



# 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)

*J. Martin Brennan, Greg Hooper, Nathan Klomp, Vern Pixley, James Rosen,  
Michael Webber and Ravi Yalamanchi*

*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, February 8, 2010

7:00 PM

1000 Rochester Hills Drive

---

## CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:00 p.m. Michigan Time.*

## ROLL CALL

**Present** 7 - J. Martin Brennan, Greg Hooper, Nathan Klomp, Vern Pixley, James Rosen, Michael Webber and Ravi Yalamanchi

## Others Present:

*Tracey Balint, Project Engineer  
Bryan Barnett, Mayor  
Tara Beatty, Chief Assistant to the Mayor  
Scott Cope, Director of Building/Ordinance Compliance  
Ron Crowell, Fire Chief/Emergency Management Director  
Paul Davis, City Engineer  
Susanna Jang, Rochester Hills Government Youth Council Representative  
Jane Leslie, City Clerk  
Roger Rousse, Director of DPS/Engineering  
Keith Sawdon, Director of Finance*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**A motion was made by Pixley, seconded by Yalamanchi, that the Agenda be Approved as Amended to remove Legislative File Number 2010-0044 from City Council's Agenda. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

## PUBLIC COMMENT

**Leonard Raffler**, 921 West Auburn, stated that his garage assessment issue has not been resolved to his satisfaction. He questioned the number of terms that members of the Board of Review have served.

**Don Torchia**, 2813 Harrison Avenue, distributed a packet of information with pictures of his family's eight month old puppy that was allegedly attacked by the neighbor's pit bull dogs. He requested that City Council review and possibly revise the City's Animal Ordinance.

**Lee Zendel**, 1575 Dutton, cautioned that City Council refrain from placing a millage proposal on the 2010 ballot because voters will not pass a millage that appears to raise their City taxes.

**Deanna Hilbert**, 3234 Quail Ridge Circle, requested that those residents viewing the City Council Meeting from home stay tuned to watch the water reservoir discussion.

**Joe Podvin**, 825 Dunedin Drive, suggested reductions in City expenditures in lieu of a millage increase and stated that City's residents should vote on large City expenditures.

**Alice Benbow**, 1582 Northumberland Drive, expressed her concern about her address being broadcast to viewers during live City Council meetings. She requested that City Council Meetings be available on DVD at the Rochester Hills Public Library.

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**President Hooper** conveyed his condolences to the Torchia Family for the loss of their puppy. He announced the City's victory in the annual charity football game against the City of Rochester.

**Mr. Pixley** expressed his sympathies to Mr. Torchia regarding the loss of his puppy. He congratulated the City's team for the win against the City of Rochester.

**Mr. Klomp** shared that he enjoyed attending this year's Charity Football Game.

**Mr. Rosen** expressed congratulatory wishes.

**Mr. Webber** concurred that the City's Animal Ordinance language may have to be strengthened. He referred to the Charity Football Game as an opportunity for 'team building' between the two Cities.

**Mr. Yalamanchi** requested further discussion of the City's Animal Ordinance under Any Other Business.

**Susanna Jang**, Rochester Hills Government Youth Council (RHGYC) Representative, reported that planning preparations are under way for the Youth Council's 5k Run/Walk to be held in June 2010.

**Mayor Barnett** announced the following:

- The City of Rochester/Rochester Hills Fifth Annual Charity Football Game held on Saturday, February 6, 2010 at Stoney Creek High School resulted in \$800 raised by the City to benefit the American Red Cross for Haiti relief efforts.
- The accreditation of Oakland University Wm. Beaumont Medical School will have a positive impact on the City's local economy.
- The opening of two businesses located in the City; BizmatchConnect.com and Miguel's Cantina.
- The E-version of the Hills Herald will be available this week and e-mail subscription registration is available.
- City Hall will be closed Monday, February 15, 2010 in observance of President's Day.

In response to some items discussed under Public Comment, he responded with the following:

- He stated that under the Board of Review guidelines, there are no term limitations for service of board members and that the Assessing Department team will continue to address Mr. Raffler's concerns.
- He reported that the City Council Meetings are currently available online on the City's website and that the library has computers available for interested parties to view prior City Council Meetings.
- He commented that he had met with Mr. Torchia last week regarding the unfortunate loss of the family's puppy and that he had met with the City's Attorney earlier in the day to discuss the City's ordinance that addresses vicious dogs.

