

Pastor Dan Lewis from Troy Christian Chapel performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, April 8, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:31 PM.

B. ROLL CALL:

Mayor Dane Slater
Jim Campbell
Wade Fleming
Dave Henderson
Maureen McGinnis
Ed Pennington

Resolution #2013-04-070
Moved by Slater
Seconded by Campbell

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Tietz at the Regular City Council Meeting of April 8, 2013.

Yes: Slater, Campbell, Fleming, Henderson, McGinnis, Pennington
No: None
Absent: Tietz

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Legislative Update From Representative Martin Howrylak

C-2 Proclamation Celebrating Tre Monti Restorante as Hour Detroit's 2012 Restaurant of the Year, Presented to Operating Partner Zharko Palushaj and Restaurant Trustee Lou Zanotti *(Presented by: Cindy Stewart, Community Affairs Director)*

C-3 Solar Panel Field Proposal Update *(Introduced by: Glenn Lapin, Economic Development Specialist)*

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:**E-1 No Public Hearings Scheduled****F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

Ball, Kevin	Spoke on Item C-3 on behalf of the Carlson Park HOA.
Reinhardt, Marv	Spoke on Items C-3, O-1e, and O-2a.
Cadovich, Joe	Spoke on Item C-3.
Savage, James	Spoke on Item J-7.

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**H. POSTPONED ITEMS:****H-1 No Postponed Items****I. REGULAR BUSINESS:****I-1 Board and Committee Appointments: a) Mayoral Appointments – Downtown Development Authority; b) City Council Appointments – None****a) Mayoral Appointments**

Resolution #2013-04-071

Moved by Slater

Seconded by McGinnis

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:**Downtown Development Authority**

Appointed by Mayor

13 Regular Members

4 Year Term

Nomination to the Downtown Development Authority:**Term Expires: 09/30/2013****Albert Papa****At Large**

Term currently held by: Vacancy-Michele Hodges' resigned

Yes: Campbell, Fleming, Henderson, McGinnis, Pennington

No: None

Absent: Tietz

MOTION CARRIED

b) City Council Appointments: None

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority; b) City Council Nominations – Charter Revision Committee, Zoning Board of Appeals

a) Mayoral Nominations

Resolution #2013-04-072
Moved by Slater
Seconded by Fleming

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Brownfield Redevelopment Authority

Appointed by Mayor
7 Regular Members
3 Year Term

Nominations to the Brownfield Redevelopment Authority:

Term Expires: 4/30/2016

Bruce J. Wilberding

Term currently held by: Bruce J. Wilberding

Yes: Fleming, Henderson, McGinnis, Pennington, Campbell
No: None
Absent: Tietz

MOTION CARRIED

b) City Council Nominations

Resolution #2013-04-073
Moved by Fleming
Seconded by Campbell

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Charter Revision Committee

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Charter Revision Committee:

Term Expires: 04/30/2016

Robert Berk

Term currently held by: Robert Berk

Term Expires: 04/30/2016

Shirley A. Kanoza

Term currently held by: Shirley A. Kanoza

Zoning Board of Appeals

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Zoning Board of Appeals:

Term Expires: 04/30/2016

Kenneth Courtney

Term currently held by: Kenneth Courtney

Term Expires: 04/30/2016

David Eisenbacher

Term currently held by: William Fisher

Yes: Henderson, McGinnis, Pennington, Slater, Campbell, Fleming
No: None
Absent: Tietz

MOTION CARRIED

I-3 No Closed Session Requested

I-4 Approval of Construction Agreement with Grand Trunk Western Railroad Company (CN) for the Troy Multi-Modal Transit Facility (*Introduced by: Steve Vandette, City Engineer*)

Resolution #2013-04-074
Moved by McGinnis
Seconded by Pennington

RESOLVED, That Troy City Council hereby **APPROVES** a Construction Agreement between Grand Trunk Western Railroad Company and the City of Troy to construct a pedestrian bridge, west elevator/bridge support tower, crash wall and train platform in connection with the Troy Multi-Modal Transit Facility within the Railroad Company's right of way.

BE IT FINALLY RESOLVED, That the Mayor and Clerk are **AUTHORIZED** to **EXECUTE** the foregoing agreement document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: McGinnis, Pennington, Slater, Campbell, Fleming, Henderson
No: None
Absent: Tietz

MOTION CARRIED

I-5 Dog Park Day Ordinance Waiver (Introduced by: Carol Anderson, Recreation Director)

This was removed from the Agenda at the request of Administration.

