



Rochester Hills

Minutes

City Council Regular Meeting

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

*David J. Blair, Susan M. Bowyer Ph.D., Ryan Deel, Dale A. Hetrick, Stephanie Morita,
Theresa Mungioli and David Walker*

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

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

Monday, March 16, 2020

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 6 - David Blair, Ryan Deel, Dale Hetrick, Stephanie Morita, Theresa Mungioli and David Walker

Absent 1 - Susan M. Bowyer

Others Present:

Bryan Barnett, Mayor

Tina Barton, City Clerk

Paul Davis, City Engineer/Deputy DPS Director

Gary Nauts, Facilities Operations Manager

Sara Roediger, Planning and Economic Development Director

Leanne Scott, Deputy City Clerk

John Staran, City Attorney

Tom Talbert, Strategic Innovations Specialist

Vice President Bowyer provided previous notice that she would not be in attendance.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

President Deel noted that a number of items on the agenda would have brought additional citizens into Council Chambers, and in light of the recommendations of the Governor and the Health Department relative to the Coronavirus, he wished to take as many steps as possible to eliminate potential exposure by reducing the number of attendees, in particular residents, at City Council. In light of this, he requested that a few non-essential items be removed from this evening's Agenda to be brought back at a later date.

A motion was made by Hetrick, seconded by Walker, that the Agenda be Approved as Amended to remove Legislative File 2020-0091 Michigan Concrete Association Presentation for the Awards of Excellence for Auburn Road and Innovation Hills Park; Legislative File 2020-0065 Nomination/Appointment of one (1) Citizen Representative to the Historic Districts Commission, to fill the unexpired term of Steve Reina ending December 31, 2020; and Legislative File 2020-0104 Nomination/Appointment of one (1) Citizen Representative to the Zoning/Sign Board of Appeals for a three-year term to expire March 31, 2023. The motion carried by the following vote:

Aye 6 - Blair, Deel, Hetrick, Morita, Mungioli and Walker

Absent 1 - Bowyer

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council (RHGYC):

Mr. Deel noted that in light of the Coronavirus public health emergency, he excused the Rochester Hills Government Youth Council member from attending this evening.

Rochester Avon Recreation Authority (RARA):

Ms. Mungioli stated that last Friday RARA had to make the decision to close and postpone all of the ongoing youth competitions. She explained that while a number of programs were in the last two weeks of the season, the games had to be cancelled. She noted that RARA is closed until April 4, and the RARA Board will be evaluating additional closures or time constraints moving forward. RARA plans to reopen on April 4 for its early-April programs as the schools get up and running on April 6.

Rochester Area Youth Assistance (RAYA):

Ms. Mungioli reported that RAYA cancelled its Board Meeting scheduled for tomorrow evening as the school administration building that hosts its meetings is closed and no alternate site is available. She announced that RAYA's Youth Assistance Dinner was also postponed. Information will be forthcoming regarding a rescheduling of the dinner.

Ms. Mungioli encouraged residents to watch both RARA's and RAYA's websites for calendar announcements.

Older Persons' Commission (OPC):

Mr. Hetrick reported that the OPC Governing Board met last week and made the decision to close the OPC through the end of March. The Board will meet again on March 30 to determine the next steps regarding operations. He noted that the Meals on Wheels and Transportation programs are operating with all precautions taken to sanitize transportation vehicles and minimize the spread of Coronavirus during meal delivery.

Avondale Youth Assistance (AYA):

Ms. Morita announced that AYA's Youth Recognition Awards scheduled for this Wednesday have been postponed. A new date will be forthcoming. She noted that there are a number of graduating seniors being recognized and suggested that perhaps media coverage could be enlisted to help deliver awards to the graduating students.

PRESENTATIONS

2020-0091 Presentation by the Michigan Concrete Association for the Awards of Excellence for Auburn Road and Innovation Hills Park

Attachments: [031620 Agenda Summary.pdf](#)
[Press Release.pdf](#)

Removed from Agenda.

PLANNING AND ECONOMIC DEVELOPMENT

2020-0041 Request for Preliminary Planned Unit Development Concept Plan Approval - Rochester University Townhomes, a proposed 70-unit, for sale development on 7.9 acres located on the campus of Rochester University on Avon, east of Livernois, zoned SP Special Purpose, currently part of Parcel 15-15-451-008, Pulte Homes of Michigan, Applicant

Attachments: Letter Noles 4-15-20 Supplemental Info.pdf
04.15.20 The Groves Landscape Plan - Rev..pdf
Emergency Access truck sketch 041520.pdf
RochesterCollege-AccessRoadEasement.pdf
RochesterCollege-ConservationEasement.pdf
Updated EIS 102819.pdf
Rochester University Letter of Support.pdf
Traffic Impact Study.pdf
Minutes PC 2-18-20.pdf

Sara Roediger, Planning and Economic Development Director, and **Mike Noles**, Vice President of the Umlor Group, representing Pulte Homes were in attendance.

Ms. Roediger explained that the City has been working with the Applicant for the better part of a year to look at development of the northeast corner of the Rochester University site, encompassing 7.9 acres zoned SP - Special Purpose and governed by an existing Planned Unit Development (PUD) that calls for roughly 300 apartments. She noted that Rochester University instead made the decision to sell off that portion of its property and allow for the development of 70 townhomes. She stated that should the project move forward, a modification would be required to the existing PUD for the University to remove that portion of the property.

