking garage in the amount of \$45,000.00 with a 10% project contingency in the amount of \$4,500.00 for a total not-to-exceed cost of \$49,500.00; Concrete Floor Treatment, Inc., Westland, MI

Attachments: [073018 Agenda Summary.pdf](#)
[Concrete Floor Applications Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0201-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for concrete floor application at the Department of Public Services parking garage to Concrete Floor Treatment, Inc., Westland, Michigan in the amount of \$45,000.00 with a 10% project contingency in the amount of \$4,500.00 for a total not-to-exceed cost of \$49,500.00 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.

Passed the Consent Agenda

A motion was made by Morita, seconded by Bowyer, 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, Kubicina, McCardell, Morita and Tisdell

Absent 1 - Hetrick

The following Consent Agenda Item was Discussed and Adopted by Separate Motion.

2018-0312 Request for Approval of a Distributed Antenna Systems (DAS)/Small Cell License Agreement between the City of Rochester Hills and Mobilitie, L.L.C., Newport Beach, CA

Attachments: [073018 Agenda Summary.pdf](#)
[DAS & Small Cell Agreement.pdf](#)
[EM-John Staran sending Final Approved Agreement 7-16-2018.pdf](#)
[Overview map.pdf](#)
[Avon Road - Rochester College site plan & specs.pdf](#)
[Rochester Rd - Auburn Rd site plan & specs.pdf](#)
[Sample Bond.pdf](#)
[Resolution \(Draft\).pdf](#)

Dr. Bowyer requested that this item be pulled from the Consent Agenda for discussion.

Allan Schneck, Public Services Director, noted that the request is to authorize a license agreement between Mobilitie and the City of Rochester Hills for the launch and installation of small cell service in Rochester Hills. He noted that **Terrance Spryszak**, Representative from Mobilitie, was in attendance to address any questions.

Dr. Bowyer stated that she is aware that small cell technology is taking off. She questioned whether these locations would be used by single or multiple carriers, if there could be heat issues from the frequencies, and if the City would be limiting density of these locations.

Mr. Spryszak explained that he is he is the Michigan representative for Mobilitie, which is located in Newport Beach, California. He responded that this request is for small cells for Sprint and would only broadcast the Sprint spectrum. He commented that he did not believe that there would be room on a 40-foot utility pole for more than one carrier. He pointed out that the boxes are mounted high enough that they cannot be touched and meet all Federal Communications Commission (FCC) requirements for radio emissions. He mentioned that there are a couple of different designs for the technology, and noted that his firm utilizes wireless technology, with a relay to an existing tower.

Dr. Bowyer questioned how large the equipment is and whether another carrier's equipment could go on the same pole.

Mr. Spryszak responded that the antenna on the top of the pole is two-and-one-half feet on a flat panel. A radio unit is two-foot by two-foot, and a relay unit is approximately one-foot by one-foot. He commented that they are fairly inconspicuous. He explained that the 5G signal is more powerful for data purposes; however, it does not go through walls and hills. He explained that Mobilitie installs the infrastructure; however, it does not own the spectrum.

Mr. Schneck explained that as a part of the agreement, Mobilitie is to exhaust the ability of utilizing all assets that currently exist. He noted that Mobilitie has to show that they have made attempts to connect their small cell service on an existing asset.

Dr. Bowyer expressed concern over the density and questioned whether the City could limit them in the future.

Mr. Spryszak responded that the City would have that ability. He noted that those in Rochester Hills are in the Oakland County and Michigan Department of Transportation right-of-way. He commented that Mobilite wants to be a good citizen.

John Staran, City Attorney, stated that pursuant to the Constitution, the City of Rochester Hills controls what happens within the right-of-ways within the City limits. He stated that just as it was 25 years ago during the advent of the cellular towers and monopoles, there are choices made by the service provider and the community. He pointed out that to serve a larger area with fewer stronger macro cells there would be taller and more powerful structures rather than smaller and less conspicuous ones. He stated that at the staff level new pole placement is strongly discouraged. He commented that the City would like to see co-location within the existing infrastructure. He noted that for the most part these would be DTE's poles.