J. CONSENT AGENDA:

J-1a Approval of "J" Items NOT Removed for Discussion

Resolution #2013-04-075
Moved by Fleming
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

Yes: Pennington, Slater, Campbell, Fleming, Henderson, McGinnis
No: None
Absent: Tietz

MOTION CARRIED

J-1b Address of "J" Items Removed for Discussion by City Council

J-2 Approval of City Council Minutes

Resolution #2013-04-075-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Regular Meeting Minutes – March 18, 2013

J-3 No Proposed City of Troy Proclamations

J-4 Standard Purchasing Resolutions:

a) **Standard Purchasing Resolution 1: Award to Low Bidder – Pavement Seam, Fracture Sealing and Partial Depth Repair Program**

Resolution #2013-04-075-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Pavement Seam, Fracture Sealing and Partial-Depth Repair Program for fiscal year 2012/13 to the low total bidder, Scodeller Construction, Inc. of Wixom, for an estimated total cost of \$105,700.00 at unit prices contained in the bid tabulation opened March 7, 2013, with all expenses **NOT TO EXCEED** budgetary limitations to expire June 30, 2013.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractor's submission of properly executed bid documents including bonds, insurance certificates and all other specified requirements.

b) **Standard Purchasing Resolution 1: Award to Low Bidders - Aggregates**

Resolution #2013-04-075-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** one (1) year contracts to provide Aggregates with an option to renew for one (1) additional year to the following low bidders; Tri-City Aggregates Inc. of Holly, for items 2, 5, and 8 at an estimated total cost of \$24,925.00, Edw. C. Levy Co. of Detroit, for item 1, at an estimated total cost of \$6,965.00, Novak Construction, Inc. of Almont, for items 3, 4, 6, 9, 10, 11 and 13 at an estimated total cost of \$11,970.00 and Osburn Industries, Inc. of Taylor, for items 12 and 14 at an estimated total cost of \$14,996.00, all at unit prices contained in the bid tabulation opened March 11, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2014.

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon the contractors' submission of properly executed bid documents, including insurance certificates and all other specified requirements.

c) **Standard Purchasing Resolution 1: Award to Low Bidder – Transit Mixed Concrete**

Resolution #2013-04-075-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide one (1) year requirements of Transit Mixed Concrete with an option to renew for one (1) additional year to the low total bidder, Superior Materials LLC of Farmington Hills, as the primary supplier at unit prices contained in the bid tabulation opened March 13, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to be purchased on an as needed basis as specified, with the contract commencing May 1, 2013 and expiring April 30, 2014.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City to use a secondary supplier, McCoig Materials, LLC of Plymouth, MI in the event the primary supplier is unable to deliver materials as specified under the same pricing, terms and conditions as originally bid on ITB-COT 13-06.

BE IT FINALLY RESOLVED, That the awards are **CONTINGENT** upon the contractors' submission of properly executed bid documents, insurance certificates and all other specified requirements.

d) Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over \$10,000 – Michigan Municipal League

Resolution #2013-04-075-J-4d

RESOLVED, That payment is **AUTHORIZED** for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2013 through April 30, 2014, in the amount of \$11,606.

e) Standard Purchasing Resolution 3: Exercise Renewal Option – Pool Maintenance and Repair Services

Resolution #2013-04-075-J-4e

WHEREAS, On June 21, 2010, Troy City Council awarded a two (2) year contract to furnish pool maintenance and repair services for both the indoor and outdoor pools at the Troy Family Aquatic Center and Community Center to the sole bidder, B & B Pools & Spas of Livonia, effective July 1, 2010 through June 30, 2012, with two (2) one-year options to renew (Resolution #2010-06-142-I-4b); and

WHEREAS, On June 4, 2012, Troy City Council exercised and approved the first one-year option to renew the contract with B & B Pools and Spas at prices contained in the original bid tabulation opened June 3, 2010, under the same terms and conditions expiring June 30, 2013 (Resolution #2012-06-122-J-4a); and