She explained that the PUD process provides for a balance between the Applicant and the City, and one of the criteria for the PUD is to provide for a

public benefit. Benefits proposed for this project are to fill in the missing pathway along Avon Road to connect to the Clinton River Trail on the western edge of the property, and the creation of a more natural path on the northern end of the property to connect to City-owned open space.

She stated that the Planning Commission recommended approval of the Preliminary PUD at its meeting in February and staff recommends approval. The next step will be a final PUD approval process and development of a PUD Agreement to document all the legal aspects of the project, along with a Wetland Use Permit, Tree Removal Permit, Steep Slope Permit, and Natural Features Setback.

Mr. Noles reviewed a graphic depicting the buildings in the existing PUD versus the proposed PUD's townhomes. He pointed out that the clearing area is more compact in the proposed PUD and the 300-car parking lot previously approved has been removed. He noted that the project received positive feedback from the Green Space Advisory Board as well as an endorsement letter from Rochester University.

He explained that a number of benefits were approved as a part of the existing PUD; and he pointed out that those benefits are still in place, including the proposed dedication of the west Avon Road right-of-way, preservation of the existing farm building, and a conservation easement. He added that this will be a less-intense use and stated that an additional four-acre conservation area is included. The additional conservation area has been put in place in order to meet both the single-family and multi-family tree replacement and preservation requirements. He mentioned that 37 percent of the trees in the development area will be preserved while meeting all replacement requirements.

He provided the following details regarding the project:

- The nature path will be a woodchip surface, with benches installed and educational signage included. The path will go past a proposed basin at the bottom of the slope, which has been oversized to accommodate any additional improvements of the University in the future.
- Dimensional waivers being requested include interior setbacks, needed in order to preserve the natural features and keep the development away from the steep slopes. As a result, all locations will have premium views.
- There will be 330 parking spaces available consisting of two spaces in every garage, two in every driveway, and on-street parking. The applicant is working with the adjacent church to secure an easement to allow for additional overflow parking.
- The site is 900 feet from Avon Road, and there will be little or no vantage point to view the front-facing garages from the roadway. The front-entry architecture will improve the quality of life at the site. Pulte is building similar units in Emerson Park in Novi.

Council Discussion:

Mr. Blair questioned whether this would be student housing or rentals.

Mr. Noles responded that the units will be for sale to the public and while Rochester University supports the proposal and it will be a nice addition for faculty members and/or graduate students, it would not be dedicated university housing.

Mr. Hetrick stated that it was good to hear that the applicant is working on an easement with the church for overflow parking. He commented that it was clearly an issue with the Planning Commission and with Council's approval as well. He mentioned the future development site that will be a part of the PUD and questioned whether that would be condominiums as well.

Mr. Noles responded that the 70 townhomes would be a part of one phase with no future development proposed as a part of the PUD. He explained that this would be a standalone PUD with no future development areas. He stated that the 2006 PUD contained a reference to future development to include a parking lot, and that would not be a part of this PUD.

Ms. Mungoli stated that she would like to see a legal document stating that the development would be allowed to use the church for parking. She commented that as laws and tax structures change, verbal agreements do not often follow. She noted that Ms. Kapelanski responded to her questions regarding the access road, and commented that she wanted to also see a legal agreement for access. She stated that it sounds like an interesting development, and will provide the future residents with a means to see the green space around it. She questioned whether the conservation easement would stay with the university.

Mr. Noles confirmed that it would.

Ms. Roediger noted that the legal documents would be a part of the final review that would come before Council.

Mr. Hetrick noted that one of the conditions recommended for approval is for a written agreement for access.

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

Aye 6 - Blair, Deel, Hetrick, Morita, Mungoli and Walker

Absent 1 - Bowyer

Enactment No: RES0058-2020

Resolved, that the Rochester Hills City Council hereby approves the Preliminary Planned Unit Development Concept Plan for Rochester University Townhomes, a proposed 70-unit, for sale development on 7.9 acres located on the campus of Rochester University on Avon, east of Livernois, zoned SP Special Purpose and governed by a PUD Agreement, currently part of Parcel 15-15-451-008, Pulte Homes of Michigan Applicant, with the following findings and conditions:

Findings:

1. The proposed PUD Concept Plan meets the criteria for use of the PUD option.

2. The proposed PUD Concept Plan meets the submittal requirements for a PUD concept plan.
3. The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed development is not expected to have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
5. The proposed development is consistent with the Master Land Use Plan to provide alternate housing options.
6. The Planning Commission modifies the density, minimum side perimeter setbacks, minimum building separation for several identified buildings, the garage orientation and the front door orientation requirements, as they will result in a better development layout.