Mr. Spryszak responded that one would be an AT&T pole.

Mr. Staran stated that while they will be a little more cluttered, according to the cellular ordinance co-location would be utilized. He commented that the technology is here, and the City would like to keep them in the lower range such as a utility pole. He pointed out that anything going in would have to be consistent with the area and blend in.

Dr. Bowyer questioned whether future requests will come to Council.

Mr. Staran responded that he anticipates that there will be future requests, and noted that the City has been contacted by AT&T.

Ms. McCardell questioned whether these are radiation-emitting products, and noted that she would have to recuse herself from the vote if they are.

Mr. Spryszak responded that they emit standard communication waves and are FCC-compliant in terms of the radio wave emissions. He explained that some designs emit microwaves, noting that his company has installed those designs in some sites; however, they would not be used in Rochester Hills.

Ms. McCardell stated that she would recuse herself from further discussion and vote.

(Ms. McCardell exited at 7:35 p.m.)

Vice President Morita questioned what the application fee is and if it is on a per-tower basis.

Mr. Staran responded that the fee is \$1,000 per application, with a separate fee per pole. He pointed out that two locations are proposed in this request.

Vice President Morita stated that approximately 20 years ago a company installed boxes on top of the poles to give internet access to the community. The company subsequently went defunct and the remaining boxes became a problem. She commented that while she believes that 5G is coming, she would question whether the bond required is enough and if the agreement would go on forever.

Mr. Staran responded that this agreement only deals with the two co-location sites and the \$10,000 bond ensures compliance. He added that there is also an insurance component to address liability issues. He noted that if Mobilite would come back with new locations, the bond could be increased.

Vice President Morita commented that the paperwork required for many locations could be an administrative headache. She stated that the discussion should begin now to set what will be required from these companies.

Mr. Deel questioned whether there were any existing locations in the city.

Mr. Schneck responded that there had been a couple of installations by FiberTech put in place as a part of their MetroAct permit; however, they were put on notice that these were not covered by their MetroAct permit and would require an agreement with the City. They were given a cease and desist order. He commented that there was language built into their MetroAct application that should not have been included.

Mr. Staran noted that FiberTech was the first company to come in and receive a MetroAct permit from Council. He stated that their permit included language for small cell DAS that was not caught immediately at staff review. He added that the law is still relatively unsettled regarding this technology. He pointed out that the City takes the position that businesses such as Mobilite need to come to the City for a franchise agreement before locating their equipment. He mentioned that years ago the Metro Director at the State level issued an administrative determination that small cell DAS were covered under the MetroAct; however, more recently the State has distanced themselves from that decision. He noted that the City is taking the position requiring a licensing agreement or permit.

Mr. Deel pointed out that the contract calls for a \$1,000 license fee and a schedule of annual fees of \$750. He pointed out that page 16 of the contract stipulates that if it is determined that the equipment affects public health and safety, the contract can be terminated after reasonable advance notice.

Mr. Staran confirmed that to be correct.

President Tisdell commented that there are many devices sending signals, including traffic signals, sensors, relays, and other equipment.

Mr. Schneck responded that the City's SCADA network monitors the water and sewer assets, and SCATS monitors traffic signals for Oakland County. He stated that there is much technology that already exists, and noted that it is best that the City allow these technology companies to co-mingle on existing assets.

(After the vote, Ms. McCardell re-entered at 7:48 p.m.)

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

Aye 5 - Bowyer, Deel, Kubicina, Morita and Tisdell

Abstain 1 - McCardell

Absent 1 - Hetrick

Enactment No: RES0202-2018

Whereas, Mobilitie, L.L.C., has applied for and requests City Council to approve a Distributed Antenna Systems (DAS)/Small Cell License Agreement with a 10-year term.