## ATTORNEY MATTERS

**City Attorney John Staran** had nothing to report.

## PRESENTATIONS

**2010-0071** Presentation on the 2010 Census; Tara Beatty, Chief Assistant, and Scott Cope, Director of Building and Ordinance Compliance, presenters

**Attachments:** [Agenda Summary.pdf](#)

*Tara Beatty, Chief Assistant, and Scott Cope, Director of Building and Ordinance Compliance, made a presentation regarding The 2010 Census.*

**Ms. Beatty** stated that potential funding may be available to the City of Rochester Hills dependent upon its success of obtaining an accurate count for the 2010 Census. The Census was last conducted in 2000 and participation by the residents of the City of Rochester Hills was rated as one of the five lowest communities within Oakland County; 72% of residents completed the survey. Under Mayor Barnett's direction, a Complete Count Committee was formed to inform the City's residents of the importance of their participation in the completion and return of the Census questionnaire. She reported on the many methods being utilized to educate the residents to encourage their participation.

**Mr. Cope** explained that obtaining an accurate count of the City's population directly impacts the funding received for local and major road projects, school lunch programs and senior citizen programs, such as the Older Persons Commission. He cited the Energy Efficient Community Block Grant Program (EECBG) as an example of the amount of money the City received from the Federal Government as being directly determined by the population of Rochester Hills. He discussed the concern for residents referred to as 'snowbirds'; a 'snowbird' is described as someone who lives in Rochester Hills for more than six months out of the year but spends the remainder of the year in a different State, possibly one with a warmer climate. He stressed that these individuals should enter a "0" next to the question referring to the number of individuals living at this address at their snowbelt address and leave the rest of the form blank. The form they receive at their address in Rochester Hills is the one they should be completing in its entirety. Mr. Cope mentioned that residents can seek assistance for questions relating to their Census questionnaire by visiting the Rochester Hills Public Library or via the web at [www.2010census.gov](http://www.2010census.gov). He stated that the target date for filling out the Census is April 1st, however, the deadline to be counted will be July 2010.

**Presented.**

**2010-0072** Status update on the grants applied for and/or received for 2009/2010; Tara Beatty, Chief Assistant, presenter

**Attachments:** [Agenda Summary.pdf](#)

**Tara Beatty**, Chief Assistant, stated that her plan is to provide City Council with quarterly status updates of the grant applications. She provided the following breakdown:

**Rochester Hills Grants Awarded, 2009-2010**

- \$141,000.00 from FED-CDBG for Community Development
- \$642,700.00 from DOE-EECBG for Energy Efficiency & Conservation
- \$305,000.00 (three year program) from DOJ-Tech2009 for Speed Radar Signs
- \$5,000.00 from MMRMA for Sanitary Sewer Meter Equipment
- \$3,000.00 from MMRMA for Smoke Testing
- \$10,000.00 from MMRMA for Surveillance Cameras
- \$510,000.00 from DNR-LTFG for Sheldon/Mead Property
- \$13,000.00 from Oakland County for Environmental Concerns Inventory - Landfill

**Rochester Hills Grants Awarded, 2010-2011**

- \$151,000.00 from FED-CDBG for Community Development
- \$195,300.00 requested from DHS-EMS-2009-FO for Turnout Gear
- \$183,645.00 requested from DHS-AFSC for Station #3 Construction to 24/7 operations
- \$4,000.00 requested from DNR-CFGP for Community Tree Planting

- \$5,500,000.00 from DOT-Tiger for Crooks Road/M-59
- \$275,000.00 from DEQ for Stony/Paint Creek Property
- \$3,000.00 requested from DTE-DNR for Community Tree Planting
- \$382,500.00 (pre-proposal) from GLFWRA for Fish Habitat Restoration
- \$15,000.00 from Preserve America for Topographical Map and Trail Markers
- \$145,000.00 from USFWS for Great lakes fish basin habitat

*She reported that she manages the reporting requirements of procured grants to ensure compliance with the standards of the Grant.*

**Presented.**

## 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.

**2010-0031** Approval of Minutes - City Council Regular Meeting - November 9, 2009

**Attachments:** [CC Min 110909.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0024-2010

**Resolved**, that the Minutes of a Rochester Hills City Council Regular Meeting held on November 9, 2009 be approved as presented.

**2009-0567** Approval of Minutes - City Council Regular Meeting - November 23, 2009

**Attachments:** [CC Min 112309.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0025-2010

**Resolved**, that the Minutes of a Rochester Hills City Council Regular Meeting held on November 23, 2009 be approved as presented.