Conditions:

1. Approval shall only confer the right of the applicant to submit detailed site plans consistent with the layout and at a density not exceeding that shown on the PUD Concept plan.
2. The site plans, including but not limited to landscaping, engineering, tree removal and setback modification plans will meet all applicable City ordinances and requirements while remaining consistent with the PUD Concept layout plan.
3. The architectural quality of building plans submitted with the site plans and PUD Agreement in step 2 of the PUD process will be equal to or better than that approved with the PUD Concept plan.
4. Recommendation by the Planning Commission and approval by City Council of an amended PUD Agreement, as approved by the City Attorney, at Final PUD review.
5. Obtain a Tree Removal Permit, Wetland Use Permit Recommendation and Natural Features Setback Modifications at Final PUD Review.
6. Approval of a lot split prior to final approval by Engineering.
7. Provide landscape, irrigation and tree fund payment (if necessary) cost estimates in conjunction with Final PUD review.
8. Address comments from applicable City Staff memos, prior to Final PUD submittal.
9. The proposed trail to the detention pond shall be rerouted to stay out of the pond, to be approved prior to Final PUD review and approval.
10. That a written agreement with the church to share access with the parking lot shall be in place prior to Final PUD review and approval.
11. That a walking path plan from the church parking lot to the development be submitted prior to Final PUD review and approval.
12. That a no parking plan for Warrior Way and Eagles Wing Way be in place prior to Final PUD review and approval.

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.

2020-0100 Approval of Minutes - City Council Regular - September 9, 2019

Attachments: [CC Min 090919.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0054-2020

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on September 9, 2019 be approved as presented.

2020-0101 Approval of Minutes - City Council Regular Meeting - September 23, 2019

Attachments: [CC Min 092319.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0055-2020

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on September 23, 2019 be approved as presented.

2020-0073 Request for Adoption of a Street Resolution to place newly constructed Andlaur Drive (Woodland Crossing), within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as amended

Attachments: [031620 Agenda Summary.pdf](#)
[Preliminary Acceptance.pdf](#)
[WC PLAT.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0056-2020

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

Now, Therefore, Be It Resolved,

1. That the said street is described as:

Andlaur Drive as described within the Master Deed of "Woodland Crossing", Condominium Subdivision Plan No. 2275, recorded in Liber 53289, Page 1, Oakland County Records being part of Southwest ¼ of Section 25, City of Rochester Hills, Oakland County, Michigan, and any other amendments to the Master Deed that may occur hereafter, and

2. That said street is located within City right-of-way and is under the control of the City of Rochester Hills, and
3. That said street is certified as public streets and are for public street purposes, and
4. That said street is accepted into the City Local Street System, and
5. That said street has been open to traffic on October 22, 2019 and has been constructed according to City standards.

2020-0099 Adoption of Street Resolution - Decertify 175 feet of Emmons Avenue (Brooklands Sub)

Attachments: [031620 Agenda Summary.pdf](#)
[Emmons Decertification Map.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0070-2020

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

Now, Therefore, Be It Resolved

1. At a regular City Council of Rochester Hills meeting held at City Hall on March 16, 2020, this resolution is necessary to decertify a portion of Emmons Avenue, as it is now closed to traffic
2. Emmons Avenue new termination point is 175 feet north of E. Auburn Road
3. 175 feet of local roadway has been removed from the City of Rochester Hills road system

2020-0060 Request for Purchase Authorization - DPS/ENG: Standard Agreement for Municipal Street Lighting between the City of Rochester Hills and the Detroit Edison Company for the installation and upgrade of three (3) community roadway lights along Auburn Road at its intersections with Barclay Circle and Primrose Drive and approval of payment \$3,329.20; Detroit Edison Company, Cincinnati, OH

Attachments: [031620 Agenda Summary.pdf](#)
[DTE Budget Letter.pdf](#)
[Proposed Location.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0057-2020

Resolved that the Rochester Hills City Council hereby approves the Standard Agreement

for Municipal Street Lighting between the City of Rochester Hills and the Detroit Edison Company for the installation and upgrade of three (3) community roadway lights along Auburn Road at its intersections with Barclay Circle and Primrose Drive and approval of payment \$3,329.20 and further authorizes the Mayor to execute the agreement on behalf of the City.

Passed the Consent Agenda

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

Aye 6 - Blair, Deel, Hetrick, Morita, Mungioli and Walker

Absent 1 - Bowyer

LEGISLATIVE & ADMINISTRATIVE COMMENTS

***President Deel** stated that the City is in the midst of this ever-changing and unprecedented public health crisis of COVID-19. He noted that while the City has made every endeavor to streamline the process for this meeting, it is very important that Council proceed in holding this meeting. He commented that City government is still in operation, and there will be adjustments that need to be made to ensure that the City continues to provide the same level of service to its residents during the crisis.*

***Mr. Walker** reported that Beautiphi Aesthetics & Wellness had a ribbon-cutting last Thursday at its location at Tienken and Rochester. He noted that the small business owners in the community will be impacted by this crisis, and he urged residents to do what they can to support the local businesses by ordering takeout and purchasing gift cards during this period.*

***Ms. Mungioli** stated that in these unprecedented times, many negative stories are on the news. She encouraged residents to find the positive stories of neighbors helping neighbors and businesses finding new ways to help people and share them with Council and the City.*

***Mayor Barnett** reported that long-time resident George Karas passed away recently. He noted that Mr. Karas was a leader in the community for many years and was the first employee of Oakland University and a founding-father of the City of Rochester Hills as a part of the Charter Commission.*

He addressed the topic of the Coronavirus. He stated that a weekly conference call takes place between the leaders of Rochester Hills and adjacent communities, representatives of the medical community, OPC, RARA, and Library staff, and the school districts, with continued daily updates. He noted that one of his top priorities is to protect the employees of the City, and a decision was made to close City Hall and all municipal buildings to the public until April 1. He encouraged residents to make use of online services, the drop box, and use the vestibule at City Hall for larger submissions. He noted that the orders from the Governor are changing things daily. He echoed Mr. Walker's comments encouraging residents to do what they can to support local businesses. He stated that he will need Council's support on items to move

forward and noted that the City will conduct its business as transparently as possible under the direction of the Legislature. He stressed that while all parks buildings and programming are closed, the parks themselves remain open.