Therefore, Be It Resolved, that the Rochester Hills City Council hereby approves Mobilitie, L.L.C.'s request for a DAS/Small Cell License Agreement with the City of Rochester Hills.

Be It Further Resolved, that the City Council authorizes the Mayor to sign the DAS/Small Cell License Agreement and to undertake any and all other necessary and appropriate action in furtherance thereof.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Tisdell expressed his appreciation to those Council Members and to City Clerk Tina Barton and Deputy Clerk Leanne Scott for reaching out to him after the passing of his mother. He commented that she was 93 and had a wonderful life.

Vice President Morita noted that the Michigan Municipal League's (MML) notice of their Annual Meeting was recently sent out, and pointed out that the City must inform the MML by resolution who its voting representative will be at the meeting.

Dr. Bowyer noted that the Auburn Road Corridor Project is coming along well, and mentioned that a Public Meeting will be held at the corner of Emmons and Auburn on August 16, 2018 between 4:00 p.m. and 7:00 p.m. Design boards will be available for review. She noted the following upcoming races:

- The September 3, 2018 Paint Creek Labor Day Bridge Walk will begin at the Rochester Municipal Park.
- The Michigan Ovarian Cancer Alliance Wheels and Teal 5K is set for Saturday, September 15, 2018.
- The Brooksie Way is set for Sunday, September 23, 2018. The race begins at Meadow Brook Hall.
- Neighborhood House will have their Scare Away Hunger Walk on October 21, 2018, beginning at Rochester College.
- Run the Fairway at Pine Trace is set for November 11, 2018.

She mentioned the upcoming outdoor engagement activities including the following:

- Campfire Cookout on August 17, 2018
- Hoot and Howl Hayrides on October 12, and October 13.

Mr. Deel encouraged anyone interested to attend the Auburn Road Corridor Public Meeting, noting that the City wants to receive as much feedback as possible.

Mr. Kubicina reported that he attended a potluck gathering on July 21, 2018 along with Mr. Deel and Ms. McCardell sponsored by the Greater Rochester Area Inclusion Network, Parents for Educational Equity in Rochester Schools, and Rochester Area Interfaith Network. He commented that individuals from these organizations came to Council a while back and expressed an interest in getting to know the City better.

Ms. McCardell displayed some photographs from the Diversity potluck event. She noted that students Zena and Mena Nasiri will be on the Rochester Hills Government Youth Council next year and will be coming to lead the Pledge of Allegiance sometime in September.

Tom Talbert, Strategic Innovation Specialist, reported the following on behalf of Mayor Barnett:

- Road improvements are underway to Livernois. Joint repairs are being done this year with a rebuild in 2019.
- Mayor Barnett was recently in Washington, DC, and was present when President Trump signed an Executive Order establishing the National Council for the American Worker, speaking to the importance of having a skilled workforce. The Federal Program dovetails with the State's Marshall Plan for Talent and the Oakland County Workforce Development Board.
- Resident Rosario (Sara) Martinico celebrated her 108th birthday on July 18, 2018. Sara Martinico was one of the original Rosie the Riveters.

City Clerk Tina Barton reminded voters that the State Primary will be held on Tuesday, August 7, 2018. Polls will be open from 7:00 a.m. to 8:00 p.m. She noted that nine precincts were relocated for this election as a result of construction at the schools. The City's website has both current and relocated precinct information. She stated that letters were sent to nearly 15,000 registered voters impacted by the temporary relocations, an article was included in the Hills Herald, a half-page ad was taken out in the Rochester Post, and the change was noted on the City's NotifyMe notifications, on Twitter and on Facebook. She stated that anyone needing an absentee ballot can obtain one as the Clerk's Office will be open on Saturday from 8:00 a.m. to 2:00 p.m. She added that staff will also be accepting passport applications from 8:00 a.m. to 1:00 p.m. on Saturday.

ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

NOMINATIONS/APPOINTMENTS

2018-0313 Appointment of one (1) City Council Member to the Mayor's Advisory Committee on Diversity & Inclusion for a term to expire December 2, 2018

Attachments: [073018 Agenda Summary.pdf](#)
[Nomination Form - Diversity & Inclusion.pdf](#)
[Rules of Procedure Article VII Sec 01.pdf](#)
[Resolution \(Draft\).pdf](#)

President Tisdell noted that one Council Member will be appointed as Council's representative to the Mayor's Advisory Committee on Diversity and Inclusion.

President Tisdell Opened the Floor for Nominations.

Mr. Deel nominated Vice President Morita. He noted that her qualifications toward serving this committee are her everyday experiences as a Jewish woman married to a Japanese man, and raising a biracial child. He noted that she is a municipal attorney familiar with municipal law throughout the state and can provide valuable legal insight to the committee. He added that it is important for Council to send a member of its leadership team to the committee, and noted that she is Vice President of City Council, elected by Council Members to serve Council.

Ms. McCardell noted that while she would agree that Vice President Morita would be a valuable asset, she would nominate herself as representative. She stated that she has had diversity in her life and feels that she could bring that aspect to the table. She commented that her time in the United States Navy submerged her into many cultures with one mission, and she noted that this has grown a passion for her as she moves forward in her life. She stated that everywhere she goes she tries to ensure that there is a diverse team around her. She pointed out that she has been consistently lobbying the Mayor to form such a committee since she was first elected. She stated that she has written professional papers, and has devoted much time to interact with the Greater Rochester Area Inclusion Network, Parents for Educational Equity in Rochester Schools, and Rochester Area Interfaith Network. She stated that she is happy to see this committee come to fruition.

Seeing No Further Nominations, President Tisdell Closed the Floor for Nominations.

Mr. Kubicina stated that he regrets that he has only one vote to give, noting that both individuals are qualified. He commented that he was in attendance when Vice President Morita gave an impassioned commentary on her son, and noted that Ms. McCardell also deserves to be nominated. He stated that Ms. McCardell has only been on Council for six months, but during that time has been a champion on diversity and inclusion.

President Tisdell noted that as there are two nominees, this item will return in two weeks for a roll call vote.

Discussed: Nominated Jenny McCardell and Stephanie Morita.

NEW BUSINESS

2018-0290 Request for Purchase Authorization: DPS/ENG - Approval of the Cost Participation Agreement between the City of Rochester Hills and Rochester Community Schools for preliminary, construction engineering services and construction for Tienken Road from Adams High School to Olympia Drive in the amount of \$102,683.44; Rochester Community Schools, Rochester, MI

Attachments: [073018 Agenda Summary.pdf](#)
[Interlocal Cost Participation Agreement.pdf](#)
[RCS Resolution - Interlocal Cost Participation Agreement.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Public Services Director, explained that the Rochester Community Schools has bonded \$185 million for improvements throughout the District. He commented that the City has an exceptional relationship with the School District, and stated that both the District and City strive for best management practices as they pertain to vehicular and pedestrian safety. He noted that there is an operational issue occurring every day at Adams High School pertaining to the left-turn lane at the very westerly portion of Adams High School on Tienken. He pointed out that as the stacking lane is very short, traffic backs up to the through-lanes. He stated that the City partnered with the District and through analysis determined that extending the left-turn lane through to the next subdivision entrance would resolve that issue. He explained that the Rochester Community School Board agreed to pay half of the construction costs. If approved, construction will be completed this year.

Vice President Morita questioned whether Premier Academy would be undertaking any construction activity during the period that this work will be done. She expressed concern that construction activities on both sections of the intersection could make the area impassible.

Mr. Schneck responded that Premier has demolished the home and has been backfilling and grading the site. He stated that their plans are in to the County. He stated that he would provide an update and will coordinate the activities.

Dr. Bowyer questioned who owns the land where this work will be undertaken and if right-of-way is available.