**2010-0051** Request for Approval for payment for the Right-of-Way acquisition to Rae-Beck Holding, LLC for a Public Utility and Highway Easement for the Hamlin Road widening project

**Attachments:** [Agenda Summary.pdf](#)  
[Public Utility Easement.pdf](#)  
[Highway Easement.pdf](#)  
[Consent to Eas Grant & Sub of Lien.pdf](#)  
[City Letter to Chase Bank.pdf](#)  
[Staran Letter to Chase Bank.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0026-2010

**Resolved**, that the Rochester Hills City Council approves the payment for the Right-of-Way Acquisition to Rae-Beck Holding, LLC, for a Public Utility Highway Easement for the Hamlin Road widening project in the amount of \$31,989.00.

**2010-0052** Request for Purchase Authorization - DPS/FAC: Blanket Purchase Order for 2010 landscaping services and lawn mowing for City-owned sites in the amount not-to-exceed \$64,850.00 through December 31, 2010; Precision Landscape, LLC, Sterling Heights, MI

**Attachments:** [Agenda Summary.pdf](#)  
[RFP Tabulations.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0027-2010

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Precision Landscape, LLC, Sterling Heights, Michigan for 2010 landscaping services and lawn mowing for City-owned sites in the amount not-to-exceed \$64,850.00 through December 31, 2010.

## **Passed the Consent Agenda**

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

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

## **ORDINANCE FOR ADOPTION**

**2010-0040** Acceptance for Second Reading - an Ordinance to amend Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and supplement fees charged for various city services, and to repeal conflicting Ordinances

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance \(corrected pg 2\).pdf](#)  
[Ordinance.pdf](#)  
[012510 Agenda Summary.pdf](#)  
[012510 Resolution.pdf](#)  
[Resolution.pdf](#)

**A motion was made by Yalamanchi, seconded by Klomp, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0028-2010

**Resolved**, that an Ordinance to amend Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and supplement fees charged for various city services, and to repeal conflicting Ordinances, is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, February 19, 2010, the day following its publication in the Rochester Post on Thursday, February 18, 2010.

## NOMINATIONS/APPOINTMENTS

**2010-0043** Request to Confirm the Mayor's appointment of Mark Sera to the Brownfield Redevelopment Authority to fill the unexpired term of George Karas which will expire on November 11, 2011

**Attachments:** [Agenda Summary.pdf](#)  
[Sera CQ.pdf](#)  
[Karas resignation.pdf](#)  
[Resolution.pdf](#)

**Mr. Yalamanchi** thanked Mr. George Karas for his dedicated work on the Brownfield Redevelopment Authority.

**A motion was made by Webber, seconded by Klomp, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0029-2010

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's appointment of Mark Sera to the Brownfield Redevelopment Authority to fill the unexpired term of George Karas which will expire on November 11, 2011.

**2010-0045** Request to Confirm the Mayor's appointment of Robin Laske to the Board of Review to fill the unexpired term of Art Saarela which will expire on December 31, 2011

**Attachments:** [Agenda Summary.pdf](#)  
[Laske CQ.pdf](#)  
[Saarela resignation.pdf](#)  
[Resolution.pdf](#)

**A motion was made by Pixley, seconded by Brennan, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0030-2010

**Resolved**, that the Rochester Hills City Council hereby confirms the Mayor's appointment

of Robin Laske to the Board of Review to fill the unexpired term of Art Saarela which will expire December 31, 2011.

**2010-0059** Acceptance of Resignation from Melissa Luginski from the Historic Districts Commission

**Attachments:** [Agenda Summary.pdf](#)  
[Luginski resignation.pdf](#)  
[Resolution.pdf](#)

**Public Comment:**

***Alice Benbow***, 1582 Northumberland, asked why Ms. Luginski was no longer a member of the Historic Districts Commission and inquired about residency requirements for participation on the various City committees.

***President Hooper*** stated that City Council had received a letter of resignation from Ms. Luginski.

***Mr. Yalamanchi*** thanked Ms. Luginski for her commitment and work on the Historic Districts Commission.

**A motion was made by Pixley, seconded by Brennan, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0031-2010

***Resolved***, that the Rochester Hills City Council hereby accepts the resignation of Melissa Luginski as a member of the Historic Districts Commission effective January 27, 2010 and requests a letter of appreciation be sent thanking Ms. Luginski for her service and dedication to the Community.