He noted that the residents of the City are great at giving back, and he noted that the City has had many volunteers call to see what they could do to help and many businesses are offering their resources.

***President Deel** stated that he did not know anyone that would not be impacted in some way by this emergency, and commented that it is nice to have some normalcy continue, such as access to parks and City services.*

ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

NOMINATIONS/APPOINTMENTS

2020-0065 Nomination/Appointment of one (1) Citizen Representative to the Historic Districts Commission, to fill the unexpired term of Steve Reina ending December 31, 2020

Attachments: [04272020 Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[Long CQ.pdf](#)
[McGunn CQ.pdf](#)
[Morlan CQ.pdf](#)
[04132020 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Calderwood CQ.pdf](#)
[Frederiksen CQ.pdf](#)
[Hauser CQ.pdf](#)
[Hunter CQ.pdf](#)
[McCracken CQ.pdf](#)
[Zimmerman CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[022420 Agenda Summary.pdf](#)
[Reina Resignation Letter.pdf](#)
[022420 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Removed from Agenda.

- 2020-0104** Nomination/Appointment of one (1) Citizen Representative to the Zoning/Sign Board of Appeals for a three-year term to expire March 31, 2023

Attachments: [04272020 Agenda Summary.pdf](#)
[Appointment Form.pdf](#)
[Kalas CQ.pdf](#)
[Sakis CQ.pdf](#)
[04132020 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Braun III CQ.pdf](#)
[Colling, Jr. CQ.pdf](#)
[Dorris CQ.pdf](#)
[Farmer CQ.pdf](#)
[Gwiazdowski CQ.pdf](#)
[Holmes CQ.pdf](#)
[Hurst CQ.pdf](#)
[Lewis CQ.pdf](#)
[Long CQ.pdf](#)
[Lyons CQ.pdf](#)
[McCracken CQ.pdf](#)
[McGunn CQ.pdf](#)
[Mendez Jr. CQ.pdf](#)
[Rood CQ.pdf](#)
[Strunk CQ \(Revised\).pdf](#)
[Strunk CQ.pdf](#)
[Thompson CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

Removed from Agenda.

NEW BUSINESS

- 2020-0086** Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Rochester Football, Inc.

Attachments: [04132020 Agenda Summary.pdf](#)
[Organizations' Purpose and Plans.pdf](#)
[Bylaws.pdf](#)
[Articles of Incorporation.pdf](#)
[IRS Determination Letter.pdf](#)
[Form 990-EZ.pdf](#)
[2019 Annual Report Filing.pdf](#)
[Board of Directors.pdf](#)
[01222020 Board Mtg Minutes.pdf](#)
[Solicitation Registration Packet.pdf](#)
[Charitable Gaming License Policy.pdf](#)
[Resolution \(Draft\).pdf](#)

President Deel noted that the applicants for this and the following item were not in attendance.

Ms. Morita requested that this item be postponed until the next meeting, stating that she had some questions for the applicant regarding the application, in particular the use of a team name she saw as culturally-insensitive. She stated that she would request that the following item also be postponed until that applicant could be in attendance.

Postponed.

2020-0087 Request for Nonprofit Designation for a Charitable Gaming License from the State of Michigan - Avondale GATE PTO

Attachments: [04132020 Agenda Summary.pdf](#)
[Plan.pdf](#)
[Purpose.pdf](#)
[Bylaws.pdf](#)
[Articles of Incorporation.pdf](#)
[IRS Determination Ltr.pdf](#)
[Board Resolution.pdf](#)
[Charitable Gaming License Policy.pdf](#)
[Resolution \(Draft\).pdf](#)

Ms. Morita requested that this item be postponed to a future meeting until the applicant could be in attendance.

Postponed.

2020-0074 Request for Purchase Authorization - DPS/ENG: Acceptance of bids for the Bedford Square and Tienken Court Water Main Replacement and Road Resurfacing Project and Glidewell Subdivision Water Main Replacement Project and if accepted, Contract/Blanket Purchase order for Bedford Square and Tienken Court Water Main Replacement and Road Resurfacing Project and Glidewell Subdivision Water Main Replacement Project in the amount of \$4,813,879.00 with a 10% project contingency in the amount of \$481,387.90 for a total not-to-exceed amount of \$5,295,266.90; Bidigare Contractors, Inc., Plymouth, MI

Attachments: [031620 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Resolution \(Draft\).pdf](#)

Paul Davis, City Engineer/Deputy DPS Director, noted that the Administration plans to continue its infrastructure programs during this time of emergency. He explained that the Administration will attempt to make it as typical of a construction season as it can be given the circumstances. He noted that the Bedford Square project had two bidders, and it was determined that it was an unbalanced bid. He noted that Council is requested to determine whether the bid can be awarded this evening to the as-read low bidder, which he noted has done work for the City previously and is recommended.