WHEREAS, B & B Pools and Spas has offered to renew their contract for a second year under the same pricing structure, terms and conditions as the 2010 contract;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DETERMINES** it to be in the City's best interest to **EXERCISE** and **APPROVE** the second one-year option to renew the contract with B & B Pools and Spas of Livonia, MI, for pool maintenance and repair services excluding pumps, under the same pricing, terms and conditions as originally bid in 2010 to expire June 30, 2014.

f) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 13-1 - Square Lake Road Mill and HMA Overlay

Resolution #2013-04-075-J-4f

RESOLVED, That Contract No. 13-1, Square Lake Road Mill & HMA Overlay, be **AWARDED** to Florence Cement Company, 12585 23 Mile Road, Shelby Township, MI 48315, for their low bid amount of \$987,141.80.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is authorized in an amount not to exceed 15% of the total project cost.

g) Standard Purchasing Resolution 3: Exercise Renewal Option – Tree Maintenance Services

Resolution #2013-04-075-J-4g

WHEREAS, On June 7, 2010, Troy City Council awarded a three-year contract to provide tree maintenance services with an option to renew for one (1) additional year to the low bidder, J. H. Hart Urban Forestry of Sterling Heights, MI, at unit prices contained in the bid tabulation opened April 29, 2010, which includes the Schedule of Values, to expire July 1, 2013 (Resolution #2010-06-131-I-4a); and

WHEREAS, The awarded bidder has agreed to exercise the one-year option to renew plus add an additional one-year extension detailed in the value added section of the bid with an escalator factor of 2.5%; and

WHEREAS, The City has conducted a market survey and determined no benefit would be derived from soliciting additional bids as J. H. Hart's labor rates are comparable to others, while their equipment costs are the lowest in the industry;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **DEEMS** it to be in the City's best interest to **EXERCISE** the option to renew the contract with J. H. Urban Forestry of Sterling Heights, MI, for tree maintenance services under the same contract prices, terms, and conditions for an estimated total cost of \$270,000 for the first year, and to extend the contract for one additional year at an estimated total cost of \$276,750, which includes a 2.5% price escalator to expire June 30, 2015.

J-5 Private Agreement – Contract for Installation of Municipal Improvements – Tim Horton's Restaurant Project No. 12.917.3

Resolution #2013-04-075-J-5

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Jonna Properties, is hereby **APPROVED** for the installation of Water Main and Sanitary Sewer, and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-6 Request to Grant a Permanent Underground Utility Easement to Detroit Edison Over City Owned Parcel

Resolution #2013-04-075-J-6

RESOLVED, That Troy City Council hereby **GRANTS** a permanent underground utility easement to Detroit Edison over a portion of a parcel owned by the City of Troy, said parcel having Sidwell #88-20-31-226-015, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the permanent easement document.

J-7 Traffic Committee Recommendations and Minutes – March 20, 2013

Resolution #2013-04-075-J-7

Item #3a – Request to Remove No Turn on Red Signs – Double Crossover for Southbound Stephenson Highway to Northbound Stephenson Highway

RESOLVED, That the No Turn on Red signs at the double crossover for southbound Stephenson Highway to northbound Stephenson Highway **BE REMOVED**.

Item #3b – Request to Remove No Turn on Red Signs – Old Rochester Road to Southbound Stephenson Highway

RESOLVED, That **NO CHANGES BE MADE** at the intersection of Old Rochester Road and southbound Stephenson Highway.

J-8 Waiver of Bid for Purchase of Fire Boots

Resolution #2013-04-075-J-8

WHEREAS, Apollo Fire Equipment Company of Romeo, MI is the exclusive distributor of Lion firefighter footwear in Michigan; and

WHEREAS, The Safety Committee comprised of Fire department personnel has conducted extensive research and field testing of fire boots and concluded the Lion Apparel Marshal boot was superior over all others for fit, wear, grip and reduced fatigue for the wearer;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the City of Troy to purchase 160 pairs of Lion Apparel Marshal boots from the exclusive distributor in Michigan, Apollo Fire Equipment Co. of Romeo, at \$287.00 per pair for an estimated total cost of \$45,920.00.

J-9 Private Agreement – Contract for Installation of Municipal Improvements – Bridgewater Estates Site Condominiums – Project No. 12.919.3

Resolution #2013-04-075-J-9

Approval of Contract for the Installation of Municipal Improvements (Private Agreement) for Bridgewater Estates Site Condominium, Project No. 12.919.3

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and John R Land, LLC, is hereby **APPROVED** for the installation of public water main, sanitary sewer, storm sewer, detention pond, concrete

sidewalk, and concrete pavement, and the Mayor and City Clerk are AUTHORIZED to EXECUTE the documents, a copy of which shall be ATTACHED to the original Minutes of this meeting.