**2010-0060** Acceptance of Resignation from Paul Funk from the Police and Road Funding Technical Review Committee and the Green Space Advisory Board

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

**Public Comment:**

***Dahlvin Peterson***, 1147 Grandview, Citizen Representative on the Green Space Advisory Board (GSAB), thanked Mr. Funk for his invaluable work and dedication on the Board since its inception.

***Alice Benbow***, 1582 Northumberland, thanked Mr. Funk for his work on the GSAB.

***Mr. Yalamanchi*** commented that it has been his privilege to work with Mr. Funk on the GSAB and thanked him for his years of service.

***Mr. Webber*** expressed his appreciation for Mr. Funk's years of service to the City, particularly as Chairperson of the Police and Road Funding Technical Review Committee.



**Mr. Brennan** stated his regrets for Mr. Funk's resignation and expressed his appreciation for his service to the City and noted that Mr. Funk still works with the Auburn Hills/Rochester Coalition which addresses substance abuse among the community's young people.

**President Hooper** noted his appreciation of Mr. Funk's institutional memory of the City's history and that Mr. Funk will be missed.

**A motion was made by Yalamanchi, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0032-2010

**Resolved**, that the Rochester Hills City Council hereby accepts the resignation of Paul Funk as a member of the Police and Road Funding Technical Review Committee effective January 13, 2010, and the Green Space Advisory Board effective January 31, 2010, and requests a letter of appreciation be sent thanking Mr. Funk for his service and dedication to the Community.

**2010-0038** Nomination/Appointment of one (1) Citizen Representative to the Green Space Advisory Board to fill the unexpired term of Paul Funk ending December 31, 2010

**Attachments:** [Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Thomas Dohr CQ.pdf](#)  
[Jim Kubicina CQ.pdf](#)  
[Elizabeth Tilove CQ.pdf](#)  
[020810 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Carol Donovan CQ.pdf](#)  
[Richard Graham CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Suppl Corey Oliver CQ.pdf](#)  
[Resolution.pdf](#)

**President Hooper Opened the Floor for Nominations.**

**Mr. Webber** nominated Elizabeth Tilove.

**Mr. Rosen** nominated Tom Dohr.

**Mr. Brennan** nominated Jim Kubicina.

See no further nominations, **President Hooper Closed the Floor for Nominations** and noted that as more than one individual was nominated, this item will return in two weeks for a vote.

**Discussed; Nominated Thomas Dohr, Jim Kubicina and Elizabeth Tilove**

- 2010-0039** Nomination/Appointment of one (1) Citizen Representative to the Police and Road Funding Technical Review Committee to fill the unexpired term of Paul Funk ending December 31, 2010

**Attachments:** [Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Ted Zellers CQ.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Resolution.pdf](#)

**A motion was made by Webber, seconded by Pixley, that Ted Zellers be appointed to fill the unexpired term of Paul Funk ending December 31, 2010. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0033-2010

**Resolved**, that the Rochester Hills City Council appoints Ted Zellers to serve as Police and Road Funding Technical Review Committee Representative to fill the unexpired term of Paul Funk ending December 31, 2010.

## NEW BUSINESS

- 2010-0065** Request for Purchase Authorization - MAYOR: Blanket Purchase Order for 2010 city attorney services in the amount not-to-exceed \$283,350.00; Hafeli Staran Hallahan Christ & Dudek, P.C., Bloomfield Hills, MI

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

**Public Comment:**

**Alice Benbow**, 1582 Northumberland, expressed her concern about the number of years the City has retained the services of an attorney located in Bloomfield Hills rather than within the City limits.

**President Hooper** responded that the City Attorney has served the City well for over twenty-five years. He explained the benefits of historical memory involved in this legal relationship as more than merely hourly rates, particularly for litigation and other matters that may arise.

**Mr. Rosen** commented on the institutional memory of City Attorney John Staran and his predecessor as being invaluable to a relatively small city.

**A motion was made by Rosen, seconded by Klomp, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0023-2010

**Resolved**, that the Rochester Hills City Council authorizes a blanket purchase order to for 2010 city attorney services to Hafeli Staran Hallahan Christ & Dudek, P.C., Bloomfield

Hills, Michigan in the amount not-to-exceed \$283,350.00.