President Deel requested Mr. Davis review the factors in recommending moving forward despite the unbalanced bid.

Mr. Davis explained that a bid is not only reviewed for its bottom line; each line item is reviewed as to whether a fair price was given for that item. He pointed out that there were a number of line items where the bids were significantly different between the two contractors and he stated that he has seen this happen a number of times by contractors looking for competitive advantage on a project. He stated that items in question on this bid were typically restoration items, such as driveway removals and/or replacements. He explained an analysis was undertaken to substitute the second bidder's line item prices into the low bidder's amounts for comparison, and the low bid was still significantly lower. He stated that it appears to be a good choice for the City to award to the low bidder.

Council Discussion:

Mr. Hetrick questioned whether the bid is being adjusted and if the recommended bidder understands what is being agreed to. He commented that Mr. Schneck confirmed that the City has had a good experience with the recommended contractor.

Mr. Davis responded that the bid is not being adjusted and Council would be accepting their bid as received. He stated that the bidder has an understanding that Council could opt not to award the contract to them. He confirmed that the City had a good experience with Bigidare on a similar previous project.

Ms. Morita questioned whether the City has discussed the reasons for submitting a bid in this manner with Bigidare representatives.

Mr. Davis explained that it has, and the representatives responded that it determined that the City's restoration quantities in the bid were much higher than what they felt it should have been. He stated that the actual quantity will be determined by what the contractor actually does, and explained that the contractor may have the ability to minimize disruption and control some of the quantities.

Ms. Morita commented that a couple of years ago during the City's concrete project, the City received complaints about improper concrete restoration of aprons and curbs. She questioned whether the same contractor was involved in that project.

Mr. Davis responded that it was not Bigidare. He explained that Bidigare is undertaking this as a pipe-bursting watermain project and will have the ability to do the work with less disruption than an open-trench project. He commented that there will be some places that they may need to get into driveways to make connections.

Ms. Morita questioned whether the other bidder has done a similar project for the City and how that went.

Mr. Davis responded that Pamar undertook a project in Section 33 a couple of years ago where a temporary service was installed. He explained that the work could be done in sections and the main returned to service each day with a pre-chlorinated pipe bursting process as is proposed by Bidigare; or the main could be disrupted in large sections with a temporary water service put in place.

Ms. Munglioli noted that the scope of work must be completed.

Mr. Davis agreed, noting that a good example is the unbalanced bid of the Auburn Road project handled by the Michigan Department of Transportation. He pointed out that lafrate Construction bid 40-cents a square foot for concrete sidewalk which was considered way too low, while the next bidder bid four times as much. He noted that the City ultimately added quantities of sidewalk not in the original scope of the project and the bidder honored those unit prices even though they were significantly lower.

Ms. Munglioli commented that she will be looking at this if Council is requested to approve any cost overruns with respect to those line items.

Mr. Davis commented that the City will be the enforcing agent for pricing. He mentioned that all of the bids recommended this evening came in under budget. He pointed out that the City got its bidding out early to take advantage of better pricing and did a good job of estimating.

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

Aye 6 - Blair, Deel, Hetrick, Morita, Munglioli and Walker

Absent 1 - Bowyer

Enactment No: RES0059-2020

Resolved, that the Rochester Hills City Council hereby authorizes acceptance of the bids received for the Bedford Square and Tienken Court Water Main Replacement and Road Resurfacing Project and Glidewell Subdivision Water Main Replacement Project and that by acceptance of the bids for the Bedford Square and Tienken Court Water Main Replacement and Road Resurfacing Project and Glidewell Subdivision Water Main Replacement Project City Council hereby authorizes a blanket purchase order/contract for the Bedford Square and Tienken Court Water Main Replacement and Road Resurfacing Project and Glidewell Subdivision Water Main Replacement Project to Bidigare Contractors, Inc., Plymouth, Michigan in the amount of \$4,813,879.00 with a 10% project contingency in the amount of \$481,387.90 for a total not-to-exceed project amount of \$5,295,266.90 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.

2020-0075 Request for Purchase Authorization - DPS/ENG: Blanket purchase order/contract for the 2020 Concrete Road Replacement Program in the amount of \$2,270,181.00 with a 10% project contingency in the amount of \$227,018.10 for a total not-to-exceed amount of \$2,497,199.10; Koala-T Construction, Holly, MI

Attachments: [031620 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Map.pdf](#)
[Resolution \(Draft\).pdf](#)

Paul Davis, City Engineer/Deputy DPS Director, stated that the City received seven bids and noted that he has not worked with the recommended bidder, Koala-T Construction before. He mentioned that they bid last year's project; and at the time they were determined to not meet certain qualifications, resulting in the bid being awarded to the second-lowest bidder. He explained that this year they completed the requirements and were deemed responsive and were the lowest responsible bidder at 1.2 percent below the engineering estimates and are recommended for the contract award.

Ms. Munglioli commented that in walking through those subdivision streets last year campaigning, those streets definitely need to be repaired.