Mr. Schneck responded that it was initially thought that the land needed would be split to the north and south; however, it will be constructed to the south. He noted that no right-of-way is needed and there will be no utility impacts.

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

Aye 6 - Bowyer, Deel, Kubicina, McCardell, Morita and Tisdell

Absent 1 - Hetrick

Enactment No: RES0203-2018

Resolved, that the Rochester Hills City Council authorizes the Cost Participation Agreement between the City of Rochester Hills and Rochester Community Schools, Rochester, Michigan in the amount of \$102,683.44 for preliminary, construction engineering

services and construction for Tienken Road from Adams High School to Olympia Drive and further authorizes the Mayor to execute the contract on behalf of the City.

- 2018-0289** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for Adams High School Center Left Turn Lane Widening in the amount of \$189,682.79 with a 10% project contingency in the amount of \$18,968.28 for a total not-to-exceed project amount of \$208,651.07; Pro-Line Asphalt, Rochester Hills, MI

Attachments: [073018 Agenda Summary.pdf](#)
[Adams High School CTL - Centered Widening Pic.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Public Services Director, stated that in an effort to deliver a project that was not anticipated this construction season, innovative thinking was utilized to budget for this project. He explained that the 2018 Hot Melt Asphalt program is \$455,000 under budget; and in partnership with the Fiscal Division, a contractor was secured to do the work. He noted that Purchasing Manager Lisa Cummins was able to identify an existing contract that had similar unit prices for the scope of work, and has allowed this item to come to Council this evening for consideration to award the work to Pro-Line Asphalt.

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

Aye 6 - Bowyer, Deel, Kubicina, McCardell, Morita and Tisdell

Absent 1 - Hetrick

Enactment No: RES0204-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract to Pro-Line Asphalt, Washington Township, Michigan in the amount not-to-exceed \$189,682.79 with a 10% project contingency in the amount of \$18,968.28 for a total not-to-exceed project amount of \$208,651.07 for Adams High School Center Left Turn Lane Widening and further authorizes the Mayor to execute a contract on behalf of the City.

- 2018-0291** Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for design and construction engineering services for Tienken Road Center Left Turn Lane in the amount not-to-exceed \$34,800.00; Spalding DeDecker, Rochester Hills, MI

Attachments: [073018 Agenda Summary.pdf](#)
[Spalding DeDecker's Cost Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Public Services Director, stated that Spalding DeDecker will utilize a progressive and innovative design/build approach for the work. He noted that they will preemptively go out and undertake the initial topographic survey to see how the cross-sections can go in; and once the contractor mobilizes and staking is complete, construction can begin.

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

Aye 6 - Bowyer, Deel, Kubicina, McCardell, Morita and Tisdel

Absent 1 - Hetrick

Enactment No: RES0205-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract to Spalding DeDecker, Rochester Hills, Michigan in the amount not-to-exceed \$34,800.00 for design and construction engineering services for Tienken Road Center Left Turn Lane and further authorizes the Mayor to execute a contract on behalf of the City.

2018-0315 Request for Purchase Authorization - PARKS: Blanket Purchase Order/Contract for the development of the natural water features area at Innovation Hills which includes the pond area, sundial mound and park, parking area to include bioswale and trail extensions, and landscaping, restoration, and plantings in the amount of \$3,456,798.09 with a 10% project contingency in the amount of \$345,679.81 for a total not-to-exceed amount of \$3,802,477.90; Michigan Lawn Maintenance dba Sherman Nursery Farms, Columbus, MI; TR Pieperczak, China Township, MI

Attachments: [073018 Agenda Summary.pdf](#)
[City Final Negotiated Pricing Tabulation.pdf](#)
[Proposal Summary.pdf](#)
[Supplemental Proposal Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Ken Elwert, Parks and Natural Resources Director, stated that the water features area of Innovation Hills will consist of ten acres of pond, waterfalls, gathering areas, and walkways. He explained that the Park has raised over \$1,500,000 of in-kind services over the last year-and-a-half, and noted the untimely death of supporter Steve Stolaruk.