- 2010-0042** Request for Purchase Authorization - DPS/FLEET: Purchase of six (6) new vehicles in the amount of \$121,728.00; Red Holman Pontiac GMC Toyota, Westland, MI

**Attachments:** [Agenda Summary.pdf](#)  
[Fleet Memo.pdf](#)  
[3500 Chassis Cab 4x4 10.pdf](#)  
[Canyon 4x4 Ext Cab 10.pdf](#)  
[DPS Parks 2500 4x4 pickup10.pdf](#)  
[Resolution.pdf](#)

**Roger Rouse**, Director of DPS/Engineering, reported that the City's vehicles are purchased through the Oakland County Cooperative Purchase Program at a significantly lower than retail cost and the surplus vehicles are auctioned through the Michigan Intergovernmental Trade Network which results in a significant return on investment to the City.

Responding to Mr. Yalamanchi's inquiry, **Mayor Barnett** stated that the local dealers know about the Oakland County Cooperative Program. He explained that it is a business decision they have made to not participate in this program.

**A motion was made by Yalamanchi, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0034-2010

**Resolved**, that the Rochester Hills City Council hereby authorizes the purchase of six (6) new vehicles (replacements for 39-01, 39-06, 39-34, 39-104, 39-123, 39-157) from Red Holman Pontiac GMC Toyota, Westland, Michigan in the amount of \$121,728.00.

- 2010-0044** Request for Purchase Authorization - FIRE: Purchase of two (2) new vehicles in the amount of \$57,402.00; Red Holman Pontiac GMC Toyota, Westland, MI

**Attachments:** [Agenda Summary.pdf](#)  
[FD Ext Cab Pickup 2500 10.pdf](#)  
[Resolution.pdf](#)

**This matter was Removed from Agenda at the request of the Administration.**

- 2010-0068** Request to Transfer Ownership of Escrowed 2009 Resort Class C licensed business issued under MCL 436.1531(2), located at 3512 Marketplace Circle, Rochester Hills, MI from Brinker Michigan, Inc. to Good Times Rochester, LLC

**Attachments:** [Agenda Summary.pdf](#)  
[Application Packet.pdf](#)  
[Resolution.pdf](#)

**John Carlin, Esq.**, Attorney, representing the applicant Good Times

Rochester, LLC ('Good Times') and Mr. Martin Bardhi, gave a brief overview of the application for the liquor license transfer request noting the following:

- Mr. Bardhi is converting the Chili's Restaurant to a Grand Tavern Restaurant which is a family-oriented sports bar. There is another Grand Tavern Restaurant located in Farmington.
- The assets of the Chili's Restaurant are being acquired and the long-term lease is being honored.
- Upon transfer of the liquor license, the Grand Tavern is estimated to open within three weeks.
- Mr. Bardhi, the liquor serving staff and kitchen staff would be completing their training and educational program at one of the four State approved server training centers by opening day or shortly thereafter.

**A motion was made by Yalamanchi, seconded by Brennan, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0035-2010

**Resolved**, that the request to transfer ownership of Escrowed 2009 Resort Class C Licensed Business issued under MCL 436.1531(2), located at 3512 Marketplace Circle, Rochester Hills, MI 48309, Oakland County, from Brinker Michigan, Inc. (A Delaware Corporation) to Good Times Rochester, LLC be considered for approval.

**2010-0066** Recommendation from the Water and Sewer Technical Review Committee regarding the Water Reservoir program

**Attachments:** [Agenda Summary.pdf](#)  
[W&S Tech Rev Cmte Recommendation.pdf](#)  
[Resolution.pdf](#)  
[Suppl WSTRC Resolution 033110.pdf](#)  
[Suppl Staran Letter 040810.pdf](#)

**President Hooper** stated that Legislative File 2010-0066 and 2009-0419 would be discussed together.

**Roger Rouse**, Director of DPS/Engineering, introduced Gary Markstrom and James Rydquist noting that they were with Tetra Tech, Inc., the consulting firm engaged by the City to conduct the water reservoir study. He also introduced Paul Davis, City Engineer, and Tracey Balint, City Project Engineer.

**Mr. Rouse** gave a brief history of the 2009/2010 water rate discussion at the Water and Sewer Technical Review Committee where it was noted that nearly 60% of the annual operating cost for the Water Operating Fund was for the public utility. He stated that although percentage increases by Detroit Water and Sewerage Department (DWSD) vary year to year, in 2006-2007, there was a 17% rate increase to the City. The Water and Sewer Technical Review Committee directed City Staff to research water rate stabilization options.