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

Aye 6 - Blair, Deel, Hetrick, Morita, Munglioli and Walker

Absent 1 - Bowyer

Enactment No: RES0060-2020

Resolved, that the Rochester Hills City Council hereby authorizes a contract/blanket purchase order for the 2020 Concrete Road Replacement Program to Koala-T Construction, Holly, Michigan in the amount of \$2,270,181.00 with a 10% project contingency in the amount of \$227,018.10 for a total not-to-exceed amount of \$2,497,199.10 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.

2020-0080

Request for Purchase Authorization - Blanket purchase order/contract for construction engineering services for the 2020 Concrete Road Replacement Program in the amount of \$338,900.00; Spalding DeDecker, Rochester Hills, MI

Attachments: [031620 Agenda Summary.pdf](#)
[Proposal for Services.pdf](#)
[Resolution \(Draft\).pdf](#)

Paul Davis, City Engineer/Deputy DPS Director, explained that oftentimes the City needs to rely on assistance to complete the construction engineering of various projects, including providing daily inspection and oversight, assisting with pay estimates, assisting with customer concerns, and eventually finalizing and closing out the project. The City is recommending that Spalding DeDecker be awarded the contract to assist the City with construction engineering of the program.

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

Aye 6 - Blair, Deel, Hetrick, Morita, Mungioli and Walker

Absent 1 - Bowyer

Enactment No: RES0061-2020

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for construction engineering services for the 2020 Concrete Road Replacement Program to Spalding DeDecker, Rochester Hills, Michigan in the amount of \$338,900.00 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.

2020-0076 Request for Purchase Authorization - DPS/ENG: Contract/blanket purchase order for the 2020 HMA Road and Pathway Rehabilitation Program in the amount of \$1,547,628.00 with a 10% project contingency in the amount of \$154,762.80 for a total not-to-exceed project amount of \$1,702,390.80; Pro-Line Asphalt, Washington, MI

Attachments: [031620 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Map.pdf](#)
[Resolution \(Draft\).pdf](#)

Paul Davis, City Engineer/Deputy DPS Director, stated that the City did not undertake a pathway rehabilitation program last year and opted to include it with this bid for 2020. Two bids were submitted and Pro Line Asphalt was the lowest responsible bid, at only \$3,000 above the engineer's cost estimate. He noted that Pro Line has done numerous projects for the City, and it is recommended to move forward with the award to Pro Line.

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

Aye 6 - Blair, Deel, Hetrick, Morita, Mungioli and Walker

Absent 1 - Bowyer

Enactment No: RES0062-2020

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase

order/contract for the 2020 HMA Road and Pathway Rehabilitation Program to Pro-Line Asphalt, Washington, Michigan in the amount of \$1,547,628.00 with a 10% project contingency in the amount of \$1,547,628.00 with a 10% project contingency in the amount of \$154,762.80 for a total not-to-exceed amount of \$1,702,390.80 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.

2020-0077 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for construction engineering services for the 2020 HMA Road and Pathway Rehabilitation Program in the amount of \$190,400.00; Anderson, Eckstein and Westrick, Inc., Shelby Township, MI

Attachments: [031620 Agenda Summary.pdf](#)
[Proposal for Services.pdf](#)
[Resolution \(Draft\).pdf](#)

Paul Davis, City Engineer/Deputy DPS Director, stated that there is a need for construction engineering assistance from the design consultant. He noted that Anderson Eckstein and Westrick is recommended as they have had experience with the City's pathway programs and road construction.

Ms. Mungoli questioned whether it was standard that the construction engineering services were more than ten percent of the project amount.

Mr. Davis responded that ten percent is typically budgeted for design and 15 percent is typically budgeted for construction engineering services

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

Aye 6 - Blair, Deel, Hetrick, Morita, Mungoli and Walker

Absent 1 - Bowyer

Enactment No: RES0063-2020

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for construction engineering services for the 2020 HMA Road and Pathway Rehabilitation Program to Anderson, Eckstein and Westrick, Inc., Shelby Township, Michigan in the amount of \$190,400.00 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.

2020-0078 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for the 2020 HMA Road Rehabilitation Program in the amount of \$3,136,805.00 with a 10% project contingency in the amount of \$313,680.50 for a total not-to-exceed amount of \$3,450,485.50; Pro-Line Asphalt, Washington, MI

Attachments: [031620 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Project Plan.pdf](#)
[Resolution \(Draft\).pdf](#)

Paul Davis, City Engineer/Deputy DPS Director, stated that the bid came in very close to the engineering estimate for this project. He pointed out that as the Special Assessment Paving Policy requires the City to package those streets with a larger project to take advantage of economies of scale, the paving of Bolinger and Michelson was included in this bid. He stated that award is being recommended to Pro Line Asphalt on this project.

Ms. Mungoli noted that the bid contains some milling activities. She commented that last year as Adams Road had milling done, there were large bumps left from the milled to the unmilled sections. She asked that as the milling work is undertaken that some buffer is incorporated to smooth the transition out during the milling process. She commented that cars would slow to five to ten miles per hour to go over those ridges and suggested that if a slope or transition was incorporated, traffic would be able to flow better and cars would not be damaged.

Mr. Davis pointed out that the Adams Road project was under the control of the Road Commission for Oakland County. He stated that the City does not intend to have this happen and will ensure that this request is passed along to the consultant and the contractor.