Joe Snyder, Chief Financial Officer, noted that the grand total to be expended for the project this year is \$1.2 million. He pointed out that City revenues in 2018 have been extremely favorable and higher than projected. He noted that Building Department Licenses and Permits are \$700,000 over projections, and Investment Earnings are already at the year-end totals after only six months, with an additional \$300,000 anticipated. He added that expenditures are typically three to four percent under budget, and with a \$25 million budget for expenditures, even one percent is significant contributing approximately \$200,000. He commented that it is Fiscal's thought that there is enough in the General Fund to contribute the \$1.2 million to make the project whole this year, while maintaining the same bottom-line General Fund Fund Balance that ended 2017.

President Tisdel explained that Steve Stolaruk, a private individual, made an in-kind pledge for approximately \$1 million in services, and unexpectedly passed away. He commented that the City could not obligate his estate for that contribution.

Ms. McCardell questioned whether there are any other upcoming projects looking to the General Fund for excess funding this year.

Mr. Snyder responded that there were none looking for excess funds.

Vice President Morita stated that the Park is within a sight-distance of her home, and she is excited about the changes coming. She questioned how much of the \$3.8 million to date has been donated.

Mr. Elwert responded that approximately \$600,000 was non-City funds.

Vice President Morita noted that the City has received contributions from individuals, companies and grants, and noted that just under 20 percent of the funds have been donated. She pointed out that the budgeted amount for 2018 was over \$3 million.

Mr. Deel noted that there are State dollars that are contingent upon breaking ground this year.

Mr. Elwert responded that \$500,000 in funding was contingent on work beginning by September 30, 2018.

Mr. Kubicina gave credit to Mr. Stolaruk, noting that he was instrumental on getting Innovation Hills started, and commented that the City regrets his untimely death. He expressed his thanks to Mr. Stolaruk and his family for getting the work started.

Mr. Elwert noted that a memorial was held at the park. He pointed out that Mr. Stolaruk was responsible for the asphalt pathways to the river.

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

Aye 6 - Bowyer, Deel, Kubicina, McCardell, Morita and Tisdell

Absent 1 - Hetrick

Enactment No: RES0206-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for the development of the natural water features area at Innovation Hills which includes the pond area, sundial mound and park, parking area to include bioswale and trail extensions, and landscaping, restoration, and plantings to Michigan Lawn Maintenance dba Sherman Nursery Farms, Columbus, Michigan and TR Pieperczak, China Township, MI in the amount of \$3,456,798.09 with a 10% project contingency in the amount of \$345,679.81 for a total not-to-exceed amount of \$3,802,477.90 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.

2018-0316 Request for Purchase Authorization - PARKS: Blanket Purchase Order/Contract for construction administration services for the natural water features area at Innovation Hills in the amount not-to-exceed \$420,000.00;

Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI

Attachments: [073016 Agenda Summary.pdf](#)
[HRC Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

Ken Elwert, Parks and Natural Resources Director, stated that Hubbell, Roth & Clark put together an estimate to support the project. He explained that it is a fairly unique project which will require a significant amount of work in the field.

After the vote, Mr. Elwert gave credit to Purchasing Manager Lisa Cummins and to Daniel Mitchell, P.E., Hubbell, Roth & Clark, noting that this has been a grueling process.

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

Aye 6 - Bowyer, Deel, Kubicina, McCardell, Morita and Tisdell

Absent 1 - Hetrick

Enactment No: RES0207-2018

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order/Contract for construction administration services for the natural water features area at Innovation Hills in the amount not-to-exceed \$420,000.00 to Hubbell, Roth & Clark, Inc., Bloomfield Hills, Michigan 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.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, August 13, 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 8:31 p.m.

MARK A. TISDEL, President
Rochester Hills City Council

TINA BARTON, MMC, Clerk
City of Rochester Hills

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.