Approval of Reimbursement to John R Land for Installation of Water Main and Connection as Part of the Bridgewater Estates Site Condominium Development, Project No. 12.919.3

RESOLVED, That reimbursement to John R Land, LLC for the installation of 272 linear feet of water main and related work as part of the Bridgewater Estates Site Condominium Development in the amount of \$15,788.00 is hereby APPROVED upon completion of construction and final approval by the Engineering Department.

J-10 Private Agreement – Contract for Installation of Municipal Improvements – Donaldson Lot Splits – Project No. 12.916.3

Resolution #2013-04-075-J-10

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Patrick Bismack, is hereby **APPROVED** for the installation of sanitary sewer, rear yard storm sewer, grading and soil erosion, and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-11 Interlocal Agreement (Renewal) with City of Sterling Heights for Use of Gun Range

Resolution #2013-04-075-J-11

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Agreement (Renewal) for Use of Gun Range by Sterling Heights to be effective as of April 1, 2013;

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the Agreement on behalf of the City of Troy and that a copy of said Agreement is to be **ATTACHED** to the original Minutes of this meeting.

J-12 Request to Publish and Solicit for Public Sealed Bid – Sale of Excess Parcel – 3545 Rochester Road – Sidwell #88-20-22-277-027

Resolution #2013-04-075-J-12

RESOLVED, That the Troy City Council hereby **AUTHORIZES** the Engineering Department, in conjunction with the Purchasing Department to advertise and sell by sealed bid to the highest bidder meeting specifications, the City owned property located at 3545 Rochester Road and having Sidwell #88-20-22-277-027 for or above the minimum bid value established at the appraised value of \$127,000.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**K-1 Announcement of Public Hearings:**

- a) Announcement of Public Hearing (April 15, 2013) - Zoning Ordinance Text Amendment (File Number: ZOTA 245) - Sober Living Facilities

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Butterbaugh, Ron	Spoke encouraging Troy to move forward.
Reinhardt, Marv	Spoke about various topics.
Bloomingtondale, Bruce	Spoke about public comment.
Peters, Richard	Spoke about various topics.
Schepke, Gordon	Did not speak.
Savage, James	Spoke about public comment.
Kajma, Linda	Spoke about current Council and City Management.
Werpetinski, Jim	Spoke about current Council and City Management.
Brake, Dan	Did not speak.
Krent, Tom	Spoke about current Council.
Kulesz, John	Spoke about current Council.
Hodorek, Ellen	Spoke about current Council and City Management.

M. COUNCIL REFERRALS:

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

M-1 No Council Referrals Advanced**N. COUNCIL COMMENTS:****N-1 No Council Comments Advanced****O. REPORTS:****O-1 Minutes – Boards and Committees: None Submitted**

- a) Employees' Retirement System Board of Trustees -Final – January 9, 2013
b) Traffic Committee -Final – January 16, 2013
c) Employees' Retirement System Board of Trustees -Final – February 13, 2013
d) Election Commission-Final – February 25, 2013
e) Planning Commission Regular Meeting-Final – March 12, 2013
f) Election Commission-Draft – March 28, 2013

Noted and Filed

O-2 Department Reports:

- a) Doing Business With Troy Vendors
- b) Fire Department and Alliance Mobile Health 2012 Annual Reports
Noted and Filed

O-3 Letters of Appreciation

- a) To Chief Nelson From John Runyan, Sachs Waldman, Regarding North Star District First Aid Rally
- b) To Chief Mayer From John Gladysz, Price Funeral Home, Regarding Assistance for the Funeral of a Retired Fire Fighter
Noted and Filed

O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted
Noted and Filed

O-5 2013 First Quarter Litigation Report
Noted and Filed

The Meeting **RECESSED** at 9:17 PM.

The Meeting **RECONVENED** at 9:33 PM.

P. STUDY ITEMS:

P-1 Transit Center (*Backup Material Will be Provided at the Study Session*)

Q. CLOSED SESSION:

Q-1 No Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 10:30 PM.



Mayor Dane Slater



M. Aileen Bittner, CMC
City Clerk