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

Aye 6 - Blair, Deel, Hetrick, Morita, Mungoli and Walker

Absent 1 - Bowyer

Enactment No: RES0064-2020

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for the 2020 HMA Road Rehabilitation Program to Pro-Line Asphalt, Washington, Michigan in the amount of \$3,136,805.00 with a 10% project contingency in the amount of \$313,680.50 for a total not-to-exceed amount of \$3,450,485.50 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.

2020-0079 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order/Contract for construction engineering services for the 2020 HMA Road Rehabilitation Program in the amount of \$464,774.00; Nowak & Fraus Engineers, Pontiac, MI

Attachments: [031620 Agenda Summary.pdf](#)
[Proposal.pdf](#)
[Resolution \(Draft\).pdf](#)

Paul Davis, City Engineer/Deputy DPS Director, stated that Nowak and Fraus

has been selected for this project as they were the ones that designed the Special Assessment District Projects for Bolinger and Michelson, and stated that it is reasonable to involve them in the construction engineering phase.

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

Aye 6 - Blair, Deel, Hetrick, Morita, Mungioli and Walker

Absent 1 - Bowyer

Enactment No: RES0065-2020

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for construction engineering services for the 2020 HMA Road Rehabilitation Program to Nowak Fraus Engineers, Pontiac, Michigan in the amount of \$464,774.00 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.

2020-0103 Request to vacate the east half (30') public portion of Samuel Avenue north of Alsdorf and abutting the west side of 1612 Alsdorf Avenue (#15-33-178-014)

Attachments: [031620 Agenda Summary.pdf](#)
[Map.pdf](#)
[App for Vacation.pdf](#)
[Exhibits.pdf](#)
[Resolution \(Draft\).pdf](#)
[SUPPL Resolution \(Revised\).pdf](#)

President Deel noted that the applicant was not in attendance for this item and questioned whether it should be set aside to a future date.

John Staran, City Attorney, noted that this item is to request the setting of a Public Hearing, and the item did not need to be set aside. He pointed out that a revised draft resolution was provided this evening to Council.

Ms. Morita noted that when applicants ask for a platted right-of-way adjacent to their home be vacated, they are surprised to learn that the only thing vacated is the public's right to traverse the right-of-way. She stated that the street itself is not vacated and every other lot owner in their plat technically still has an interest in the road right-of-way. She stated that in order for the street itself to be vacated, the matter would have to go through the Circuit Court. She questioned whether applicants are being given this information so they understand that once the City vacates its interest, they are still not the owners.

Paul Davis, City Engineer/Deputy DPS Director, stated that he would agree that the matter would have to progress to Circuit Court; however, he explained that this request goes back to the Section 33 watermain project referenced earlier in the evening. He noted that the contractor asked the City if they could use that particular right-of-way to store materials during the road project and the City does not want to let this happen. He stressed that this is a road right-of-way that has not been maintained by the City and is mowed by the owners, although it

technically could be used to extend a road. He noted that when the property owners learned of a right-of-way and heard of the contractor's request to use it even though the City had no intention of letting the contractor use it, the owners requested vacation to ensure that something like this would not happen in the future.

Ms. Morita *questioned whether the applicant is aware that the City is only relinquishing its right to use the road and the road still exists and can be used by others for purposes under their plat.*

Mr. Davis *responded that he would contact the applicant to explain this to them. He stressed that the applicant has made the request and paid the fee to the City to request the vacation.*

Ms. Morita *noted that she had discussed with Mr. Staran that the original resolution was not clear that the City was only vacating its public interest in the right-of-way. She thanked Mr. Staran for taking the time to revise the resolution and noted that this has been done before on other road vacations.*

Mr. Davis *noted that Mr. Staran suggested revising the template wording for the future.*

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

Aye 6 - Blair, Deel, Hetrick, Morita, Mungoli and Walker

Absent 1 - Bowyer

Enactment No: RES0066-2020

Whereas, the City Council of the City of Rochester Hills has considered vacating, discontinuing or abolishing the public's interest in the following described street, alley, public ground or part thereof, located in the City of Rochester Hills and subject to the jurisdiction and control of the City of Rochester Hills:

Whereas, Adam and Kelly Tyler of 1612 Alsdorf Avenue (sidwell #15-33-178-014) have requested that the City approve the vacation of the public's interest in the easterly 30-feet of Samuel Avenue north of Alsdorf Avenue and abutting the west side of their property at 1612 Alsdorf Avenue, in the Belle Cone Gardens Subdivision No. 1;

Now, Therefore, Be It Resolved:

That it is hereby deemed advisable to vacate, discontinue or abolish the public's interest in the above-described street, alley, public ground or part thereof, and the City Council hereby tentatively declares its intention to do so.

That a Public Hearing is hereby scheduled for Monday, April 13, 2020 at 7:00 P.M., Michigan Time, at the City of Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan, for the City Council to hear and consider comments and objections submitted in writing or orally pertaining to the proposed vacation, discontinuance or abolition of the public's interest.

That the City Clerk is hereby directed to give notice of the public hearing in the time and manner specified in Section 94-175 of the Code of Ordinances.