He presented the following four options for water rate stabilization:

(1) Renegotiate water rates with DWSD - the City Staff has attempted to renegotiate water rates with DWSD but would have to market negotiations with

*the other 84 communities for the same 4% increase and have made a determination that agreement among all of the communities could not be achieved.*

*(2) Enforcement of water conservation practices - City Staff researched other communities active in water conservation practices and determined there would be an increased cost to municipalities for enforcement and community outreach programs. Legal fees would be incurred because non-compliant individuals were required to appear in court.*

*(3) Construction of water reservoir technology - three separate engineering consultant firms have researched the concept and have concluded along with the City's Engineering Staff that construction of a water reservoir would be the best method for long term water rate control for the City's customers.*

*(4) No action would not result in reduced water rates with DWSD.*

*Based on this information, the Water and Sewer Technical Review Committee directed the City Staff to move forward with design proposals for City Council's review.*

**Public Comment:**

***Deanna Hilbert***, 3234 Quail Ridge, stated her concern regarding the proposed water reservoir and questioned the cost expenditure for the consulting firm's analysis.

***Lorraine McGoldrick***, 709 Essex Drive, questioned what, besides lawn irrigation the stored water would be used for. She stated that the water reservoir proposal should be voted upon by the City's residents.

***Melinda Hill***, 1481 Mill Race Road, suggested that the City eliminate outdoor water meters, negotiate a lower maximum day rate with DWSD and enforce the lawn watering ordinance to adjust water usage. She questioned why the location of the proposed water reservoir had been moved to Nowicki Park from the original location on Tienken Road. She commented that well publicized workshops should be held before embarking on this large of an expenditure.

***Scot Beaton***, 655 Bolinger, stated he is not in support of the construction of water reservoirs in the City. He commented that constructing a water reservoir near John R Road could have a negative impact on real estate values in that area.

***Kim Barno***, 891 River Bend, requested that Council not move forward with the water reservoir project and questioned of Council who was willing to pursue negotiations of lower water rates with DWSD. She suggested holding a town hall meeting to better inform the Citizens about the water reservoir proposal.

***Greg Domka***, 891 River Bend, spoke against the proposed water reservoir project in consideration of the State of Michigan's economy. He stated his opinion that a decrease in water consumption would not affect the increases in DWSD's water rates.

**Martha Black**, 2408 Jackson Drive, stated that she feels most of the City's residents are not aware of the proposed water reservoir.

**Alice Benbow**, 1582 Northumberland, stated that the proposed water reservoir, in her opinion, would be a prime example of blight.

**Lyn Toussaint**, 1005 Bloomer Road, suggested that the lawn watering ordinance be enforced and spoke against construction of the proposed water reservoir on John R Road.

**Robert Quigley**, 1078 Bloomer Road, stated that in his 30+ years as a cost estimator and industrial engineer, a two to three-year payback model was used on capital expenditures, not ten. He commented that water reservoirs do not fit the character of a residential neighborhood.

**Rob Kosch**, 693 John R. Road, stated his strong opposition of constructing a water reservoir at the proposed location on John R Road.

**David Hayes**, 174 Fontainbleau Court, a Manager of Rochester Estates, stated he is opposed to the construction of a water reservoir on John R Road and expressed that the residents need to be made aware of this proposal.

**Bill Freeman**, 466 John R, commented that selling bonds to construct a water reservoir in this current economy is not being fiscally responsible.

**President Hooper** clarified that the proposed water reservoirs are ground mounted and that water towers had never been proposed. He further clarified that water rates charged by DWSD will increase whether or not water reservoirs are constructed. However, the construction of a water reservoir will aid in eliminating the City's peak hour demand, thereby keeping the annual increases to a lesser amount.

**Mr. Rouse** explained that implementing the watering ordinance last year resulted in a slight shift, less than five percent, in reducing the peak hour demand. Although it was determined that area maintenance meters cannot be eliminated, he noted that they are the biggest thing working against them during negotiations with DWSD. He noted that constructing water reservoirs will offer water pressure stabilization, better fire flow and long-term stabilization of water rates.

Responding to President Hooper's request to explain how the proposed water reservoir locations were determined and what the operational cost would be, Mr. Rouse explained the decision for the proposed locations was made utilizing the City's hydraulic model, in addition to necessary design standards, the fact that the City already owns these properties and the ability to provide a supply line to the reservoir. He stated that the routine maintenance and electrical costs associated with running the pump station is estimated to be \$67,000.00 annually.

**City Council Discussion:**

*Discussion ensued relative to the fixed and variable costs associated with constructing and maintaining a water reservoir. Whether or not the soil at the proposed site locations would support these reservoirs was also discussed and it was determined that there were very few soil areas in the City that could not support the partially buried, domed roof reservoir design.*

*The benefit of reducing the peak hour demand and becoming a max day customer was discussed as it relates to future negotiations with DWSD. It was noted that the water reservoir project has been part of the Capital Improvement Project (CIP) process, it will take approximately nine months to construct and bond debt would be used to finance the project.*

*Responding to President Hooper's inquiry, Mr. Rouse reported that the City has had discussion with the City of Rochester, Oakland Township and the City of Auburn Hills to inquire if they would be interested in joining in on the water reservoir project. He explained that if the City decides to move forward, each of these other communities will have to conduct an independent economic analysis in order to determine if it would be feasible for them. Mr. Rouse stated that he informed these communities that the deadline for the City to move forward will be May 1, 2010 in order to apply for any funding through the Drinking Water Revolving Fund (DWRF). He noted that in previous years stimulus money had been provided for that fund, and commented that last year Van Buren Township was the recipient of the stimulus funding for construction of a water storage facility. He stressed that currently there is no stimulus funding proposed, however, should it become available the City would be prepared.*

**Mr. Rosen** questioned if there could be scheduled 'shut down' periods for the water reservoir, such as Labor Day through Memorial Day. He stated his belief that an educational campaign on water usage, similar to that being done for the Census, should be considered before proceeding with the construction of water reservoirs. He then submitted a written request for the City Attorney to give a formal written opinion as to whether or not a water reservoir can be constructed on City property acquired through the Parks Millage, more specifically Nowicki Park.

**Mr. Markstrom**, Tetra Tech, Inc., explained that the water reservoirs could be 'shut down', however, the cost associated with the cleaning process required to start them up again would negate doing so.

**Mr. Yalamanchi** stated that he would like to see an amendment to the current watering ordinance specifying alternate day watering and implementing an educational component to both residents and commercial business owners regarding the use of water prior to moving forward with the construction of water reservoirs. He further stated that if habits are changed and the consumption is kept at a lower amount the City should be able to negotiate a better rate with DWSD.

**Mayor Barnett** expressed his desire to pursue the educational component in a similar fashion as the Census, as suggested by Mr. Rosen.

**President Hooper** stated that it was a consensus by Council to postpone this discussion for a future meeting date to review information about the City's water consumption trend for the summer of 2010.

**This matter was Postponed.**

**2009-0419** Request for Purchase Authorization - DPS/ENG: Award of contract to complete engineering services pertaining to the design, bidding and construction administration for water reservoirs in the amount not-to-exceed \$508,985.00; Tetra Tech, Inc., Detroit, MI

**Attachments:** [Agenda Summary.pdf](#)  
[TetraTech Proposal.pdf](#)  
[101909 Agenda Summary.pdf](#)  
[Proposals Tabulation.pdf](#)  
[101909 Resolution.pdf](#)  
[Resolution.pdf](#)

**See Legislative File 2010-0066.**

**This matter was Postponed.**

**2010-0087** Request that the Administration implement a public outreach education program to change residents', industrial and commercial business' watering patterns; to analyze the City's irrigation patterns on public areas and direct the City Attorney to draft language to amend the current watering restriction ordinance for odd-even days and to draft language or a policy for grandfathering existing area maintenance meters and to discontinue the sale of any future area maintenance meters.

**Mr. Pixley** asked Mr. Yalamanchi if his motion is exclusive and independent to the motion in the packet.

**Mr. Yalamanchi** responded that it was.

**President Hooper** explained that DWSD had previously stated that the City's Area Maintenance (AM) Meters were a problem during the City's water rate discussions. This had been the reason that elimination of the meters had been sought in previous years. However, it has been determined that the existing AM meters are deeded to the property and cannot be removed, and because the City is basically built-out eliminating the sale of future AM meters will have very little effect. He noted that amending the Ordinance to include the odd/even day water restriction will only prove to be effective if it is enforced.



*Mr. Rousse* responded that setting forth consequences for noncompliance would indicate to DWSD the City's serious intent toward reduction in water consumption practices.