- 2019-0398** Request for Purchase Authorization - BUILDING/FACILITIES: Increase to the contract/blanket purchase order for construction management services for the City Hall Balcony, Masonry Screen Wall and Compound Gate Replacement Project in the amount of \$173,393.69 for a new not-to-exceed amount of \$637,752.69; The George W. Auch Company, Pontiac, MI

Attachments: [031620 Agenda Summary.pdf](#)
[Cost Summary.pdf](#)
[111819 Agenda Summary.pdf](#)
[Auch Project Increase Request.pdf](#)
[090919 Agenda Summary.pdf](#)
[Auch GMP Proposal.pdf](#)
[090919 Resolution \(Draft\).pdf](#)
[111819 Resolution \(Draft\).pdf](#)
[Resolution \(Draft\).pdf](#)

Gary Nauts, Facilities Operations Manager, explained that in December, a power line to the City was hit by a contractor, which also disconnected the chiller and generator. He stated that the power lines were underground; and noted that there will now be three four-inch pipes running across the roof and into the basement. He explained that the City had been awaiting word whether the repairs would be covered by the contractor's insurance, and learned that it was denied. He stated that the claim has now been submitted to the City's insurer, MMRMA.

Ms. Mungiolli stated that this project seems to keep increasing. She questioned whether the City will be receiving as-builts to ensure that it will have plans for any buried lines.

Mr. Nauts responded that the lines are being run across the roof and the City will have prints of their exact locations.

Ms. Mungiolli questioned whether the roof area is strong enough to carry the additional weight.

Mr. Nauts responded that it is.

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

Aye 6 - Blair, Deel, Hetrick, Morita, Mungiolli and Walker

Absent 1 - Bowyer

Enactment No: RES0067-2020

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the contract/blanket purchase order for construction management services for the City Hall Balcony, Masonry Screen Wall and Compound Gate Replacement Project to The George W. Auch Company, Pontiac, Michigan the amount of \$173,393.69 for a new not-to-exceed amount of \$637,752.69 and further authorizes the Mayor to execute the contract amendment on behalf of the City.

- 2020-0106** Proposed Resolution to establish a Technical Review Committee to evaluate

the Board and Committee nomination process

Attachments: [031620 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

President Deel noted that this item was brought to his attention by Ms. Mungoli shortly after her election to Council. He stated that Ms. Mungoli reviewed the way that Council nominates members to Boards, Commissions and Committees, and thought that there were ways to increase participation and streamline the process.

Ms. Mungoli noted that when reviewing those individuals interested in participating on committees, many times it is difficult to not only determine what committees residents are interested in, but what their expertise is and why they should be on a particular committee. She stated that a review of the process and committee structure should be undertaken to see if it could be improved upon and streamlined in order to encourage additional participation. She presented a motion requesting City Council create a Citizen Appointment Process Technical Review Committee.

Mr. Deel noted that Ms. Mungoli, Mr. Walker and Vice President Bowyer along with Administrative member Deputy Clerk Leanne Scott would be appointed to this technical review committee, for a term of one year; and noted that the committee would provide recommendations to City Council by September 1, 2020 in order for the changes to be made prior to the end of year appointments.

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

Aye 6 - Blair, Deel, Hetrick, Morita, Mungoli and Walker

Absent 1 - Bowyer

Enactment No: RES0068-2020

In accordance with Article VII, Section .02 of the Rochester Hills City Council Rules of Procedure, the Rochester Hills City Council resolves to create the City Council Citizen Appointment Process Technical Review Committee to review the City Council appointment process of citizens to committees and make recommendations to revise the process, as follows:

1) **Purpose and Charge:**

a. The purpose of the committee is to review and recommend changes to the City Council Citizen appointment process.

b. The Appointment TRC will review the current appointment process and determine opportunities to improve the process. This includes but is not limited to:

- Update the citizen application and what committee citizens are interested in applying for, terms of appointment and number of committee appointments
- Nominating process
- Recordkeeping of citizen involvement
- Redundant committees

2) **Membership:**

a. Three (3) City Council members are appointed to this committee; Theresa

Mungioli, David Walker, and Susan Bowyer

- b. One (1) Administrative member; Leanne Scott, Deputy Clerk
- c. Term of appointment; the term shall be for one year

3) **Recommendations:**

- a. The Committee will provide recommendations to City Council by September 1, 2020, to enable updates to the citizen appointment process before implementing in November 2020.

ANY OTHER BUSINESS

Mayor Barnett stated that efforts toward increased participation in the Census is continuing. He mentioned that Census Day is April 1, and participation can be done online this year. He stressed that this is critically important, and commented that the Coronavirus could not come at a worse time. He commented that it will be difficult to find enough individuals to go door-to-door to find those individuals who are not easily counted. He stated that the City did well in the Census ten years ago and it meant approximately \$1.5 million to the City, impacting the schools, the Older Persons' Commission and more. He asked Council to activate their social networks to encourage participation.

He commented that he received notice during the meeting that the Royal Park Hotel was closing and sending their employees home, and stated that changes continue to cascade throughout the community.

NEXT MEETING DATE

Regular Meeting - Monday, March 30, 2020 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, it was moved by Mungioli and seconded by Walker to adjourn the meeting at 8:36 p.m.

*RYAN DEEL, President
Rochester Hills City Council*

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

*MARY JO PACHLA
Administrative Assistant II*

Approved as presented at the June 8, 2020 Regular City Council Meeting.