**A motion was made by Yalamanchi, seconded by Rosen, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 6 - Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

**Nay** 1 - Brennan

Enactment No: RES0038-2010

**Resolved**, that the Rochester Hill City Council requests to direct the Administration to implement a public outreach education program to change residents', industrial and commercial business' watering patterns; to analyze the City's irrigation patterns on public areas and direct the City Attorney to draft language to amend the current watering restriction ordinance for odd-even days and to draft language or a policy for grandfathering existing area maintenance meters and to discontinue the sale of any future area maintenance meters.

**2010-0061** Discussion regarding performing an open bid process for all insurance coverage provided for the City through Michigan Municipal Risk Management Authority (MMRMA)

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

*Keith Sawdon, Director of Finance, stated that when the 2010 Budget was presented, Councilman Webber had requested that the City research other insurance proposals for the City's insurance needs. He stated that he recently discovered the Michigan Municipal Risk Management Authority (MMRMA) requires a ninety-day notice for withdrawing or terminating from the insurance pool. Due to the fact the City's renewal date is July 1, 2010, he recommended continuing with MMRMA for 2010 and begin the Request For Proposal (RFP) process now to determine if a change needs to be made in 2011.*

**A motion was made by Webber, seconded by Yalamanchi, that the Administration perform an open bid process for all insurance coverage provided for the City through Michigan Municipal Risk Management Authority (MMRMA) by 2011. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0036-2010

**Whereas**, the City of Rochester Hills currently is insured through the Michigan Municipal Risk Management Authority (MMRMA); and

**Whereas**, the current policy is set to expire on July 1, 2010; and

**Whereas**, City Council has shown an interest over the last two years in having the administration perform an open bid process for the City's insurance coverage in order to find potential cost savings; and

**Whereas**, many municipalities traditionally put their insurance coverage out to bid every three to five years.

**Now, Therefore, Be It Resolved**, that the Rochester Hills City Council formally requests that the administration perform an open bid process for all insurance coverage provided for the City through Michigan Municipal Risk Management Authority (MMRMA) by 2011.

**2010-0062** Resolution in support of the Michigan Municipal League in their efforts to change Public Act 312

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

**Public Comment:**

**Rogers Claussen**, 1111 Horizon Court, President of the Rochester Hills Professional Firefighters Union, spoke against the City supporting the Michigan Municipal League (MML) in their efforts to change Public Act 312 (Act). He explained that PA 312 was created to provide public safety employees with binding arbitration as an avenue to resolve negotiating impasse and still provide protection to the communities they serve. He stated that the Act has worked since 1969 as 95% of all eligible bargaining units settled their contracts before entering into binding arbitration; the process works as designed. He respectfully requested that Council review the full facts from more than one source before choosing to support this resolution.

**Mr. Webber** expressed appreciation of Mr. Claussen's comments and stated his involvement with the MML as his reason for bringing this motion to Council. He noted his understanding that PA312 has not been amended since 1969 and that he sees challenges for both sides under the Act as it is currently written. He stated his intent was in no way to disparage the local firefighter union and reiterated that he supported the contract that was passed last year.

**Mr. Brennan** expressed his hesitation in Council's involvement in this type of legislation and would need more information before being able to make a decision.

**Mr. Klomp** stated his concurrence with Mr. Brennan and that review of the Act for possible amendment should be left up to the State of Michigan.

**Discussed.**

## **COUNCIL COMMITTEE REPORTS**

**Mr. Rosen** requested to have a brief meeting with Mr. Yalamanchi and Mr. Pixley regarding Sister City Committee/Auburn Hills at the conclusion of the City Council Meeting.

## ANY OTHER BUSINESS

**2010-0086** Request to direct the Administration and the City Attorney to research the matter of vicious dogs and recommend any proposed amendments to the current ordinance for City Council consideration.

**A motion was made by Webber, seconded by Pixley, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0037-2010

**Resolved**, that the City Council requests to direct the Administration and the City Attorney to research the matter of vicious dogs and recommend any proposed amendments to the current ordinance for City Council consideration.

## NEXT MEETING DATE

*Regular Meeting - Monday, February 22, 2010 - 7:00 PM*

## ADJOURNMENT

*There being no further business before Council, President Hooper adjourned the meeting at 11:32 p.m.*

---

*GREG HOOPER, President  
Rochester Hills City Council*

---

*JANE LESLIE, Clerk  
City of Rochester Hills*

---

*CHRISTINE A. WISSBRUN  
Administrative Secretary  
City Clerk's Office*

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